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5 Strike everything after the enacting clause and insert the  
6 following:

7 "**Sec. 1.** RCW 18.130.020 and 1994 sp.s. c 9 s 602 are each amended  
8 to read as follows:

9 Unless the context clearly requires otherwise, the definitions in  
10 this section apply throughout this chapter.

11 (1) "Disciplining authority" means the agency, board, or commission  
12 having the authority to take disciplinary action against a holder of,  
13 or applicant for, a professional or business license upon a finding of  
14 a violation of this chapter or a chapter specified under RCW  
15 18.130.040.

16 (2) "Department" means the department of health.

17 (3) "Secretary" means the secretary of health or the secretary's  
18 designee.

19 (4) "Board" means any of those boards specified in RCW 18.130.040.

20 (5) "Commission" means any of the commissions specified in RCW  
21 18.130.040.

22 (6) "Unlicensed practice" means:

23 (a) Practicing a profession or operating a business identified in  
24 RCW 18.130.040 without holding a valid, unexpired, unrevoked, and  
25 unsuspended license to do so; or

26 (b) Representing to a consumer, through offerings, advertisements,  
27 or use of a professional title or designation, that the individual is  
28 qualified to practice a profession or operate a business identified in  
29 RCW 18.130.040, without holding a valid, unexpired, unrevoked, and  
30 unsuspended license to do so.

31 (7) "Disciplinary action" means sanctions identified in RCW  
32 18.130.160.

33 (8) "Practice review" means an investigative audit of records  
34 related to the complaint, without prior identification of specific  
35 patient or consumer names, or an assessment of the conditions,  
36 circumstances, and methods of the professional's practice related to

1 the complaint, to determine whether unprofessional conduct may have  
2 been committed.

3 (9) "Health agency" means city and county health departments and  
4 the department of health.

5 (10) "License," "licensing," and "licensure" shall be deemed  
6 equivalent to the terms "license," "licensing," "licensure,"  
7 "certificate," "certification," and "registration" as those terms are  
8 defined in RCW 18.120.020.

9 **Sec. 2.** RCW 18.130.040 and 1995 c 1 s 19 (Initiative Measure No.  
10 607), 1994 sp.s. c 9 s 603, and 1994 c 17 s 19 are each reenacted and  
11 amended to read as follows:

12 (1) This chapter applies only to the secretary and the boards and  
13 commissions having jurisdiction in relation to the professions licensed  
14 under the chapters specified in this section. This chapter does not  
15 apply to any business or profession not licensed under the chapters  
16 specified in this section.

17 (2)(a) The secretary has authority under this chapter in relation  
18 to the following professions:

- 19 (i) Dispensing opticians licensed under chapter 18.34 RCW;
- 20 (ii) Naturopaths licensed under chapter 18.36A RCW;
- 21 (iii) Midwives licensed under chapter 18.50 RCW;
- 22 (iv) Ocularists licensed under chapter 18.55 RCW;
- 23 (v) Massage operators and businesses licensed under chapter 18.108  
24 RCW;
- 25 (vi) Dental hygienists licensed under chapter 18.29 RCW;
- 26 (vii) Acupuncturists certified under chapter 18.06 RCW;
- 27 (viii) Radiologic technologists certified and x-ray technicians  
28 registered under chapter 18.84 RCW;
- 29 (ix) Respiratory care practitioners certified under chapter 18.89  
30 RCW;
- 31 (x) Persons registered or certified under chapter 18.19 RCW;
- 32 (xi) Persons registered as nursing pool operators under chapter  
33 18.52C RCW;
- 34 (xii) Nursing assistants registered or certified under chapter  
35 18.79 RCW;
- 36 (xiii) Health care assistants certified under chapter 18.135 RCW;
- 37 (xiv) Dietitians and nutritionists certified under chapter 18.138  
38 RCW;

1 (xv) Sex offender treatment providers certified under chapter  
2 18.155 RCW; ((and))  
3 (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW  
4 18.71.205; and  
5 (xvii) Denturists licensed under chapter 18.30 RCW.  
6 (b) The boards and commissions having authority under this chapter  
7 are as follows:  
8 (i) The podiatric medical board as established in chapter 18.22  
9 RCW;  
10 (ii) The chiropractic quality assurance commission as established  
11 in chapter 18.25 RCW;  
12 (iii) The dental quality assurance commission as established in  
13 chapter 18.32 RCW;  
14 (iv) The board on fitting and dispensing of hearing aids as  
15 established in chapter 18.35 RCW;  
16 (v) The board of examiners for nursing home administrators as  
17 established in chapter 18.52 RCW;  
18 (vi) The optometry board as established in chapter 18.54 RCW  
19 governing licenses issued under chapter 18.53 RCW;  
20 (vii) The board of osteopathic medicine and surgery as established  
21 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
22 18.57A RCW;  
23 (viii) The board of pharmacy as established in chapter 18.64 RCW  
24 governing licenses issued under chapters 18.64 and 18.64A RCW;  
25 (ix) The medical quality assurance commission as established in  
26 chapter 18.71 RCW governing licenses and registrations issued under  
27 chapters 18.71 and 18.71A RCW;  
28 (x) The board of physical therapy as established in chapter 18.74  
29 RCW;  
30 (xi) The board of occupational therapy practice as established in  
31 chapter 18.59 RCW;  
32 (xii) The nursing care quality assurance commission as established  
33 in chapter 18.79 RCW governing licenses issued under that chapter;  
34 (xiii) The examining board of psychology and its disciplinary  
35 committee as established in chapter 18.83 RCW; and  
36 (xiv) The veterinary board of governors as established in chapter  
37 18.92 RCW(~~;~~~~and~~  
38 ~~(xv) Denturists licensed under chapter 18.30 RCW~~)).

1 (3) In addition to the authority to discipline license holders, the  
2 disciplining authority has the authority to grant or deny licenses  
3 based on the conditions and criteria established in this chapter and  
4 the chapters specified in subsection (2) of this section. This chapter  
5 also governs any investigation, hearing, or proceeding relating to  
6 denial of licensure or issuance of a license conditioned on the  
7 applicant's compliance with an order entered pursuant to RCW 18.130.160  
8 by the disciplining authority.

9 (4) All disciplining authorities shall adopt procedures to ensure  
10 substantially consistent application of this chapter, the uniform  
11 disciplinary act, among the disciplining authorities listed in  
12 subsection (2) of this section.

13 NEW SECTION. Sec. 3. A new section is added to chapter 18.30 RCW  
14 to read as follows:

15 The uniform disciplinary act, chapter 18.130 RCW, shall govern the  
16 issuance and denial of licenses, unauthorized practice, and the  
17 discipline of persons licensed under this chapter. The secretary shall  
18 be the disciplinary authority under this chapter.

19 **Sec. 4.** RCW 18.130.050 and 1993 c 367 s 21 and 1993 c 367 s 5 are  
20 each reenacted and amended to read as follows:

21 The disciplining authority has the following authority:

22 (1) To adopt, amend, and rescind such rules as are deemed necessary  
23 to carry out this chapter;

24 (2) To investigate all complaints or reports of unprofessional  
25 conduct as defined in this chapter and to hold hearings as provided in  
26 this chapter;

27 (3) To issue subpoenas and administer oaths in connection with any  
28 investigation, hearing, or proceeding held under this chapter;

29 (4) To take or cause depositions to be taken and use other  
30 discovery procedures as needed in any investigation, hearing, or  
31 proceeding held under this chapter;

32 (5) To compel attendance of witnesses at hearings;

33 (6) In the course of investigating a complaint or report of  
34 unprofessional conduct, to conduct practice reviews;

35 (7) To take emergency action ordering summary suspension of a  
36 license, or restriction or limitation of the licensee's practice  
37 pending proceedings by the disciplining authority;

1 (8) To use a presiding officer as authorized in RCW 18.130.095(3)  
2 or the office of administrative hearings as authorized in chapter 34.12  
3 RCW to conduct hearings. ((However,)) The disciplining authority shall  
4 make the final decision regarding disposition of the license unless the  
5 disciplining authority elects to delegate in writing the final decision  
6 to the presiding officer;

7 (9) To use individual members of the boards to direct  
8 investigations. However, the member of the board shall not  
9 subsequently participate in the hearing of the case;

10 (10) To enter into contracts for professional services determined  
11 to be necessary for adequate enforcement of this chapter;

12 (11) To contract with licensees or other persons or organizations  
13 to provide services necessary for the monitoring and supervision of  
14 licensees who are placed on probation, whose professional activities  
15 are restricted, or who are for any authorized purpose subject to  
16 monitoring by the disciplining authority;

17 (12) To adopt standards of professional conduct or practice;

18 (13) To grant or deny license applications, and in the event of a  
19 finding of unprofessional conduct by an applicant or license holder, to  
20 impose any sanction against a license applicant or license holder  
21 provided by this chapter;

22 (14) To designate individuals authorized to sign subpoenas and  
23 statements of charges;

24 (15) To establish panels consisting of three or more members of the  
25 board to perform any duty or authority within the board's jurisdiction  
26 under this chapter;

27 (16) To review and audit the records of licensed health facilities'  
28 or services' quality assurance committee decisions in which a  
29 licensee's practice privilege or employment is terminated or  
30 restricted. Each health facility or service shall produce and make  
31 accessible to the disciplining authority the appropriate records and  
32 otherwise facilitate the review and audit. Information so gained shall  
33 not be subject to discovery or introduction into evidence in any civil  
34 action pursuant to RCW 70.41.200(3).

35 **Sec. 5.** RCW 18.130.060 and 1991 c 3 s 269 are each amended to read  
36 as follows:

37 In addition to the authority specified in RCW 18.130.050, the  
38 secretary has the following additional authority:

1 (1) To employ such investigative, administrative, and clerical  
2 staff as necessary for the enforcement of this chapter;

3 (2) Upon the request of a board, to appoint not more than three pro  
4 tem members for the purpose of participating as members of one or more  
5 committees of the board in connection with proceedings specifically  
6 identified in the request. Individuals so appointed must meet the same  
7 minimum qualifications as regular members of the board. While serving  
8 as board members pro tem, persons so appointed have all the powers,  
9 duties, and immunities, and are entitled to the emoluments, including  
10 travel expenses in accordance with RCW 43.03.050 and 43.03.060, of  
11 regular members of the board. The chairperson of a committee shall be  
12 a regular member of the board appointed by the board chairperson.  
13 Committees have authority to act as directed by the board with respect  
14 to all matters concerning the review, investigation, and adjudication  
15 of all complaints, allegations, charges, and matters subject to the  
16 jurisdiction of the board. The authority to act through committees  
17 does not restrict the authority of the board to act as a single body at  
18 any phase of proceedings within the board's jurisdiction. Board  
19 committees may make interim orders and issue final decisions with  
20 respect to matters and cases delegated to the committee by the board.  
21 Final decisions may be appealed as provided in chapter 34.05 RCW, the  
22 Administrative Procedure Act;

23 (3) To establish fees to be paid for witnesses, expert witnesses,  
24 and consultants used in any investigation and to establish fees to  
25 witnesses in any agency adjudicative proceeding as authorized by RCW  
26 34.05.446;

27 (4) To conduct investigations and practice reviews at the direction  
28 of the disciplining authority and to issue subpoenas, administer oaths,  
29 and take depositions in the course of conducting those investigations  
30 and practice reviews at the direction of the disciplining authority;

31 (5) To have the health professions regulatory program establish a  
32 system to recruit potential public members, to review the  
33 qualifications of such potential members, and to provide orientation to  
34 those public members appointed pursuant to law by the governor or the  
35 secretary to the boards and commissions specified in RCW  
36 18.130.040(2)(b), and to the advisory committees and councils for  
37 professions specified in RCW 18.130.040(2)(a).

1       **Sec. 6.** RCW 18.130.095 and 1993 c 367 s 2 are each amended to read  
2 as follows:

3       (1) The secretary, in consultation with the disciplining  
4 authorities, shall develop uniform procedural rules to respond to  
5 public inquiries concerning complaints and their disposition, active  
6 investigations, statement of charges, findings of fact, and final  
7 orders involving a licensee, applicant, or unlicensed person. The  
8 uniform procedural rules adopted under this subsection apply to all  
9 adjudicative proceedings conducted under this chapter and shall include  
10 provisions for the establishing time ~~((lines))~~ periods for assessment,  
11 investigation, charging, discovery, settlement, and ~~((scheduling~~  
12 ~~hearings))~~ adjudication of complaints, and shall include enforcement  
13 provisions for violations of the specific time periods by the  
14 department, the disciplining authority, and the respondent.

15       (2) The uniform procedures for conducting investigations shall  
16 provide that prior to taking a written statement:

17       (a) For violation of this chapter, the investigator shall inform  
18 such person, in writing of: (i) The nature of the complaint; (ii) that  
19 the person may consult with legal counsel at his or her expense prior  
20 to making a statement; and (iii) that any statement that the person  
21 makes may be used in an adjudicative proceeding conducted under this  
22 chapter; and

23       (b) From a witness or potential witness in an investigation under  
24 this chapter, the investigator shall inform the person, in writing,  
25 that the statement may be released to the licensee, applicant, or  
26 unlicensed person under investigation if a statement of charges is  
27 issued.

28       (3) Only upon the authorization of a ~~((disciplinary))~~ disciplining  
29 authority identified in RCW 18.130.040(2)(b), the secretary, or his or  
30 her designee, may serve as the presiding officer for any disciplinary  
31 proceedings of the ~~((disciplinary))~~ disciplining authority authorized  
32 under this chapter. Except as provided in RCW 18.130.050(8), the  
33 presiding officer shall not vote on or make any final decision. All  
34 functions performed by the presiding officer shall be subject to  
35 chapter 34.05 RCW. The secretary, in consultation with the  
36 ~~((disciplinary))~~ disciplining authorities, shall adopt procedures for  
37 implementing this subsection. ~~((This subsection shall not apply to the~~  
38 board of funeral directors and embalmers.))

1       (4) The uniform procedural rules shall be adopted by all  
2 disciplining authorities listed in RCW 18.130.040(2), and shall be used  
3 for all adjudicative proceedings conducted under this chapter, as  
4 defined by chapter 34.05 RCW. The uniform procedural rules shall  
5 address the use of a presiding officer authorized in subsection (3) of  
6 this section to determine and issue decisions on all legal issues and  
7 motions arising during adjudicative proceedings.

8       **Sec. 7.** RCW 18.130.098 and 1994 sp.s. c 9 s 604 are each amended  
9 to read as follows:

10       (1) The settlement process must be substantially uniform for  
11 licensees governed by ~~((regulatory entities having authority))~~  
12 disciplining authorities under this chapter. The disciplinary  
13 authorities may also use alternative dispute resolution to resolve  
14 complaints during adjudicative proceedings.

15       (2) Disclosure of the identity of reviewing disciplining authority  
16 members who participate in the settlement process is available to the  
17 respondent~~((s))~~ or ~~((their legal))~~ his or her representative upon  
18 request.

19       (3) The settlement conference will occur only if a settlement is  
20 not achieved through written documents. The respondent~~((s))~~ will have  
21 the opportunity to conference either by phone or in person with the  
22 reviewing disciplining authority member if the respondent chooses. The  
23 respondent~~((s))~~ may also have ~~((their))~~ his or her attorney conference  
24 either by phone or in person with the reviewing disciplining authority  
25 member without the respondent being present personally.

26       (4) If the respondent wants to meet in person with the reviewing  
27 disciplining authority member, he or she will travel to the reviewing  
28 ~~((disciplinary))~~ disciplining authority member and have such a  
29 conference with ~~((the attorney general))~~ a department representative in  
30 attendance either by phone or in person.

31       **Sec. 8.** RCW 18.130.170 and 1987 c 150 s 6 are each amended to read  
32 as follows:

33       (1) If the disciplining authority believes a license holder or  
34 applicant may be unable to practice with reasonable skill and safety to  
35 consumers by reason of any mental or physical condition, a statement of  
36 charges in the name of the disciplining authority shall be served on  
37 the license holder or applicant and notice shall also be issued



1 providing an opportunity for a hearing. The hearing shall be limited  
2 to the sole issue of the capacity of the license holder or applicant to  
3 practice with reasonable skill and safety. If the disciplining  
4 authority determines that the license holder or applicant is unable to  
5 practice with reasonable skill and safety for one of the reasons stated  
6 in this subsection, the disciplining authority shall impose such  
7 sanctions under RCW 18.130.160 as is deemed necessary to protect the  
8 public.

9 (2)(a) In investigating or adjudicating a complaint or report that  
10 a license holder or applicant may be unable to practice with reasonable  
11 skill or safety by reason of any mental or physical condition, the  
12 disciplining authority may require a license holder or applicant to  
13 submit to a mental or physical examination by one or more licensed or  
14 certified health professionals designated by the disciplining  
15 authority. The license holder or applicant shall be provided written  
16 notice of the disciplining authority's intent to order a mental or  
17 physical examination, which notice shall include: (i) A statement of  
18 the specific conduct, event, or circumstances justifying an  
19 examination; (ii) a summary of the evidence supporting the disciplining  
20 authority's concern that the license holder or applicant may be unable  
21 to practice with reasonable skill and safety by reason of a mental or  
22 physical condition, and the grounds for believing such evidence to be  
23 credible and reliable; (iii) a statement of the nature, purpose, scope,  
24 and content of the intended examination; (iv) a statement that the  
25 license holder or applicant has the right to respond in writing within  
26 twenty days to challenge the disciplining authority's grounds for  
27 ordering an examination or to challenge the manner or form of the  
28 examination; and (v) a statement that if the license holder or  
29 applicant timely responds to the notice of intent, then the license  
30 holder or applicant will not be required to submit to the examination  
31 while the response is under consideration.

32 (b) Upon submission of a timely response to the notice of intent  
33 to order a mental or physical examination, the license holder or  
34 applicant shall have an opportunity to respond to or refute such an  
35 order by submission of evidence or written argument or both. The  
36 evidence and written argument supporting and opposing the mental or  
37 physical examination shall be reviewed by either a panel of the  
38 disciplining authority members who have not been involved with the  
39 allegations against the license holder or applicant or a neutral

1 decision maker approved by the disciplining authority. The reviewing  
2 panel of the disciplining authority or the approved neutral decision  
3 maker may, in its discretion, ask for oral argument from the parties.  
4 The reviewing panel of the disciplining authority or the approved  
5 neutral decision maker shall prepare a written decision as to whether:  
6 There is reasonable cause to believe that the license holder or  
7 applicant may be unable to practice with reasonable skill and safety by  
8 reason of a mental or physical condition, or the manner or form of the  
9 mental or physical examination is appropriate, or both.

10 (c) Upon receipt by the disciplining authority of the written  
11 decision, or upon the failure of the license holder or applicant to  
12 timely respond to the notice of intent, the disciplining authority may  
13 issue an order requiring the license holder or applicant to undergo a  
14 mental or physical examination. All such mental or physical  
15 examinations shall be narrowly tailored to address only the alleged  
16 mental or physical condition and the ability of the license holder or  
17 applicant to practice with reasonable skill and safety. An order of  
18 the disciplining authority requiring the license holder or applicant to  
19 undergo a mental or physical examination is not a final order for  
20 purposes of appeal. The cost of the examinations ordered by the  
21 disciplining authority shall be paid out of the health professions  
22 account. In addition to any examinations ordered by the disciplining  
23 authority, the licensee may submit physical or mental examination  
24 reports from licensed or certified health professionals of the license  
25 holder's or applicant's choosing and expense. ((Failure of a license  
26 holder or applicant to submit to examination when directed constitutes  
27 grounds for immediate suspension or denial of the license, consequent  
28 upon which a default and final order may be entered without the taking  
29 of testimony or presentations of evidence, unless the failure was due  
30 to circumstances beyond the person's control.))

31 (d) If the disciplining authority finds that a license holder or  
32 applicant has failed to submit to a properly ordered mental or physical  
33 examination, then the disciplining authority may order appropriate  
34 action or discipline under RCW 18.130.180(9), unless the failure was  
35 due to circumstances beyond the person's control. However, no such  
36 action or discipline may be imposed unless the license holder or  
37 applicant has had the notice and opportunity to challenge the  
38 disciplining authority's grounds for ordering the examination, to  
39 challenge the manner and form, to assert any other defenses, and to

1 have such challenges or defenses considered by either a panel of the  
2 disciplining authority members who have not been involved with the  
3 allegations against the license holder or applicant or a neutral  
4 decision maker approved by the disciplining authority, as previously  
5 set forth in this section. Further, the action or discipline ordered  
6 by the disciplining authority shall not be more severe than a  
7 suspension of the license, certification, registration or application  
8 until such time as the license holder or applicant complies with the  
9 properly ordered mental or physical examination.

10 (e) Nothing in this section shall restrict the power of a  
11 disciplining authority to act in an emergency under RCW 34.05.422(4),  
12 34.05.479, and 18.130.050(7).

13 (f) A determination by a court of competent jurisdiction that a  
14 license holder or applicant is mentally incompetent or mentally ill is  
15 presumptive evidence of the license holder's or applicant's inability  
16 to practice with reasonable skill and safety. An individual affected  
17 under this section shall at reasonable intervals be afforded an  
18 opportunity, at his or her expense, to demonstrate that the individual  
19 can resume competent practice with reasonable skill and safety to the  
20 consumer.

21 (3) For the purpose of subsection (2) of this section, an applicant  
22 or license holder governed by this chapter, by making application,  
23 practicing, or filing a license renewal, is deemed to have given  
24 consent to submit to a mental, physical, or psychological examination  
25 when directed in writing by the disciplining authority and further to  
26 have waived all objections to the admissibility or use of the examining  
27 health professional's testimony or examination reports by the  
28 disciplining authority on the ground that the testimony or reports  
29 constitute privileged communications.

30 **Sec. 9.** RCW 18.130.180 and 1993 c 367 s 22 are each amended to  
31 read as follows:

32 The following conduct, acts, or conditions constitute  
33 unprofessional conduct for any license holder or applicant under the  
34 jurisdiction of this chapter:

35 (1) The commission of any act involving moral turpitude,  
36 dishonesty, or corruption relating to the practice of the person's  
37 profession, whether the act constitutes a crime or not. If the act  
38 constitutes a crime, conviction in a criminal proceeding is not a

1 condition precedent to disciplinary action. Upon such a conviction,  
2 however, the judgment and sentence is conclusive evidence at the  
3 ensuing disciplinary hearing of the guilt of the license holder or  
4 applicant of the crime described in the indictment or information, and  
5 of the person's violation of the statute on which it is based. For the  
6 purposes of this section, conviction includes all instances in which a  
7 plea of guilty or nolo contendere is the basis for the conviction and  
8 all proceedings in which the sentence has been deferred or suspended.  
9 Nothing in this section abrogates rights guaranteed under chapter 9.96A  
10 RCW;

11 (2) Misrepresentation or concealment of a material fact in  
12 obtaining a license or in reinstatement thereof;

13 (3) All advertising which is false, fraudulent, or misleading;

14 (4) Incompetence, negligence, or malpractice which results in  
15 injury to a patient or which creates an unreasonable risk that a  
16 patient may be harmed. The use of a nontraditional treatment by itself  
17 shall not constitute unprofessional conduct, provided that it does not  
18 result in injury to a patient or create an unreasonable risk that a  
19 patient may be harmed;

20 (5) Suspension, revocation, or restriction of the individual's  
21 license to practice ((the)) any health care profession by competent  
22 authority in any state, federal, or foreign jurisdiction, a certified  
23 copy of the order, stipulation, or agreement being conclusive evidence  
24 of the revocation, suspension, or restriction;

25 (6) The possession, use, prescription for use, or distribution of  
26 controlled substances or legend drugs in any way other than for  
27 legitimate or therapeutic purposes, diversion of controlled substances  
28 or legend drugs, the violation of any drug law, or prescribing  
29 controlled substances for oneself;

30 (7) Violation of any state or federal statute or administrative  
31 rule regulating the profession in question, including any statute or  
32 rule defining or establishing standards of patient care or professional  
33 conduct or practice;

34 (8) Failure to cooperate with the disciplining authority by:

35 (a) Not furnishing any papers or documents;

36 (b) Not furnishing in writing a full and complete explanation  
37 covering the matter contained in the complaint filed with the  
38 disciplining authority; ((or))

- 1 (c) Not responding to subpoenas issued by the disciplining  
2 authority, whether or not the recipient of the subpoena is the accused  
3 in the proceeding; or
- 4 (d) Not providing reasonable and timely access for authorized  
5 representatives of the disciplining authority seeking to perform  
6 practice reviews at facilities utilized by the license holder;
- 7 (9) Failure to comply with an order issued by the ((disciplinary))  
8 disciplining authority or a stipulation for informal disposition  
9 entered into with the ((disciplinary)) disciplining authority;
- 10 (10) Aiding or abetting an unlicensed person to practice when a  
11 license is required;
- 12 (11) Violations of rules established by any health agency;
- 13 (12) Practice beyond the scope of practice as defined by law or  
14 rule;
- 15 (13) Misrepresentation or fraud in any aspect of the conduct of the  
16 business or profession;
- 17 (14) Failure to adequately supervise auxiliary staff to the extent  
18 that the consumer's health or safety is at risk;
- 19 (15) Engaging in a profession involving contact with the public  
20 while suffering from a contagious or infectious disease involving  
21 serious risk to public health;
- 22 (16) Promotion for personal gain of any unnecessary or  
23 inefficacious drug, device, treatment, procedure, or service;
- 24 (17) Conviction of any gross misdemeanor or felony relating to the  
25 practice of the person's profession. For the purposes of this  
26 subsection, conviction includes all instances in which a plea of guilty  
27 or nolo contendere is the basis for conviction and all proceedings in  
28 which the sentence has been deferred or suspended. Nothing in this  
29 section abrogates rights guaranteed under chapter 9.96A RCW;
- 30 (18) The procuring, or aiding or abetting in procuring, a criminal  
31 abortion;
- 32 (19) The offering, undertaking, or agreeing to cure or treat  
33 disease by a secret method, procedure, treatment, or medicine, or the  
34 treating, operating, or prescribing for any health condition by a  
35 method, means, or procedure which the licensee refuses to divulge upon  
36 demand of the disciplining authority;
- 37 (20) The willful betrayal of a practitioner-patient privilege as  
38 recognized by law;
- 39 (21) Violation of chapter 19.68 RCW;

1 (22) Interference with an investigation or disciplinary proceeding  
2 by willful misrepresentation of facts before the disciplining authority  
3 or its authorized representative, or by the use of threats or  
4 harassment against any patient or witness to prevent them from  
5 providing evidence in a disciplinary proceeding or any other legal  
6 action, or by the use of financial inducements to any patient or  
7 witness to prevent or attempt to prevent him or her from providing  
8 evidence in a disciplinary proceeding;

9 (23) Current misuse of:

10 (a) Alcohol;

11 (b) Controlled substances; or

12 (c) Legend drugs;

13 (24) Abuse of a client or patient or sexual contact with a client  
14 or patient;

15 (25) Acceptance of more than a nominal gratuity, hospitality, or  
16 subsidy offered by a representative or vendor of medical or health-  
17 related products or services intended for patients, in contemplation of  
18 a sale or for use in research publishable in professional journals,  
19 where a conflict of interest is presented, as defined by rules of the  
20 disciplining authority, in consultation with the department, based on  
21 recognized professional ethical standards;

22 (26) Violation of standards of ethics in contracting established  
23 under section 11 of this act.

24 NEW SECTION. Sec. 10. The secretary of health shall coordinate  
25 and assist the regulatory boards and commissions of the health  
26 professions with prescriptive authority in the development of uniform  
27 guidelines for addressing opiate therapy for acute pain, and chronic  
28 pain associated with cancer and other terminal diseases, or other  
29 chronic or intractable pain conditions. The purpose of the guidelines  
30 is to assure the provision of effective medical treatment in accordance  
31 with recognized national standards and consistent with requirements of  
32 the public health and safety.

33 NEW SECTION. Sec. 11. A new section is added to chapter 18.130  
34 RCW to read as follows:

35 (1) Any quality assurance commission, professional regulatory  
36 board, or committee subject to RCW 18.130.040, or health professional  
37 association, or any other person, may recommend to the secretary the

1 adoption of rules providing for standards of ethical conduct with  
2 respect to the terms and conditions of a contract or agreement between  
3 a practitioner subject to RCW 18.130.040 and a payer of health  
4 services, including but not limited to a carrier regulated under Title  
5 48 RCW. Recommendations shall be considered by the secretary only if  
6 the proposed rule would foster strict compliance with standards of  
7 patient care, professional conduct, and scopes of practice; would  
8 promote quality medical and health practice; or would protect the  
9 public health and safety.

10 (2) The secretary is authorized to adopt rules, pursuant to chapter  
11 34.05 RCW, based upon recommendations made in accordance with  
12 subsection (1) of this section. When practical and appropriate and  
13 with the approval of the appropriate commission, board, or committee,  
14 the secretary shall apply the rules to all practitioners subject to RCW  
15 18.130.040 to promote consistent standards for contracting between such  
16 practitioners and payers of health services.

17 NEW SECTION. **Sec. 12.** Sections 2 and 3 of this act are necessary  
18 for the immediate preservation of the public peace, health, or safety,  
19 or support of the state government and its existing public  
20 institutions, and shall take effect immediately."

21 Correct the title accordingly.

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