

SHB 2326 - H AMD 971

By Representative Campbell

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The uniform disciplinary act provides a
4 uniform process for addressing acts of unprofessional conduct affecting
5 fifty-seven health professions regulated by the state. The
6 disciplining authorities include the secretary of health and sixteen
7 boards and commissions charged with protecting the health and safety of
8 patients from unprofessional conduct. It is recognized nationally as
9 a model law and has worked well over time to provide uniformity and
10 efficiency to the disciplinary process.

11 The legislature finds that it is necessary to further streamline
12 the disciplinary process and ensure more equitable case dispositions
13 among health care providers. An efficient division of responsibilities
14 between the secretary of health with authority over most preliminary
15 complaint investigations and charging decisions reserves to the health
16 professionals sitting on the boards and commissions the final authority
17 on issuing findings and sanctions. These measures will ensure that
18 investigations and charging decisions are free of any potential
19 conflicts of interest and that sanctions are uniform across
20 professional lines.

21 The legislature further finds that this act does not intend to
22 change or modify, in any way, the relationship as it exists on the
23 effective date of this section between boards and commissions and
24 contractors providing services to impaired providers.

25 **Sec. 2.** RCW 18.130.050 and 1995 c 336 s 4 are each amended to read
26 as follows:

27 The disciplining authority has the following authority:

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

1 (2) To investigate all complaints or reports of unprofessional
2 conduct (~~(as defined in this chapter and)~~) pertaining to standards of
3 practice or where clinical expertise is necessary, including, but not
4 limited to, complaints or reports related to incompetence, negligence,
5 or malpractice as defined in RCW 18.130.180(4), and to provide
6 consultation and assistance with investigations of any other complaints
7 or reports of unprofessional conduct defined in this chapter as
8 requested by the secretary. In situations where more than one act of
9 unprofessional conduct is under investigation and one of those acts
10 pertains to standards of practice or where clinical expertise is
11 necessary, the disciplining authority shall have primary investigative
12 authority with respect to all alleged violations;

13 (3) To hold hearings as provided in this chapter;

14 (~~(+3)~~) (4) To issue subpoenas and administer oaths in connection
15 with any investigation, hearing, or proceeding held under this chapter;

16 (~~(+4)~~) (5) To take or cause depositions to be taken and use other
17 discovery procedures as needed in any investigation, hearing, or
18 proceeding held under this chapter;

19 (~~(+5)~~) (6) To compel attendance of witnesses at hearings;

20 (~~(+6)~~) (7) In the course of investigating a complaint or report of
21 unprofessional conduct, or consulting and assisting with the
22 investigation of a complaint or report of unprofessional conduct as
23 requested by the secretary, pursuant to the division of
24 responsibilities in subsection (2) of this section, to conduct practice
25 reviews;

26 (~~(+7) To take emergency action ordering summary suspension of a~~
27 ~~license, or restriction or limitation of the licensee's practice~~
28 ~~pending proceedings by the disciplining authority;~~)

29 (8) To use a presiding officer as authorized in RCW 18.130.095(3)
30 or the office of administrative hearings as authorized in chapter 34.12
31 RCW to conduct hearings. The disciplining authority shall make the
32 final decision regarding disposition of the license unless the
33 disciplining authority elects to delegate in writing the final decision
34 to the presiding officer;

35 (9) To use individual members of the boards to direct
36 investigations or provide consultation and assistance with the
37 investigation of a complaint or report of unprofessional conduct as

1 requested by the secretary, pursuant to the division of
2 responsibilities in subsection (2) of this section. However, the
3 member of the board shall not subsequently participate in the hearing
4 of the case;

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

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

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

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

17 (14) To designate individuals authorized to sign subpoenas and
18 statements of charges;

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

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

30 **Sec. 3.** RCW 18.130.060 and 2001 c 101 s 1 are each amended to read
31 as follows:

32 In addition to the authority specified in RCW 18.130.050, the
33 secretary has the following additional authority:

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

1 (2) Upon the request of a board, to appoint pro tem members to
2 participate as members of a panel of the board in connection with
3 proceedings specifically identified in the request. Individuals so
4 appointed must meet the same minimum qualifications as regular members
5 of the board. Pro tem members appointed for matters under this chapter
6 are appointed for a term of no more than one year. No pro tem member
7 may serve more than four one-year terms. While serving as board
8 members pro tem, persons so appointed have all the powers, duties, and
9 immunities, and are entitled to the emoluments, including travel
10 expenses in accordance with RCW 43.03.050 and 43.03.060, of regular
11 members of the board. The chairperson of a panel shall be a regular
12 member of the board appointed by the board chairperson. Panels have
13 authority to act as directed by the board with respect to all matters
14 (~~concerning the review, investigation, and adjudication of all~~
15 ~~complaints, allegations, charges, and matters~~) subject to the
16 jurisdiction of the board. The authority to act through panels does
17 not restrict the authority of the board to act as a single body at any
18 phase of proceedings within the board's jurisdiction. Board panels may
19 (~~make interim orders and~~) issue final orders and decisions with
20 respect to matters and cases delegated to the panel 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~~
28 ~~direction of the disciplining authority~~) and to issue subpoenas,
29 administer oaths, and take depositions in the course of conducting
30 those investigations and practice reviews (~~at the direction of the~~
31 ~~disciplining authority~~). Investigations pertaining to standards of
32 practice or where clinical expertise is necessary, including, but not
33 limited to, complaints or reports related to incompetence, negligence,
34 or malpractice, as defined in RCW 18.130.180(4), shall be the primary
35 investigation authority of the appropriate disciplining authority and
36 the secretary shall conduct those investigations and practice reviews
37 at the direction of the disciplining authority;

1 (5) To review results of investigations conducted under this
2 chapter and determine the appropriate disposition, which may include
3 closure, notice of correction, stipulations permitted by RCW
4 18.130.172, or issuance of a statement of charges;

5 (6) To take emergency action ordering summary suspension of a
6 license, or restriction or limitation of the license holder's practice
7 pending proceedings by the disciplining authority;

8 (7) To have the health professions regulatory program establish a
9 system to recruit potential public members, to review the
10 qualifications of such potential members, and to provide orientation to
11 those public members appointed pursuant to law by the governor or the
12 secretary to the boards and commissions specified in RCW
13 18.130.040(2)(b), and to the advisory committees and ~~((councils))~~ for
14 professions specified in RCW 18.130.040(2)(a).

15 **Sec. 4.** RCW 18.130.080 and 1998 c 132 s 9 are each amended to read
16 as follows:

17 A person, including but not limited to consumers, ~~((licensees))~~
18 license holders, corporations, organizations, health care facilities,
19 impaired practitioner programs, or voluntary substance abuse monitoring
20 programs approved by disciplining authorities, and state and local
21 governmental agencies, may submit a written complaint to the
22 ~~((disciplining authority))~~ secretary charging a license holder or
23 applicant with unprofessional conduct and specifying the grounds
24 therefor or to report information to the ~~((disciplining authority))~~
25 secretary, or voluntary substance abuse monitoring program, or an
26 impaired practitioner program approved by the disciplining authority,
27 which indicates that the license holder may not be able to practice his
28 or her profession with reasonable skill and safety to consumers as a
29 result of a mental or physical condition. If the ~~((disciplining~~
30 ~~authority))~~ secretary determines that the complaint merits
31 investigation, or if the ~~((disciplining authority))~~ secretary has
32 reason to believe, without a formal complaint, that a license holder or
33 applicant may have engaged in unprofessional conduct, the secretary or
34 disciplining authority shall investigate, pursuant to the division of
35 responsibilities in RCW 18.130.050(2), to determine whether there has
36 been unprofessional conduct. The secretary shall notify the

1 appropriate disciplining authority of all complaints that the secretary
2 has determined are within his or her authority to investigate under RCW
3 18.130.050(2). If a disciplining authority determines, by a two-thirds
4 majority vote, that the secretary should not have primary investigation
5 authority pursuant to the division of responsibilities in RCW
6 18.130.050(2), then the disciplining authority shall direct the
7 investigation. The vote must occur at the meeting where the
8 disciplining authority is notified of the complaint at issue or the
9 meeting following receipt of the notification. The secretary may
10 initiate its investigation while the review of the disciplining
11 authority is pending. A person who files a complaint or reports
12 information under this section in good faith is immune from suit in any
13 civil action related to the filing or contents of the complaint.

14 **Sec. 5.** RCW 18.130.090 and 1993 c 367 s 1 are each amended to read
15 as follows:

16 (1) If the (~~disciplining authority~~) secretary determines, upon
17 investigation, that there is reason to believe a violation of RCW
18 18.130.180 has occurred, a statement of charge or charges shall be
19 prepared and served upon the license holder or applicant at the
20 earliest practical time. The statement of charge or charges shall be
21 accompanied by a notice that the license holder or applicant may
22 request a hearing to contest the charge or charges. The license holder
23 or applicant must file a request for hearing with the disciplining
24 authority within twenty days after being served the statement of
25 charges. If the twenty-day limit results in a hardship upon the
26 license holder or applicant, he or she may request for good cause an
27 extension not to exceed sixty additional days. If the disciplining
28 authority finds that there is good cause, it shall grant the extension.
29 The failure to request a hearing constitutes a default, whereupon the
30 disciplining authority may enter a decision on the basis of the facts
31 available to it.

32 (2) If a hearing is requested, the time of the hearing shall be
33 fixed by the disciplining authority as soon as convenient, but the
34 hearing shall not be held earlier than thirty days after service of the
35 charges upon the license holder or applicant.

1 **Sec. 6.** RCW 18.130.160 and 2001 c 195 s 1 are each amended to read
2 as follows:

3 Upon a finding, after hearing, that a license holder or applicant
4 has committed unprofessional conduct or is unable to practice with
5 reasonable skill and safety due to a physical or mental condition, the
6 disciplining authority may issue an order providing for one or any
7 combination of the following:

8 (1) Revocation of the license;

9 (2) Suspension of the license for a fixed or indefinite term;

10 (3) Restriction or limitation of the practice;

11 (4) Requiring the satisfactory completion of a specific program of
12 remedial education or treatment;

13 (5) The monitoring of the practice by a supervisor approved by the
14 disciplining authority;

15 (6) Censure or reprimand;

16 (7) Compliance with conditions of probation for a designated period
17 of time;

18 (8) Payment of a fine for each violation of this chapter, not to
19 exceed five thousand dollars per violation. Funds received shall be
20 placed in the health professions account;

21 (9) Denial of the license request;

22 (10) Corrective action;

23 (11) Refund of fees billed to and collected from the consumer;

24 (12) A surrender of the practitioner's license in lieu of other
25 sanctions, which must be reported to the federal data bank.

26 Except as otherwise provided in section 9 of this act, any of the
27 actions under this section may be totally or partly stayed by the
28 disciplining authority. In determining what action is appropriate, the
29 disciplining authority must first consider what sanctions are necessary
30 to protect or compensate the public. Only after such provisions have
31 been made may the disciplining authority consider and include in the
32 order requirements designed to rehabilitate the license holder or
33 applicant. All costs associated with compliance with orders issued
34 under this section are the obligation of the license holder or
35 applicant.

36 The ((licensee)) license holder or applicant may enter into a
37 stipulated disposition of charges that includes one or more of the

1 sanctions of this section, but only after a statement of charges has
2 been issued and the ((licensee)) license holder has been afforded the
3 opportunity for a hearing and has elected on the record to forego such
4 a hearing. The stipulation shall either contain one or more specific
5 findings of unprofessional conduct or inability to practice, or a
6 statement by the ((licensee)) license holder acknowledging that
7 evidence is sufficient to justify one or more specified findings of
8 unprofessional conduct or inability to practice. The stipulation
9 entered into pursuant to this subsection shall be considered formal
10 disciplinary action for all purposes.

11 **Sec. 7.** RCW 18.130.170 and 1995 c 336 s 8 are each amended to read
12 as follows:

13 (1) If the ((disciplining authority)) secretary believes a license
14 holder or applicant may be unable to practice with reasonable skill and
15 safety to consumers by reason of any mental or physical condition, a
16 statement of charges in the name of the ((disciplining authority))
17 secretary shall be served on the license holder or applicant and notice
18 shall also be issued providing an opportunity for a hearing. The
19 hearing shall be limited to the sole issue of the capacity of the
20 license holder or applicant to practice with reasonable skill and
21 safety. If the disciplining authority determines that the license
22 holder or applicant is unable to practice with reasonable skill and
23 safety for one of the reasons stated in this subsection, the
24 disciplining authority shall impose such sanctions under RCW 18.130.160
25 as is deemed necessary to protect the public.

26 (2)(a) Investigations of complaints or reports that a license
27 holder or applicant may be unable to practice with reasonable skill or
28 safety by reason of any mental or physical condition shall be conducted
29 pursuant to the division of responsibilities in RCW 18.130.050(2). In
30 investigating or adjudicating a complaint or report that a license
31 holder or applicant may be unable to practice with reasonable skill or
32 safety by reason of any mental or physical condition, the secretary or
33 disciplining authority may require a license holder or applicant to
34 submit to a mental or physical examination by one or more licensed or
35 certified health professionals designated by the secretary or
36 disciplining authority. The license holder or applicant shall be

1 provided written notice of the secretary's or disciplining authority's
2 intent to order a mental or physical examination, which notice shall
3 include: (i) A statement of the specific conduct, event, or
4 circumstances justifying an examination; (ii) a summary of the evidence
5 supporting the secretary's or disciplining authority's concern that the
6 license holder or applicant may be unable to practice with reasonable
7 skill and safety by reason of a mental or physical condition, and the
8 grounds for believing such evidence to be credible and reliable; (iii)
9 a statement of the nature, purpose, scope, and content of the intended
10 examination; (iv) a statement that the license holder or applicant has
11 the right to respond in writing within twenty days to challenge the
12 secretary's or disciplining authority's grounds for ordering an
13 examination or to challenge the manner or form of the examination; and
14 (v) a statement that if the license holder or applicant timely responds
15 to the notice of intent, then the license holder or applicant will not
16 be required to submit to the examination while the response is under
17 consideration.

18 (b) Upon submission of a timely response to the notice of intent to
19 order a mental or physical examination, the license holder or applicant
20 shall have an opportunity to respond to or refute such an order by
21 submission of evidence or written argument or both. The evidence and
22 written argument supporting and opposing the mental or physical
23 examination shall be reviewed by either a panel of the disciplining
24 authority members who have not been involved with the allegations
25 against the license holder or applicant or a neutral decision maker
26 approved by the disciplining authority. The reviewing panel of the
27 disciplining authority or the approved neutral decision maker may, in
28 its discretion, ask for oral argument from the parties. The reviewing
29 panel of the disciplining authority or the approved neutral decision
30 maker shall prepare a written decision as to whether: There is
31 reasonable cause to believe that the license holder or applicant may be
32 unable to practice with reasonable skill and safety by reason of a
33 mental or physical condition, or the manner or form of the mental or
34 physical examination is appropriate, or both.

35 (c) Upon receipt by the secretary or disciplining authority of the
36 written decision, or upon the failure of the license holder or
37 applicant to timely respond to the notice of intent, the secretary or

1 disciplining authority may issue an order requiring the license holder
2 or applicant to undergo a mental or physical examination. All such
3 mental or physical examinations shall be narrowly tailored to address
4 only the alleged mental or physical condition and the ability of the
5 license holder or applicant to practice with reasonable skill and
6 safety. An order of the secretary or disciplining authority requiring
7 the license holder or applicant to undergo a mental or physical
8 examination is not a final order for purposes of appeal. The cost of
9 the examinations ordered by the secretary or disciplining authority
10 shall be paid out of the health professions account. In addition to
11 any examinations ordered by the secretary or disciplining authority,
12 the ((licensee)) license holder may submit physical or mental
13 examination reports from licensed or certified health professionals of
14 the license holder's or applicant's choosing and expense.

15 (d) If the disciplining authority finds that a license holder or
16 applicant has failed to submit to a properly ordered mental or physical
17 examination, then the disciplining authority may order appropriate
18 action or discipline under RCW 18.130.180(9), unless the failure was
19 due to circumstances beyond the person's control. However, no such
20 action or discipline may be imposed unless the license holder or
21 applicant has had the notice and opportunity to challenge the
22 secretary's or disciplining authority's grounds for ordering the
23 examination, to challenge the manner and form, to assert any other
24 defenses, and to have such challenges or defenses considered by either
25 a panel of the disciplining authority members who have not been
26 involved with the allegations against the license holder or applicant
27 or a neutral decision maker approved by the disciplining authority, as
28 previously set forth in this section. Further, the action or
29 discipline ordered by the disciplining authority shall not be more
30 severe than a suspension of the license, certification, registration or
31 application until such time as the license holder or applicant complies
32 with the properly ordered mental or physical examination.

33 (e) Nothing in this section shall restrict the power of ((a
34 ~~disciplining authority~~)) the secretary to act in an emergency under RCW
35 34.05.422(4), 34.05.479, and ((~~18.130.050(7)~~)) 18.130.060(6).

36 (f) A determination by a court of competent jurisdiction that a
37 license holder or applicant is mentally incompetent or mentally ill is

1 presumptive evidence of the license holder's or applicant's inability
2 to practice with reasonable skill and safety. An individual affected
3 under this section shall at reasonable intervals be afforded an
4 opportunity, at his or her expense, to demonstrate that the individual
5 can resume competent practice with reasonable skill and safety to the
6 consumer.

7 (3) For the purpose of subsection (2) of this section, an applicant
8 or license holder governed by this chapter, by making application,
9 practicing, or filing a license renewal, is deemed to have given
10 consent to submit to a mental, physical, or psychological examination
11 when directed in writing by the secretary or disciplining authority and
12 further to have waived all objections to the admissibility or use of
13 the examining health professional's testimony or examination reports by
14 the secretary or disciplining authority on the ground that the
15 testimony or reports constitute privileged communications.

16 **Sec. 8.** RCW 18.130.172 and 2000 c 171 s 29 are each amended to
17 read as follows:

18 (1) Except for those acts of unprofessional conduct specified in
19 section 9 of this act, prior to serving a statement of charges under
20 RCW 18.130.090 or 18.130.170, the ((disciplinatory authority)) secretary
21 may furnish a statement of allegations to the licensee or applicant
22 along with a detailed summary of the evidence relied upon to establish
23 the allegations and a proposed stipulation for informal resolution of
24 the allegations. These documents shall be exempt from public
25 disclosure until such time as the allegations are resolved either by
26 stipulation or otherwise.

27 (2) The ((disciplinatory)) disciplining authority and the applicant
28 or licensee may stipulate that the allegations may be disposed of
29 informally in accordance with this subsection. The stipulation shall
30 contain a statement of the facts leading to the filing of the
31 complaint; the act or acts of unprofessional conduct alleged to have
32 been committed or the alleged basis for determining that the applicant
33 or licensee is unable to practice with reasonable skill and safety; a
34 statement that the stipulation is not to be construed as a finding of
35 either unprofessional conduct or inability to practice; an
36 acknowledgement that a finding of unprofessional conduct or inability

1 to practice, if proven, constitutes grounds for discipline under this
2 chapter; and an agreement on the part of the licensee or applicant that
3 the sanctions set forth in RCW 18.130.160, except RCW 18.130.160 (1),
4 (2), (6), and (8), may be imposed as part of the stipulation, except
5 that no fine may be imposed but the licensee or applicant may agree to
6 reimburse the ((disciplinary)) secretary or disciplining authority the
7 costs of investigation and processing the complaint up to an amount not
8 exceeding one thousand dollars per allegation; and an agreement on the
9 part of the disciplinary authority to forego further disciplinary
10 proceedings concerning the allegations. A stipulation entered into
11 pursuant to this subsection shall not be considered formal disciplinary
12 action.

13 (3) If the licensee or applicant declines to agree to disposition
14 of the charges by means of a stipulation pursuant to subsection (2) of
15 this section, the ((disciplinary authority)) secretary may proceed to
16 formal disciplinary action pursuant to RCW 18.130.090 or 18.130.170.

17 (4) Upon execution of a stipulation under subsection (2) of this
18 section by both the licensee or applicant and the ((disciplinary))
19 disciplining authority, the complaint is deemed disposed of and shall
20 become subject to public disclosure on the same basis and to the same
21 extent as other records of the ((disciplinary)) disciplining authority.
22 Should the licensee or applicant fail to pay any agreed reimbursement
23 within thirty days of the date specified in the stipulation for
24 payment, the disciplinary authority may seek collection of the amount
25 agreed to be paid in the same manner as enforcement of a fine under RCW
26 18.130.165.

27 NEW SECTION. Sec. 9. A new section is added to chapter 18.130 RCW
28 to read as follows:

29 (1) The disciplining authority shall revoke the license of a
30 license holder who is found to have committed three acts of
31 unprofessional conduct as defined in RCW 18.130.180 in any combination
32 within a ten-year period if each of the three acts involve any of the
33 following aggravating factors:

34 (a) Negligent or incompetent practice of a profession that causes
35 or substantially contributes to the death of or severe injury to a
36 patient or creates a significant risk of harm to the public;

1 (b) Physical abuse of a client or patient;
2 (c) Sexual contact with a client or patient; or
3 (d) Misuse of alcohol or controlled substances, while engaging in
4 the active practice of a profession, that causes or substantially
5 contributes to the death of or severe injury to a patient or creates a
6 significant risk of harm to the public.

7 (2) For purposes of determining whether a license holder is found
8 to have committed three acts of unprofessional conduct for purposes of
9 this section:

10 (a) Under subsection (1)(c) of this section, one or more acts with
11 one patient or client that are charged as part of one statement of
12 charges shall be considered one act of unprofessional conduct; and

13 (b) Under subsection (1) of this section, except for subsection
14 (1)(c) of this section, each incident of unprofessional conduct shall
15 be considered one act of unprofessional conduct, even if the one
16 incident results in the violation of more than one act of
17 unprofessional conduct.

18 (3) A finding of mitigating circumstance for an act of
19 unprofessional conduct may be issued and, except for (a) of this
20 subsection, applied one time for any license holder or applicant for a
21 license, and if so, that finding of unprofessional conduct shall not
22 count as one of the three that triggers a license revocation for
23 purposes of this section. A finding of mitigating circumstances under
24 (a) of this subsection may be issued and applied as many times as the
25 license holder meets the criteria for such a finding and shall not
26 count as one of the three findings that triggers the revocation of a
27 license for purposes of this section. Except for (a) of this
28 subsection, after a finding of mitigating circumstances is issued and
29 applied, no subsequent findings under this section may consider any
30 mitigating circumstances. The following mitigating circumstances may
31 be considered:

32 (a) For subsection (1)(a) of this section, the act involved a high-
33 risk procedure, there was no lower-risk alternative to that procedure,
34 the patient was informed of the risks of the procedure and consented to
35 it despite those risks, and prior to the institution of disciplinary
36 actions the license holder took appropriate remedial measures;

1 (b) There is a strong potential for rehabilitation of the license
2 holder; or

3 (c) There is a strong potential for remedial education and training
4 to prevent future harm to the public.

5 (4) Nothing in this section limits the authority of the
6 disciplining authority to revoke a license or take other disciplinary
7 action when the license holder has committed only one or two acts of
8 unprofessional conduct instead of three."

9 Correct the title.

EFFECT: Authorizes disciplining authorities to investigate complaints, direct investigations, and conduct practice reviews related to reports or complaints of unprofessional conduct pertaining to standards of practice or where clinical expertise is necessary and to provide consultation and assistance to the Secretary regarding investigations of all other acts of unprofessional conduct. Requires the Secretary to notify the disciplining authorities of all complaints that he or she is investigating and establishes procedures for disciplining authorities to challenge those decisions. Specifies that where more than one act of unprofessional conduct is under investigation and one of the acts is related to standards of practice or where clinical expertise are necessary, the disciplining authority has primary investigative authority. Eliminates references to specific acts of unprofessional conduct and replaces them with aggravating factors that, if found three times, may result in the revocation of a license. Specifies that one or more acts of sexual misconduct with the same patient or client that is charged as part of a single statement of charges is considered one act of unprofessional conduct for purposes of revoking a health care provider's license under the three strikes provisions.

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