

SENATE BILL REPORT

ESHB 2879

As Reported By Senate Committee On:
Health & Long-Term Care, February 25, 2004

Title: An act relating to health professions disciplinary procedures.

Brief Description: Revising the department of health's health professions disciplinary authority.

Sponsors: House Committee on Health Care (originally sponsored by Representatives Cody, Campbell and Schual-Berke; by request of Department of Health).

Brief History:

Committee Activity: Health & Long-Term Care: 2/25/04 [DPA].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: Do pass as amended.

Signed by Senators Deccio, Chair; Winsley, Vice Chair; Franklin, Keiser and Thibaudeau.

Staff: Tanya Karwaki (786-7447)

Background: When the Secretary of Health or a health professions board or commission determines upon investigation that there has been a violation of the Uniform Disciplinary Act, they may file a statement of charges. Upon being served with a statement of charges, a licensed health care provider or applicant may request a hearing within 20 days to contest the charges. A 60-day extension may be granted for good cause. If no hearing is requested, then the matter is considered to be in default and the secretary or board or commission may enter a decision based on the facts determined from the investigation.

Summary of Amended Bill: As an alternative to a statement of charges, the Secretary of Health or health professions board or commission may issue a written notice of action. The notice of action must state the reasons for the action and impose a specified sanction, other than revocation. If the person who is the subject of the notice of action requests an adjudicative proceeding within 20 days of being served, the action has no effect and the matter will be determined by an adjudicative proceeding. The person may also request a 60-day extension for good cause. If no request for an adjudicative hearing is made before the time to respond, then the action becomes effective and the sanction may be imposed without a hearing. The person may petition for reconsideration and judicial review according to the Administrative Procedure Act.

Amended Bill Compared to Original Bill: The striking amendment changes the thirty day time period for requesting an adjudicative proceeding to twenty days. It also replaces the provision that a person may petition within one year for reconsideration by demonstrating good cause for not receiving or replying to the action with a provision that a person may petition for reconsideration and judicial review according to the administrative procedure act.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed, except for section 2, relating to practice without a license, which takes effect January 1, 2005.

Testimony For: This bill creates administrative efficiencies. It provides the same due process rights as a statement of charges. Cases with revocation would still be handled through the current process.

Testimony Against: None.

Testified: Ron Weaver, DOH (pro).