

# SENATE BILL REPORT

## SHB 1300

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As Reported By Senate Committee On:  
Health & Long-Term Care, March 29, 2007

**Title:** An act relating to health professions administrative penalties.

**Brief Description:** Modifying the powers and duties of health care disciplining authorities.

**Sponsors:** House Committee on Health Care & Wellness (originally sponsored by Representatives Morrell, Campbell, Cody, Curtis, Schual-Berke, Green and Moeller; by request of Department of Health).

**Brief History:** Passed House: 2/21/07, 96-0.

**Committee Activity:** Health & Long-Term Care: 3/15/07, 3/29/07 [DPA].

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Majority Report:** Do pass as amended.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug, Ranking Minority Member; Carrell, Fairley, Kastama, Kohl-Welles, Marr and Parlette.

**Staff:** Edith Rice (786-7444)

**Background:** The Uniform Disciplinary Act (UDA) governs disciplinary actions for all 57 categories of credentialed health care providers. The UDA defines acts of unprofessional conduct, establishes sanctions for such acts, and provides general procedures for addressing complaints and taking disciplinary actions against a credentialed health care provider. Responsibilities in the disciplinary process are divided between the Secretary of the Department of Health (Department) and the 14 health profession boards and commissions (collectively known as "disciplining authorities") according to the profession that the health care provider is a member of and the relevant step in the disciplinary process.

Individuals who have been convicted of a felony may not be disqualified from government employment or the practice of a profession or business that requires a license, solely because of the prior conviction. There is an exception for situations in which the conviction is directly related to the employment or the profession or business at issue and less than ten years has passed.

Defendants who have completed their probation may have their records of convictions vacated and be released of any penalties and disabilities that arose from the conviction. In addition, the conviction is prohibited from being disseminated or disclosed by either the Washington State Patrol or local law enforcement agencies.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Substitute Bill:** The circumstances for which a disciplining authority may deny an application for a health care provider credential or issue the credential with conditions are specified. When determining the disposition of an application in which the applicant's mental or physical condition is at issue, the disciplining authority may require the applicant to submit to a mental or physical examination at his or her expense. If the applicant does not submit to an examination, the disciplining authority may deny the application. An applicant is deemed to have waived all objections to the admissibility of the testimony or reports of the health care provider who performed the physical, mental, or psychological examination.

Credentialed health care providers are required to produce any documents, records, or other items within their possession or control within 21 business days of a request by a disciplining authority. If a health care provider fails to produce the materials or obtains an extension, the disciplining authority may issue a citation and assess a maximum fine of \$100 for each day that the materials are not produced. The total fine imposed may not exceed \$5,000. The citation must contain specific provisions, including notification to the health care provider that he or she may request a hearing within 20 days of the issuance of the citation.

A credentialed health care provider who has surrendered his or her credential or had it revoked must wait at least five years before petitioning the disciplining authority for reinstatement. The exemption for defendants who have completed their probation to have the records of their convictions vacated and the disclosure of that conviction not be distributed by the Washington State Patrol or local law enforcement agencies does not apply to the UDA. Health care provider credentials are exempt from protections that prevent a person from being disqualified to practice a profession for no more than ten years when he or she has a prior felony conviction.

**EFFECT OF CHANGES MADE BY RECOMMENDED AMENDMENT(S) AS PASSED COMMITTEE (Health & Long-Term Care):** Fines are now consistent.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: These changes are needed by the Department and will help the Department do what it is supposed to do. It streamlines the process and allows the Department to deny applicants with criminal backgrounds. It ensures that the Department can get the records it requests in licensing matters. One-hundred dollar fines for noncompliance should be consistent.

OTHER: We have some technical corrections to the bill.

**Persons Testifying:** PRO: Representative Morrell, prime sponsor; Laurie Jenkins, Assistant Secretary, Department of Health.

OTHER: Gail McGaffick, Washington Acupuncture and Oriental Medicine Association.