

FINAL BILL REPORT

SSB 5752

C 177 L 09
Synopsis as Enacted

Brief Description: Regarding cost recovery in disciplinary proceedings involving dentists.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senators Marr, Pflug, Hobbs and Keiser).

Senate Committee on Health & Long-Term Care
House Committee on Health Care & Wellness
House Committee on Health & Human Services Appropriations

Background: The Dental Quality Assurance Commission (DQAC) was established to regulate the competency and quality of professional dentist health care providers by establishing, monitoring, and enforcing qualification for licensure, continuing education, standards of practice, competency, and discipline. The administrative expenses of every health care profession, including dentists, are paid for by that profession's licensing fees. Disciplinary action accounts for approximately 85 percent of the administrative expenses of the commission. Expenses incurred for disciplinary activities include investigations and legal analysis, board member time, outside experts, Attorney General advice and prosecution, records collection and reproduction, staff attorneys, health law judges, and hearing room rentals. Licensing fees are determined by the number of members in the licensed profession and the level and complexity of disciplinary activity.

Summary: When DQAC sanctions or fines a dentist in a disciplinary hearing, the commission must assess a partial recovery hearing fee in the amount of \$6,000 for each full day hearing. It must also assess a partial recovery of investigative and hearing preparation expenses up to \$10,000. The commission can waive the hearing fee if its imposition would cause an undue hardship for the dentist or it would be manifestly unjust. In the event a dentist pursues judicial review at the superior court, appellate court, or Supreme Court level, a partial cost recovery fee of \$25,000 must be assessed at each level of review. The reviewing court is permitted to waive the hearing fee for undue hardship or manifest injustice. A partial recovery fee is limited to \$2,000 if the disciplinary action is resolved through a stipulated informal disposition.

All fees are to be deposited in that portion of the health professions account allocated to the commission.

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.

Votes on Final Passage:

Senate	48	0
House	96	2

Effective: July 26, 2009