

WAC 246-808-070 Early remediation program—Criteria. (1) The commission shall use the following criteria to determine eligibility for early remediation:

(a) Practice limitations are not needed to ensure patient protection;

(b) The identified practice deficiencies may be corrected by education, training, monitoring, or any combination of these;

(c) The respondent is willing and able to participate in the early remediation program; and

(d) The practice deficiency did not result in patient harm.

(2) The commission may offer a remediation plan to resolve a complaint in cases of the following practice deficiencies:

(a) Documentation of care;

(b) Radiographic standards;

(c) Billing and coding;

(d) Advertising or marketing;

(e) Continuing education; or

(f) Other minor practice concerns as determined by the commission.

(3) The commission may offer a remediation plan to resolve eligible complaints. Nothing in this section requires the commission to offer a remediation plan. A licensee who accepts a remediation plan waives any right to a hearing to modify a remediation plan or challenge the commission's decision regarding successful completion of a remediation plan.

(4) The commission shall use the following process to implement the early remediation program:

(a) After a preliminary investigation identifies the practice deficiencies, the commission shall apply criteria in subsections (1) and (2) of this section to determine eligibility for the early remediation program;

(b) If all of the criteria are met, and if the commission determines the licensee is eligible for participation in the early remediation program, the commission shall propose a remediation plan to the licensee;

(c) The commission shall evaluate whether the practice deficiencies have been corrected and are unlikely to recur;

(d) The commission may decide to conduct a full investigation and consider disciplinary action if additional facts become known or circumstances change such that the licensee is no longer eligible based on the criteria in subsections (1) and (2) of this section; and

(e) If the licensee complies with the agreed remediation plan, the commission may consider the licensee's completion of the remediation plan as grounds to close the matter without further action.

[Statutory Authority: RCW 18.25.0171 and 18.130.050. WSR 19-13-080, § 246-808-070, filed 6/17/19, effective 7/18/19.]