

WAC 296-19A-266 How will the department handle complaints or allegations of sexual misconduct or contact? (1) Specific to allegations of sexual misconduct or contact, the department will initiate an investigation by department staff or by an external investigative agency following a complaint or an internal request for review. The department shall determine any appropriate sanctions after receiving the investigation report.

(2) Sexual misconduct or sexual contact with any party involved in a worker's compensation claim for which the provider is providing services will result in corrective actions or sanctions based on the table below. These parties include, but are not limited to: The injured worker, the worker's immediate family members, employer, medical and other service provider(s), and legal counsel.

Sexual Misconduct or Sexual Contact (including convictions of sexual misconduct)				
Severity	Tier/Conduct	Sanction Range In Consideration of Aggravating & Mitigating Circumstances		Duration
		Minimum	Maximum	
Least ↓	A -Any conduct, contact, or statements of a sexual or romantic nature	Conditions may include reprimand, training, short-term monitoring, and/or evaluation to be performed by the VRC's vocational firm and reported to the department.	Minimum conditions and oversight by the vocational firm and reported to the department at least every six months for three years which may include supervision when meeting with a client and/or probation.	0-3 years
↓	B -Sexual contact, romantic relationship, or sexual statements that risk or result in client harm	Oversight for two years which may include training, probation, suspension, practice restrictions, monitoring, supervision when meeting with a client, and/or evaluation to be monitored by the vocational firm and reported to the department at least every six months.	Minimum conditions for up to five years or permanent restrictions or revocation of the VRC ID number.	2-5 years Unless permanent revocation of VRC ID number
↓ Greatest	C -Sexual contact involving force and/or intimidation, and convictions of sexual offenses in RCW 9.94A.030	Permanent revocation of the VRC ID number.		Permanent Revocation of VRC ID number

(3) The department shall report all cases of sexual misconduct or contact that result in sanctions to the appropriate credentialing body.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, and 51.36.110. WSR 19-21-149, § 296-19A-266, filed 10/22/19, effective 1/1/20.]