Licensing & Certification
Professional Licensing Services

1989-91 BIENNIAL REPORT OF THE DISCIPLINARY PROCESS

June 1991
Prepared by Office of Licensing Policy & Budget
# TABLE OF CONTENTS

Introduction 1
The Regulatory Framework 4
The Disciplinary Process 9

# LIST OF TABLES

**Organization of the Regulatory Framework** 4
- Professional Licensing Services Overview 5
- Department Boards 7
- Department Advisory Committees 8

**The Disciplinary Process** 9
- Summary of Disciplinary Workload and Actions 10
- Disciplinary Workload by Profession 11
- Disciplinary Workload of All Professions 12
- Disciplinary Case Actions 14
- Disciplinary Actions of all Professions 15

Glossary of Terms for Disciplinary Workload 17
Glossary of Terms for Disciplinary Actions 18
1989-91 BIENNIAL REPORT
OF THE DISCIPLINARY PROCESS

This is the first report of the Department of Health on the
disciplinary actions for health care professions regulated under
the Uniform Disciplinary Act (UDA: RCW 18.130.310).

During the first two years of the Department of Health, the
disciplinary programs have made significant improvements in the
operation of the programs, in funding and in staffing.
Expectations on the part of consumers continue to increase, and
the workload of the programs has increased dramatically since the
Uniform Disciplinary Act was adopted in 1984. The department and
the boards are working together to evaluate and revise
administrative systems for accomplishing necessary work. Careful
attention to funding and staffing of the programs will be
necessary to maintain the benefits achieved in the past two
years. The department and boards appreciate the attention of the
legislature to policy and budget issues concerning consumer
protection.

The document provides summary charts which illustrate activities
for all health professions and charts which reflect various
aspect of the disciplinary system. These include the regulatory
acts that affect health care and the disciplinary framework; a
listing of the professions and their disciplining authority; and
a simplified disciplinary process chart.

RECOMMENDATIONS:

The Department of Health received recommendations for
improvements to the disciplinary process from disciplinary
boards. Recommendations address administrative issues, which the
Department will be reviewing with the boards. The administrative
recommendations are included in this report for informational
purposes. Recommendations which would require legislative action
are in bold type. Also included are initiatives which were
developed by the Professional Licensing Services in order to
continue quality improvements of the disciplinary system.

DENTAL DISCIPLINARY BOARD

Background:

A few years ago the Dental Disciplinary Board reviewed its
outstanding assistant attorney general (AAG) cases and expressed
concern with the length of time it took to prosecute dental
cases. In 1988 the Board learned that it did not have money in
the budget to pay for assistant attorney general time to
prosecute all these cases. The Board went through the process of
raising renewal fees and requested a budget enhancement for AAG
services. The Board received its enhancement at the beginning of the 1989-91 biennium and was allotted $256,478.00 for AAG services which was a 218% increase over the 1987-89 biennium allotment of $85,033.00.

During July 1989, the Board Chair, Program staff and AAG met to discuss obtaining additional assistant attorney general services with its increased allotment in order to process the backlog of cases. Since that time the Board's backlog has continued to grow, and despite the fact that assistant attorneys general have been assigned to help the AAG, these cases have not been completed.

The Board is very concerned about the approximate 100 cases pending at the Assistant Attorney General's Office, some of these cases dating back to 1985.

Reasons for recommendations for the UDA report:

The Dental Disciplinary Board is very concerned with public protection and believes that a rapid, prioritized approach to the resolution of its cases is necessary to protect the public. To accomplish this goal, the Board believes that changes in assistant attorney general support must be made immediately. The Board has invited the Senior Assistant Attorney General to its July Board meeting to discuss their concerns and options. Also, the Board would like to go on record with its concerns related to the delay in prosecution of disciplinary cases and, if necessary, obtain assistance from the Department of Health in obtaining AAG support for the prosecution of its cases. If the Board is not able to obtain the necessary AAG support, its second alternative would be to request legislation through the Department of Health to obtain a private attorney to prosecute cases for the Dental Disciplinary Board.

EXAMINING BOARD OF PSYCHOLOGY

Recommendations from the Examining Board of Psychology:

The statute should be changed to make the Psychology law a practice act which would require a license to perform services in the practice of psychology instead of a title act which merely provides title protection. The Psychology law would be strengthened if it had a practice act, and there would be further protection of the public. There are currently several cases and issues before the Board that cannot be addressed because they have a title act only.

The turnover of assistant attorneys general should be minimized. There is currently a one year backlog of disciplinary cases because of the high turnover. The disciplinary process would be enhanced with less turnover and the public would be better served.
INITIATIVES

Professional Licensing Services has developed the following initiatives for 1991-93 related to disciplinary activity:

1. Enhance the efficiencies of the disciplinary process by:
   - implementation of a new computer system to manage the disciplinary processes;
   - improved reporting of case progress and findings to programs; and
   - establishment of a new personnel series to recruit and retain highly qualified health care professionals for the investigatory process.

2. Facilitate education strategies that impact quality of care complaints and malpractice claims;

3. Work in partnership with peer review organizations to identify aberrant practice behavior;

4. Enhance policy consistency within the health care regulatory programs by:
   - establishment of division-wide workgroups to enhance policy consistency and to recommend additional division policy areas and standards;
   - greater standardization of procedures and policies in the investigatory and examination programs; and
   - streamlining of licensing policies for professions.

5. Establish a centralized substance abuse monitoring program for impaired practitioners.
REGULATORY FRAMEWORK

DEPARTMENT OF HEALTH

DOH Act

Uniform Disciplinary Act

Administrative Procedures Act

Board Practice Acts

Health Care Regulation and Disciplinary Framework
PROFESSIONAL LICENSING SERVICES
OVERVIEW

The mission of Professional Licensing Services Division is to promote an effective partnership among the Department of Health, the boards, the public and the health professions to improve the quality of health care in the state of Washington.

Professional Licensing Services will accomplish this mission by:

- Examining applicants for licensure
- Reviewing applicant qualifications and background
- Receiving and processing complaints
- Conducting investigations, audits and inspections
- Supporting licensing disciplinary processes
- Supporting licensing board hearings and meetings
- Researching, developing and implementing licensing policies
- Developing and implementing professional licensing rules
- Collecting, analyzing and distributing health related data
- Providing education services and disseminating information
- Responding to information requests and phone inquiries
- Developing and monitoring proposed legislation.

Licensing services are provided to over 275,000 licensees and over 25 boards, committees and councils regulating the professions of:

- Acupuncturist
- Dental Hygienist
- Dietician/Nutritionist
- Hearing Aid Fitter/Dispenser
- Message Therapist
- Mental Health Counselor
- Naturopath
- Nursing Home Administrator
- Occupational Therapist
- Osteopathic Physician
- Physical Therapist
- Practical Nurse
- Radiological Technologist
- Registered Nurse
- Sex Offender Therapist
- Veterinarian
- Chiropractor
- Dentist
- Dispensing Optician
- Medical Physician
- Midwife
- Nursing Assistant
- Nursing Pools
- Ocularist
- Optometrist
- Pharmacist
- Podiatrist
- Psychologist
- Registered Counselor
- Respiratory Therapist
- Social Worker
Professional Licensing Services consists of ten sections, including:

Dental Health Care Unit
Examination and Education Services Unit
Health Care Unit One
Health Care Unit Two
Health Care Unit Three
Investigation Service Unit
Licensed Practical Nursing Unit
Medical Unit
Board of Pharmacy
Registered Nursing/Nursing Assistant Unit
DEPARTMENT OF HEALTH
BOARDS

Board Authority

- Dental Disciplinary
- Dental Examining
- Chiropractor Disciplinary
- Chiropractor Examining
- Medical Disciplinary
- Medical Examining
- Pharmacist
- Nursing Home Administrator
- Psychologist
- Osteopathic Physician and Surgeon
- Podiatrist
- Physical Therapist
- Occupational Therapist
- Optometrist
- Veterinarian
- Practical Nurse
- Hearing Aid Fitter/Dispenser
- Registered Nurse
DEPARTMENT OF HEALTH
Health Professions Advisory Committee

Secretary Authority

Acupuncturist
Nursing Assistants*
Nursing Pools**
Respiratory Care Therapist
Naturopathic Physician
Health Care Assistant
Mental Health Counselor
Ocularist
Midwife

Radiologic Technologist
Dental Hygienist
Diet/Nutritionist
Social Worker
Marriage & Family Therapist
Dispensing Optician
Registered Counselor**
Sex Offender Treatment Providers

* Also Advisory Committee to Board of Nursing, which sets certification requirements for Nursing Assistants

** Secretary Authority, no Committee
Disciplinary Process

- Complaint Received
- Assess Complaint
- Investigation
- Board Review
- Statement of Charges
- Settlements
- Hearings
- Compliance
- Closure
This table compares overall disciplinary workload and actions for all professions for the bienniums 1987-89 and 1989-91.
The tables on pages 11-13 describe disciplinary workload actions for all health care professionals. It is possible for a case to appear more than once in either the hearings or the compliance stage. The numbers for these stages indicate the number of total actions. For example, if a profession has both an informal and formal hearing, they have been counted as having two hearings.
### DISCIPLINARY WORKLOAD
#### ALL PROFESSIONS

July 1, 1989 to May 31, 1991

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<tr>
<th>Profession</th>
<th># of Licenses</th>
<th>Complaints</th>
<th>Investigations</th>
<th>Charges</th>
<th>Hearings</th>
<th>Compliance</th>
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<td>Hearings</td>
<td>Compliance</td>
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The tables on pages 14-16 have six general categories which indicate the overall disciplinary actions for each profession. It is possible for a single licensee to have one or several actions. For example, a professional may have an assurance of discontinuance issued and later have his/her license revoked.
# DISCIPLINARY ACTIONS
## ALL PROFESSIONS
### July 1, 1989 to May 31, 1991

<table>
<thead>
<tr>
<th>Profession</th>
<th># of Licenses</th>
<th>Revoked</th>
<th>Suspended</th>
<th>Probation</th>
<th>Other</th>
<th>Assurance of Disc.</th>
<th>Denial / Cond.</th>
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## DISCIPLINARY ACTIONS
### ALL PROFESSIONS
July 1, 1989 to May 31, 1991

<table>
<thead>
<tr>
<th>Profession</th>
<th># of Licenses</th>
<th>Revoked</th>
<th>Suspended</th>
<th>Probation</th>
<th>Other</th>
<th>Assurance of Disc.</th>
<th>Denial / Cond.</th>
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<td>Occupational Therapist</td>
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### Percentages
- 8%
- 15%
- 19%
- 25%
- 17%
- 16%
GLOSSARY
WORKLOAD TERMS

COMPLAINTS:
The number of complaints received. A licensee may have one to several complaints lodged against him or her. If these are received within a short time of each other and/or are related to each other by either complainant or nature of complaint, they may be combined into a single case to reduce the administrative overhead. After a case is received it is assessed by program staff to determine if there is jurisdiction for the complaint before proceeding to investigation.

INVESTIGATION:
When an assessment determines there is jurisdiction, an investigation is conducted by investigative staff to determine all of the facts available.

STATEMENT OF CHARGES:
The formal document which charges someone with violation of a law or regulation.

HEARINGS:
Hearings may be of three types: Informal, Formal or Petition for Reinstatement. A respondent may have one or all of these.

COMPLIANCE:
As part of the elements of a Final Order, respondents are frequently required to adhere to specific requirements. The count in this column is a total of the number of times they had to perform a compliance action.
Glossary of Actions

Revoked:
Cases in which the licensee had his or her license revoked.

Suspended:
Cases in which the licensee had his or her license suspended.

Probation:
Cases in which the licensee had his or her privilege to practice placed on probation.

Assurance of Discontinuance:
Cases in which the licensee and the disciplinary authority enter into an agreement stating that the licensee will comply with specified laws.

Denial/Conditional:
Cases in which applicants for licensure are denied or granted a license with probationary conditions.

Other:
Cases in which the punishment was other than one of the above, includes fines, reprimands, and Cease and Desist Orders.