

**Department of Health**  
**Board of Physical Therapy**  
**Policy/Procedure**

<b>Title:</b>	Guidelines for Mental Health Evaluators	<b>Number:</b>	<b>7.5</b>
<b>Reference:</b>	RCW 18.74.023 Board – Powers and duties		
<b>Contact:</b>	Kris Waidely, Health Services Consultant 3		
<b>Effective Date:</b>	July 20, 2004		
<b>Supersedes:</b>	November 17, 1998		
<b>Approved:</b>	Signature on file _____		
<b>Samuel Stockton, PT, Board Chair</b>			

**POLICY**

**PURPOSE:** RCW 18.130.170 provides that disciplinary authorities may investigate and take disciplinary action if the disciplinary authority believes a license holder or applicant may be unable to practice with reasonable skill and safety by reason of any mental or physical condition. This policy/procedure is to set forth the criteria the Board of Physical Therapy will use in determining whether to accept a mental health evaluation submitted to the Board.

**BACKGROUND:** In 1995, the Legislature directed the Secretary of Health to establish uniform procedures for specified stages of the investigation and adjudication of disciplinary cases, applicable to all disciplinary authorities listed in RCW 18.130.040. See *RCW 18.130.095, as amended by 1995 Laws, ch. 336 (SSB 5365)*. Pursuant to this statutory mandate, the Health Professions Quality Assurance Division (HPQAD) of the Department of Health adopted a policy/procedure entitled “Investigative

Mental and Physical Examinations,” number D06, which sets forth the following policy statement:

Disciplining authorities shall seek mental and/or physical examinations of a license holder or applicant only when the disciplining authority has evidence suggesting that the license holder or applicant is unable to practice the profession with reasonable skill and safety by reason of a mental or physical condition. Mental and/or physical examinations shall be required of a license holder or applicant only by order of the disciplinary authority in accordance with RCW 18.130.170(2) and this policy. Any order for mental or physical examination shall be narrowly tailored to address only the alleged mental or physical condition and the ability of the license holder or applicant to practice with reasonable skill and safety by reason of that condition.

Pursuant to RCW 18.130.095, the Board of Physical Therapy follows this HPQA policy/procedure

The 1995 Legislature also directed all disciplinary authorities listed in RCW 18.130.040 to adopt procedures to ensure substantially consistent application of the Uniform Disciplinary Act, RCW 18.130. See *RCW 18.130.040, as amended by 1995 Laws, ch. 336 (SSB 5365)*. This policy/procedure is adopted pursuant to that statutory mandate and is intended to supplement the pertinent HPQAD policy/procedure.

**POLICY/PROCEDURE:** Before a mental health evaluation will be considered as probative by the Board, the party submitting the evaluation must provide the Board with satisfactory evidence that the mental health evaluation was prepared in accordance with this policy/procedure. Affidavits and/or other evidence may be used to establish compliance with the following requirements:

1. The mental health evaluation must have been prepared by a mental health evaluator who possesses the following minimum qualifications:
  - a. A doctorate in psychology or board-certification as a psychiatrist.
  - b. Current licensure in good standing as a psychologist under RCW 18.83 or as a physician under RCW 18.71.

2. If a mental health evaluation is ordered, requested, or offered as a result of a complaint of sexual misconduct, the mental health evaluation must have been prepared by a mental health evaluator who possesses the following minimum qualifications:

a. Current certification in good standing as a sex offender treatment provider under RCW 18.155, which has been maintained in good standing for at least the immediate past three years.

b. Current practice involving the treatment of health care professionals who have engaged in sexual misconduct.

c. At least five years experience in the treatment of health care professionals who have engaged in sexual misconduct.

3. The Board will consider a mental health evaluation received from an out-of-state mental health evaluator only upon the following showing:

a. That special circumstances warrant the use of an out-of-state mental health evaluator.

b. That the professional qualifications and licensure status of the out-of-state mental health evaluator are comparable to those required of a Washington mental health evaluator.

4. The mental health evaluator must have reviewed the following materials before performing the mental health evaluation to be submitted for the Board's consideration:

a. A copy of the investigative report the mental health evaluator obtained directly from the Board of Physical Therapy.

b. A current copy of the American Physical Therapy Association's Guide to Physical Therapist Practice, Chapters 1-3, which describes the breadth and scope of physical therapy practice, obtained from the Board.

5. The mental health evaluator identified to the Board must have personally evaluated the individual who is the subject of the mental health evaluation.

Nothing in this policy/procedure is intended to affect or diminish the legal right of any party to create a record in an adjudicative proceeding before the Board.