

Licensing & Certification
Professional Licensing Services

1989-91 BIENNIAL REPORT
OF
THE DISCIPLINARY PROCESS

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Prepared by
Office of Licensing Policy & Budget

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**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.

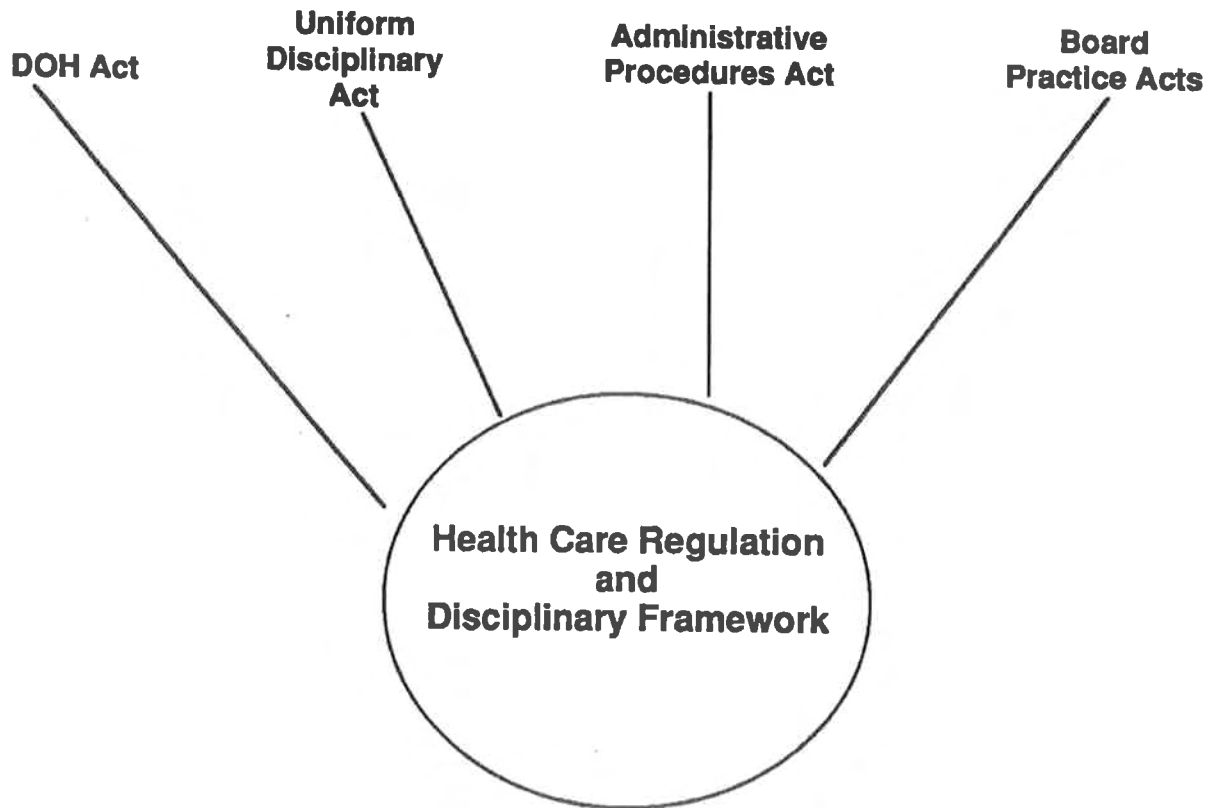
INITIATIVES

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



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 OVERVIEW

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

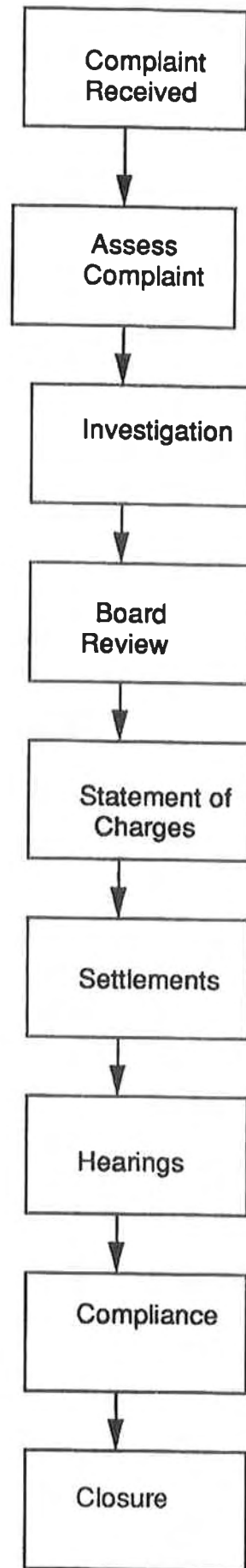
Registered Counselor**

Sex Offender Treatment Providers

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

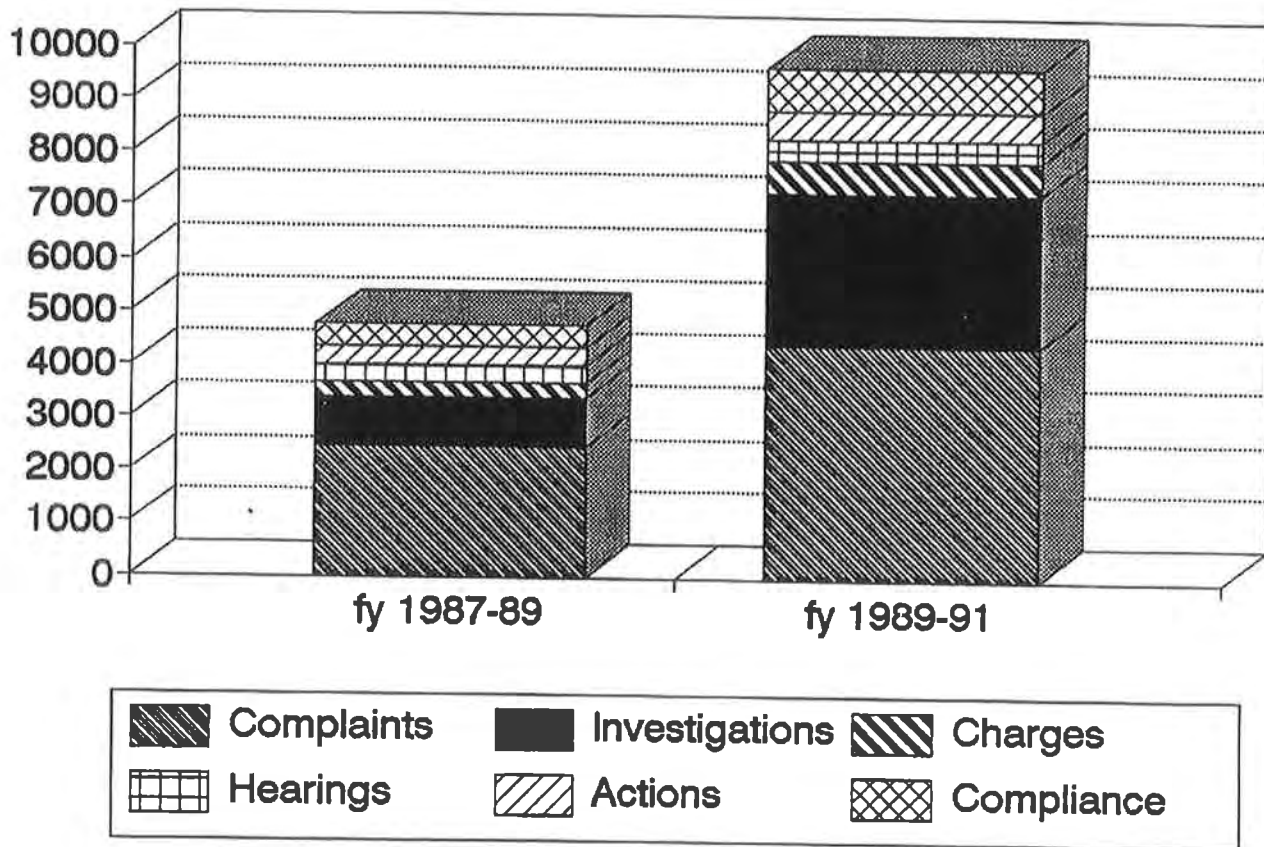
** Secretary Authority, no Committee

Disciplinary Process



Disciplinary Workload & Actions

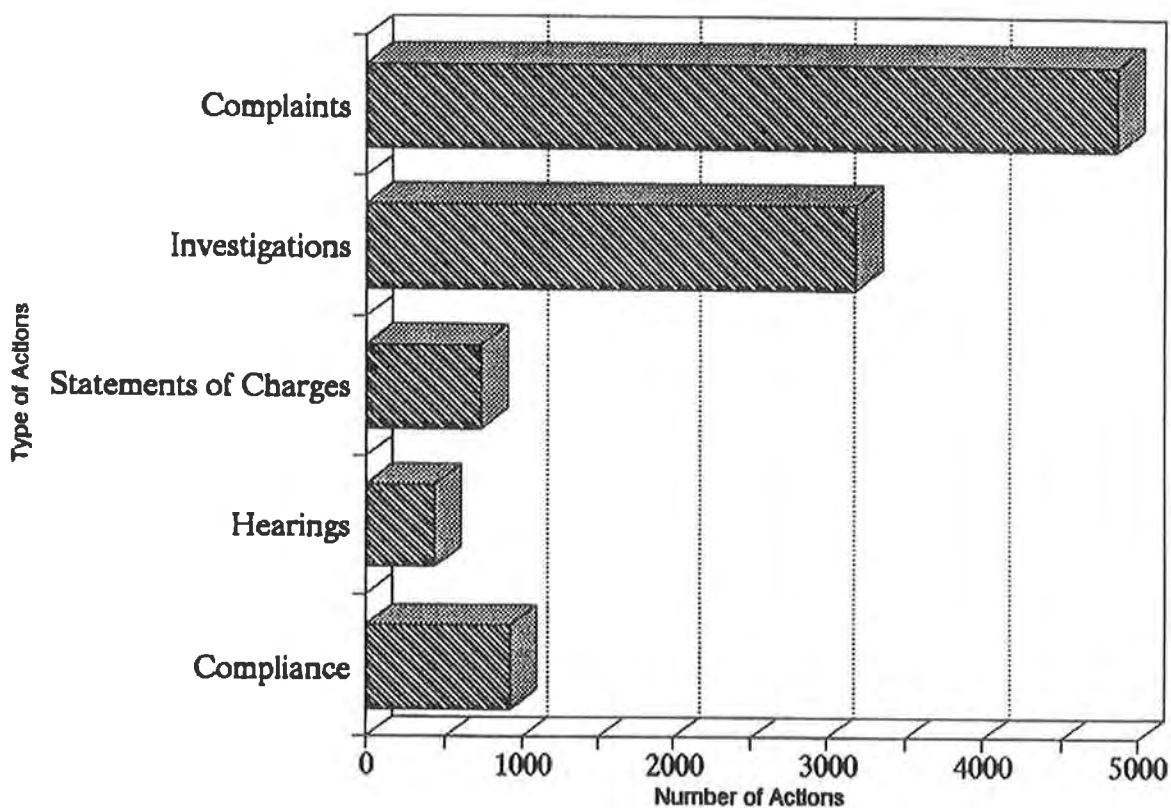
All Professions



This table compares overall disciplinary workload and actions for all professions for the bienniums 1987-89 and 1989-91.

DISCIPLINARY WORKLOAD FY 1989-91

All Professions



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.

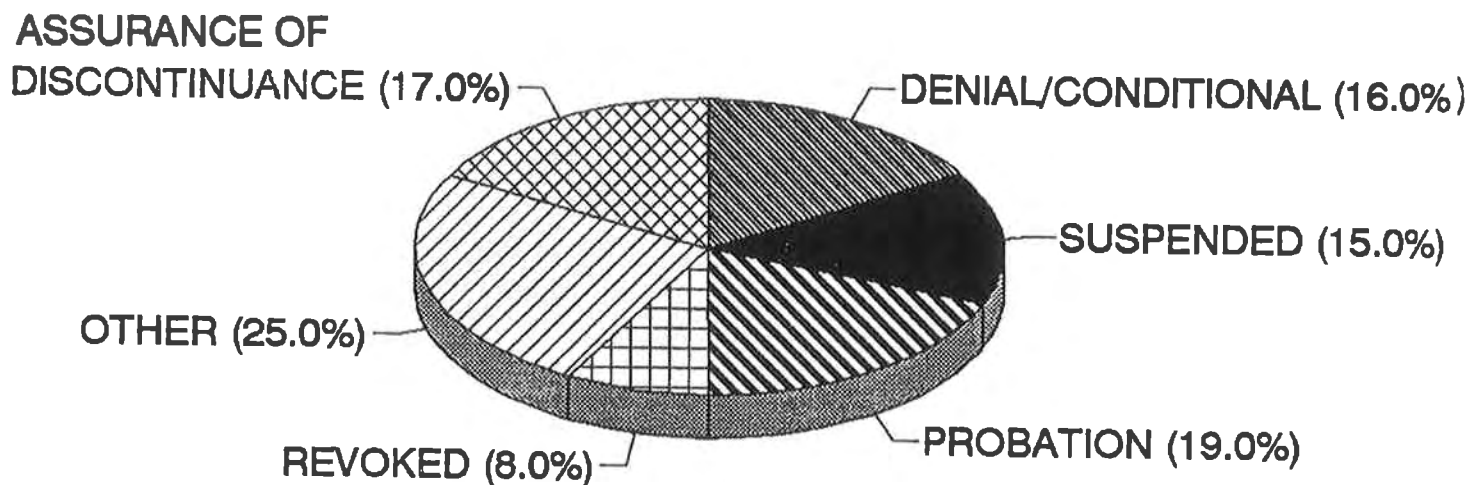
**DISCIPLINARY WORKLOAD
ALL PROFESSIONS
July 1, 1989 to May 31, 1991**

Profession	# of Licenses	Complaints	Investigations	Charges	Hearings	Compliance
Acupuncture	77	3	2	1	1	0
Chiropractic	1,450	239	74	19	8	4
Counselor (Registered)	12,271	107	160	29	3	50
Dental Hygienist	3,157	0	0	0	0	0
Dentist	3,781	365	232	10	14	303
Dietician/ Nutritionist	493 18	0 0	0 0	0 0	0 0	0 0
Dispensing Optician	706	35	20	1	0	1
Apprentice Disp. Optician	1,045	9	6	0	0	0
Hearing Aid Fitters	341	102	16	6	5	0
Hypnotherapist (Registered)	363	3	8	0	0	0
Marriage & Family Therapist	674	4	0	1	0	0
Massage	2,724	89	36	9	4	0
Medical Disc./ Physician Asst.	16,546	1,337	1,007	70	73	229
Mental Health Counselor	1,938	14	11	5	0	1
Midwifery	95	12	8	4	0	32
Naturopathy	234	5	4	1	1	0
Nursing Asst.	23,307	974	254	225	4	27
Nursing Home Administrator	549	17	18	9	9	6
Nursing Pools	153	2	1	0	0	0
Occupational Therapist	1,172	28	26	7	2	2

DISCIPLINARY WORKLOAD
ALL PROFESSIONS
 July 1, 1989 to May 31, 1991

Profession	# of Licenses	Complaints	Investigations	Charges	Hearings	Compliance
Occupational Therapist Asst.	186	1	1	0	0	0
Ocularist	7	0	0	0	0	0
Optometry	1,052	32	5	1	0	1
Osteopathy	558	58	70	6	2	4
Osteopathic Physician Asst.	15	0	0	0	0	0
Pharmacy	10,215	425	396	2	23	3
Physical Therapy	2,577	33	28	9	6	2
Podiatry	234	43	52	4	2	4
Practical Nursing	14,892	261	287	85	102	135
Psychology	1,100	115	43	25	4	7
Radiologic Technology	206	0	0	0	0	0
Registered Nursing	56,834	465	396	194	160	85
Respiratory Therapy	1,466	2	2	1	1	1
Social Worker	1,880	10	4	1	0	2
Veterinary/ Animal Technician	2,039	84	18	15	15	27
TOTALS	164,355	4,874	3,185	740	439	926

DISCIPLINARY CASE ACTIONS FY 1989-91



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**

Profession	# of Licenses	Revoked	Suspended	Probation	Other	Assurance of Disc.	Denial / Cond.
Acupuncture	77	0	0	0	1	0	0
Chiropractic	1,450	4	2	4	12	35	1
Counselor (Registered)	12,271	4	0	0	3	11	34
Dental Hygienist	3,157	0	0	0	0	0	1
Dentist	3,781	1	1	0	32	21	0
Dietician/ Nutritionist	493 18	0 0	0 0	0 0	0 0	0 0	0 0
Dispensing Optician	706	0	1	0	0	0	0
Apprentice Disp. Optician	1,045	0	0	0	0	0	0
Hearing Aid Fitters	341	2	2	1	0	0	0
Hypnotherapist (Registered)	363	0	0	0	0	0	0
Marriage & Family Therapist	674	0	0	0	0	0	1
Massage	2,724	3	1	7	0	32	0
Medical Disc./ Physician Asst.	16,546	10	25	65	4	21	3
Mental Health Counselor	1,938	2	0	0	0	0	2
Midwifery	95	0	0	0	2	0	0
Naturopathy	234	0		0	0	0	1
Nursing Asst.	23,307	3	14	5	18	15	46
Nursing Home Administrator	549	0	2	2	4	0	1
Nursing Pools	153	0	0	0	0	0	0

DISCIPLINARY ACTIONS
ALL PROFESSIONS
 July 1, 1989 to May 31, 1991

Profession	# of Licenses	Revoked	Suspended	Probation	Other	Assurance of Disc.	Denial / Cond.
Occupational Therapist	1,172	0	0	0	0	0	0
Occupational Therapist Asst.	186	0	0	0	0	0	0
Ocularist	7	0	0	0	0	0	0
Optometry	1,052	0	0	0	0	0	0
Osteopathy	558	1	1	1	4	1	1
Osteopathic Physician Asst.	15	0	0	0	0	0	0
Pharmacy	10,215	2	25	37	13	0	2
Physical Therapy	2,577	3	0	2	0	1	3
Podiatry	234	0	1	2	0	2	1
Practical Nursing	14,892	5	21	17	39	9	7
Psychology	1,100	1	0	7	0	1	3
Radiologic Technology	206	0	0	0	0	0	0
Registered Nursing	56,834	30	42	16	83	-	31
Respiratory Therapy	1,466	0	0	1	0	0	0
Social Worker	1,880	0	0	0	0	0	2
Veterinary/ Animal Technician	2,039	0	1	2	7	4	1
TOTALS	164,355	71	139	169	222	153	141
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
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.