

**Department of Licensing  
Professional Licensing Services**

**Biennial Report  
Of  
The Disciplinary Process**

**June 1989**

## **Biennial Report of the Disciplinary Process**

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This is the biennial report of disciplinary actions for health care professions regulated under the Uniform Disciplinary Act (UDA - RCW 18.130.310). It is made up of summary charts to illustrate the activity, followed by the numbers themselves, and a short glossary to explain terms for each set of data. At the end of the report are the recommendations of the boards for improvements in the disciplinary process. More detailed data is available upon request.

The three sets of data attached describe the activity of complaints against licensed health care professionals within the state of Washington. Since this report has been prepared for submission to the legislature prior to the end of the biennium, the data are for the first 23 months of the biennium only.

The first table indicates the number of cases processed in each stage of the disciplinary process. Please keep in mind that 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, so, for example, if a professional has both an Informal hearing and a formal hearing, they have been counted as having two hearings.

The second table indicates the percentage of complaints for each profession which fall into four general categories. It is possible for a single complaint to have one to several allegations. For example, if a professional is accused of malpractice and drug use, they will have complaints in both the "Impairment, Drugs/Alcohol" category and the "Incompetence, Negligence, Malpractice" category.

The third table provides statistics to illustrate the average number of allegations per complaint.

Finally, the fourth table indicates the action(s) taken on cases. Again the possibilities have been broken into a few broad categories.

## **Glossary for Actions**

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**Dismissed:**

Cases dismissed for any reason, including insufficient evidence and lack of jurisdiction.

**Revoked:**

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

**Suspended:**

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

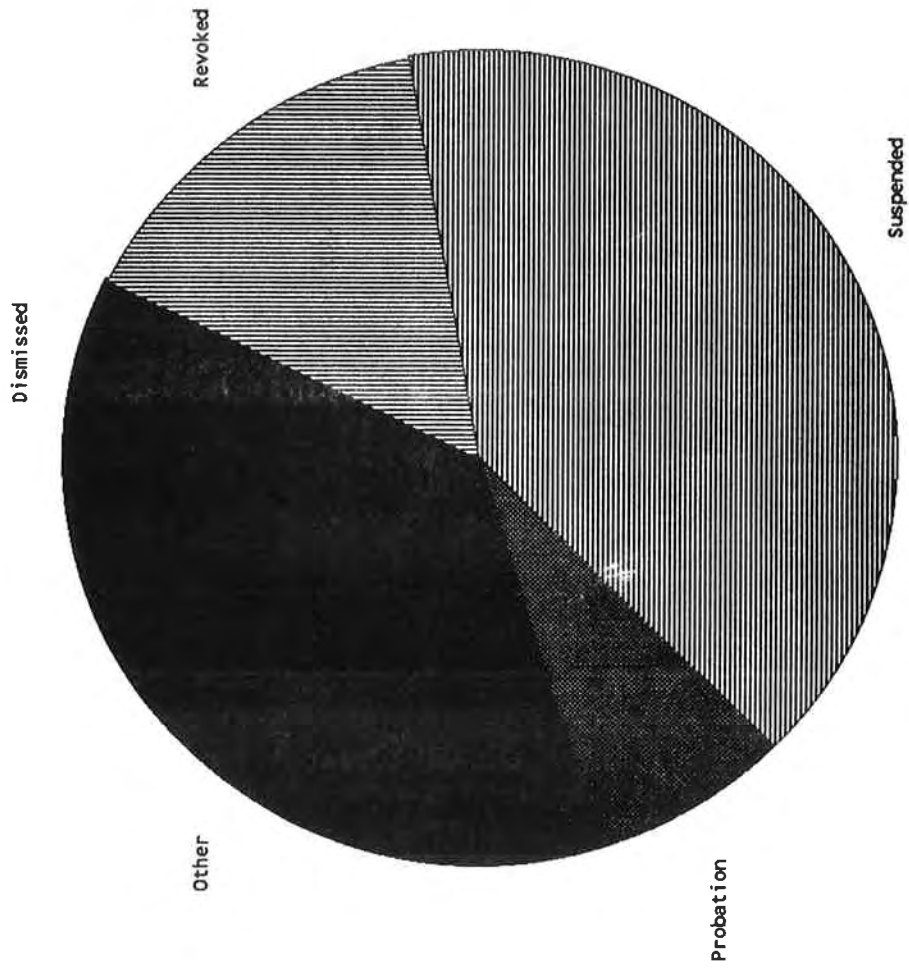
**Probation:**

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

**Other:**

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

Actions Taken on Disciplinary Cases 7/1/87 to 5/31/89



Actions Taken on Disciplinary Cases 7/1/87 to 5/31/89

| Profession                         | Dismissed | Revoked   | Suspended  | Probation | Other      | Total      |
|------------------------------------|-----------|-----------|------------|-----------|------------|------------|
| Acupuncturist                      |           |           |            |           |            |            |
| Physician Assistant                |           |           |            |           |            |            |
| Certified Acupuncturist            |           |           |            |           |            |            |
| Chiropractic                       | 2         | 3         | 3          | 10        |            | 18         |
| Registered Counselors              | 1         |           |            |           |            | 1          |
| Dental Hygienist                   |           |           |            |           |            |            |
| Dentist                            | 1         | 1         | 9          | 13        |            | 33         |
| Dietician                          |           |           |            |           |            |            |
| Dispensing Optician                |           |           |            |           |            |            |
| Funeral Directors/Embalmers        |           |           | 1          | 3         |            | 4          |
| Naturopath (Drugless Therapeutics) |           |           |            |           |            |            |
| Hypnotherapist                     |           |           |            |           |            |            |
| Massage                            |           | 3         | 1          | 7         |            | 11         |
| Medical Disciplinary               | 1         | 9         | 10         | 22        |            | 42         |
| Medical Examining                  |           |           |            |           |            |            |
| Midwifery                          |           |           |            | 1         |            | 1          |
| Nursing Assistant                  |           |           |            |           |            |            |
| Nursing Home Administrator         | 1         | 1         |            |           |            | 2          |
| Nursing Pool                       |           |           |            |           |            |            |
| Nutritionist                       |           |           |            |           |            |            |
| Occupational Therapist             | 1         |           |            |           |            |            |
| Occupational Therapist Assistant   |           |           |            |           |            |            |
| Ocularist                          |           |           |            |           |            |            |
| Optometry                          | 3         |           | 1          | 4         |            | 8          |
| Osteopath                          |           |           |            | 1         |            | 1          |
| Osteopathic Acupuncturist          |           |           |            |           |            |            |
| Physician                          |           | 1         |            | 2         |            | 3          |
| Physician's Assistant              |           |           |            |           |            |            |
| Podiatrist                         |           |           |            |           |            |            |
| Practical Nurse                    | 2         | 13        | 52         | 2         | 11         | 80         |
| Psychology                         | 3         | 1         | 1          | 2         | 6          | 13         |
| Radiation Technologist             |           |           |            |           |            |            |
| Registered Nurse                   | 12        | 22        | 79         | 2         | 15         | 130        |
| Respiratory Therapist              |           |           |            |           |            |            |
| Social Worker                      |           |           |            |           |            |            |
| Veterinarian                       | 1         | 1         | 2          | 1         | 17         | 22         |
| <b>Total</b>                       | <b>27</b> | <b>56</b> | <b>149</b> | <b>29</b> | <b>109</b> | <b>369</b> |

## **Glossary for Allegations**

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**Impairment:**

The percent of allegations which were concerned with either drug/alcohol or mental/physical impairment of practice.

**Unprofessional Conduct:**

The percent of allegations which were concerned with conduct which is unprofessional as defined by the UDA. May be any one of several different specific allegations.

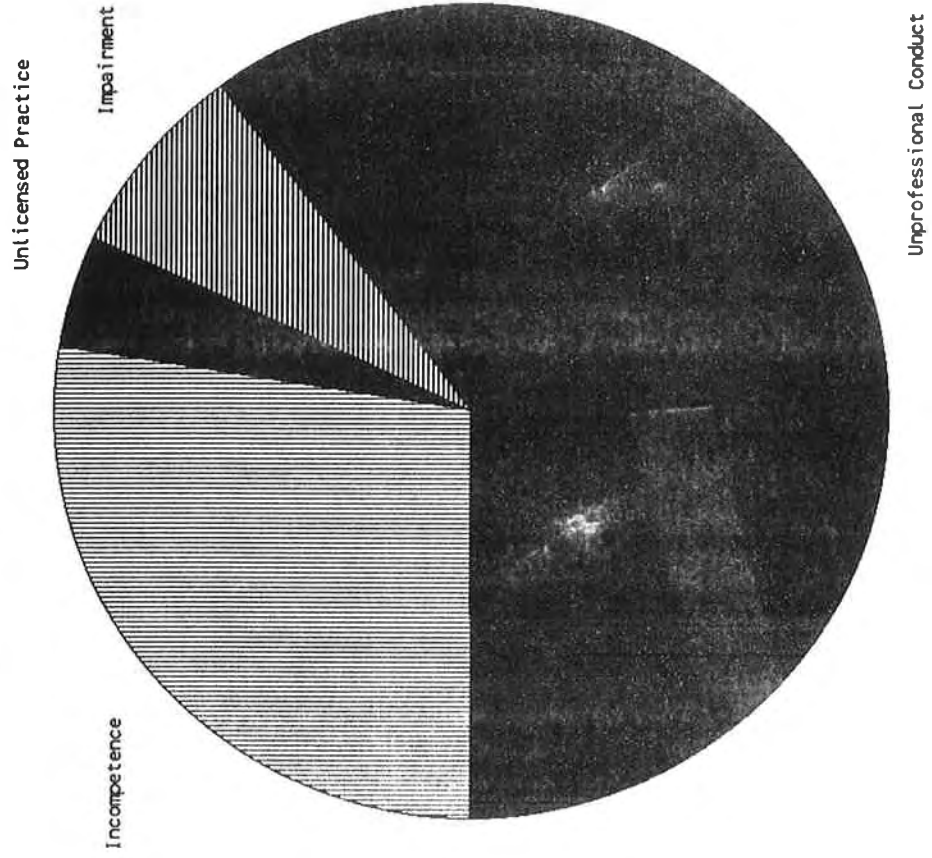
**Incompetence, Negligence, Malpractice:**

The percent of allegations which were concerned with behavior which could be considered as malpractice.

**Unlicensed Practice:**

The percent of allegations which dealt with the unlicensed practice of a regulated profession.

ALLEGATIONS AGAINST LICENSEES



Allegations Against Licensees 7/1/87 to 5/31/89 (All Figures are %)

| PROFESSION                          | Impairment       |                    | Unprof.<br>Conduct | Incompetence              |                        |
|-------------------------------------|------------------|--------------------|--------------------|---------------------------|------------------------|
|                                     | Drugs<br>Alcohol | Mental<br>Physical |                    | Negligence<br>Malpractice | Unlicensed<br>Practice |
| Acupuncturist Physician Assistant   | 0.00             | 0.00               | 50.00              | 50.00                     | 0.00                   |
| Certified Acupuncturist             | 0.00             | 0.00               | 100.00             | 0.00                      | 0.00                   |
| Chiropractic                        | 1.57             | 0.00               | 98.43              | 0.00                      | 0.00                   |
| Dental Hygienist                    | 0.00             | 9.09               | 81.82              | 9.09                      | 0.00                   |
| Dentist                             | 2.24             | 0.00               | 53.06              | 34.49                     | 10.20                  |
| Dietician                           | -                | -                  | -                  | -                         | -                      |
| Dispensing Optician                 | 0.00             | 0.00               | 100.00             | 0.00                      | 0.00                   |
| Naturopath (Drugless Therapeutics)  | 0.00             | 0.00               | 85.71              | 0.00                      | 14.29                  |
| Funeral Directors/Embalmers         | 0.00             | 0.00               | 100.00             | 0.00                      | 0.00                   |
| Health Care Assistant               | -                | -                  | -                  | -                         | -                      |
| Hypnotherapist                      | -                | -                  | -                  | -                         | -                      |
| Marriage & Family Counselor         | -                | -                  | -                  | -                         | -                      |
| Massage                             | 42.86            | 0.00               | 57.14              | 0.00                      | 0.00                   |
| Medical Disciplinary                | 0.65             | 0.00               | 34.30              | 62.78                     | 2.27                   |
| Medical Examining                   | 0.00             | 0.00               | 20.00              | 0.00                      | 80.00                  |
| Mental Health Counselor             | -                | -                  | -                  | -                         | -                      |
| Midwifery                           | 0.00             | 0.00               | 85.71              | 14.29                     | 0.00                   |
| Nursing Assistant                   | -                | -                  | -                  | -                         | -                      |
| Nursing Home Administrator          | -                | -                  | -                  | -                         | -                      |
| Nursing Pool                        | 0.00             | 0.00               | 0.00               | 100.00                    | 0.00                   |
| Nutritionist                        | -                | -                  | -                  | -                         | -                      |
| Occupational Therapist              | 0.00             | 0.00               | 80.00              | 20.00                     | 0.00                   |
| Occupational Therapist Assistant    | -                | -                  | -                  | -                         | -                      |
| Ocularist                           | -                | -                  | -                  | -                         | -                      |
| Optometry                           | 0.00             | 0.00               | 75.00              | 25.00                     | 0.00                   |
| Osteopath                           | 3.33             | 0.00               | 91.67              | 5.00                      | 0.00                   |
| Osteopathic Acupuncturist Physician | -                | -                  | -                  | -                         | -                      |
| Physical Therapy                    | 0.00             | 0.00               | 94.34              | 5.66                      | 0.00                   |
| Physician's Assistant               | 0.00             | 0.00               | 100.00             | 0.00                      | 0.00                   |
| Podiatrist                          | 0.00             | 0.00               | 100.00             | 0.00                      | 0.00                   |
| Practical Nurse                     | 25.74            | 4.41               | 44.85              | 22.06                     | 2.94                   |
| Psychology                          | 1.01             | 0.00               | 91.92              | 7.07                      | 0.00                   |
| Radiation Technologist              | -                | -                  | -                  | -                         | -                      |
| Registered Counselor                | -                | -                  | -                  | -                         | -                      |
| Registered Nurse                    | 18.35            | 7.87               | 53.93              | 16.85                     | 3.00                   |
| Respiratory Therapist               | 0.00             | 0.00               | 100.00             | 0.00                      | 0.00                   |
| Veterinarian                        | 0.00             | 0.00               | 68.09              | 31.91                     | 0.00                   |
| TOTAL                               | 6.17             | 1.63               | 60.34              | 27.55                     | 4.31                   |



## Glossary for Workload Terms

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### **Intake:**

The number of cases 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.

### **Assess:**

After a case is received it is assessed to determine if there is jurisdiction for the complaint.

### **Investigation:**

When the assessment determines there is jurisdiction, an investigation is conducted to determine all of the facts available.

### **Monitor:**

A case may be monitored when there have been allegations which required an investigation but for which there was insufficient evidence to proceed with a case.

### **Review:**

After the investigation or a period of monitoring, the case is reviewed to determine if there is sufficient evidence to proceed with administrative action.

### **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 to three of these.

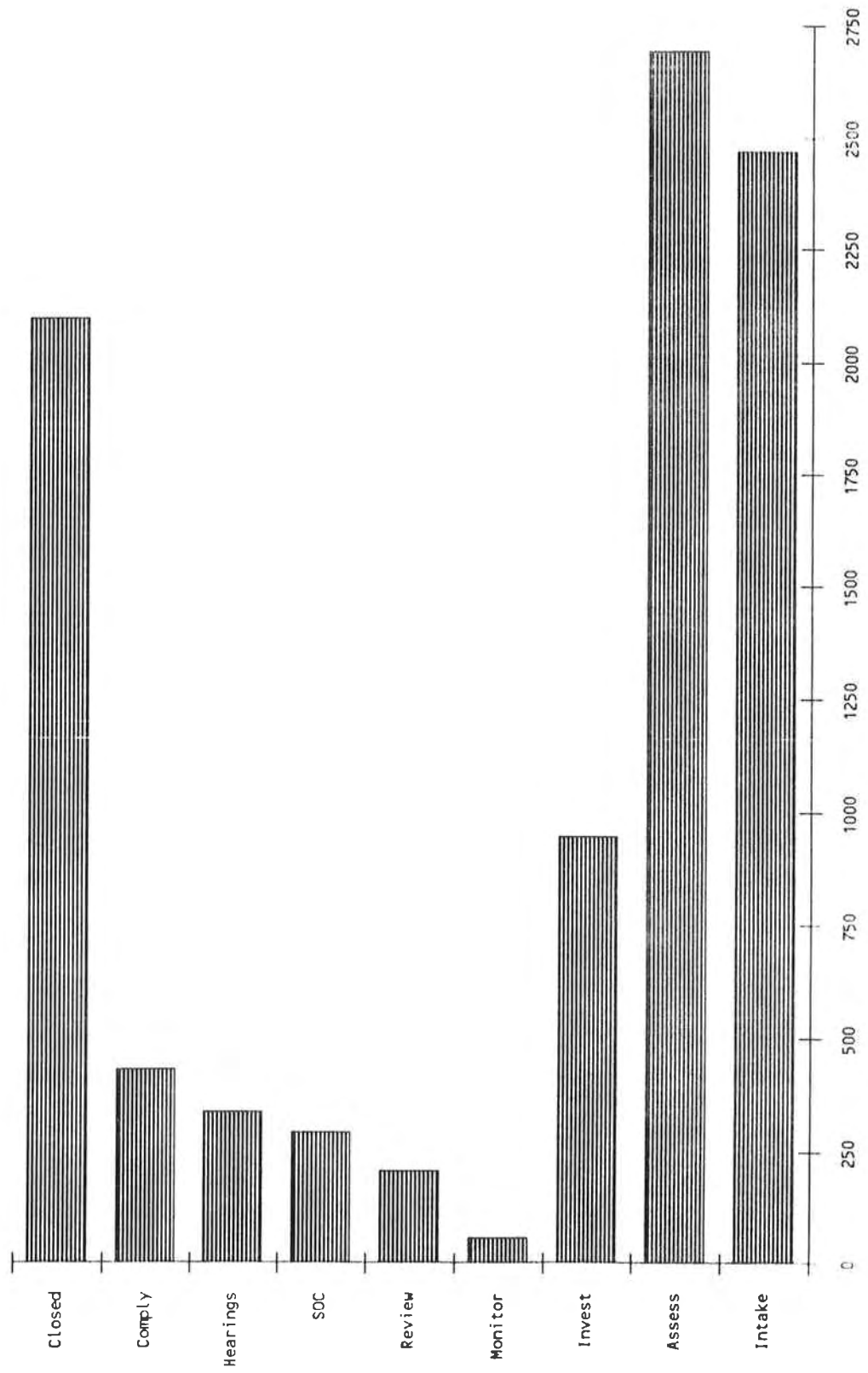
### **Comply:**

As part of the elements of a Final Order, respondents are frequently required to do something. The count in this column is a total of the number of times they had to perform a compliance action.

### **Closed:**

The number of cases closed.

Overall Workload for Disciplinary (Actual Numbers)



Overall Workload for Disciplinary 7/1/87 to 5/31/89

|                                     | Intake | Assess | Invest | Monitor | Review | SOC | Hearings | Comply | Closed |
|-------------------------------------|--------|--------|--------|---------|--------|-----|----------|--------|--------|
| Acupuncturist Physician Assistant   | 5      | 8      | 5      | 0       | 0      | 0   | 0        | 0      | 4      |
| Certified Acupuncturist             | 2      | 2      | 1      | 0       | 0      | 0   | 0        | 0      | 0      |
| Chiropractic                        | 206    | 236    | 71     | 5       | 0      | 5   | 3        | 0      | 208    |
| Dental Hygienist                    | 9      | 6      | 1      | 1       | 0      | 0   | 0        | 0      | 4      |
| Dentist                             | 316    | 327    | 110    | 13      | 80     | 16  | 16       | 66     | 146    |
| Dietician                           |        |        |        |         |        |     |          |        |        |
| Dispensing Optician                 | 24     | 19     | 14     | 1       | 0      | 0   | 0        | 0      | 17     |
| Naturopath (Drugless Therapeutics)  | 11     | 17     | 12     | 0       | 0      | 0   | 0        | 0      | 9      |
| Funeral Directors/Embalmers         | 33     | 35     | 24     | 0       | 0      | 3   | 7        | 0      | 38     |
| Health Care Assistant               |        |        |        |         |        |     |          |        |        |
| Hypnotherapist                      | 3      | 3      | 2      | 0       | 0      | 0   | 0        | 0      | 1      |
| Marriage & Family Counselor         |        |        |        |         |        |     |          |        |        |
| Massage                             | 36     | 38     | 20     | 0       | 0      | 7   | 0        | 0      | 27     |
| Medical Disciplinary                | 758    | 732    | 289    | 9       | 126    | 5   | 72       | 10     | 614    |
| Medical Examining                   | 18     | 11     | 11     | 0       | 0      | 0   | 0        | 0      | 5      |
| Mental Health Counselor             |        |        |        |         |        |     |          |        |        |
| Midwifery                           | 17     | 18     | 15     | 0       | 0      | 6   | 0        | 0      | 7      |
| Nursing Assistant                   | 5      |        |        |         |        |     |          |        |        |
| Nursing Home Administrator          | 18     | 19     | 13     | 0       | 0      | 5   | 2        | 0      | 21     |
| Nursing Pool                        | 5      | 4      | 3      | 0       | 0      | 0   | 0        | 0      | 1      |
| Nutritionist                        |        |        |        |         |        |     |          |        |        |
| Occupational Therapist              | 3      | 5      | 1      | 0       | 0      | 0   | 0        | 0      | 5      |
| Occupational Therapist Assistant    |        |        |        |         |        |     |          |        |        |
| Ocularist                           |        |        |        |         |        |     |          |        |        |
| Optometry                           | 26     | 25     | 17     | 0       | 0      | 0   | 0        | 0      | 28     |
| Osteopath                           | 133    | 203    | 17     | 18      | 0      | 0   | 1        | 0      | 215    |
| Osteopathic Acupuncturist Physician |        |        |        |         |        |     |          |        |        |
| Physical Therapy                    | 33     | 70     | 8      | 5       | 1      | 6   | 6        | 0      | 62     |
| Physician's Assistant               | 5      | 5      | 4      | 0       | 0      | 0   | 0        | 0      | 2      |
| Podiatrist                          | 25     | 6      | 11     | 0       | 0      | 0   | 0        | 1      | 7      |
| Practical Nurse                     | 177    | 212    | 79     | 0       | 1      | 74  | 61       | 115    | 144    |
| Psychology                          | 102    | 125    | 32     | 4       | 0      | 14  | 2        | 0      | 98     |
| Radiation Technologist              |        |        |        |         |        |     |          |        |        |
| Registered Counselor                | 81     | 82     | 62     | 2       | 0      | 2   | 0        | 0      | 58     |
| Registered Nurse                    | 300    | 362    | 103    | 2       | 1      | 128 | 144      | 241    | 290    |
| Respiratory Therapist               | 6      | 6      | 1      | 0       | 0      | 0   | 0        | 0      | 1      |
| Social Worker                       |        |        |        |         |        |     |          |        |        |
| Veterinarian                        | 114    | 121    | 25     | 0       | 0      | 24  | 27       | 0      | 88     |
| Total                               | 2471   | 2697   | 951    | 60      | 209    | 295 | 341      | 433    | 2100   |

Average  
Allegations  
per  
Complaint

| Profession                          | Average Allegations per Complaint | Low         | High |
|-------------------------------------|-----------------------------------|-------------|------|
| Dental Hygienist                    | 1.8                               | 0           | 3    |
| Midwifery                           | 1.6                               | 0           | 2    |
| Physical Therapy                    | 1.5                               | 0           | 4    |
| Registered Nurse                    | 1.4                               | 0           | 4    |
| Dentist                             | 1.4                               | 0           | 5    |
| Practical Nurse                     | 1.4                               | 0           | 4    |
| Occupational Therapist              | 1.3                               | Mean        | 2    |
| Psychology                          | 1.3                               | Mean        | 3    |
| Optometry                           | 1.3                               | Mean        | 2    |
| Naturopath (Drugless Therapeutics)  | 1.2                               | 0           | 2    |
| Chiropractic                        | 1.2                               | 0           | 3    |
| Medical Disciplinary                | 1.1                               | 0           | 3    |
| Osteopath                           | 1.1                               | 0           | 3    |
| Veterinarian                        | 1.1                               | 0           | 2    |
| Nursing Pool                        | 1                                 | 0           | 1    |
| Dispensing Optician                 | 1                                 | 0           | 4    |
| Medical Examining                   | 1                                 | 0           | 1    |
| Certified Acupuncturist             | 1                                 | 0           | 1    |
| Podiatrist                          | 1                                 | 0           | 1    |
| Acupuncturist Physician Assistant   | 1                                 | 0           | 1    |
| Respiratory Therapist               | 1                                 | 0           | 1    |
| Massage                             | 1                                 | 0           | 1    |
| Physician's Assistant               | 1                                 | Median (.9) | 1    |
| Hypnotherapist                      | 0                                 | 0           | 0    |
| Nutritionist                        | 0                                 | 0           | 0    |
| Radiation Technologist              | 0                                 | 0           | 0    |
| Osteopathic Acupuncturist Physician | 0                                 | 0           | 0    |
| Registered Counselor                | 0                                 | 0           | 0    |
| Ocularist                           | 0                                 | 0           | 0    |
| Dietician                           | 0                                 | 0           | 0    |
| Nursing Home Administrator          | 0                                 | 0           | 0    |
| Occupational Therapist Assistant    | 0                                 | 0           | 0    |
| Nursing Assistant                   | 0                                 | 0           | 0    |

## Uniform Disciplinary Act Biennial Report

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### Recommendations From Disciplining Authorities

The Department of Licensing received recommendations for improvements to the disciplinary process from three disciplinary boards or their members. A majority of the 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.

#### **Board of Medical Examiners**

Recommendations from a member of the Board:

The automated disciplinary tracking system should be updated weekly, and be adequate to meet the needs of the Board and staff;

Disciplinary compliance cases, interim registrations, and probationary licenses should be managed on a day to day basis with appropriate and timely follow-up;

**The statute should be changed to allow the Board to enter into a settlement with a licensee without issuing a statement of charges;**

**The statute should be changed to allow the Board to enter into a probationary license without issuing an intent to deny either registration or licensure;**

The Department should track the relationship between "problem" applications and the disciplinary actions taken by the Boards;

The Board should continue to be proactive by evaluating the disciplinary profiles of the charges and provide licensee education through newsletters and seminars;

Communication and coordination of cases with the Board of Pharmacy should be improved;

Disciplinary files which have been archived should be consolidated into one archive building;

The Attorney General's office or Department should employ court reporters through personal service contracts in an attempt to reduce costs;

The Department should develop a database within portable personal computers that tie a range of sanctions to each type of violation, allowing staff at (most) disciplinary hearings to prepare a final order for the Board sign and provide to the disciplined licensee at the conclusion of the hearing;

**The statute should be changed to allow the disciplining authorities to hire attorneys in private practice;**

Boards should utilize Administrative Law Judges during hearings and to advise the Board during deliberations;

Staff attorneys should be placed with other direct Board staff;

The Board should provide semi-annual feedback or evaluation of the disciplinary process and staff within the Department;

The Attorney General's Office should provide itemized billings on a monthly basis;

Attorney General's Office expenses such as rent, equipment, court reporters, transcripts, and travel should be included in the monthly billing for AG services, rather than submitted as separate, additional expenses;

The Board should establish turnaround times on work products by Department staff, with staff providing monthly feedback to the Board;

The Board should establish turnaround times on work products under the control of the Attorney General's Office, with staff providing monthly feedback to the Board.

### **Board of Optometry**

Recommendations from a member of the Board:

The Optometry Board staff support should be placed in its own separate unit, or if not in a separate unit, combined with Dentistry;

The Attorney General's Office should provide the Board with Assistant Attorney Generals who are thoroughly knowledgeable in Optometry and the law governing Optometry;

**The Board should be allowed to hire private counsel, or at least consult with private counsel in some cases.**

### **Examining Board of Psychology**

Recommendations from the Examining Board of Psychology:

**The statute should be changed to make the Psychology law a practice act instead of a title act. 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 disciplinary process would be improved if there were timely board appointments. The Board is currently missing two psychologist board members with an additional two whose terms will be ending in December. This places an extremely high workload on the remaining members, reduces the effectiveness of the Board to deal with disciplinary matters in a timely fashion and produces problems when planning for meetings and holding oral examinations;

The turnover of Assistant Attorney Generals 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.