

HOUSE BILL REPORT

SHB 2188

As Passed Legislature

Title: An act relating to the revocation of a physician's license.

Brief Description: Requiring a majority vote of the medical quality assurance commission to revoke a physician's license.

Sponsors: By House Committee on Health Care (originally sponsored by Representatives Backlund, Hymes, Dyer, Sherstad and Horn).

Brief History:

Committee Activity:

Health Care: 1/19/96, 1/23/96 [DPS].

Floor Activity:

Passed House: 2/5/96, 96-0.

Senate Amended.

House Concurred.

Passed Legislature.

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Cody, Ranking Minority Member; Murray, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Morris; Sherstad; Skinner and H. Sommers.

Staff: John Welsh (786-7133).

Background: The Medical Quality Assurance Commission is the disciplinary authority for physicians charged with unprofessional conduct under the Uniform Disciplinary Act. It is composed of 19 members, including 13 physicians, two physician assistants, and four public members. The commission is authorized to revoke licenses, among other sanctions available, upon a finding of unprofessional conduct.

Because of the number of disciplinary actions, the commission routinely divides into two panels, with a quorum of three members respectively, the first panel to investigate the complaint and the second panel to make a final determination. When a

finding has been made by the investigatory panel that there is sufficient evidence to warrant legal action, the other panel hears the case and issues a final order with sanctions. Panel decisions are taken by majority vote.

Under present procedures, a decision to revoke a physician's license can be made by a panel of less than a majority of the commission.

Summary of Bill: If the respondent makes a request within 20 days of the effective date of an order from a panel of the Medical Quality Assurance Commission that revokes the respondent's license to practice medicine, the commission must schedule a hearing within 60 days. The review of a license revocation order includes only those members of the commission not involved in the initial investigation of the complaint. The commission must establish procedures for reviews of revocation orders by rule.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The revocation of a license to practice medicine is tantamount to removing a livelihood and affecting the well-being of a family. Current disciplinary procedures allow a panel of the commission with a quorum of three members to revoke a medical license. The membership of the commission is 19, and a review of the panel's revocation order by the commission would allow more of the commission members to participate in the fateful decision.

Testimony Against: None.

Testified: Ron Weaver, Department of Health; Dr. Glenn Warner, Northwest Oncology Foundation; Helena Irons and Al Schaefer, Cancer Victims and Friends; and Carl Nelson, Washington State Medical Association.