WAC 246-16-890 Sanctions—Aggravating and mitigating factors.
The following nonexclusive list identifies factors that may mitigate or aggravate the sanctions that should be imposed in an order or stipulation to informal disposition.

1. Factors related to the unprofessional conduct:
   a. Gravity of the unprofessional conduct;
   b. Age, capacity and/or vulnerability of the patient, client or victim;
   c. Number or frequency of the acts of unprofessional conduct;
   d. Injury caused by the unprofessional conduct;
   e. Potential for injury to be caused by the unprofessional conduct;
   f. Degree of responsibility for the outcome;
   g. Abuse of trust;
   h. Intentional or inadvertent act(s);
   i. Motivation is criminal, immoral, dishonest or for personal gain;
   j. Length of time since the unprofessional conduct occurred.

2. Factors related to the license holder:
   a. Experience in practice;
   b. Past disciplinary record;
   c. Previous character;
   d. Mental and/or physical health;
   e. Personal circumstances;
   f. Personal problems having a nexus with the unprofessional conduct.

3. Factors related to the disciplinary process:
   a. Admission of key facts;
   b. Full and free disclosure to the disciplining authority;
   c. Voluntary restitution or other remedial action;
   d. Bad faith obstruction of the investigation or discipline process or proceedings;
   e. False evidence, statements or deceptive practices during the investigation or discipline process or proceedings;
   f. Remorse or awareness that the conduct was wrong;
   g. Impact on the patient, client, or victim.

4. General factors:
   a. License holder's knowledge, intent, and degree of responsibility;
   b. Presence or pattern of other violations;
   c. Present moral fitness of the license holder;
   d. Potential for successful rehabilitation;
   e. Present competence to practice;
   f. Dishonest or selfish motives;
   g. Illegal conduct;
   h. Heinousness of the unprofessional conduct;
   i. Ill repute upon the profession;
   j. Isolated incident unlikely to reoccur.

[Statutory Authority: RCW 18.130.390. WSR 09-15-190, § 246-16-890, filed 7/22/09, effective 8/22/09.]