
**Health Care & Wellness
Committee**

HB 2816

Brief Description: Regulating certain health care devices and procedures.

Sponsors: Representatives Campbell, Morrell and Green.

Brief Summary of Bill

- Directs the Secretary of Health and specific health profession boards and commissions to adopt rules to identify which instruments for treatment or diagnostic evaluation are prohibited for use by the health care providers governed by the respective licensing entity.

Hearing Date: 1/21/08

Staff: Chris Blake (786-7392).

Background:

The Secretary of Health (Secretary) and the sixteen health professions boards and commissions regulate approximately 300,000 credentialed health care providers in 62 professions. These credentialing entities issue credentials, establish minimum standards for professional practice, and take disciplinary actions against credentialed health care providers who engage in unprofessional conduct.

General qualifications and scopes of practice for each health profession are established by the Legislature. As authorized, the Secretary and the boards and commissions may establish specific standards within the scope of practice established in statute. The Chiropractic Quality Assurance Commission has adopted rules to identify which procedures and instruments for treatment or diagnostic evaluation may be used by chiropractors.

Summary of Bill:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Several health professions licensing entities must adopt rules to identify instruments or categories of instruments for treatment or diagnostic evaluation that are prohibited for use by health care providers in 10 health professions governed by those licensing entities. In addition, they may adopt rules that identify (1) instruments or categories of instruments that are approved or (2) procedures or categories of procedures that are approved or prohibited for use by the health care providers within the profession.

The rules must consider several factors to determine the instrument or procedure's status, including:

- the instruction in the use of the instruments or procedures in the education programs of the profession;
- the scientific basis for the use of the instruments or procedures;
- the relationship of the use of the instruments or procedures to patient care; and
- a comparison of potential risks and benefits to the patient.

Manufacturers or vendors of the instrument or a health care provider may request that the authority determine the classification of a procedure, category of procedures, instrument or category of instruments. Prior to using an instrument or category of instruments only available after January 1, 2009, a health care provider must seek a determination from the appropriate authority as to the status of the instrument. It is unprofessional conduct for a health care provider not to seek a determination or make a reasonable inquiry that about the instrument's status

The rules must be adopted by the following authorities for specific professions that each regulates:

- Chiropractic Quality Assurance Commission for chiropractors;
- Dental Quality Assurance Commission for dentists;
- Medical Quality Assurance Commission for physicians and physician assistants;
- Nursing Care Quality Assurance Commission for advanced registered nurse practitioners;
- Board of Osteopathic Medicine and Surgery for osteopathic physicians and osteopathic physician assistants;
- Board of Physical Therapy for physical therapists;
- Podiatric Medical Board for podiatric physicians; and
- Secretary in coordination with the Naturopathic Practice Advisory Committee, for naturopaths.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.