

# SENATE BILL REPORT

## SJR 8217

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As of January 23, 2002

**Brief Description:** Allowing delegation of legislative regulation of medicine.

**Sponsors:** Senators Franklin, Winsley, Kohl-Welles, Thibaudeau, Prentice, Rasmussen and Regala.

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 2/20/01; 1/24/02.

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Staff:** Tanya Karwaki (786-7447)

**Background:** The Washington State Constitution provides that the Legislature shall enact laws to regulate the practice of medicine and surgery. A number of statutory provisions have been enacted regulating the health professions. Health professionals can obtain from the Department of Health state credentials in the form of registration, certification, or licensure. The type of credential available depends upon the specific statutory authority granted to the particular profession. Licensure protects the use of a particular title and precludes others from the practice without the proper credentials. The exclusion of others without the appropriate credentials is commonly referred to as "scope of practice." Routinely, practitioners come to the Legislature lobbying for changes and expansion of their scope of practice.

The Legislature has set forth in statute that all individuals should be permitted to enter into a health profession unless there is an overwhelming need for the state to protect the interests of the public by restricting entry into the profession. The Legislature has identified specific criteria for consideration of this issue of public safety and has established a "sunrise review" procedure through the Department of Health and Board of Health to assist in evaluating these criteria. The department and board, if requested by a legislative committee, undertake a public hearing process and review of proposed legislation, and then make recommendations to the Legislature based upon their findings.

Scope of practice legislation typically is referred for sunrise review, but often returns to the Legislature for enactment. Scope of practice legislation is lobbied heavily by the health professionals, which often results in legislation that does not pass because there is no agreement, or piecemeal provisions added to statute that do not necessarily sufficiently address the public safety issues.

**Summary of Bill:** A constitutional amendment is put to the voters, permitting the Legislature to delegate its authority to regulate the scope of practice of medicine and surgery.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Upon approval of the voters at the next general election.