
HOUSE BILL 1339

State of Washington 64th Legislature 2015 Regular Session

By Representatives Cody, Schmick, Riccelli, Jenkins, Harris,
Tharinger, Moeller, and Wylie

Read first time 01/19/15. Referred to Committee on Health Care &
Wellness.

1 AN ACT Relating to allowing the secretary of health to intercede
2 and stay any decision of a disciplining authority that expands scope
3 of practice; adding a new section to chapter 18.130 RCW; and creating
4 a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

7 (a) Scope of practice for all health care professions is
8 determined by the legislature;

9 (b) The scope of practice may be clarified, but not expanded, by
10 a disciplining authority;

11 (c) Disciplining authorities do, on occasion, impermissibly
12 expand the scope of practice for a profession under the guise of
13 clarification; and

14 (d) The legislature may not have the opportunity to address the
15 expansion for a significant period of time, which has the potential
16 to impact public health and safety during the interim.

17 (2) Therefore, the legislature intends to create a process to
18 allow the secretary of health to intercede and stay any decision of a
19 disciplining authority that expands scope of practice.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.130
2 RCW to read as follows:

3 (1) The secretary may, on his or her own initiative or at the
4 written request of one of the chairs of the health care committees of
5 the house of representatives or the senate, make a determination as
6 to whether a disciplining authority has, through rule making,
7 interpretive statement, policy statement, declarative order, practice
8 guideline, decision in a formal disciplinary action, or other
9 declaration, expanded the scope of practice for a health care
10 profession regulated under this chapter.

11 (2) When determining whether a disciplining authority has
12 expanded, rather than clarified, a scope of practice, the secretary
13 shall consider:

14 (a) The plain language of the scope of practice in statute;

15 (b) The education and training required to perform the procedure
16 or task;

17 (c) The education and training commonly received by members of
18 the profession;

19 (d) The extent to which the expansion encroaches upon the scope
20 of practice of another health care profession regulated under this
21 chapter;

22 (e) The legislative intent when establishing the profession's
23 scope of practice; and

24 (f) Any other information deemed relevant by the secretary.

25 (3)(a) If the secretary determines that a disciplining authority
26 has expanded the scope of practice for a health care profession
27 regulated under this chapter, the secretary shall first attempt to
28 resolve the matter collaboratively with the disciplining authority.

29 (b) If the matter is not resolved collaboratively, the secretary
30 may issue a directive staying the action that resulted in the
31 expansion. The stay is effective until ninety days after the last day
32 of the next full regular legislative session, written order of a
33 court of competent jurisdiction, or rescission by the secretary,
34 whichever occurs first.

35 (4) The secretary may adopt rules necessary to implement this
36 section.

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