

SENATE BILL REPORT

HB 1432

As Reported by Senate Committee On:
Health & Long Term Care, March 25, 2019

Title: An act relating to hospital privileges for advanced registered nurse practitioners and physician assistants.

Brief Description: Concerning hospital privileges for advanced registered nurse practitioners and physician assistants.

Sponsors: Representatives Cody, DeBolt, Robinson, Harris, Macri, Slatter, Jinkins, Doglio, Tharinger and Ormsby.

Brief History: Passed House: 3/08/19, 98-0.

Committee Activity: Health & Long Term Care: 3/20/19, 3/25/19 [DP].

Brief Summary of Bill

- Requires hospitals or health care facilities to collect certain information from physician assistants and advanced registered nurse practitioners before granting or renewing clinical privileges.
- Requires hospitals or facilities to notify the Nursing Care Quality Assurance Commission or Medical Quality Assurance Commission of any denied privileges.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: Do pass.

Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Bailey, Becker, Conway, Dhingra, Frockt, Keiser and Van De Wege.

Staff: Greg Attanasio (786-7410)

Background: Advanced registered nurse practitioners (ARNPs), licensed by the Nursing Care Quality Assurance Commission (NCQAC), constitute a license category that includes four advanced nursing roles: Nurse Practitioner, Certified Nurse Midwife, Certified Registered Nurse Anesthetist, and Clinical Nurse Specialist. ARNPs may practice independently and can prescribe legend drugs and Schedule V controlled substances, as well

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as Schedules II through IV controlled substances within the scope of practice defined by the NCQAC.

Physician assistants (PAs) are licensed by the Medical Quality Assurance Commission or the Board of Osteopathic Medicine and Surgery and are authorized to practice only under the supervision of a physician. PAs may prescribe legend drugs and Schedule II through V controlled substances.

Hospitals and health care facilities may grant physicians clinical privileges to practice within the scope of their license. Before granting or renewing privileges, a hospital or health care facility must collect the names of the hospitals and facilities where the physician was employed or had clinical privileges in the past five years. It must also determine if the physician was or is subject to an investigation based on professional competence or conduct, or if they have been the subject of a misconduct or medical malpractice proceeding. The hospital or facility must also request information from the physician's previous employers concerning misconduct proceedings and any resulting judgments.

Summary of Bill: PAs and ARNPs are required to provide the same information as physicians before being hired or receiving clinical privileges. A hospital or health care facility must request and receive the following information from the applicant:

- the name of any hospital or facility that employed or granted the PA or ARNP clinical privileges in the past five years;
- whether the PA or ARNP has ever been or is in the process of being subjected to an adverse action based on an investigation into their professional competence or conduct, or if they ever failed to proceed with an application for a professional accreditation or privilege for the purpose of avoiding an adverse action;
- whether the PA or ARNP is the subject of any misconduct or medical malpractice proceedings;
- the substance of the findings in any actions or proceedings;
- a waiver of confidentiality; and
- verification that the information provided is accurate and complete.

The hospital or facility must also request any information concerning misconduct or medical malpractice proceedings, and any resulting judgments from the hospitals and facilities at which the applicant worked or had clinical privileges in the past five years.

If a PA or ARNP is seeking clinical privileges to provide telemedicine, the hospital or facility may rely on the decision of the distant site hospital to grant privileges in lieu of collecting the required information if it receives reasonable assurances through a written agreement with the distant site hospital. The assurances must include that the PA or ARNP is fully privileged at the distant site hospital, holds a valid licensed recognized in Washington, and has undergone a performance review.

If the PA or ARNP is denied clinical privileges or employment based on an adverse finding, the hospital or facility must notify the relevant disciplinary authority within 30 days.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: At the time the statute was enacted it was uncommon for PAs or ARNPs to work in hospitals. That has changed and a change in the law is needed to reflect that. Hospitals are already conducting privileging checks for these providers.

Persons Testifying: PRO: Mary Sue Gorski, Nursing Care Quality Assurance Commission; Kate White Tudor, Washington Academy of Physician Assistants; Devon Connor-Green, ARNPs United of Washington State.

Persons Signed In To Testify But Not Testifying: No one.