

SENATE BILL REPORT

SB 6247

As of January 29, 2018

Title: An act relating to protecting patient care.

Brief Description: Concerning limitations on health care provider services imposed by health care entities.

Sponsors: Senators Kuderer and Wellman.

Brief History:

Committee Activity: Health & Long Term Care: 1/29/18.

Brief Summary of Bill

- Prohibits health care entities from preventing providers from providing comprehensive medically accurate information or necessary care to patients.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Staff: Greg Attanasio (786-7410)

Background: The scope of practice is the procedures, actions, and processes that a health care provider is permitted to undertake in keeping with the terms of their professional license. These may include, diagnosis, treatment, surgical procedures, and authority to prescribe drugs to treat a patient's condition. The scope of practice is limited to that which the law allows for specific education and experience, and specific demonstrated competency.

Health care facilities may grant admitting privileges to a health care provider to admit patients and to provide services to patients in that facility. In medical staff bylaws, a health care facility must state the duties and scope of privileges each category of provider may be granted. The scope may be narrower than the scope of practice for that category of provider and can be modified for a specific provider's abilities.

Summary of Bill: A health care entity may not prevent a health care provider who is acting in good faith, and within their scope of practice, from:

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.

- providing comprehensive and medically accurate information to a patient about the patient's health status;
- providing information regarding Washington's Death with Dignity Act;
- referring a patient; or
- providing health services in a case in which failure to provide the service would pose a serious risk to the patient's life.

A patient or health care provider may bring a civil action against a health care entity if they believe the entity violated the provisions of this act.

Appropriation: None.

Fiscal Note: Not requested.

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: Duty of care, access to information, and timely necessary medical treatment should be the top priority for health care providers. A health care entity's mission should not limit a provider's ability to deliver appropriate care to patients. The bill would ensure patients have access to the information and care they deserve. In areas such as obstetrics and end of life care, patients can have a difficult time accessing timely information and care because of prohibitions on certain types of care at Catholic hospitals. The bill does not place any new requirements on providers and will protect the patient/provider relationship. It ensures the provider and patient can decide what is best for the patient regardless of what facility the patient is in.

CON: The bill is so broadly written that it will likely have unintended consequences for hospitals. It would pit providers and hospitals against one another and possibly force hospitals to provide services that it does not want to or cannot provide. The prohibition on limiting referrals would extend to all services, and could expose providers to liability for referring a patient to a obtain a service that violates federal law, such as medical marijuana.

Persons Testifying: PRO: Senator Patty Kuderer, Prime Sponsor; Leah Rutman, ACLU of Washington; Dr. Brigit Brock, citizen; Sally McLaughlin, End of Life Washington; Arline Hinkley, citizen.

CON: Scott Foster, citizen; Chris Bandoli, Washington State Hospital Association.

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