
Health Care & Wellness Committee

HB 1340

Brief Description: Concerning actions by health professions disciplining authorities against license applicants and license holders.

Sponsors: Representatives Riccelli, Thai, Berry, Ormsby, Chopp, Macri, Bergquist, Bateman, Simmons, Stonier, Berg, Duerr, Wylie, Senn, Taylor, Fitzgibbon, Cortes, Goodman, Reed, Lekanoff, Alvarado, Ramel, Kloba, Tharinger and Pollet.

Brief Summary of Bill

- Establishes that participation in reproductive health care services or gender affirming treatment by health care providers does not constitute "unprofessional conduct" under the Uniform Disciplinary Act (UDA) and may not serve as the basis for professional discipline, with some exceptions.
- Establishes that a conviction or disciplinary action based solely on a health care provider's violation of another state's laws prohibiting participation in reproductive health care services or gender affirming treatment does not constitute "unprofessional conduct" under the UDA and may not serve as the basis for professional discipline, with some exceptions.

Hearing Date: 1/24/23

Staff: Emily Poole (786-7106).

Background:

The Uniform Disciplinary Act (UDA) provides a legal and policy framework for the regulation and oversight of health care providers by the relevant disciplining authorities for each health care

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

profession.

Under the UDA, disciplining authorities have the authority to investigate all complaints or reports of unprofessional conduct, as defined under the UDA. Upon a finding, after hearing, that a license holder has committed unprofessional conduct, the disciplining authority is required to issue an order including appropriate sanctions.

Disciplining authorities may deny an application for licensure or grant a licensure with conditions under certain circumstances, including if the applicant has had their license to practice any health care profession suspended, revoked, or restricted in any jurisdiction or if the applicant has committed an act defined as unprofessional conduct under the UDA.

Among other acts and conditions, unprofessional conduct is defined under the UDA to include:

- suspension, revocation, or restriction of an individual's license to practice any health care profession in any jurisdiction;
- violation of any state or federal statute or administrative rule regulating the profession in question;
- violations of rules established by any health agency;
- practice beyond the scope of practice as defined by law or rule;
- the conviction of any gross misdemeanor or felony relating to the practice of the person's profession; and
- the procuring, or aiding or abetting in procuring, a criminal abortion.

Summary of Bill:

The UDA is amended such that the following do not constitute unprofessional conduct and, with some exceptions, may not serve as the basis for professional discipline or denial of licensure in Washington:

- the provision of, authorization of, recommendation of, aiding in, assistance in, referral for, or other participation in any reproductive health care services or gender affirming treatment, by a license holder acting in accordance with the laws of Washington, regardless of the patient's state of residence; and
- a conviction or disciplinary action based solely on the license holder's violation of another state's laws prohibiting the provision of, authorization of, recommendation of, aiding in, assistance in, referral for, or other participation in any reproductive health care services or gender affirming treatment.

The definition of unprofessional conduct under the UDA is amended to exclude the procuring, or aiding or abetting in procuring, a criminal abortion.

Appropriation: None.

Fiscal Note: Not requested.

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