

HB 1339 - S COMM AMD
By Committee on Health Care

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

8 (c) Disciplining authorities do, on occasion, impermissibly
9 expand the scope of practice for a profession under the guise of
10 clarification; and

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

14 (2) The legislature further finds that:

15 (a) The legislature established the sunrise review process to
16 create a method to review whether a previously unregulated health
17 care profession should be regulated or whether an already regulated
18 profession's scope of practice should be modified;

19 (b) Sunrise reviews are conducted by the department of health
20 only at the request of the legislature;

21 (c) Although the legislation establishing the sunrise review
22 process provided criteria to be met when evaluating the regulation of
23 new professions, similar criteria was not provided for the department
24 of health to consider when evaluating when the scope of practice of a
25 profession should be modified; and

26 (d) Many issues relating to professions that come to the
27 department of health's attention involve concerns that a profession
28 is acting outside its scope of practice or are requests from a
29 profession to expand its scope of practice.

30 (3) Therefore, the legislature intends to create a process to
31 allow the secretary of health to intercede and stay any decision of a
32 disciplining authority that expands scope of practice.

33 (4) The legislature also intends to require the department of
34 health to review the sunrise review process and develop

1 recommendations to submit to the legislature on statutory changes to
2 the sunrise review process that will streamline the process, add
3 clarity to scope of practice reviews, and ensure public health and
4 safety.

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

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

15 (2) When determining whether a disciplining authority has
16 expanded, rather than clarified, a scope of practice, the secretary
17 shall consider:

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

19 (b) The education and training required to perform the procedure
20 or task;

21 (c) The education and training commonly received by members of
22 the profession;

23 (d) The extent to which the expansion encroaches upon the scope
24 of practice of another health care profession regulated under this
25 chapter;

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

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

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

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

1 (4) If the secretary issues a stay under subsection (3) of this
2 section, the secretary shall provide notice to the standing
3 committees of the legislature with jurisdiction over health care
4 matters and shall include a brief summary of the basis for the
5 determination. The secretary also may include recommendations for
6 addressing the scope of practice of the affected professions.

7 (5) The secretary may adopt rules necessary to implement this
8 section.

9 NEW SECTION. **Sec. 3.** (1) By December 1, 2016, the department of
10 health must report to the health care committees of the legislature
11 on recommended changes to the sunrise review process developed under
12 chapter 18.120 RCW. The report must address the following:

13 (a) Criteria that may be included in statute that are specific to
14 scope of practice expansion issues including whether an applicant
15 should be required to submit evidence that a public access to health
16 care issue exists and that expanding the scope of practice of a
17 profession would help to mitigate this issue and provide a benefit to
18 the public, including what type of evidence is sufficient to
19 establish a public access to health care issue exists;

20 (b) Whether a sunrise review should include an evaluation of the
21 profession's current education and training requirements and whether
22 additional education and training requirements need to be provided in
23 statute to ensure competency in the additional practices under
24 sunrise review;

25 (c) Whether the sunrise review should provide recommendations on
26 continuing education requirements related to the proposed expansion
27 of the scope of practice;

28 (d) Other recommendations provided by the department of health to
29 ensure that the public health, safety, or welfare will be benefited
30 by the proposed expansion of the scope of practice;

31 (e) Other recommended updates to chapter 18.120 RCW, including
32 needed updates to the definitions section, to the provisions relating
33 to the licensing of new professions, and to the credentialing
34 requirements of existing health professions.

35 (2) This section expires January 1, 2017."

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1 On page 1, line 3 of the title, after "practice;" strike the
2 remainder of the title and insert "adding a new section to chapter
3 18.130 RCW; creating new sections; and providing an expiration date."

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