
Health Care & Wellness Committee

HB 1339

Brief Description: Allowing the secretary of health to intercede and stay any decision of a disciplining authority that expands scope of practice.

Sponsors: Representatives Cody, Schmick, Riccelli, Jenkins, Harris, Tharinger, Moeller and Wylie.

Brief Summary of Bill

- Allows the Secretary of Health to stay an action of a disciplining authority if he or she determines that the action has expanded the scope of practice of a health profession.

Hearing Date: 1/28/15

Staff: Jim Morishima (786-7191).

Background:

The scope of practice of each health profession is established in statute. Individual disciplining authorities may engage in activities that interpret or implement a health profession's statutory scope of practice, including rule making, policy or interpretive statements, declarative orders, practice guidelines, and formal disciplinary action.

Summary of Bill:

The Secretary of Health (Secretary) may, on his or her own initiative, or at the behest of one of the chairs of the House and Senate health care committees, make a determination as to whether a disciplining authority has impermissibly expanded the scope of practice of a health profession. The Secretary may make this determination in connection with rule making, interpretive statements, policy statements, declarative orders, practice guidelines, decisions in formal disciplinary actions, and other declarations.

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.

When determining whether a disciplining authority has expanded a profession's scope of practice, the Secretary must consider:

- the plain language in the statute;
- the education and training required to perform the procedure or task;
- the education and training commonly received by members of the profession;
- the extent to which the expansion encroaches on the scope of practice of another health profession;
- the Legislature's intent when establishing the health profession's scope of practice; and
- any other information deemed relevant by the Secretary.

If the Secretary determines that a disciplining authority has expanded the scope of practice of a health profession, he or she must attempt to collaboratively resolve the issue with the disciplining authority. If the Secretary fails to resolve the issue collaboratively, he or she may issue a directive staying the action that resulted in the expansion. The stay is effective until 90 days after the last day of the next full legislative session, written order by a court of competent jurisdiction, or rescission by the Secretary, whichever occurs first.

Appropriation: None.

Fiscal Note: Available.

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