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**SUBSTITUTE HOUSE BILL 1340**

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**State of Washington**

**64th Legislature**

**2015 Regular Session**

**By** House Health Care & Wellness (originally sponsored by Representatives Cody, Schmick, Moeller, Harris, Robinson, Ormsby, and Riccelli)

READ FIRST TIME 02/10/15.

1 AN ACT Relating to developing a process to allow pilot programs  
2 for health care professionals to learn new skills or roles, use  
3 existing skills in new circumstances, and accelerate training; adding  
4 new sections to chapter 43.131 RCW; adding a new chapter to Title 18  
5 RCW; creating a new section; and providing an effective date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The legislature finds that in order to  
8 achieve better health care for patients and communities and reduce  
9 health care expenditures, there is a need for a workforce of  
10 sufficient size that is nimble enough to respond to changing health  
11 care demands. One way of accomplishing this objective is to utilize  
12 health care personnel in innovative new roles and to reallocate  
13 health tasks to better meet the health needs of patients. However,  
14 workforce innovation projects may not be possible with restrictions  
15 in current state law, and any innovative project carried out must  
16 ensure the safety of patients and the public. It is the intent of the  
17 legislature to establish within the oversight of the Washington state  
18 department of health a health workforce innovation project approval  
19 process that will balance the need to test innovative workforce  
20 projects and ensure the protection of the public's health and safety.  
21 The legislature further intends that future amendments to existing

1 licensure laws will acknowledge findings and incorporate innovations  
2 developed in approved projects that are likely to improve the  
3 effectiveness of health care delivery systems.

4 NEW SECTION. **Sec. 2.** The definitions in this section apply  
5 throughout this chapter unless the context clearly requires  
6 otherwise.

7 (1) "Approved project" means an educational or training program  
8 approved by the department that does any of the following on a pilot  
9 program basis:

10 (a) Teaches new skills to existing categories of health care  
11 personnel;

12 (b) Uses existing skills in new circumstances or settings;

13 (c) Accelerates the training of existing categories of health  
14 care personnel; or

15 (d) Teaches new health care roles and skills to previously  
16 trained persons whose skills or license is not recognized within the  
17 state.

18 (2) "Department" means the department of health.

19 (3) "Disciplining authority" has the same meaning as defined in  
20 RCW 18.130.020.

21 (4) "Health care services" means, within the scope of an approved  
22 project and the supervisor's scope of practice, the skills of a  
23 supervisor which may be taught to a trainee.

24 (5) "Sponsoring organization" means an organization in existence  
25 on the effective date of this section, such as a hospital, clinic,  
26 nonprofit educational institution, or government agency, that is  
27 engaged in health or education activities and that chooses to sponsor  
28 a project.

29 (6) "Supervisor" means, within the scope of an approved project  
30 and the individual's scope of practice, the person designated by the  
31 sponsoring organization who possesses the skills to be taught to or  
32 used by trainees and who is certified or licensed in Washington to  
33 perform the health care services involving the skills.

34 (7) "Trainee" means a person who, within the scope of the  
35 approved project, will be learning to perform health care tasks  
36 involving skills taught by a supervisor for which the person does not  
37 hold a credential issued by the department.

1        NEW SECTION.    **Sec. 3.**    (1) A sponsoring organization requesting  
2 designation for an approved project shall complete and submit to the  
3 department an application, which must include a description of the  
4 project indicating:

5        (a) The aim of the project;

6        (b) The intended impact on patient care, access to services, and  
7 cost;

8        (c) The category of person to be trained, as described in section  
9 2(1) (a) through (d);

10       (d) A description of the category of persons to be trained,  
11 including types of previous required training, relevant credentials,  
12 and work experience;

13       (e) The tasks to be taught;

14       (f) The numbers of trainees and supervisors who will participate  
15 in the project;

16       (g) Identification and a description of the health care  
17 facilities to be used for training students;

18       (h) A description of the types of patients likely to be seen or  
19 treated, including, where appropriate, average age, income,  
20 diagnoses, and ethnicity; and

21       (i) A description of how existing licensure laws prevent  
22 implementation of the project without approval under this chapter.

23       (2) The application for a project must contain a description of  
24 the following:

25       (a) The evaluation process to be used in assessing project  
26 outcomes;

27       (b) The baseline data and information to be collected;

28       (c) The nature of program data that will be collected and the  
29 methods for collecting and analyzing the data;

30       (d) Provision for protecting the safety of patients seen or  
31 treated in the project; and

32       (e) A statement of previous experience in providing related  
33 health care services.

34       (3) The application must also include a letter of support from  
35 the bargaining representative for any collective bargaining unit  
36 impacted by the proposed project if employees within the bargaining  
37 unit provide care directly to patients and are employed by the  
38 sponsoring organization.

1        NEW SECTION.    **Sec. 4.**    (1) The department shall conduct rule  
2 making to develop a process to review and approve or disapprove  
3 innovative health workforce projects. The rules developed must  
4 include, but are not limited to, the components identified in this  
5 chapter.

6        (2) The department may designate an innovative health workforce  
7 project as an approved project only if the project is submitted by a  
8 sponsoring organization. Individual supervisors and trainees may not  
9 sponsor a project and must collaborate with a sponsoring  
10 organization. Nothing in this section precludes approved projects  
11 from utilizing hospitals or clinics and the offices of physicians,  
12 dentists, pharmacists, and other clinical settings as training sites.

13        (3) The department may set a reasonable application fee for  
14 project submissions at a sufficient level to defray the costs of the  
15 program, including providing the department resources necessary to:  
16 (a) Evaluate and approve or disapprove projects; and (b) monitor and  
17 evaluate approved projects.

18        (4) The department may consult appropriate professional  
19 societies, appropriate regulatory entities, institutions of higher  
20 education, and other relevant experts prior to designating approved  
21 projects. Except where it is necessary to contract with a technical  
22 expert, the department may not factor such consultations into the  
23 development of application fees.

24        (5) The department shall give priority for approval to projects  
25 operating in high need areas, such as health provider shortage areas,  
26 central city areas, and disproportionate share hospitals.

27        (6) The department may not approve a project for an initial  
28 period lasting more than twenty-four months, unless the department  
29 determines that the project is likely to contribute substantially to  
30 the availability of high quality health services in the state or a  
31 region or more time is needed to obtain valid and reliable study  
32 results.

33        (7) The department's decision to deny a project application,  
34 accept an application only with required modifications, or modify or  
35 revoke an approved project is not an appealable agency action and is  
36 not subject to the provisions of chapter 34.05 RCW.

37        NEW SECTION.    **Sec. 5.**    (1) A trainee in an approved project may  
38 perform health care services under a collaborative work agreement  
39 with the sponsoring organization and supervisor where the general

1 scope of the services has been approved by the department. The  
2 collaborative work agreement must:

3 (a) Define certain tasks or patient care functions that a  
4 supervisor may delegate to a trainee to perform under direct  
5 supervision and with the appropriate training; and

6 (b) Identify the amount and types of liability insurance to be  
7 provided by the participating parties.

8 (2) A trainee is held to the same standard of care as an  
9 individual otherwise legally qualified to perform the health care  
10 service or services performed by the trainee or supervisor. While the  
11 trainee and supervisor are responsible for their own individual  
12 actions, under the collaborative work agreement the sponsoring  
13 organization and the supervisor retain overall accountability for  
14 patient care. A trainee may refuse to perform any tasks that the  
15 trainee reasonably believes may endanger patient safety, and the  
16 sponsoring organization may not retaliate against the trainee for  
17 such refusal. Participation in an approved project by a trainee or  
18 supervisor does not, by itself, constitute unlicensed practice or  
19 unprofessional conduct under chapter 18.130 RCW. Except as specified  
20 in this subsection, nothing in this chapter modifies the standard of  
21 care that would otherwise apply to a trainee, supervisor, or  
22 sponsoring organization.

23 (3) Any patient being seen or treated by a trainee must be  
24 apprised of that fact and must be given the opportunity to refuse  
25 treatment. If a patient is not competent to grant informed consent,  
26 then a trainee may not provide treatment unless consent is obtained  
27 from a person authorized to provide consent on behalf of the patient  
28 pursuant to RCW 7.70.065. Consent to treatment does not constitute  
29 assumption of the risk.

30 (4) The sponsoring organization may not charge a trainee a fee to  
31 participate in an approved project.

32 NEW SECTION. **Sec. 6.** (1) The department shall develop a  
33 mechanism to monitor and evaluate approved projects.

34 (2) The sponsoring organization shall report to the department  
35 and any relevant disciplining authorities on a predetermined basis.  
36 Reports must include, at a minimum, the following:

37 (a) Confirmation that the sponsoring organization, supervisor,  
38 and trainee are abiding by the approved scope of the project;

1 (b) Information pertaining to quality and patient safety  
2 including:

3 (i) Confirmation that quality of care and patient safety have not  
4 been compromised; and

5 (ii) Outcomes for selected quality metrics; and

6 (c) Confirmation that the sponsoring organization, supervisor,  
7 and trainee are on target to complete the approved project by the  
8 identified completion date.

9 (3) The department may modify or revoke an approved project if  
10 the sponsoring organization does not file reports on a timely basis  
11 or if, in the judgment of the department, either patient safety or  
12 quality of care is compromised.

13 NEW SECTION. **Sec. 7.** (1) Within sixty days of completion of the  
14 project, the sponsoring organization shall submit a report to the  
15 department and any relevant disciplining authorities on the outcomes  
16 of the approved project. The report must contain, but is not limited  
17 to:

18 (a) The aim of the project;

19 (b) Whether the aim was achieved;

20 (c) The degree to which the approved project had an impact on  
21 patient care, access to services, and cost;

22 (d) Recommendations based on approved project outcomes;

23 (e) The quality of care and patient acceptance of the project;

24 (f) The new health skills taught or the extent that existing  
25 skills have been reallocated;

26 (g) The implication of the project for existing licensure laws,  
27 including suggestions for changes in the law where appropriate;

28 (h) The implications of the project for health services curricula  
29 and for the health care delivery systems;

30 (i) The teaching methods used in the project; and

31 (j) The extent that persons with the new skills could find  
32 employment in the sponsoring organization or similar health care  
33 systems or facilities, assuming laws were changed to incorporate  
34 their skill.

35 (2) Prior to the conclusion of the project, the sponsoring  
36 organization may request that the department, in consultation with  
37 any relevant disciplining authorities, approve an extension of the  
38 project for a one-year period.

1 (3) At the conclusion of the project, the trainee must cease  
2 performing any tasks or services requiring a health care credential  
3 unless the trainee receives the appropriate credential from the  
4 department or meets an existing exemption in law.

5 (4) At the conclusion of the project, the department shall submit  
6 to the appropriate committees of the legislature an approval and  
7 validation of the sponsoring organization's report, a response to the  
8 sponsoring organization's report with differing conclusions, or the  
9 department's own report.

10 NEW SECTION. **Sec. 8.** Sections 2 through 7 of this act  
11 constitute a new chapter in Title 18 RCW.

12 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.131  
13 RCW to read as follows:

14 The program authorizing innovative health workforce projects as  
15 established under chapter 18.-- RCW (the new chapter created in  
16 section 8 of this act) is terminated July 1, 2025, as provided in  
17 section 10 of this act.

18 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.131  
19 RCW to read as follows:

20 The following acts or parts of acts, as now existing or hereafter  
21 amended, are each repealed, effective July 1, 2026:

- 22 (1) Section 1 of this act;
- 23 (2) Section 2 of this act;
- 24 (3) Section 3 of this act;
- 25 (4) Section 4 of this act;
- 26 (5) Section 5 of this act;
- 27 (6) Section 6 of this act; and
- 28 (7) Section 7 of this act.

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