

HOUSE BILL REPORT

HB 1954

As Passed House:

January 25, 2024

Title: An act relating to harmonizing statutory language relating to lawful participation in reproductive health care services or gender-affirming treatment.

Brief Description: Harmonizing language relating to reproductive health care services and gender-affirming treatment.

Sponsors: Representatives Riccelli, Bateman, Ramel, Reed, Simmons, Ormsby, Macri, Doglio, Thai, Lekanoff and Reeves.

Brief History:

Committee Activity:

Health Care & Wellness: 1/12/24, 1/19/24 [DP].

Floor Activity:

Passed House: 1/25/24, 56-37.

Brief Summary of Bill

- Establishes that participation in reproductive health care services or gender-affirming treatment by health care providers, consistent with the standard of care in Washington, may not serve as the basis for professional discipline under the Uniform Disciplinary Act.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: Do pass. Signed by 10 members: Representatives Riccelli, Chair; Bateman, Vice Chair; Bronoske, Davis, Macri, Orwall, Simmons, Stonier, Thai and Tharinger.

Minority Report: Do not pass. Signed by 6 members: Representatives Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Caldier, Graham, Harris

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.

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Staff: Emily Poole (786-7106).

Background:

Health care providers are licensed and regulated by the relevant disciplining authority for each health care profession. Under the Uniform Disciplinary Act (UDA), disciplining authorities have the authority to investigate all complaints or reports of unprofessional conduct. Upon a finding, after a 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; and
- violations of rules established by any health agency.

The following do not constitute unprofessional conduct under the UDA:

- the provision of or other participation in any reproductive health care services or gender-affirming treatment by a license holder, if the participation is consistent with the standard of care in Washington or would have been lawful and consistent with standards of care if it occurred entirely in Washington; and
- a conviction or disciplinary action based on the license holder's violation of another state's laws prohibiting the provision of or other participation in any reproductive health care services or gender-affirming treatment, if the participation would have been lawful and consistent with standards of care if it occurred entirely in Washington.

The following, with some exceptions, may not serve as the basis for a denial of licensure or other professional discipline under the UDA:

- the provision of or other participation in any reproductive health care services or gender-affirming treatment by a license holder, if the participation would have been lawful and consistent with standards of care if it occurred entirely in Washington; and
- a conviction or disciplinary action based on the license holder's violation of another state's laws prohibiting the provision of or other participation in any reproductive

health care services or gender-affirming treatment, if the participation would have been lawful and consistent with standards of care if it occurred entirely in Washington.

Summary of Bill:

The provision of or other participation in any reproductive health care services or gender-affirming treatment consistent with the standard of care in Washington by a health care provider may not serve as the basis for a denial of licensure or other professional discipline under the UDA.

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.

Staff Summary of Public Testimony:

(In support) This bill is a follow-up to a bill passed in 2023 that resulted in inconsistent language in two sections pertaining to unprofessional conduct and professional discipline under the Uniform Disciplinary Act. This bill will reduce confusion. It is important to protect providers who provide reproductive health care services. Health care providers are increasingly concerned about repercussions they may face from providing reproductive health care services or gender-affirming treatment to patients who need to travel to other states for care. This bill will allow providers to provide safe care without fear of losing their license due to different approaches to regulation in different states.

(Opposed) Washington should not overreach into the regulatory affairs of other jurisdictions. This bill undermines the principle of state sovereignty. This bill allows Washington to interfere with the disciplinary practices in other states.

Persons Testifying: (In support) Representative Marcus Riccelli, prime sponsor; Lorena Gonzalez, American Civil Liberties Union of Washington; Kate McLean, American College of Obstetricians and Gynecologists; and Rebekah Gardea, QLaw Foundation of Washington.

(Opposed) Julie Barrett, Conservative Ladies of Washington.

Persons Signed In To Testify But Not Testifying: None.