

SENATE BILL REPORT

HB 1954

As Passed Senate, February 22, 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: Passed House: 1/25/24, 56-37.

Committee Activity: Health & Long Term Care: 2/15/24, 2/16/24 [DP, DNP].

Floor Activity: Passed Senate: 2/22/24, 30-19.

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.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: Do pass.

Signed by Senators Cleveland, Chair; Robinson, Vice Chair; Conway, Dhingra, Randall and Van De Wege.

Minority Report: Do not pass.

Signed by Senators Muzzall, Assistant Ranking Member; Holy and Padden.

Staff: Greg Attanasio (786-7410)

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.

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 consistent with the standard of care in Washington by a license holder;
- 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.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill is a simple correction to ESHB 1340 bill to clear up any confusion. This bill ensures providers can provide comprehensive care without fear of repercussions.

CON: Washington should not be allowed to ignore discipline against a provider license in another state. Providers should lose their license if they lie to patients by telling them they can change their gender or for killing a human through an abortion.

Persons Testifying: PRO: Dr. Sarah Prager, American College of Obstetricians and Gynecologists (ACOG); Lorena Gonzalez, ACLU.

CON: Mary Long, Conservative Ladies of Washington; Sharon Damoff.

Persons Signed In To Testify But Not Testifying: No one.