

SENATE BILL REPORT

ESB 6151

As Amended by House, February 27, 2024

Title: An act relating to the provision of an ultrasound.

Brief Description: Concerning the provision of an ultrasound.

Sponsors: Senators Randall, Wilson, C., Nobles, Trudeau, Kuderer, Dhingra, Frame, Hasegawa, Keiser, Liias, Saldaña, Stanford and Valdez.

Brief History:

Committee Activity: Health & Long Term Care: 1/19/24, 1/23/24 [DP, DNP, w/oRec].

Floor Activity: Passed Senate: 2/7/24, 29-20.

Passed House: 2/27/24, 94-0.

Brief Summary of Engrossed Bill

- Prohibits an individual other than a licensed healthcare provider, or a person working under their supervision, from providing an ultrasound.

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 Rivers, Ranking Member; Muzzall, Assistant Ranking Member; Padden.

Minority Report: That it be referred without recommendation.

Signed by Senator Holy.

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: An ultrasound is a noninvasive test using high-frequency sound waves to create real-time pictures or video of internal organs or other soft tissues, such as blood vessels, or to otherwise interact with tissue in the body. According to the National Institutes of Health, Institute of Biomedical Imaging and Bioengineering, ultrasounds fall into two categories, diagnostic and therapeutic. A diagnostic ultrasound is a noninvasive diagnostic technique used to produce an image inside the body. Most diagnostic ultrasound probes are placed on the skin. However, to optimize image quality, probes may be placed inside the body via the gastrointestinal tract, vagina, or blood vessels. An ultrasound is sometimes used during surgery by placing a sterile probe into the area being operated on. Diagnostic ultrasounds can be further subdivided into anatomical and functional ultrasounds. Anatomical ultrasound produces images of internal organs or other structures. Functional ultrasound combines information such as the movement and velocity of tissue or blood, softness or hardness of tissue, and other physical characteristics, with anatomical images to create information maps.

Therapeutic ultrasounds also use sound waves above the range of human hearing but do not produce images. Its purpose is to interact with tissues in the body such that they are either modified or destroyed. Among the modifications possible are moving or pushing tissue, heating tissue, dissolving blood clots, or delivering drugs to specific locations in the body.

Summary of Engrossed Bill: An ultrasound or a similar medical imaging device or procedure may only be provided by a licensed health care provider acting within their scope of practice, or a person acting under the supervision of a licensed health care provider where all actions performed are within the supervising health care provider's scope of practice.

A violation of this act constitutes practice without a license and the appropriate disciplining authority must investigate any complaints pursuant to the Uniform Disciplinary Act.

This act does not apply to people using an ultrasound as part of raising or caring for livestock and other animals or to emergency medical personnel acting within the course of their employment.

Appropriation: None.

Fiscal Note: Available.

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: Ultrasounds can be an invasive procedure and should not be provided by unlicensed ultrasound techs who have proven themselves to be unsafe. There is no recourse when someone is violated by an unlicensed ultrasound tech due to the lack of licensure.

CON: This bill would restrict crisis pregnancy centers from providing ultrasound services. Most people who see their child on ultrasound choose not to abort. Portable ultrasounds allow paramedics to quickly assess a patient and they help save lives. This bill could restrict the use of this tool. This bill creates an unnecessary and politically motivated restriction.

Persons Testifying: PRO: K F; B F.

CON: Mary Long, Conservative Ladies of Washington; Jonathan Clemens, ErgoCare Clinic; AMY MYERS; Sandra Smith.

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

EFFECT OF HOUSE AMENDMENT(S):

- Replaces a reference to a health care professional with a reference to a health care provider.
- Removes the specification that emergency medical personnel may provide an ultrasound as necessary in the course of their employment.