

4SHB 1103 - S AMD TO WM COMM AMD (S-5993.1/08) 237
By Senator Keiser and Pflug

ADOPTED 03/06/2008

1 Beginning on page 40, line 10 of the amendment, strike sections 29
2 through 31, and insert the following:

3 "NEW SECTION. **Sec. 29.** A new section is added to chapter 18.71
4 RCW to read as follows:

5 (1) The commission shall conduct a pilot project to evaluate the
6 effect of granting the commission additional authority over budget
7 development, spending, and staffing. The pilot project shall begin on
8 July 1, 2008, and conclude on June 30, 2013.

9 (2) The pilot project shall include the following provisions:

10 (a) That the secretary shall employ an executive director that is:

11 (i) Hired by and serves at the pleasure of the commission;

12 (ii) Exempt from the provisions of the civil service law, chapter
13 41.06 RCW and whose salary is established by the commission in
14 accordance with RCW 43.03.028 and 42.17.370; and

15 (iii) Responsible for performing all administrative duties of the
16 commission, including preparing an annual budget, and any other duties
17 as delegated to the executive director by the commission;

18 (b) Consistent with the budgeting and accounting act:

19 (i) With regard to budget for the remainder of the 2007-2009
20 biennium, the commission has authority to spend the remaining funds
21 allocated with respect to its professions, physicians regulated under
22 this chapter and physician assistants regulated under chapter 18.71A
23 RCW; and

24 (ii) Beginning with the 2009-2011 biennium, the commission is
25 responsible for proposing its own biennial budget which the secretary
26 must submit to the office of financial management;

27 (c) That, prior to adopting credentialing fees under RCW 43.70.250,
28 the secretary shall collaborate with the commission to determine the
29 appropriate fees necessary to support the activities of the commission;

1 (d) That, prior to the secretary exercising the secretary's
2 authority to adopt uniform rules and guidelines, or any other actions
3 that might impact the licensing or disciplinary authority of the
4 commission, the secretary shall first meet with the commission to
5 determine how those rules or guidelines, or changes to rules or
6 guidelines, might impact the commission's ability to effectively carry
7 out its statutory duties. If the commission, in consultation with the
8 secretary, determines that the proposed rules or guidelines, or changes
9 to existing rules or guidelines, will negatively impact the
10 commission's ability to effectively carry out its statutory duties,
11 then the individual commission shall collaborate with the secretary to
12 develop alternative solutions to mitigate the impacts. If an
13 alternative solution cannot be reached, the parties may resolve the
14 dispute through a mediator as set forth in (f) of this subsection;

15 (e) That the commission shall negotiate with the secretary to
16 develop performance-based expectations, including identification of key
17 performance measures. The performance expectations should focus on
18 consistent, timely regulation of health care professionals; and

19 (f) That in the event there is a disagreement between the
20 commission and the secretary, that is unable to be resolved through
21 negotiation, a representative of both parties shall agree on the
22 designation of a third party to mediate the dispute.

23 (3) By December 15, 2013, the secretary, the commission, and the
24 other commissions conducting similar pilot projects under sections 30
25 through 32 of this act, shall report to the governor and the
26 legislature on the results of the pilot project. The report shall:

27 (a) Compare the effectiveness of licensing and disciplinary
28 activities of each commission during the pilot project with the
29 licensing and disciplinary activities of the commission prior to the
30 pilot project and the disciplinary activities of other disciplining
31 authorities during the same time period as the pilot project;

32 (b) Compare the efficiency of each commission with respect to the
33 timeliness and personnel resources during the pilot project to the
34 efficiency of the commission prior to the pilot project and the
35 efficiency of other disciplining authorities during the same period as
36 the pilot project;

37 (c) Compare the budgetary activity of each commission during the

1 pilot project to the budgetary activity of the commission prior to the
2 pilot project and to the budgetary activity of other disciplining
3 authorities during the same period as the pilot project;

4 (d) Evaluate each commission's regulatory activities, including
5 timelines, consistency of decision making, and performance levels in
6 comparison to other disciplining authorities; and

7 (e) Review summaries of national research and data regarding
8 regulatory effectiveness and patient safety.

9 (4) The secretary shall employ staff that are hired and managed by
10 the executive director provided that nothing contained in this section
11 may be construed to alter any existing collective bargaining unit or
12 the provisions of any existing collective bargaining agreement.

13 NEW SECTION. **Sec. 30.** A new section is added to chapter 18.79 RCW
14 to read as follows:

15 (1) The commission shall conduct a pilot project to evaluate the
16 effect of granting the commission additional authority over budget
17 development, spending, and staffing. The pilot project shall begin on
18 July 1, 2008, and conclude on June 30, 2013.

19 (2) The pilot project shall include the following provisions:

20 (a) That the secretary shall employ an executive director that is:

21 (i) Hired by and serves at the pleasure of the commission;

22 (ii) Exempt from the provisions of the civil service law, chapter
23 41.06 RCW and whose salary is established by the commission in
24 accordance with RCW 43.03.028 and 42.17.370; and

25 (iii) Responsible for performing all administrative duties of the
26 commission, including preparing an annual budget, and any other duties
27 as delegated to the executive director by the commission;

28 (b) Consistent with the budgeting and accounting act:

29 (i) With regard to budget for the remainder of the 2007-2009
30 biennium, the commission has authority to spend the remaining funds
31 allocated with respect to advanced registered nurses, registered
32 nurses, and licensed practical nurses regulated under this chapter; and

33 (ii) Beginning with the 2009-2011 biennium, the commission is
34 responsible for proposing its own biennial budget which the secretary
35 must submit to the office of financial management;

36 (c) That, prior to adopting credentialing fees under RCW 43.70.250,

1 the secretary shall collaborate with the commission to determine the
2 appropriate fees necessary to support the activities of the commission;

3 (d) That, prior to the secretary exercising the secretary's
4 authority to adopt uniform rules and guidelines, or any other actions
5 that might impact the licensing or disciplinary authority of the
6 commission, the secretary shall first meet with the commission to
7 determine how those rules or guidelines, or changes to rules or
8 guidelines, might impact the commission's ability to effectively carry
9 out its statutory duties. If the commission, in consultation with the
10 secretary, determines that the proposed rules or guidelines, or changes
11 to existing rules or guidelines, will negatively impact the
12 commission's ability to effectively carry out its statutory duties,
13 then the individual commission shall collaborate with the secretary to
14 develop alternative solutions to mitigate the impacts. If an
15 alternative solution cannot be reached, the parties may resolve the
16 dispute through a mediator as set forth in (f) of this subsection;

17 (e) That the commission shall negotiate with the secretary to
18 develop performance-based expectations, including identification of key
19 performance measures. The performance expectations should focus on
20 consistent, timely regulation of health care professionals; and

21 (f) That in the event there is a disagreement between the
22 commission and the secretary, that is unable to be resolved through
23 negotiation, a representative of both parties shall agree on the
24 designation of a third party to mediate the dispute.

25 (3) By December 15, 2013, the secretary, the commission, and the
26 other commissions conducting similar pilot projects under sections 29,
27 31, and 32 of this act, shall report to the governor and the
28 legislature on the results of the pilot project. The report shall:

29 (a) Compare the effectiveness of licensing and disciplinary
30 activities of each commission during the pilot project with the
31 licensing and disciplinary activities of the commission prior to the
32 pilot project and the disciplinary activities of other disciplining
33 authorities during the same time period as the pilot project;

34 (b) Compare the efficiency of each commission with respect to the
35 timeliness and personnel resources during the pilot project to the
36 efficiency of the commission prior to the pilot project and the
37 efficiency of other disciplining authorities during the same period as
38 the pilot project;

1 (c) Compare the budgetary activity of each commission during the
2 pilot project to the budgetary activity of the commission prior to the
3 pilot project and to the budgetary activity of other disciplining
4 authorities during the same period as the pilot project;

5 (d) Evaluate each commission's regulatory activities, including
6 timelines, consistency of decision making, and performance levels in
7 comparison to other disciplining authorities; and

8 (e) Review summaries of national research and data regarding
9 regulatory effectiveness and patient safety.

10 (4) The secretary shall employ staff that are hired and managed by
11 the executive director provided that nothing contained in this section
12 may be construed to alter any existing collective bargaining unit or
13 the provisions of any existing collective bargaining agreement.

14 NEW SECTION. **Sec. 31.** A new section is added to chapter 18.25 RCW
15 to read as follows:

16 (1) The commission may conduct a pilot project to evaluate the
17 effect of granting the commission additional authority over budget
18 development, spending, and staffing. If the commission intends to
19 conduct a pilot project, it must provide a notice in writing to the
20 secretary by June 1, 2008. If the commission chooses to conduct a
21 pilot project, the pilot project shall begin on July 1, 2008, and
22 conclude on June 30, 2013.

23 (2) The pilot project shall include the following provisions:

24 (a) That the secretary shall employ an executive director that is:

25 (i) Hired by and serves at the pleasure of the commission;

26 (ii) Exempt from the provisions of the civil service law, chapter
27 41.06 RCW and whose salary is established by the commission in
28 accordance with RCW 43.03.028 and 42.17.370; and

29 (iii) Responsible for performing all administrative duties of the
30 commission, including preparing an annual budget, and any other duties
31 as delegated to the executive director by the commission;

32 (b) Consistent with the budgeting and accounting act:

33 (i) With regard to budget for the remainder of the 2007-2009
34 biennium, the commission has authority to spend the remaining funds
35 allocated with respect to chiropractors licensed under this chapter;
36 and

1 (ii) Beginning with the 2009-2011 biennium, the commission is
2 responsible for proposing its own biennial budget which the secretary
3 must submit to the office of financial management;

4 (c) That, prior to adopting credentialing fees under RCW 43.70.250,
5 the secretary shall collaborate with the commission to determine the
6 appropriate fees necessary to support the activities of the commission;

7 (d) That, prior to the secretary exercising the secretary's
8 authority to adopt uniform rules and guidelines, or any other actions
9 that might impact the licensing or disciplinary authority of the
10 commission, the secretary shall first meet with the commission to
11 determine how those rules or guidelines, or changes to rules or
12 guidelines, might impact the commission's ability to effectively carry
13 out its statutory duties. If the commission, in consultation with the
14 secretary, determines that the proposed rules or guidelines, or changes
15 to existing rules or guidelines, will negatively impact the
16 commission's ability to effectively carry out its statutory duties,
17 then the individual commission shall collaborate with the secretary to
18 develop alternative solutions to mitigate the impacts. If an
19 alternative solution cannot be reached, the parties may resolve the
20 dispute through a mediator as set forth in (f) of this subsection;

21 (e) That the commission shall negotiate with the secretary to
22 develop performance-based expectations, including identification of key
23 performance measures. The performance expectations should focus on
24 consistent, timely regulation of health care professionals; and

25 (f) That in the event there is a disagreement between the
26 commission and the secretary, that is unable to be resolved through
27 negotiation, a representative of both parties shall agree on the
28 designation of a third party to mediate the dispute.

29 (3) By December 15, 2013, the secretary, the commission, and the
30 other commissions conducting similar pilot projects under sections 29,
31 30, and 32 of this act, shall report to the governor and the
32 legislature on the results of the pilot project. The report shall:

33 (a) Compare the effectiveness of licensing and disciplinary
34 activities of each commission during the pilot project with the
35 licensing and disciplinary activities of the commission prior to the
36 pilot project and the disciplinary activities of other disciplining
37 authorities during the same time period as the pilot project;

1 (b) Compare the efficiency of each commission with respect to the
2 timeliness and personnel resources during the pilot project to the
3 efficiency of the commission prior to the pilot project and the
4 efficiency of other disciplining authorities during the same period as
5 the pilot project;

6 (c) Compare the budgetary activity of each commission during the
7 pilot project to the budgetary activity of the commission prior to the
8 pilot project and to the budgetary activity of other disciplining
9 authorities during the same period as the pilot project;

10 (d) Evaluate each commission's regulatory activities, including
11 timelines, consistency of decision making, and performance levels in
12 comparison to other disciplining authorities; and

13 (e) Review summaries of national research and data regarding
14 regulatory effectiveness and patient safety.

15 (4) The secretary shall employ staff that are hired and managed by
16 the executive director provided that nothing contained in this section
17 may be construed to alter any existing collective bargaining unit or
18 the provisions of any existing collective bargaining agreement.

19 NEW SECTION. **Sec. 32.** A new section is added to chapter 18.32 RCW
20 to read as follows:

21 (1) The commission may conduct a pilot project to evaluate the
22 effect of granting the commission additional authority over budget
23 development, spending, and staffing. If the commission intends to
24 conduct a pilot project, it must provide a notice in writing to the
25 secretary by June 1, 2008. If the commission chooses to conduct a
26 pilot project, the pilot project shall begin on July 1, 2008, and
27 conclude on June 30, 2013.

28 (2) The pilot project shall include the following provisions:

29 (a) That the secretary shall employ an executive director that is:

30 (i) Hired by and serves at the pleasure of the commission;

31 (ii) Exempt from the provisions of the civil service law, chapter
32 41.06 RCW and whose salary is established by the commission in
33 accordance with RCW 43.03.028 and 42.17.370; and

34 (iii) Responsible for performing all administrative duties of the
35 commission, including preparing an annual budget, and any other duties
36 as delegated to the executive director by the commission;

37 (b) Consistent with the budgeting and accounting act:

1 (i) With regard to budget for the remainder of the 2007-2009
2 biennium, the commission has authority to spend the remaining funds
3 allocated with respect to its professions, dentists licensed under this
4 chapter and expanded function dental auxiliaries and dental assistants
5 regulated under chapter 18.260 RCW; and

6 (ii) Beginning with the 2009-2011 biennium, the commission is
7 responsible for proposing its own biennial budget which the secretary
8 must submit to the office of financial management;

9 (c) That, prior to adopting credentialing fees under RCW 43.70.250,
10 the secretary shall collaborate with the commission to determine the
11 appropriate fees necessary to support the activities of the commission;

12 (d) That, prior to the secretary exercising the secretary's
13 authority to adopt uniform rules and guidelines, or any other actions
14 that might impact the licensing or disciplinary authority of the
15 commission, the secretary shall first meet with the commission to
16 determine how those rules or guidelines, or changes to rules or
17 guidelines, might impact the commission's ability to effectively carry
18 out its statutory duties. If the commission, in consultation with the
19 secretary, determines that the proposed rules or guidelines, or changes
20 to existing rules or guidelines, will negatively impact the
21 commission's ability to effectively carry out its statutory duties,
22 then the individual commission shall collaborate with the secretary to
23 develop alternative solutions to mitigate the impacts. If an
24 alternative solution cannot be reached, the parties may resolve the
25 dispute through a mediator as set forth in (f) of this subsection;

26 (e) That the commission shall negotiate with the secretary to
27 develop performance-based expectations, including identification of key
28 performance measures. The performance expectations should focus on
29 consistent, timely regulation of health care professionals; and

30 (f) That in the event there is a disagreement between the
31 commission and the secretary, that is unable to be resolved through
32 negotiation, a representative of both parties shall agree on the
33 designation of a third party to mediate the dispute.

34 (3) By December 15, 2013, the secretary, the commission, and the
35 other commissions conducting similar pilot projects under sections 29
36 through 31 of this act, shall report to the governor and the
37 legislature on the results of the pilot project. The report shall:

1 (a) Compare the effectiveness of licensing and disciplinary
2 activities of each commission during the pilot project with the
3 licensing and disciplinary activities of the commission prior to the
4 pilot project and the disciplinary activities of other disciplining
5 authorities during the same time period as the pilot project;

6 (b) Compare the efficiency of each commission with respect to the
7 timeliness and personnel resources during the pilot project to the
8 efficiency of the commission prior to the pilot project and the
9 efficiency of other disciplining authorities during the same period as
10 the pilot project;

11 (c) Compare the budgetary activity of each commission during the
12 pilot project to the budgetary activity of the commission prior to the
13 pilot project and to the budgetary activity of other disciplining
14 authorities during the same period as the pilot project;

15 (d) Evaluate each commission's regulatory activities, including
16 timelines, consistency of decision making, and performance levels in
17 comparison to other disciplining authorities; and

18 (e) Review summaries of national research and data regarding
19 regulatory effectiveness and patient safety.

20 (4) The secretary shall employ staff that are hired and managed by
21 the executive director provided that nothing contained in this section
22 may be construed to alter any existing collective bargaining unit or
23 the provisions of any existing collective bargaining agreement.

24 **Sec. 33.** RCW 18.71.0191 and 1994 sp.s. c 9 s 326 are each amended
25 to read as follows:

26 Except as provided in section 29 of this act for the duration of
27 the pilot project, the secretary of the department of health shall
28 appoint, from a list of three names supplied by the commission, an
29 executive director who shall act to carry out the provisions of this
30 chapter. The secretary shall also employ such additional staff
31 including administrative assistants, investigators, and clerical staff
32 as are required to enable the commission to accomplish its duties and
33 responsibilities. The executive director is exempt from the provisions
34 of the civil service law, chapter 41.06 RCW, as now or hereafter
35 amended.

1 **Sec. 34.** RCW 18.79.130 and 1994 sp.s. c 9 s 413 are each amended
2 to read as follows:

3 Except as provided in section 30 of this act for the duration of
4 the pilot project, the secretary shall appoint, after consultation with
5 the commission, an executive director who shall act to carry out this
6 chapter. The secretary shall also employ such professional,
7 secretarial, clerical, and other assistants as may be necessary to
8 effectively administer this chapter. The secretary shall fix the
9 compensation and provide for travel expenses for the executive director
10 and all such employees, in accordance with RCW 43.03.050 and 43.03.060.

11 NEW SECTION. **Sec. 35.** Sections 33 and 34 of this act expire June
12 30, 2013."

13 Renumber the remaining sections consecutively and correct any
14 internal references accordingly.

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By Senator Keiser and Pflug

ADOPTED 03/06/2008

15 On page 43, beginning on line 9, strike the title amendment and
16 insert the following:

17 "On page 1, line 1 of the title, after "professions;" strike the
18 remainder of the title and insert amending RCW 18.130.020, 18.130.050,
19 18.130.060, 18.130.080, 18.130.095, 18.130.170, 18.130.310, 70.41.210,
20 43.70.320, 18.130.140, 18.130.150, 18.130.165, 18.130.172, 18.130.180,
21 9.96A.020, 9.95.240, 43.43.825, 18.71.0191, and 18.79.130; reenacting
22 and amending RCW 18.130.160, 18.130.040, and 18.130.040; adding new
23 sections to chapter 18.130 RCW; adding a new section to chapter 42.52
24 RCW; adding a new section to chapter 18.71 RCW; adding a new section to
25 chapter 18.79 RCW; adding a new section to chapter 18.25 RCW; adding a
26 new section to chapter 18.32 RCW; creating new sections; prescribing
27 penalties; providing effective dates; providing expiration dates; and
28 declaring an emergency."

EFFECT: The Medical Quality Assurance Commission and Nursing Care Quality Assurance Commission must each conduct a pilot project to evaluate the effect of having additional authority over budget and staffing. The Chiropractic Quality Assurance Commission and the Dental Quality Assurance Commission may conduct a pilot project. These two commissions must notify the Secretary in writing by June 1, 2008, if the commission intends to conduct a pilot project.

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