H-4051.1

HOUSE BILL 2816

State of Washington 60th Legislature 2008 Regular Session

By Representatives Campbell, Morrell, and Green

Read first time 01/16/08. Referred to Committee on Health Care & Wellness.

AN ACT Relating to health care devices and procedures; adding a new section to chapter 18.22 RCW; adding a new section to chapter 18.25 RCW; adding a new section to chapter 18.32 RCW; adding a new section to chapter 18.36A RCW; adding a new section to chapter 18.57 RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.74 RCW; and adding a new section to chapter 18.79 RCW.

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

NEW SECTION. **Sec. 1.** A new section is added to chapter 18.22 RCW to read as follows:

(1) The board shall adopt rules to identify those instruments or categories of instruments that are prohibited for use by a podiatric physician or surgeon for therapeutic or diagnostic purposes.

(2) The board may adopt rules to identify:

(a) Those instruments or categories of instruments that are approved for use by a podiatric physician or surgeon; or

(b) Those procedures or categories of procedures that are approved or prohibited for use by a podiatric physician or surgeon.

(3) The rules must be based upon consideration of the following

factors for any procedure, category of procedures, instrument, or category of instruments to be approved or prohibited:

(a) The instruction of use of the procedure, category of procedures, instrument, or category of instruments at approved schools of podiatric medicine and surgery;

(b) The scientific basis for the use of the procedure, category of procedures, instrument, or category of instruments;

(c) Any direct and positive relationship of the procedure, category of procedures, instrument, or category of instruments to patient care;

(d) A comparison of potential risks and benefits to the patient; and

(e) Other factors deemed relevant by the board.

(4)(a) A podiatric physician or surgeon licensed under this chapter or manufacturer or vendor of an instrument or category of instruments for treatment or diagnostic evaluation may request that the board determine the classification of a procedure, category of procedures, instrument, or category of instruments not addressed by the rules.

(b) Prior to using an instrument or category of instruments not available for purchase before January 1, 2009, a podiatric physician or surgeon licensed under this chapter must seek a determination from the board as to the status of the instrument or category of instruments. Failure to seek a determination or make a reasonable inquiry to the board about the approved or prohibited status of an instrument not available for purchase before January 1, 2009, is unprofessional conduct under this chapter and chapter 18.130 RCW.

NEW SECTION. **Sec. 2.** A new section is added to chapter 18.25 RCW to read as follows:

(1) The commission shall adopt rules to identify those instruments or categories of instruments that are prohibited for use by a chiropractor for treatment or diagnostic evaluation.

(2) The commission may adopt rules to identify:

(a) Those instruments or categories of instruments that are approved for use by a chiropractor; or

(b) Those procedures or categories of procedures that are approved or prohibited for use by a chiropractor.

(3) The rules must be based upon consideration of the following

factors for any procedure, category of procedures, instrument, or category of instruments to be approved or prohibited:

(a) The instruction of use of the procedure, category of procedures, instrument, or category of instruments at approved chiropractic schools and colleges;

(b) The scientific basis for the use of the procedure, category of procedures, instrument, or category of instruments;

(c) Any direct and positive relationship of the procedure, category of procedures, instrument, or category of instruments to patient care;

(d) A comparison of potential risks and benefits to the patient; and

(e) Other factors deemed relevant by the commission.

(4)(a) Any chiropractor licensed under this chapter or manufacturer or vendor of an instrument or category of instruments for treatment or diagnostic evaluation may request that the commission determine the classification of a procedure, category of procedures, instrument, or category of instruments not addressed by the rules.

(b) Prior to using an instrument or category of instruments not available for purchase before January 1, 2009, a chiropractor licensed under this chapter must seek a determination from the commission as to the status of the instrument or category of instruments. Failure to seek a determination or make a reasonable inquiry to the commission about the approved or prohibited status of an instrument not available for purchase before January 1, 2009, is unprofessional conduct under this chapter and chapter 18.130 RCW.

NEW SECTION. **Sec. 3.** A new section is added to chapter 18.32 RCW to read as follows:

(1) The commission shall adopt rules to identify those instruments or categories of instruments that are prohibited for use by a dentist for treatment or diagnostic evaluation.

(2) The commission may adopt rules to identify:

(a) Those instruments or categories of instruments that are approved for use by a dentist; or

(b) Those procedures or categories of procedures that are approved or prohibited for use by a dentist.

(3) The rules must be based upon consideration of the following

factors for any procedure, category of procedures, instrument, or category of instruments to be approved or prohibited:

(a) The instruction of use of the procedure, category of procedures, instrument, or category of instruments at approved schools of dentistry;

(b) The scientific basis for the use of the procedure, category of procedures, instrument, or category of instruments;

(c) Any direct and positive relationship of the procedure, category of procedures, instrument, or category of instruments to patient care;

(d) A comparison of potential risks and benefits to the patient; and

(e) Other factors deemed relevant by the commission.

(4)(a) Any dentist licensed under this chapter or manufacturer or vendor of an instrument or category of instruments for treatment or diagnostic evaluation may request that the commission determine the classification of a procedure, category of procedures, instrument, or category of instruments not addressed by the rules.

(b) Prior to using an instrument or category of instruments not available for purchase before January 1, 2009, a dentist licensed under this chapter must seek a determination from the commission as to the status of the instrument or category of instruments. Failure to seek a determination or make a reasonable inquiry to the commission about the approved or prohibited status of an instrument not available for purchase before January 1, 2009, is unprofessional conduct under this chapter and chapter 18.130 RCW.

NEW SECTION. **Sec. 4.** A new section is added to chapter 18.36A RCW to read as follows:

(1) The secretary, in coordination with the committee, shall adopt rules to identify those instruments or categories of instruments that are prohibited for use by a naturopath for treatment or diagnostic evaluation.

(2) The secretary, in coordination with the committee, may adopt rules to identify:

(a) Those instruments or categories of instruments that are approved for use by a naturopath; or

(b) Those procedures or categories of procedures that are approved or prohibited for use by a naturopath.

(3) The rules must be based upon consideration of the following factors for any procedure, category of procedures, instrument, or category of instruments to be approved or prohibited:

(a) The instruction of use of the procedure, category of procedures, instrument, or category of instruments at approved naturopathic education programs;

(b) The scientific basis for the use of the procedure, category of procedures, instrument, or category of instruments;

(c) Any direct and positive relationship of the procedure, category of procedures, instrument, or category of instruments to patient care;

(d) A comparison of potential risks and benefits to the patient; and

(e) Other factors deemed relevant by the secretary, in coordination with the committee.

(4)(a) Any naturopath licensed under this chapter or manufacturer or vendor of an instrument or category of instruments for treatment or diagnostic evaluation may request that the secretary, in coordination with the committee, determine the classification of a procedure, category of procedures, instrument, or category of instruments not addressed by the rules.

(b) Prior to using an instrument or category of instruments not available for purchase before January 1, 2009, a naturopath licensed under this chapter must seek a determination from the secretary as to the status of the instrument or category of instruments. Failure to seek a determination or make a reasonable inquiry to the secretary about the approved or prohibited status of an instrument not available for purchase before January 1, 2009, is unprofessional conduct under this chapter and chapter 18.130 RCW.

NEW SECTION. **Sec. 5.** A new section is added to chapter 18.57 RCW to read as follows:

(1) The board shall adopt rules to identify those instruments or categories of instruments that are prohibited for use by an osteopathic physician or surgeon or osteopathic physician's assistant for treatment or diagnostic evaluation.

(2) The board may adopt rules to identify:

(a) Those instruments or categories of instruments that are

approved for use by an osteopathic physician or surgeon or osteopathic physician's assistant; or

(b) Those procedures or categories of procedures that are approved or prohibited for use by an osteopathic physician or surgeon or osteopathic physician's assistant.

(3) The rules must be based upon consideration of the following factors for any procedure, category of procedures, instrument, or category of instruments to be approved or prohibited:

(a) The instruction of use of the procedure, category of procedures, instrument, or category of instruments at approved schools of osteopathic medicine or physician assistant training programs;

(b) The scientific basis for the use of the procedure, category of procedures, instrument, or category of instruments;

(c) Any direct and positive relationship of the procedure, category of procedures, instrument, or category of instruments to patient care;

(d) A comparison of potential risks and benefits to the patient; and

(e) Other factors deemed relevant by the board.

(4)(a) Any osteopathic physician or surgeon licensed under this chapter or osteopathic physician's assistant licensed under chapter 18.57A RCW or manufacturer or vendor of an instrument or category of instruments for treatment or diagnostic evaluation may request that the board determine the classification of a procedure, category of procedures, instrument, or category of instruments not addressed by the rules.

(b) Prior to using an instrument or category of instruments not available for purchase before January 1, 2009, an osteopathic physician or surgeon licensed under this chapter or an osteopathic physician's assistant licensed under chapter 18.57A RCW must seek a determination from the board as to the status of the instrument or category of instruments. Failure to seek a determination or make a reasonable inquiry to the board about the approved or prohibited status of an instrument not available for purchase before January 1, 2009, is unprofessional conduct under this chapter and chapter 18.130 RCW.

NEW SECTION. **Sec. 6.** A new section is added to chapter 18.71 RCW to read as follows:

(1) The commission shall adopt rules to identify those instruments

or categories of instruments that are prohibited for use by a physician or surgeon or physician assistant for treatment or diagnostic evaluation.

(2) The commission may adopt rules to identify:

(a) Those instruments or categories of instruments that are approved for use by a physician or surgeon or physician assistant; or

(b) Those procedures or categories of procedures that are approved or prohibited for use by a physician or surgeon or physician assistant.

(3) The rules must be based upon consideration of the following factors for any procedure, category of procedures, instrument, or category of instruments to be approved or prohibited:

(a) The instruction of use of the procedure, category of procedures, instrument, or category of instruments at approved schools of medicine or physician assistant programs;

(b) The scientific basis for the use of the procedure, category of procedures, instrument, or category of instruments;

(c) Any direct and positive relationship of the procedure, category of procedures, instrument, or category of instruments to patient care;

(d) A comparison of potential risks and benefits to the patient; and

(e) Other factors deemed relevant by the commission.

(4)(a) Any physician or surgeon licensed under this chapter or physician assistant licensed under chapter 18.71A RCW or manufacturer or vendor of an instrument or category of instruments for treatment or diagnostic evaluation may request that the commission determine the classification of a procedure, category of procedures, instrument, or category of instruments not addressed by the rules.

(b) Prior to using an instrument or category of instruments not available for purchase before January 1, 2009, a physician or surgeon licensed under this chapter or a physician assistant licensed under chapter 18.71A RCW must seek a determination from the commission as to the status of the instrument or category of instruments. Failure to seek a determination or make a reasonable inquiry to the commission about the approved or prohibited status of an instrument not available for purchase before January 1, 2009, is unprofessional conduct under this chapter and chapter 18.130 RCW.

NEW SECTION. **Sec. 7.** A new section is added to chapter 18.74 RCW to read as follows:

(1) The board shall adopt rules to identify those instruments or categories of instruments that are prohibited for use by a physical therapist for therapeutic or diagnostic purposes.

(2) The board may adopt rules to identify:

(a) Those instruments or categories of instruments that are approved for use by a physical therapist; or

(b) Those procedures or categories of procedures that are approved or prohibited for use by a physical therapist.

(3) The rules must be based upon consideration of the following factors for any procedure, category of procedures, instrument, or category of instruments to be approved or prohibited:

(a) The instruction of use of the procedure, category of procedures, instrument, or category of instruments at approved physical therapy programs;

(b) The scientific basis for the use of the procedure, category of procedures, instrument, or category of instruments;

(c) Any direct and positive relationship of the procedure, category of procedures, instrument, or category of instruments to patient care;

(d) A comparison of potential risks and benefits to the patient; and

(e) Other factors deemed relevant by the board.

(4)(a) A physical therapist licensed under this chapter or manufacturer or vendor of an instrument or category of instruments for treatment or diagnostic evaluation may request that the board determine the classification of a procedure, category of procedures, instrument, or category of instruments not addressed by the rules.

(b) Prior to using an instrument or category of instruments not available for purchase before January 1, 2009, a physical therapist licensed under this chapter must seek a determination from the board as to the status of the instrument or category of instruments. Failure to seek a determination or make a reasonable inquiry to the board about the approved or prohibited status of an instrument not available for purchase before January 1, 2009, is unprofessional conduct under this chapter and chapter 18.130 RCW.

NEW SECTION. **Sec. 8.** A new section is added to chapter 18.79 RCW to read as follows:

(1) The commission shall adopt rules to identify those instruments or categories of instruments that are prohibited for use by an advanced registered nurse practitioner for treatment or diagnostic evaluation.

(2) The commission may adopt rules to identify:

(a) Those instruments or categories of instruments that are approved for use by an advanced registered nurse practitioner; or

(b) Those procedures or categories of procedures that are approved or prohibited for use by an advanced registered nurse practitioner.

(3) The rules must be based upon consideration of the following factors for any procedure, category of procedures, instrument, or category of instruments to be approved or prohibited:

(a) The instruction of use of the procedure, category of procedures, instrument, or category of instruments at approved schools of nursing;

(b) The scientific basis for the use of the procedure, category of procedures, instrument, or category of instruments;

(c) Any direct and positive relationship of the procedure, category of procedures, instrument, or category of instruments to patient care;

(d) A comparison of potential risks and benefits to the patient; and

(e) Other factors deemed relevant by the commission.

(4)(a) An advanced registered nurse practitioner licensed under this chapter or manufacturer or vendor of an instrument or category of instruments for treatment or diagnostic evaluation may request that the commission determine the classification of a procedure, category of procedures, instrument, or category of instruments not addressed by the rules.

(b) Prior to using an instrument or category of instruments not available for purchase before January 1, 2009, an advanced registered nurse practitioner licensed under this chapter must seek a determination from the commission as to the status of the instrument or category of instruments. Failure to seek a determination or make a reasonable inquiry to the commission about the approved or prohibited status of an instrument not available for purchase before January 1,

2009, is unprofessional conduct under this chapter and chapter 18.130 RCW.

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