
HOUSE BILL 1518

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Cody, Schmick, Ryu, and Pollet

Read first time 01/29/13. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to providing certain disciplining authorities with
2 additional authority over budget development, spending, and staffing;
3 amending RCW 18.25.210, 18.71.430, and 18.79.390; repealing RCW
4 18.71.0191 and 18.79.130; providing an effective date; and declaring an
5 emergency.

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

7 **Sec. 1.** RCW 18.25.210 and 2011 c 60 s 5 are each amended to read
8 as follows:

9 (1) The commission may conduct a pilot project to evaluate the
10 effect of granting the commission additional authority over budget
11 development, spending, and staffing. If the commission intends to
12 conduct a pilot project, it must provide a notice in writing to the
13 secretary by ~~((June 1, 2008))~~ July 1, 2013. If the commission chooses
14 to conduct a pilot project, the pilot project shall begin on July 1,
15 ~~((2008))~~ 2013, and conclude on June 30, ~~((2013))~~ 2018.

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

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

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

1 (ii) Exempt from the provisions of the civil service law, chapter
2 41.06 RCW and whose salary is established by the commission in
3 accordance with RCW 43.03.028; and

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

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

8 (i) With regard to budget for the remainder of the ((2007-2009))
9 2013-2015 biennium, the commission has authority to spend the remaining
10 funds allocated with respect to chiropractors licensed under this
11 chapter; and

12 (ii) Beginning with the ((2009-2011)) 2015-2017 biennium, the
13 commission is responsible for proposing its own biennial budget which
14 the secretary must submit to the office of financial management;

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

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

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

36 (f) That in the event there is a disagreement between the
37 commission and the secretary, that is unable to be resolved through

1 negotiation, a representative of both parties shall agree on the
2 designation of a third party to mediate the dispute.

3 (3) By December 15, 2013, the secretary(~~(7)~~) and the commission(~~(7~~
4 ~~and the other commissions conducting similar pilot projects under RCW~~
5 ~~18.71.430, 18.79.390, and 18.32.765,~~) shall report to the governor and
6 the legislature on the results of the pilot project. The report shall:

7 (a) Compare the effectiveness of licensing and disciplinary
8 activities of (~~each~~) the commission during the pilot project with the
9 licensing and disciplinary activities of the commission prior to the
10 pilot project and the disciplinary activities of other disciplining
11 authorities during the same time period as the pilot project;

12 (b) Compare the efficiency of (~~each~~) the commission with respect
13 to the timeliness and personnel resources during the pilot project to
14 the efficiency of the commission prior to the pilot project and the
15 efficiency of other disciplining authorities during the same period as
16 the pilot project;

17 (c) Compare the budgetary activity of (~~each~~) the commission
18 during the pilot project to the budgetary activity of the commission
19 prior to the pilot project and to the budgetary activity of other
20 disciplining authorities during the same period as the pilot project;

21 (d) Evaluate (~~each~~) the commission's regulatory activities,
22 including timelines, consistency of decision making, and performance
23 levels in comparison to other disciplining authorities; and

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

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

30 **Sec. 2.** RCW 18.71.430 and 2011 c 60 s 7 are each amended to read
31 as follows:

32 (1) ~~The (commission shall conduct a pilot project to evaluate the~~
33 ~~effect of granting the commission additional authority over budget~~
34 ~~development, spending, and staffing. The pilot project shall begin on~~
35 ~~July 1, 2008, and conclude on June 30, 2013.~~

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

1 ~~(a) That the~~) secretary shall employ an executive director that
2 is:

3 ~~((i))~~ (a) Hired by and serves at the pleasure of the commission;

4 ~~((ii))~~ (b) Exempt from the provisions of the civil service law,
5 chapter 41.06 RCW and whose salary is established by the commission in
6 accordance with RCW 43.03.028; and

7 ~~((iii))~~ (c) Responsible for performing all administrative duties
8 of the commission, including preparing an annual budget, and any other
9 duties as delegated to the executive director by the commission(~~(+~~

10 ~~b))~~).

11 (2) Consistent with the budgeting and accounting act(~~(+~~

12 ~~(i) With regard to budget for the remainder of the 2007-2009~~
13 ~~biennium, the commission has authority to spend the remaining funds~~
14 ~~allocated with respect to its professions, physicians regulated under~~
15 ~~this chapter and physician assistants regulated under chapter 18.71A~~
16 ~~RCW; and~~

17 ~~(ii) Beginning with the 2009-2011 biennium~~), the commission is
18 responsible for proposing its own biennial budget which the secretary
19 must submit to the office of financial management(~~(+~~

20 ~~c) That,~~).

21 (3) Prior to adopting credentialing fees under RCW 43.70.250, the
22 secretary shall collaborate with the commission to determine the
23 appropriate fees necessary to support the activities of the
24 commission(~~(+~~

25 ~~d) That,~~).

26 (4) Prior to the secretary exercising the secretary's authority to
27 adopt uniform rules and guidelines, or any other actions that might
28 impact the licensing or disciplinary authority of the commission, the
29 secretary shall first meet with the commission to determine how those
30 rules or guidelines, or changes to rules or guidelines, might impact
31 the commission's ability to effectively carry out its statutory duties.
32 If the commission, in consultation with the secretary, determines that
33 the proposed rules or guidelines, or changes to existing rules or
34 guidelines, will negatively impact the commission's ability to
35 effectively carry out its statutory duties, then the individual
36 commission shall collaborate with the secretary to develop alternative
37 solutions to mitigate the impacts. If an alternative solution cannot

1 be reached, the parties may resolve the dispute through a mediator as
2 set forth in ~~((f) of this subsection;~~

3 ~~(e) That))~~ subsection (6) of this section.

4 (5) The commission shall negotiate with the secretary to develop
5 performance-based expectations, including identification of key
6 performance measures. The performance expectations should focus on
7 consistent, timely regulation of health care professionals~~((; and~~
8 ~~(f) That))~~.

9 (6) In the event there is a disagreement between the commission and
10 the secretary, that is unable to be resolved through negotiation, a
11 representative of both parties shall agree on the designation of a
12 third party to mediate the dispute.

13 ~~((3) By December 15, 2013, the secretary, the commission, and the~~
14 ~~other commissions conducting similar pilot projects under RCW~~
15 ~~18.79.390, 18.25.210, and 18.32.765, shall report to the governor and~~
16 ~~the legislature on the results of the pilot project. The report shall:~~

17 ~~(a) Compare the effectiveness of licensing and disciplinary~~
18 ~~activities of each commission during the pilot project with the~~
19 ~~licensing and disciplinary activities of the commission prior to the~~
20 ~~pilot project and the disciplinary activities of other disciplining~~
21 ~~authorities during the same time period as the pilot project;~~

22 ~~(b) Compare the efficiency of each commission with respect to the~~
23 ~~timeliness and personnel resources during the pilot project to the~~
24 ~~efficiency of the commission prior to the pilot project and the~~
25 ~~efficiency of other disciplining authorities during the same period as~~
26 ~~the pilot project;~~

27 ~~(c) Compare the budgetary activity of each commission during the~~
28 ~~pilot project to the budgetary activity of the commission prior to the~~
29 ~~pilot project and to the budgetary activity of other disciplining~~
30 ~~authorities during the same period as the pilot project;~~

31 ~~(d) Evaluate each commission's regulatory activities, including~~
32 ~~timelines, consistency of decision making, and performance levels in~~
33 ~~comparison to other disciplining authorities; and~~

34 ~~(e) Review summaries of national research and data regarding~~
35 ~~regulatory effectiveness and patient safety.~~

36 ~~(4))~~ (7) The secretary shall employ staff that are hired and
37 managed by the executive director provided that nothing contained in

1 this section may be construed to alter any existing collective
2 bargaining unit or the provisions of any existing collective bargaining
3 agreement.

4 **Sec. 3.** RCW 18.79.390 and 2011 c 60 s 8 are each amended to read
5 as follows:

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

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

11 ~~(a) That the)) secretary shall employ an executive director that~~
12 ~~is:~~

13 ~~((+i)) (a) Hired by and serves at the pleasure of the commission;~~

14 ~~((+ii)) (b) Exempt from the provisions of the civil service law,~~
15 ~~chapter 41.06 RCW and whose salary is established by the commission in~~
16 ~~accordance with RCW 43.03.028; and~~

17 ~~((+iii)) (c) Responsible for performing all administrative duties~~
18 ~~of the commission, including preparing an annual budget, and any other~~
19 ~~duties as delegated to the executive director by the commission((+)~~

20 ~~(b)))).~~

21 ~~(2) Consistent with the budgeting and accounting act((+)~~

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

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

29 ~~(c) That,)).~~

30 ~~(3) Prior to adopting credentialing fees under RCW 43.70.250, the~~
31 ~~secretary shall collaborate with the commission to determine the~~
32 ~~appropriate fees necessary to support the activities of the~~
33 ~~commission((+)~~

34 ~~(d) That,)).~~

35 ~~(4) Prior to the secretary exercising the secretary's authority to~~
36 ~~adopt uniform rules and guidelines, or any other actions that might~~
37 ~~impact the licensing or disciplinary authority of the commission, the~~

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

12 ~~(e) That))~~ subsection (6) of this section.

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

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

22 ~~((3) By December 15, 2013, the secretary, the commission, and the~~
23 ~~other commissions conducting similar pilot projects under RCW~~
24 ~~18.71.430, 18.25.210, and 18.32.765, shall report to the governor and~~
25 ~~the legislature on the results of the pilot project. The report shall:~~

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

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

36 ~~(c) Compare the budgetary activity of each commission during the~~
37 ~~pilot project to the budgetary activity of the commission prior to the~~

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

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

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

8 ~~(4))~~ (7) The secretary shall employ staff that are hired and
9 managed by the executive director provided that nothing contained in
10 this section may be construed to alter any existing collective
11 bargaining unit or the provisions of any existing collective bargaining
12 agreement.

13 NEW SECTION. **Sec. 4.** The following acts or parts of acts are each
14 repealed:

15 (1) RCW 18.71.0191 (Executive director--Staff) and 1994 sp.s. c 9
16 s 326, 1991 c 3 s 168, & 1979 ex.s. c 111 s 6; and

17 (2) RCW 18.79.130 (Executive director--Staff) and 1994 sp.s. c 9 s
18 413.

19 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of the
21 state government and its existing public institutions, and takes effect
22 July 1, 2013.

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