
SUBSTITUTE HOUSE BILL 2742

State of Washington **63rd Legislature** **2014 Regular Session**

By House Health Care & Wellness (originally sponsored by Representative Cody)

READ FIRST TIME 02/05/14.

1 AN ACT Relating to requiring a rule-making process to interpret the
2 scope of practice of a health care profession; adding a new section to
3 chapter 18.130 RCW; creating a new section; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds:

6 (a) A health care profession's scope of practice must be carefully
7 regulated to prevent a practitioner from performing procedures, tasks,
8 or other acts that exceed his or her level of training and education;

9 (b) The legislature establishes a health care profession's scope of
10 practice to ensure practitioners perform only those procedures, tasks,
11 or other acts within the level of training and education appropriate
12 for that profession;

13 (c) When questions arise regarding the competency and authority of
14 a health care profession to perform a particular act, the disciplining
15 authority is authorized to adopt a rule interpreting the scope of
16 practice, but may not expand a scope of practice; and

17 (d) Interpreting a scope of practice without a rule-making process
18 deprives practitioners and other interested parties of notice and an
19 opportunity for comment.

1 (2) Therefore, to protect the public health, safety, and welfare,
2 the legislature intends to require disciplining authorities to engage
3 in a rule-making process when interpreting the scope of practice of a
4 health care profession.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.130 RCW
6 to read as follows:

7 (1) A disciplining authority may not expand the scope of practice
8 for a profession under its authority.

9 (2) Except as provided in RCW 18.79.110, a disciplining authority
10 may not interpret the scope of practice of a profession under its
11 authority except by a rule adopted under chapter 34.05 RCW. Any
12 interpretation of a scope of practice by a disciplining authority,
13 other than by rule, is void.

14 (3) A license holder is not subject to disciplinary action or civil
15 liability for performing an act, task, or procedure before the
16 effective date of this section if:

17 (a) The disciplining authority interpreted the scope of practice to
18 include the relevant act, task, or procedure;

19 (b) The license holder reasonably relied on the disciplining
20 authority's interpretation of the scope of practice; and

21 (c) The license holder performed the act, task, or procedure within
22 the applicable standard of care.

23 NEW SECTION. **Sec. 3.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.

27 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of the
29 state government and its existing public institutions, and takes effect
30 immediately.

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