**1339 AMS HLTH S2892.1 - NOT FOR FLOOR USE**

**HB 1339** - S COMM AMD

By Committee on Health Care

Strike everything after the enacting clause and insert the following:

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

(a) Scope of practice for all health care professions is determined by the legislature;

(b) The scope of practice may be clarified, but not expanded, by a disciplining authority;

(c) Disciplining authorities do, on occasion, impermissibly expand the scope of practice for a profession under the guise of clarification; and

(d) The legislature may not have the opportunity to address the expansion for a significant period of time, which has the potential to impact public health and safety during the interim.

(2) The legislature further finds that:

(a) The legislature established the sunrise review process to create a method to review whether a previously unregulated health care profession should be regulated or whether an already regulated profession's scope of practice should be modified;

(b) Sunrise reviews are conducted by the department of health only at the request of the legislature;

(c) Although the legislation establishing the sunrise review process provided criteria to be met when evaluating the regulation of new professions, similar criteria was not provided for the department of health to consider when evaluating when the scope of practice of a profession should be modified; and

(d) Many issues relating to professions that come to the department of health's attention involve concerns that a profession is acting outside its scope of practice or are requests from a profession to expand its scope of practice.

(3) Therefore, the legislature intends to create a process to allow the secretary of health to intercede and stay any decision of a disciplining authority that expands scope of practice.

(4) The legislature also intends to require the department of health to review the sunrise review process and develop recommendations to submit to the legislature on statutory changes to the sunrise review process that will streamline the process, add clarity to scope of practice reviews, and ensure public health and safety.

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

(1) The secretary may, on his or her own initiative or at the written request of one of the chairs of the health care committees of the house of representatives or the senate, make a determination as to whether a disciplining authority has, through rule making, interpretive statement, policy statement, declarative order, practice guideline, decision in a formal disciplinary action, or other declaration, expanded the scope of practice for a health care profession regulated under this chapter.

(2) When determining whether a disciplining authority has expanded, rather than clarified, a scope of practice, the secretary shall consider:

(a) The plain language of the scope of practice in statute;

(b) The education and training required to perform the procedure or task;

(c) The education and training commonly received by members of the profession;

(d) The extent to which the expansion encroaches upon the scope of practice of another health care profession regulated under this chapter;

(e) The legislative intent when establishing the profession's scope of practice; and

(f) Any other information deemed relevant by the secretary.

(3)(a) If the secretary determines that a disciplining authority has expanded the scope of practice for a health care profession regulated under this chapter, the secretary shall first attempt to resolve the matter collaboratively with the disciplining authority.

(b) If the matter is not resolved collaboratively, the secretary may issue a directive staying the action that resulted in the expansion. The stay is effective until ninety days after the last day of the next full regular legislative session, written order of a court of competent jurisdiction, or rescission by the secretary, whichever occurs first.

(4) If the secretary issues a stay under subsection (3) of this section, the secretary shall provide notice to the standing committees of the legislature with jurisdiction over health care matters and shall include a brief summary of the basis for the determination. The secretary also may include recommendations for addressing the scope of practice of the affected professions.

(5) The secretary may adopt rules necessary to implement this section.

NEW SECTION. **Sec.**  (1) By December 1, 2016, the department of health must report to the health care committees of the legislature on recommended changes to the sunrise review process developed under chapter 18.120 RCW. The report must address the following:

(a) Criteria that may be included in statute that are specific to scope of practice expansion issues including whether an applicant should be required to submit evidence that a public access to health care issue exists and that expanding the scope of practice of a profession would help to mitigate this issue and provide a benefit to the public, including what type of evidence is sufficient to establish a public access to health care issue exists;

(b) Whether a sunrise review should include an evaluation of the profession's current education and training requirements and whether additional education and training requirements need to be provided in statute to ensure competency in the additional practices under sunrise review;

(c) Whether the sunrise review should provide recommendations on continuing education requirements related to the proposed expansion of the scope of practice;

(d) Other recommendations provided by the department of health to ensure that the public health, safety, or welfare will be benefited by the proposed expansion of the scope of practice;

(e) Other recommended updates to chapter 18.120 RCW, including needed updates to the definitions section, to the provisions relating to the licensing of new professions, and to the credentialing requirements of existing health professions.

(2) This section expires January 1, 2017."

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On page 1, line 3 of the title, after "practice;" strike the remainder of the title and insert "adding a new section to chapter 18.130 RCW; creating new sections; and providing an expiration date."