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**HOUSE BILL 1339**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives Cody, Schmick, Riccelli, Jinkins, Harris, Tharinger, Moeller, and Wylie

AN ACT Relating to allowing the secretary of health to intercede and stay any decision of a disciplining authority that expands scope of practice; adding a new section to chapter 18.130 RCW; and creating a new section.

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

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) 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.

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

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