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**HOUSE BILL 1340**

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

**By** Representatives Cody, Schmick, Moeller, Harris, Robinson, Ormsby, and Riccelli

AN ACT Relating to developing a process to allow pilot programs for health care professionals to learn new skills or roles, use existing skills in new circumstances, and accelerate training; adding a new chapter to Title 18 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that in order to achieve better health care for patients and communities and reduce health care expenditures, there is a need for a workforce of sufficient size that is nimble enough to respond to changing health care demands. One way of accomplishing this objective is to utilize health care personnel in innovative new roles and to reallocate health tasks to better meet the health needs of patients. However, workforce innovation projects may not be possible with restrictions in current state law, and any innovative project carried out must ensure the safety of patients and the public. It is the intent of the legislature to establish within the oversight of the Washington state department of health a health workforce innovation project approval process that will balance the need to test innovative workforce projects and ensure the protection of the public's health and safety. The legislature further intends that future amendments to existing licensure laws will acknowledge findings and incorporate innovations developed in approved projects that are likely to improve the effectiveness of health care delivery systems.

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Approved project" means an educational or training program approved by the department that does any of the following on a pilot program basis:

(a) Teaches new skills to existing categories of health care personnel;

(b) Uses existing skills in new circumstances or settings;

(c) Accelerates the training of existing categories of health care personnel; or

(d) Teaches new health care roles and skills to previously trained persons whose skills or license is not recognized within the state.

(2) "Department" means the department of health.

(3) "Health care services" means, within the scope of an approved project and the supervisor's scope of practice, the skills of a supervisor which may be taught to a trainee.

(4) "Sponsoring organization" means an organization such as a hospital, clinic, nonprofit educational institution, or government agency engaged in health or education activities that chooses to sponsor a project.

(5) "Supervisor" means, within the scope of an approved project and the individual's scope of practice, the person designated by the sponsoring organization who possesses the skills to be taught to or used by trainees and who is certified or licensed in Washington to perform the health care services involving the skills.

(6) "Trainee" means a person who, within the scope of the approved project, will be learning to perform health care tasks involving skills taught by a supervisor.

NEW SECTION. **Sec.**  (1) A sponsoring organization requesting designation for an approved project shall complete and submit to the department an application, which must include a description of the project indicating:

(a) The aim of the project;

(b) The intended impact on patient care, access to services, and cost;

(c) The category of person to be trained;

(d) The tasks to be taught;

(e) The numbers of trainees and supervisors who will participate in the project;

(f) A description of the health care facilities to be used for training students; and

(g) A description of the types of patients likely to be seen or treated.

(2) The application for a project must contain a description of the following:

(a) The evaluation process to be used in assessing project outcomes;

(b) The baseline data and information to be collected;

(c) The nature of program data that will be collected and the methods for collecting and analyzing the data;

(d) Provision for protecting the safety of patients seen or treated in the project; and

(e) A statement of previous experience in providing related health care services.

NEW SECTION. **Sec.**  (1) The department shall conduct rule making to develop a process to review and approve or disapprove innovative health workforce projects. The rules developed must include, but are not limited to, the components identified in the new chapter created in section 8 of this act.

(2) The department may designate an innovative health workforce project as an approved project only where the project is submitted by a sponsoring organization. Individual supervisors and trainees may not sponsor a project and must collaborate with a sponsoring organization. Nothing in this section precludes approved projects from utilizing hospitals or clinics and the offices of physicians, dentists, pharmacists, and other clinical settings as training sites.

(3) The department may set a reasonable application fee for project submissions.

(4) The department shall consult appropriate professional societies, appropriate regulatory entities, and other relevant experts prior to designating approved projects.

(5) The department shall give priority for approval to projects operating in high need areas, such as health provider shortage areas, central city areas, and disproportionate share hospitals.

(6) The department may not approve a project for a period lasting more than twenty-four months, unless the department determines that the project is likely to contribute substantially to the availability of high quality health services in the state or a region or more time is needed to obtain valid and reliable study results.

NEW SECTION. **Sec.**  (1) A trainee in an approved project may perform health care services under a collaborative work agreement with the sponsoring organization and supervisor where the general scope of the services has been approved by the department. The collaborative work agreement must:

(a) Define certain tasks or patient care functions that a supervisor may delegate to a trainee to perform under direct supervision and with the appropriate training; and

(b) Identify the amount and types of liability insurance to be provided by the participating parties.

(2) A trainee is held to the same standard of care as an individual otherwise legally qualified to perform the health care service or services performed by the trainee or supervisor. While the trainee and supervisor are responsible for their own individual actions, under the collaborative work agreement the sponsoring organization and the supervisor retain overall accountability for patient care. Participation in an approved project by a trainee or supervisor does not constitute unlicensed practice or unprofessional conduct under chapter 18.130 RCW.

(3) Any patient being seen or treated by a trainee must be apprised of that fact and must be given the opportunity to refuse treatment. If a patient is not competent to grant informed consent, then a trainee may not provide treatment unless consent is obtained from a person authorized to provide consent on behalf of the patient pursuant to RCW 7.70.065. Consent to treatment does not constitute assumption of the risk.

NEW SECTION. **Sec.**  (1) The department shall develop a mechanism to monitor and evaluate approved projects.

(2) The sponsoring organization shall report to the department on a predetermined basis. Reports must include, at a minimum, the following:

(a) Confirmation that the sponsoring organization, supervisor, and trainee are abiding by the standards and guidelines set by the department;

(b) Information pertaining to quality and patient safety including:

(i) Confirmation that quality of care and patient safety have not been compromised; and

(ii) Outcomes for selected quality metrics; and

(c) Confirmation that the sponsoring organization, supervisor, and trainee are on target to complete the approved project by the identified completion date.

NEW SECTION. **Sec.**  Within sixty days of completion of the project, the sponsoring organization shall submit a report to the department on the outcomes of the approved project. The report must contain, but is not limited to:

(1) The aim of the project;

(2) Whether the aim was achieved;

(3) The degree to which the approved project had an impact on patient care, access to services, and cost;

(4) Recommendations based on approved project outcomes;

(5) The quality of care and patient acceptance of the project;

(6) The new health skills taught or the extent that existing skills have been reallocated;

(7) The implication of the project for existing licensure laws, including suggestions for changes in the law where appropriate;

(8) The implications of the project for health services curricula and for the health care delivery systems;

(9) The teaching methods used in the project; and

(10) The extent that persons with the new skills could find employment in the sponsoring organization or similar health care systems or facilities, assuming laws were changed to incorporate their skill.

NEW SECTION. **Sec.**  Sections 2 through 7 of this act constitute a new chapter in Title 18 RCW.

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