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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

Read first time 01/19/15. Referred to Committee on Health Care &  
Wellness.

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

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

6 NEW SECTION. **Sec. 1.** The legislature finds that in order to  
7 achieve better health care for patients and communities and reduce  
8 health care expenditures, there is a need for a workforce of  
9 sufficient size that is nimble enough to respond to changing health  
10 care demands. One way of accomplishing this objective is to utilize  
11 health care personnel in innovative new roles and to reallocate  
12 health tasks to better meet the health needs of patients. However,  
13 workforce innovation projects may not be possible with restrictions  
14 in current state law, and any innovative project carried out must  
15 ensure the safety of patients and the public. It is the intent of the  
16 legislature to establish within the oversight of the Washington state  
17 department of health a health workforce innovation project approval  
18 process that will balance the need to test innovative workforce  
19 projects and ensure the protection of the public's health and safety.  
20 The legislature further intends that future amendments to existing  
21 licensure laws will acknowledge findings and incorporate innovations

1 developed in approved projects that are likely to improve the  
2 effectiveness of health care delivery systems.

3 NEW SECTION. **Sec. 2.** The definitions in this section apply  
4 throughout this chapter unless the context clearly requires  
5 otherwise.

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

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

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

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

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

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

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

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

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

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

33 NEW SECTION. **Sec. 3.** (1) A sponsoring organization requesting  
34 designation for an approved project shall complete and submit to the  
35 department an application, which must include a description of the  
36 project indicating:

37 (a) The aim of the project;

- 1 (b) The intended impact on patient care, access to services, and  
2 cost;
- 3 (c) The category of person to be trained;
- 4 (d) The tasks to be taught;
- 5 (e) The numbers of trainees and supervisors who will participate  
6 in the project;
- 7 (f) A description of the health care facilities to be used for  
8 training students; and
- 9 (g) A description of the types of patients likely to be seen or  
10 treated.
- 11 (2) The application for a project must contain a description of  
12 the following:
- 13 (a) The evaluation process to be used in assessing project  
14 outcomes;
- 15 (b) The baseline data and information to be collected;
- 16 (c) The nature of program data that will be collected and the  
17 methods for collecting and analyzing the data;
- 18 (d) Provision for protecting the safety of patients seen or  
19 treated in the project; and
- 20 (e) A statement of previous experience in providing related  
21 health care services.

22 NEW SECTION. **Sec. 4.** (1) The department shall conduct rule  
23 making to develop a process to review and approve or disapprove  
24 innovative health workforce projects. The rules developed must  
25 include, but are not limited to, the components identified in the new  
26 chapter created in section 8 of this act.

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

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

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

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

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

9 NEW SECTION. **Sec. 5.** (1) A trainee in an approved project may  
10 perform health care services under a collaborative work agreement  
11 with the sponsoring organization and supervisor where the general  
12 scope of the services has been approved by the department. The  
13 collaborative work agreement must:

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

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

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

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

35 NEW SECTION. **Sec. 6.** (1) The department shall develop a  
36 mechanism to monitor and evaluate approved projects.

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

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

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

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

11 (ii) Outcomes for selected quality metrics; and

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

15 NEW SECTION. **Sec. 7.** Within sixty days of completion of the  
16 project, the sponsoring organization shall submit a report to the  
17 department on the outcomes of the approved project. The report must  
18 contain, but is not limited to:

19 (1) The aim of the project;

20 (2) Whether the aim was achieved;

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

23 (4) Recommendations based on approved project outcomes;

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

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

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

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

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

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

1        NEW SECTION.    **Sec. 8.**    Sections 2 through 7 of this act  
2    constitute a new chapter in Title 18 RCW.

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