

SENATE BILL REPORT

SHB 2264

As Reported by Senate Committee On:
Health & Long Term Care, February 20, 2018

Title: An act relating to hospital privileges for advanced registered nurse practitioners and physician assistants.

Brief Description: Concerning hospital privileges for advanced registered nurse practitioners and physician assistants.

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Harris, Slatter, Macri, Stonier, Robinson, DeBolt, Johnson, McBride, Tharinger, Dolan, Kloba, Appleton, Jinkins and Ormsby).

Brief History: Passed House: 2/12/18, 97-0.

Committee Activity: Health & Long Term Care: 2/20/18, 2/20/18 [DP, w/oRec].

Brief Summary of Bill

- Requires hospitals or health care facilities to collect information from physician assistants (PAs) and advanced registered nurse practitioners (ARNPs) before granting or renewing clinical privileges.
- Allows a hospital or facility to rely on the decision of a distant site hospital to grant or renew privileges when granting or renewing privileges for a PA or ARNP providing telemedicine.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: Do pass.

Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Bailey, Conway, Fain, Keiser, Mullet and Van De Wege.

Minority Report: That it be referred without recommendation.

Signed by Senator Becker.

Staff: Greg Attanasio (786-7410)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background: ARNPs, licensed by the Nursing Care Quality Assurance Commission (NCQAC), constitute a license category that includes four advanced nursing roles: Nurse Practitioner (NP), Certified Nurse Midwife (CNM), Certified Registered Nurse Anesthetist (CRNA), and Clinical Nurse Specialist (CNS). ARNPs may practice independently and can prescribe legend drugs and Schedule V controlled substances, as well as Schedules II through IV controlled substances within the scope of practice defined by the NCQAC.

PAs are licensed by the Medical Quality Assurance Commission or the Board of Osteopathic Medicine and Surgery and are authorized to practice only under the supervision of a physician. PAs may prescribe legend drugs and Schedule II through V controlled substances.

Hospitals and health care facilities may grant physicians, which includes osteopathic and podiatric physicians, clinical privileges to practice within the scope of their license. Before granting or renewing privileges, a hospital or health care facility must collect the names of the hospitals and facilities where the physician was employed or had clinical privileges in the past five years. It must also determine if the physician was or is subject to an investigation based on professional competence or conduct, or if they have been the subject of a misconduct or medical malpractice proceeding. The hospital or facility must also request information from the physician's previous employers concerning misconduct proceedings and any resulting judgments.

Summary of Bill: PAs and ARNPs are required to provide the same information as physicians before being hired or receiving clinical privileges. A hospital or health care facility must request and receive the following information from the applicant:

- the name of any hospital or facility that employed or granted the PA or ARNP clinical privileges in the past five years;
- whether the PA or ARNP has ever been or is in the process of being subjected to an adverse action based on an investigation into their professional competence or conduct, or if they ever failed to proceed with an application for a professional accreditation or privilege for the purpose of avoiding an adverse action; and
- whether the PA or ARNP is the subject of any misconduct or medical malpractice proceedings.

The hospital or facility must also request any information concerning misconduct or medical malpractice proceedings, and any resulting judgments from the hospitals and facilities at which the applicant worked or had clinical privileges in the past five years .

If a PA or ARNP is seeking clinical privileges to provide telemedicine, the hospital or facility may rely on the decision of the distant site hospital to grant privileges in lieu of collecting the required information if it receives reasonable assurances through a written agreement with the distant site hospital. The assurances must include that the PA or ARNP is fully privileged at the distant site hospital, holds a valid licensed recognized in Washington, and has undergone a performance review.

If the PA or ARNP is denied clinical privileges or employment based on an adverse finding, the hospital or facility must notify the relevant disciplinary authority within 30 days.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Currently hospitals are only required to perform thorough background checks on physicians, but do conduct background checks on all providers. Privileging protects patients and the statute should be updated to include PAs and ARNPs to avoid any credentialing problems in the future.

Persons Testifying: PRO: Leslie Emerick, ARNPs United, Washington, Washington State Psychological Association; Kate White Tudor, Washington Academy of Physician Assistants.

Persons Signed In To Testify But Not Testifying: No one.