

# FINAL BILL REPORT

## ESHB 1340

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Synopsis as Enacted

**Brief Description:** Concerning actions by health professions disciplining authorities against license applicants and license holders.

**Sponsors:** House Committee on Health Care & Wellness (originally sponsored by Representatives Riccelli, Thai, Berry, Ormsby, Chopp, Macri, Bergquist, Bateman, Simmons, Stonier, Berg, Duerr, Wylie, Senn, Taylor, Fitzgibbon, Cortes, Goodman, Reed, Lekanoff, Alvarado, Ramel, Kloba, Tharinger and Pollet).

**House Committee on Health Care & Wellness**  
**Senate Committee on Health & Long Term Care**

### **Background:**

The Uniform Disciplinary Act (UDA) provides a legal and policy framework for the regulation and oversight of health care providers by the relevant disciplining authorities for each health care profession.

Under the UDA, disciplining authorities have the authority to investigate all complaints or reports of unprofessional conduct, as defined under the UDA. Upon a finding, after a hearing, that a license holder has committed unprofessional conduct, the disciplining authority is required to issue an order including appropriate sanctions.

Disciplining authorities may deny an application for licensure or grant a licensure with conditions under certain circumstances, including if the applicant has had their license to practice any health care profession suspended, revoked, or restricted in any jurisdiction or if the applicant has committed an act defined as unprofessional conduct under the UDA.

Among other acts and conditions, unprofessional conduct is defined under the UDA to include:

- suspension, revocation, or restriction of an individual's license to practice any health care profession in any jurisdiction;

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- violation of any state or federal statute or administrative rule regulating the profession in question;
- violations of rules established by any health agency;
- practice beyond the scope of practice as defined by law or rule;
- the conviction of any gross misdemeanor or felony relating to the practice of the person's profession; and
- procuring, or aiding or abetting in procuring, a criminal abortion.

**Summary:**

The following do not constitute unprofessional conduct and, with some exceptions, may not serve as the basis for professional discipline or denial of licensure in Washington:

- the provision of, authorization of, recommendation of, aiding in, assistance in, referral for, or other participation in any reproductive health care services or gender affirming treatment by a license holder, if the participation is consistent with the standard of care in Washington or would have been lawful and consistent with standards of care if it occurred entirely in Washington; and
- a conviction or disciplinary action based on the license holder's violation of another state's laws prohibiting the provision of, authorization of, recommendation of, aiding in, assistance in, referral for, or other participation in any reproductive health care services or gender affirming treatment, if the participation would have been lawful and consistent with standards of care if it occurred entirely in Washington.

Procuring, or aiding or abetting in procuring, a criminal abortion is removed from the list of acts constituting unprofessional conduct.

**Votes on Final Passage:**

House	57	40	
Senate	28	19	(Senate amended)
House	57	39	(House concurred)

**Effective:** April 27, 2023