

# HOUSE BILL REPORT

## EHB 2351

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### As Passed Legislature

**Title:** An act relating to volunteer health care professionals licensed in a foreign jurisdiction.

**Brief Description:** Concerning the practice of out-of-state health care professionals volunteering in Washington.

**Sponsors:** Representatives Tarleton, Harris, Cody, Schmick, Walkinshaw, Riccelli, Ryu, Morrell, Roberts, Zeiger and Freeman.

**Brief History:**

**Committee Activity:**

Health Care & Wellness: 1/20/14, 1/23/14 [DP].

**Floor Activity:**

Passed House: 2/13/14, 98-0.

Passed Senate: 3/6/14, 49-0.

Passed Legislature.

**Brief Summary of Engrossed Bill**

- Allows health care professionals licensed in other states to practice in Washington on a limited voluntary basis.

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### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** Do pass. Signed by 17 members: Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Clibborn, DeBolt, Green, G. Hunt, Jinkins, Manweller, Moeller, Morrell, Rodne, Ross, Short, Tharinger and Van De Wege.

**Staff:** Jenna Zwang (786-7290) and Jim Morishima (786-7191).

**Background:**

Licenses Required to Practice Health Care in Washington.

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*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.*

A health care practitioner may not practice in Washington without a valid license to do so from a disciplining authority. In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses.

#### Retired Active Licenses.

An individual credentialed by a disciplining authority regulated in Washington who is practicing only in emergency or intermittent circumstances may hold a retired active credential.

In order to obtain a retired active credential, a practitioner must do the following:

- submit a letter notifying the Department of Health of the intent to practice only on an intermittent or emergency basis; and
- meet the following criteria:
  - hold an active Washington credential in good standing; and
  - either will practice no more than 90 days each year in Washington or will practice only in emergency circumstances such as earthquakes, floods, times of declared war, or other states of emergency.

#### Retired Volunteer Medical Worker License.

The Secretary of Health must issue a retired volunteer medical worker license to applicants who have held an active license no more than 10 years prior to applying for an initial retired volunteer medical worker license and who submit proof of registration as a volunteer with a local organization for emergency services or management.

Retired volunteer medical workers may only practice when one of the following occurs:

- There is a declared emergency, disaster, or authorized training event that has been given a mission number by the Department of Emergency Management.
- The local organization for emergency services or management or its designee has activated the retired medical worker.

License holders must be supervised and may only practice those duties that correspond to the scope of their emergency worker assignment, not to exceed their scope of practice prior to retirement.

"Applicable emergencies" or "disasters" are defined as an event or set of circumstances which: (1) demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such circumstance; or (2) reaches such a dimension or degree of destruction as to warrant the Governor declaring a state of emergency.

#### Volunteer Emergency Workers.

Volunteer emergency workers may register with local emergency departments or the Department of Military Affairs. When providing assistance or transportation authorized by the Military Department during a state of emergency, these workers (as well as the state and any state or local governmental entity) are immune from civil damages, other than for gross negligence or willful or wanton misconduct.

#### Volunteer Providers of Emergency or Medical Services.

A person who provides, without compensation, emergency care at the scene of an accident is immune from civil liability, other than for gross negligence or willful or wanton misconduct.

Community Health Care Settings.

A health care provider licensed in Washington who provides, without compensation, health care services in a clinic or other health facility that provides free health care to the public is immune from civil liability, other than for gross negligence or willful or wanton misconduct.

**Summary of Engrossed Bill:**

Health care professionals who are licensed in other states but not in Washington may practice in Washington on a limited voluntary basis. The volunteer health care professional's profession must be substantially similar to a profession regulated by the disciplining authority. The volunteer health professional may not practice in Washington for more than 30 days. In order to apply to be a voluntary health care professional, the applicant must submit the following 10 working days prior to the first day of volunteer practice:

- a confirmation that the health care professional holds an active license in another U.S. state or territory;
- a confirmation that the applicant is not subject to any disciplinary action or under investigation for criminal or professional misconduct;
- an acknowledgement that the applicant understands he or she may not perform any activity outside the relevant professional scope of practice permitted under Washington law, or the relevant scope in their state of licensure, whichever is more restrictive;
- a confirmation that the applicant has not volunteered in Washington for more than 30 days in the current calendar year; and
- the contact information of the organization sponsoring the medical clinic or health care event and the volunteer practice dates.

Neither volunteer health care professionals nor their sponsoring organizations may charge for any time or services performed in Washington. The organizations may reimburse the volunteer health care professionals for incurred travel costs.

Organizations utilizing volunteer health care professionals must verify each application requirement and retain proof of verification for two years after the last day of the medical clinic or event. All health care records of patients evaluated or treated by volunteer health care volunteers must be maintained and kept accessible for future health care professionals.

The provisions allowing out-of-state, volunteer health care workers to practice in Washington do not create any civil liability on the part of the state or any state agency, officer, employee, or agent. These provisions also do not apply to health care professionals operating under emergency management assistance.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This legislation provides a perfect way to use public gathering places to extend the idea of public access, not just for the arts, but also for free access to public health care. The hard part of establishing health care for all is reaching people who need access and don't know that they have it. This bill addresses the concerns of a volunteer shortage for public health events. If volunteers are brought from other states, this bill will allow them to participate in the health clinic legally.

This legislation will benefit nonprofit humanitarian organizations that wish to produce large scale volunteer medical clinics to provide health care to underserved populations. Such clinics' success will be largely determined on how many health care professionals volunteer. This bill will be helpful not just to nonprofits, but also aid in emergency preparedness. Many states have similar bills to allow for out-of-state emergency aid workers.

There are certain circumstances where licensing requirements could act as a barrier to valuable services. This bill could enhance Washington's emergency preparedness by allowing out-of-state medical providers to quickly mobilize and respond during a crisis.

(With concerns) This bill has technical issues, and raises logistical concerns about medical records.

(Opposed) None.

**Persons Testifying:** (In support) Representative Tarleton, prime sponsor; Robert Nellams and Julia Colson, Seattle Center; Jeff Parish, Washington State Dental Association; and Steven Saxe, Washington Department of Health.

(With concerns) Melissa Johnson, Washington State Nurses Association and Washington State Dental Hygienists' Association.

**Persons Signed In To Testify But Not Testifying:** None.