

## Applicant Report Outline/Instructions Proposal to Regulate a New Health Profession

Proposals to regulate a health profession shall have the exclusive purpose of protecting the public interest. Applicants must demonstrate (RCW 18.120.010(2)):

- Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public, and the potential for the harm is easily recognizable and not remote or dependent upon tenuous argument;
  - The public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional ability; and
  - The public cannot be effectively protected by other means in a more cost-beneficial manner.
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### **Evidence and Data**

- Provide quantitative evidence, if available, from studies or other sources (with citations) to support your assertions.
  - Provide enough detail to fully support your claims.
  - Provide citations to specific portions of educational curricula, rather than attaching entire curricula.
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**The outline and instructions on the following pages will assist you in preparing your applicant report.**

**Provide the following information on your cover sheet.**

- Legislative proposal being reviewed under the sunrise process (include bill number if available):
  
- Name and title of profession the applicant seeks to credential:
  
  
- Approximate number of individuals practicing in Washington:
  
  
- Information about applicant's organization:
  - Organization name / contact person:
  - Address:
  - Telephone number:
  - Email address:
  - Number of members in the organization:
  
- Name(s) and address(es) of national organization(s) with which the state organization is affiliated and number of members in the organization:
  
  
- Name(s) of other state or national organizations representing the profession:
  
  
- List the states that regulate this profession:

## Factors to Address

### Address the following (RCW 18.120.030):

- (1) A definition of the problem and why regulation is necessary:
  - (a) The nature of the potential harm to the public if the health profession is not regulated, and the extent to which there is a threat to public health and safety;
  - (b) The extent to which consumers need and will benefit from a method of regulation identifying competent practitioners, indicating typical employers, if any, of practitioners in the health profession; and
  - (c) The extent of autonomy a practitioner has, as indicated by:
    - (i) The extent to which the health profession calls for independent judgment and the extent of skill or experience required in making the independent judgment; and
    - (ii) The extent to which practitioners are or would be supervised;
- (2) The efforts made to address the problem:
  - (a) Voluntary efforts, if any, by members of the health profession to:
    - (i) Establish a code of ethics; or
    - (ii) Help resolve disputes between health practitioners and consumers; and
  - (b) Recourse to and the extent of use of applicable law and whether it could be strengthened to control the problem;
- (3) The alternatives considered:
  - (a) Regulation of business employers or practitioners rather than employee practitioners;
  - (b) Regulation of the program or service rather than the individual practitioners;
  - (c) Registration of all practitioners;
  - (d) Certification of all practitioners;
  - (e) Other alternatives;
  - (f) Why the use of the alternatives specified in this subsection would not be adequate to protect the public interest; and
  - (g) Why licensing would serve to protect the public interest;
- (4) The benefit to the public if regulation is granted:

- (a) The extent to which the incidence of specific problems present in the unregulated health profession can reasonably be expected to be reduced by regulation;
- (b) Whether the public can identify qualified practitioners;
- (c) The extent to which the public can be confident that qualified practitioners are competent:
  - (i) Whether the proposed regulatory entity would be a board composed of members of the profession and public members, or a state agency, or both, and, if appropriate, their respective responsibilities in administering the system of registration, certification, or licensure, including the composition of the board and the number of public members, if any; the powers and duties of the board or state agency regarding examinations and for cause revocation, suspension, and nonrenewal of registrations, certificates, or licenses; the promulgation of rules and canons of ethics; the conduct of inspections; the receipt of complaints and disciplinary action taken against practitioners;
  - (ii) If there is a grandfather clause, whether such practitioners will be required to meet the prerequisite qualifications established by the regulatory entity at a later date;
  - (iii) The nature of the standards proposed for registration, certification, or licensure as compared with the standards of other jurisdictions;
  - (iv) Whether the regulatory entity would be authorized to enter into reciprocity agreements with other jurisdictions;
  - (v) The nature and duration of any training including, but not limited to:
    - Whether the training includes a substantial amount of supervised field experience;
    - Whether training programs exist in this state;
    - If there will be an experience requirement;
    - Whether the experience must be acquired under a registered, certificated, or licensed practitioner;
    - Whether there are alternative routes of entry or methods of meeting the prerequisite qualifications;
    - Whether all applicants will be required to pass an examination; and,
    - If an examination is required, by whom it will be developed and how the costs of development will be met.

- (vi) What additional training programs are anticipated to be necessary to assure training accessible statewide; the anticipated time required to establish the additional training programs; the types of institutions capable of providing the training; a description of how training programs will meet the needs of the expected workforce, including reentry workers, minorities, placebound students, and others;
- (d) Assurance of the public that practitioners have maintained their competence:
  - (i) Whether the registration, certification, or licensure will carry an expiration date; and
  - (ii) Whether renewal will be based only upon payment of a fee, or whether renewal will involve reexamination, peer review, or other enforcement;
- (5) The extent to which regulation might harm the public:
  - (a) The extent to which regulation will restrict entry into the health profession:
    - (i) Whether the proposed standards are more restrictive than necessary to insure safe and effective performance; and
    - (ii) Whether the proposed legislation requires registered, certificated, or licensed practitioners in other jurisdictions who migrate to this state to qualify in the same manner as state applicants for registration, certification, and licensure when the other jurisdiction has substantially equivalent requirements for registration, certification, or licensure as those in this state; and
  - (b) Whether there are similar professions to that of the applicant group which should be included in, or portions of the applicant group which should be excluded from, the proposed legislation;
- (6) The maintenance of standards:
  - (a) Whether effective quality assurance standards exist in the health profession, such as legal requirements associated with specific programs that define or enforce standards, or a code of ethics; and
  - (b) How the proposed legislation will assure quality:
    - (i) The extent to which a code of ethics, if any, will be adopted; and
    - (ii) The grounds for suspension or revocation of registration, certification, or licensure;
- (7) (This information is included in the cover sheet.)

(8) The expected costs of regulation:

- (a) The impact registration, certification, or licensure will have on the costs of the services to the public;
- (b) (This information should be provided by the Department of Health.)
- (c) The cost to the members of the group proposed for regulation for the required education, including projected tuition and expenses and expected increases in training programs, staffing, and enrollments at state training institutions.