

Raised Bill No. 5828

Testimony by Joseph R. Treadwell, DPM

An act implementing the recommendations of the program review and investigations committee concerning scope of practice determinations for health care professions.

Section 1 (e) states a health care profession that is not in compliance with the provisions set in section 1 “shall be prohibited from seeking legislative action.” Any time a separation of powers occurs without checks and balances the public is at risk. If a process error occurs within the Department of Public Health or the practice review committee, at no fault of the profession requesting the change, resulting in an inability to be in compliance, there should be a provision allowing that profession to pursue legislative action during the legislative session.

Section 2 (a) outlines the appointing of members to a scope of practice review committee and discusses how differing health care professions will be represented. This section should be clarified in that “profession” should be determined by degree. In that no single degree should be represented more than once on the committee unless one member is from the specialty requesting the scope of practice change and the other is the opposition. There is the potential that a single degree could be represented by multiple specialties in opposition to a scope of practice change. This could create an unfair bias towards any group applying for a scope of practice change. The committee members representing the proposed scope of practice change and speaking for the opposition should not have votes on the committee if the final recommendation is via a voting process.

The function of the practice review committee should be clearly delineated. Is the committee acting as an arbitrator, mediator or evaluating the information provided by the oppositional parties and coming to a final determination? This delineation would dictate the process itself. Delineating the process is imperative as it also dictates the relevance of committee’s recommendation and how it facilitates legislative action.

Having represented my profession in a scope of practice change process under the direction of the Department of Public Health I am not opposed to the intent of this legislation and recognize there is a place for vetting prior to presenting to the legislative body. However as written this bill has limitations that could significantly impede a fair process and needs to further define the function of the practice review committee.