

RCWs Involved in Forming the Basis For Health Freedom Washington's Proposed Legislation The Alternative Health Care Safe Harbor Act

RCW 18.120.010 Purpose – Criteria

“(1) The purpose of this chapter is to establish guidelines for the regulation of health care professions not licensed or regulated prior to July 24, 1983...”

“The legislature believes that all individuals should be permitted to enter into a health profession unless there is an overwhelming need for the state to protect the interests of the public by restricting entry into the profession. Where such a need is identified, the regulation adopted by the state should be set at the least restrictive level consistent with the public interest to be served.”

“(2) It is the intent of this chapter that no regulation shall, after July 24, 1983, be imposed upon any health profession except for the exclusive purpose protecting the public interest. All bills introduced in the legislature to regulate a health profession for the first time should be reviewed according to the following criteria.

A health profession should be regulated by the state only when:

(2)(a) Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public, and the potential for harm is easily recognizable and not remote or dependant upon some tenuous argument;”

[HFW's COMMENT] Washington law thereby acknowledges that there are many acts of healing taking place that are not regulated, and that there is no need for the State to require regulation of a health care practice, unless unregulated/unlicensed practice causes an imminent and discernable risk of significant direct harm to the public.

- ✓ **We are working to accurately reflect the prior legislature's intent to prohibit unnecessary government intervention in unregulated complimentary and alternative health care practices by:**
 - **Redirecting the basis for sanctions against an unregulated practitioner away from a question of licensure and onto a question of actual harm.**
 - **Promoting a law that provides clear expectations to unregulated practitioners in the form of a prohibited-conduct list and required disclosures.**

- ✓ **If the practitioner engages in any listed prohibited activity or fails to fulfill the duties set forth, they are outside of the boundary of the “safe harbor” exemption and cannot use our law to protect themselves from charges of practicing medicine without a license.**

RCW 18.71.011 Definition of Practice of Medicine-

“(1) Offers or undertakes to diagnose, cure, advise or prescribe for any human disease, ailment, injury, infirmity, deformity, pain or other condition, physical or mental, real or imaginary, by any means or instrumentality;”

[HFW's COMMENT] This all-encompassing definition has been construed to override the intent of RCW18.120.010, thereby placing complimentary and alternative health care practitioners - who are not required to be regulated - in jeopardy of being charged with practicing medicine without a license.

- ✓ **The definition is followed by a list of exemptions demonstrating the fact that there was no intention to regard every act of healing, by every individual (professional or not) as a practice of medicine.**

- ✓ **Our legislation will function as an exemption to the definition of the practice of medicine only for those non-regulated, non-harmful complimentary and alternative health care professions, and their practitioners, who abide by the requirements set forth in our safe harbor exemption law.**

- ✓ **We are not working to create another form of registration, regulation, or credentialing.**

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