

Joint Commission on Health Care

Consideration of Scope of Practice Exemptions in Approved Hospitals

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Approval of JCHC Study

- ▶ In 2013, JCHC approved a staff review of allowing certain providers working within an approved facility to be exempt from Virginia's scope of practice laws when established conditions have been met.
 - Stemmed from Option 6 of JCHC staff study: *Update on the Virginia Physician Workforce Shortage*
 - Appendix includes specific option language

- ▶ The following four slides provide traditional scope of practice exemptions (SOPE) approved by different states.

SOPE: Out-of-State Medical Practitioners

- ▶ *California:* Licensed physicians and surgeons may practice medicine in a state institution, if supervised by a practitioner licensed in state.
- ▶ *Connecticut, Kentucky, Louisiana, Oregon:* Allow issuance of practitioner licenses without examination to individual physicians who are licensed in states that have equal or more rigorous requirements than the licensing state.
- ▶ *Texas:* Allows out-of-state acupuncturists, chiropractors, and podiatrists to renew their license in Texas so long as they have practiced two years in their state of licensure.

Source: National Conference of State Legislatures, *Out-of-state, Foreign, and Military Medical Professional Practice Laws*, August 2014, unpublished.

3

SOPE: Foreign Medical Practitioners

- ▶ *Florida:*
 - Foreign and domestically trained physicians who have been accepted to train in an approved cancer center may be issued a 1-year license.
 - Certain practitioners who were educated in foreign nations may apply for restricted licenses if they pass a prescribed exam and practice under the supervision of another physician.
- ▶ *South Carolina:* A limited license will be considered on an individual basis for applicants who received medical residency training outside the United States or Canada.

Source: National Conference of State Legislatures, *Out-of-state, Foreign, and Military Medical Professional Practice Laws*, August 2014, unpublished.

4

SOPE: Emergency Situations and Underserved Areas

- ▶ *Arkansas:* During emergencies, out-of-state medical practitioners may work within their scope of practice so long as in good standing in their home state.
 - ▶ *Oklahoma:* During a state of emergency, out-of-state medical practitioners can practice as volunteers without being licensed.
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- ▶ *Nebraska:* The physician requirement of a single year of postgraduate medical education is waived for individuals who practice in medically underserved areas.

Source: National Conference of State Legislatures, *Out-of-state, Foreign, and Military Medical Professional Practice Laws*, August 2014, unpublished.

5

SOPE: California's Health Workforce Pilot Projects (HWPP) Program

- ▶ In 1972, the California State Assembly created the Health Workforce Pilot Projects Program to support the piloting of healthcare delivery concepts.
 - Healthcare related organizations are provided the opportunity to demonstrate, test, and evaluate new or expanded roles for healthcare professionals.
 - Entities allowed to apply are non-profit educational institutions, community hospitals, clinics, and governmental agencies engaged in health or education.
 - Program activities include: monitoring approved pilot programs in progress, collecting and analyzing data generated by pilot projects, and developing a report with conclusions and sometimes recommendations regarding changing the laws that affect the specific health profession to reflect the pilot project concept.
- ▶ The pilot projects may involve expanding the scope of practice for licensed health professionals.
 - Expanded roles in medical and dental auxiliaries and nursing as well as personnel in maternal child care, pharmacy, mental health, and other healthcare areas.

Source: State of California Office of Statewide Health Planning & Development, Health Workforce Development Division, Health Workforce Pilot Programs Division, *Frequently Asked Questions*, http://www.oshpd.ca.gov/HWDD/HWPP_faqs.html#q1.

6

Study Process: Exploring a Pilot-Project

JCHC staff met with representatives of the Virginia Hospital and Healthcare Association (VHHA) to seek assistance in finding a hospital interested in exploring a pilot-project.

VHHA Statement Regarding a Pilot-Project

“VHHA appreciates the Joint Commission on Health Care’s consideration of a pilot of a facility based scope of practice exemption for certain services or individuals. We are interested in further considering this pilot, especially in the context of hiring qualified veterans into the healthcare workforce. Virginia hospitals are moving rapidly to hire qualified veterans into health care jobs through our Troops to Healthcare initiative in partnership with the Virginia Values Veterans (V3) initiative. We are assessing with our members the level to which state health care licensure requirements pose a barrier to the hiring of qualified veterans and would like to re-visit this policy option once that assessment is completed.”

7

Appendix

Option 6 as Approved in
Update: Virginia Physician Workforce Shortage

8

Option 6: Include in the 2014 JCHC work plan a review of allowing certain providers working within an approved facility to be exempt from Virginia's scope of practice laws when established conditions have been met.

The providers, who would be eligible for scope of practice exemptions and therefore be allowed to perform activities that would otherwise require a license from the Boards of Medicine, Nursing, Pharmacy, or Physical Therapy (hereafter referred to as "permitted providers") would include one or more of the following:

- A. ***Military-trained Personnel:*** Applies only to individuals performing activities substantially similar to health care training and experiences that they received in the military.
- B. ***Individuals Licensed in Other States:*** Applies only to individuals, licensed by a health professionals' regulatory body in another state, who perform activities within their level of training but will not perform activities that exceed those approved for a similarly-trained professional licensed in Virginia.
- C. ***Non-specific Grouping:*** Applies only to individuals that have the requisite education or training to perform the designated activities. Practice activities may be limited by the hospital or hospital governing body for individuals practicing under this exemption within its facility. Furthermore, additional limitations may be set by the provider's supervising physician through the practice agreement.