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**SUBSTITUTE SENATE BILL 5859**

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**State of Washington****53rd Legislature****1993 Regular Session**

**By** Senate Committee on Health & Human Services (originally sponsored by Senators Talmadge, Deccio, Wojahn and Moyer)

Read first time 03/03/93.

1 AN ACT Relating to the regulation of health professions; amending  
2 RCW 18.120.010, 18.120.020, 18.120.040, 18.130.010, 18.130.040,  
3 18.130.050, 18.130.060, 18.130.090, 18.130.160, 18.130.165, 18.130.175,  
4 18.130.185, 18.130.186, 18.130.190, 18.130.300, 18.25.006, 18.25.015,  
5 18.25.020, 18.25.030, 18.25.040, 18.25.070, 18.25.190, 18.32.010,  
6 18.32.030, 18.32.035, 18.32.042, 18.50.115, 18.71.010, 18.71.205,  
7 18.71A.010, 18.135.030, 69.41.030, 69.45.010, 74.42.230, 18.25.005,  
8 18.25.019, 18.26.030, 18.26.390, 18.32.195, 18.32.655, 18.64.160,  
9 18.64A.050, 18.71.019, 18.71.095, 18.71.230, 18.72.165, 18.72.265,  
10 18.72.340, 18.135.070, and 43.70.220; reenacting and amending RCW  
11 18.71.015 and 18.71.030; adding a new section to chapter 18.06 RCW;  
12 adding a new section to chapter 18.19 RCW; adding a new section to  
13 chapter 18.22 RCW; adding new sections to chapter 18.25 RCW; adding a  
14 new section to chapter 18.29 RCW; adding a new section to chapter 18.32  
15 RCW; adding a new section to 18.34 RCW; adding a new section to chapter  
16 18.35 RCW; adding a new section to chapter 18.36A RCW; adding a new  
17 section to chapter 18.50 RCW; adding a new section to chapter 18.52  
18 RCW; adding a new section to chapter 18.52C RCW; adding a new section  
19 to chapter 18.53 RCW; adding a new section to chapter 18.54 RCW; adding  
20 a new section to chapter 18.55 RCW; adding a new section to chapter  
21 18.57 RCW; adding a new section to chapter 18.57A RCW; adding a new

1 section to chapter 18.59 RCW; adding new sections to chapter 18.64 RCW;  
2 adding new sections to chapter 18.64A RCW; adding new sections to  
3 chapter 18.71 RCW; adding a new section to chapter 18.71A RCW; adding  
4 a new section to chapter 18.73 RCW; adding a new section to chapter  
5 18.74 RCW; adding a new section to chapter 18.78 RCW; adding a new  
6 section to chapter 18.83 RCW; adding a new section to chapter 18.84  
7 RCW; adding a new section to chapter 18.88 RCW; adding a new section to  
8 chapter 18.88A RCW; adding a new section to chapter 18.89 RCW; adding  
9 a new section to chapter 18.92 RCW; adding a new section to chapter  
10 18.108 RCW; adding new sections to chapter 18.130 RCW; adding new  
11 sections to chapter 18.135 RCW; adding a new section to chapter 18.138  
12 RCW; adding a new section to chapter 18.155 RCW; adding a new section  
13 to chapter 34.05 RCW; adding a new chapter to Title 18 RCW; creating  
14 new sections; recodifying RCW 18.26.030, 18.26.320, 18.26.330,  
15 18.26.340, 18.26.350, 18.26.360, 18.26.370, 18.26.380, 18.26.390,  
16 18.72.165, 18.72.265, 18.72.340, 18.72.345, 18.72.350, and 18.72.360;  
17 and repealing RCW 18.26.010, 18.26.020, 18.26.028, 18.26.040,  
18 18.26.050, 18.26.060, 18.26.070, 18.26.080, 18.26.090, 18.26.110,  
19 18.26.900, 18.32.500, 18.32.510, 18.32.520, 18.32.530, 18.32.534,  
20 18.32.560, 18.32.570, 18.32.580, 18.32.590, 18.32.600, 18.32.610,  
21 18.32.620, 18.32.665, 18.32.745, 18.64.260, 18.71A.070, 18.72.010,  
22 18.72.020, 18.72.045, 18.72.090, 18.72.100, 18.72.110, 18.72.120,  
23 18.72.130, 18.72.150, 18.72.154, 18.72.155, 18.72.190, 18.72.301,  
24 18.72.306, 18.72.311, 18.72.316, 18.72.321, 18.72.380, 18.72.390,  
25 18.72.400, 18.72.900, 18.72.910, 18.135.080, 43.131.337, and  
26 43.131.338.

27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

28 **PART 1 - AUTHORITY OVER SCOPE OF PRACTICE**  
29 **OF STATE-REGULATED HEALTH PROFESSIONALS**

30 NEW SECTION. **Sec. 101.** LEGISLATIVE INTENT. The legislature finds  
31 that regulation of health professions is an important part of state  
32 quality assurance activities that help assure the safe delivery of  
33 health care services to the people of this state.

34 It further finds that there are twenty separate regulatory  
35 authorities that govern the health professions and act on scope of  
36 practice decisions. The large number of regulatory authorities has

1 sometimes resulted in inconsistent and conflicting regulation of the  
2 state's health professions and the expansion in the scope of practice  
3 beyond legislative intent. In addition, scopes of practice between  
4 some professions overlap and it is often unclear which regulatory  
5 authority has jurisdiction. Separate authorities may adopt conflicting  
6 rules concerning the same scope of practice issue. The legislature is  
7 often requested to resolve these conflicts by enacting legislation to  
8 modify or clarify the scope of practice of a health profession.

9 The legislature further finds that it is requested to consider  
10 legislation to increase the level of regulation of health professions  
11 already regulated by the state. Increasing the level of regulation  
12 further restricts the practice of the profession by requiring  
13 individuals to obtain specialized training and pass a credentialing  
14 examination. These requests require a determination that the existing  
15 level of regulation is insufficient to protect the public from the  
16 unsafe practice of the profession.

17 The legislature declares that the best forum for deciding such  
18 changes in scope of practice and levels of health professional  
19 credentialing is through a nonlegislative process that allows for a  
20 deliberative and objective consideration of such changes. The  
21 expertise of the existing health professional licensing boards and  
22 advisory committees should be used in considering such changes but a  
23 single authority should be responsible for making decisions on changes  
24 in scope of practice or the level of credentialing. It further declares  
25 that the legislature should limit its involvement in the regulation of  
26 health professionals to those proposals that create new professions or  
27 that consider the sunset termination of existing professions.

28 NEW SECTION. **Sec. 102.** DEFINITIONS. The definitions in this  
29 section apply throughout this chapter unless the context clearly  
30 requires otherwise.

31 (1) "Credential" means regulation of a health professional at the  
32 level of registration, certification, or licensure as defined in  
33 chapter 18.120 RCW.

34 (2) "Department" means the department of health.

35 (3) "Health profession" means a profession specified under RCW  
36 18.130.040(2).

1 (4) "Health profession advisory committee" or "advisory committee"  
2 means advisory committees established by the secretary or by law for  
3 health professions cited in RCW 18.130.040(2)(a).

4 (5) "Health profession regulatory board" or "boards" means the  
5 professional regulatory boards for health professions cited in RCW  
6 18.130.040(2)(b).

7 (6) "Scope of practice" means the range of diagnosis, treatments,  
8 services, technologies, equipment, and pharmaceuticals that a health  
9 profession is authorized to use.

10 (7) "Secretary" means the secretary of health or the secretary's  
11 designee.

12 NEW SECTION. **Sec. 103.** APPLICABILITY. Except for licensees  
13 governed under chapter 18.39 RCW, the secretary shall have the  
14 authority to adopt rules, standards, guidelines, or judgments relating  
15 to the scope of practice or the level of credentialing for health  
16 professions regulated under RCW 18.130.040 in accordance with  
17 provisions of this chapter.

18 NEW SECTION. **Sec. 104.** SCOPE OF PRACTICE AND LEVEL OF  
19 CREDENTIALING REVIEW PROCESS. (1) Effective July 1, 1994, the  
20 secretary on his or her own initiative, or upon the request of an  
21 interested party, may add to or take away functions of a health  
22 profession's scope of practice or make changes in the level of  
23 credentialing of a health profession under such terms and conditions as  
24 the secretary deems prudent and in accordance with the provisions of  
25 this chapter.

26 (2) By January 1, 1994, the secretary shall develop in rule a  
27 consistent, uniform, and objective process for making changes in scope  
28 of practice or level of credentialing, issuing judgments about a  
29 profession's scope of practice, or other activities authorized under  
30 this chapter. This includes the issuance of declaratory  
31 interpretations and adoption of rules regarding limits of practice and  
32 standards of practice.

33 (3) The secretary may request that a party requesting changes in  
34 the scope of practice or level of credentialing submit information  
35 relevant to such decisions, including responding to questions or  
36 criteria the secretary needs to respond to the request.

1 (4) The secretary may review the rules and other decisions of the  
2 health professional regulatory boards to determine whether such rules  
3 or decisions have the effect of altering the scope of practice of that  
4 profession. If the secretary deems that a board has acted in a manner  
5 to change the scope of practice, the secretary may reverse, vacate,  
6 revoke, nullify, or modify the rules or decisions. All rules,  
7 standards, guidelines, or judgments of any kind relating to a  
8 profession's scope of practice of a health profession regulatory board,  
9 whether adopted before or after the effective date of this act, are  
10 subject to review of the secretary.

11 (5) If the secretary should determine that needed changes in the  
12 scope of practice or level of credentialing of a health profession  
13 requires amendments to the Revised Code of Washington to implement, the  
14 secretary shall forward such recommended changes in the form of  
15 proposed legislation to the health policy committees of the senate and  
16 house of representatives.

17 (6) The secretary may use the professional expertise of the health  
18 profession regulatory boards and advisory committees and others to  
19 fulfill his or her responsibilities under this chapter.

20 (7) All actions by the secretary under this chapter shall be in  
21 accord with chapter 34.05 RCW.

22 NEW SECTION. **Sec. 105.** CRITERIA FOR USE BY THE SECRETARY. (1)  
23 If considering changes in the scope of practice of a health profession,  
24 the secretary shall consider at least the following factors:

25 (a) Whether a serious risk to the public's life, health, or safety  
26 will occur if the scope of practice remains unchanged.

27 (b) Whether there is a clear benefit to the public in changing the  
28 scope of practice of a health profession.

29 (c) Whether the current education and training requirements of the  
30 health profession are sufficient to assure the safe delivery of the  
31 health care services that will result from the change of scope of  
32 practice.

33 (d) Whether there is a sufficient availability of training and  
34 education programs to meet the demand for training that will result  
35 from the change in scope of practice.

36 (e) How the change in the scope of practice will effect the  
37 availability and cost of health care services.

1 (2) In considering changes in the level of credentialing of a  
2 health profession cited in RCW 18.130.040(2), the secretary shall  
3 consider at a minimum the criteria in RCW 18.120.030.

4 NEW SECTION. **Sec. 106.** ESTABLISHING REQUIREMENTS FOR CHANGES IN  
5 SCOPE OF PRACTICE. The secretary, in consultation with the health  
6 profession regulatory boards and health profession advisory committees,  
7 shall establish additional training, education, and other requirements  
8 for health professions under RCW 18.130.040 as made necessary by  
9 changes in scope of practice or levels of credentialing that are  
10 authorized under this chapter. This shall include when appropriate  
11 application of uniform administrative provisions under chapter 18.122  
12 RCW.

13 NEW SECTION. **Sec. 107.** TRANSITION AND STUDY. (1)(a) Each board  
14 or advisory committee for the professions listed in RCW 18.130.040  
15 shall develop a proposed rule defining the current scope of practice of  
16 its profession. The proposed rules shall be forwarded to the secretary  
17 for consideration no later than September 1, 1993. The secretary shall  
18 appoint a committee to prepare the proposed rule for those professions  
19 for which no board or advisory committee currently exists.

20 (b) On or before December 1, 1994, the secretary shall adopt rules  
21 establishing the scope of practice for each health profession subject  
22 to chapter 18.130 RCW. The secretary shall consider the proposed rules  
23 submitted in accordance with (a) of this subsection, and the rules  
24 shall be consistent with statutory provisions currently in effect. The  
25 rules shall become effective no earlier than July 1, 1994.

26 (2) The secretary, in consultation with the health policy  
27 committees of the senate and house of representatives, shall identify  
28 and recommend changes in the Revised Code of Washington necessary to  
29 implement the intent of sections 101 through 106 of this act. The  
30 recommendations shall be reported to the health policy committees of  
31 the legislature by no later than December 1, 1993.

32 NEW SECTION. **Sec. 108.** CODIFICATION INSTRUCTIONS. Sections 101  
33 through 106 of this act shall constitute a new chapter in Title 18 RCW.

34 **PART 2 - REVISIONS OF THE HEALTH PROFESSIONAL**  
35 **"SUNRISE" REVIEW PROCESS**

1       **Sec. 201.** RCW 18.120.010 and 1990 c 33 s 554 are each amended to  
2 read as follows:

3       (1) The purpose of this chapter is to establish guidelines for the  
4 regulation of health professions not licensed or regulated prior to  
5 July 24, 1983(~~(, and those licensed or regulated health professions~~  
6 ~~which seek to substantially increase their scope of practice)):  
7 PROVIDED, That the provisions of this chapter are not intended and  
8 shall not be construed to: (a) Apply to any regulatory entity created  
9 prior to July 24, 1983, except as provided in this chapter; (b) affect  
10 the powers and responsibilities of the superintendent of public  
11 instruction or state board of education under RCW 28A.305.130 and  
12 28A.410.010; (c) apply to or interfere in any way with the practice of  
13 religion or to any kind of treatment by prayer; and (d) apply to any  
14 remedial or technical amendments to any statutes which licensed or  
15 regulated activity before July 24, 1983. The legislature believes that  
16 all individuals should be permitted to enter into a health profession  
17 unless there is an overwhelming need for the state to protect the  
18 interests of the public by restricting entry into the profession.  
19 Where such a need is identified, the regulation adopted by the state  
20 should be set at the least restrictive level consistent with the public  
21 interest to be protected.~~

22       (2) It is the intent of this chapter that no regulation shall,  
23 after July 24, 1983, be imposed upon any health profession except for  
24 the exclusive purpose of protecting the public interest. All bills  
25 introduced in the legislature to regulate a health profession for the  
26 first time should be reviewed according to the following criteria. A  
27 health profession should be regulated by the state only when:

28       (a) Unregulated practice can clearly harm or endanger the health,  
29 safety, or welfare of the public, and the potential for the harm is  
30 easily recognizable and not remote or dependent upon tenuous argument;

31       (b) The public needs and can reasonably be expected to benefit from  
32 an assurance of initial and continuing professional ability; and

33       (c) The public cannot be effectively protected by other means in a  
34 more cost-beneficial manner.

35       (3) After evaluating the criteria in subsection (2) of this section  
36 and considering governmental and societal costs and benefits, if the  
37 legislature finds that it is necessary to regulate a health profession  
38 not previously regulated by law, the least restrictive alternative

1 method of regulation should be implemented, consistent with the public  
2 interest and this section:

3 (a) Where existing common law and statutory civil actions and  
4 criminal prohibitions are not sufficient to eradicate existing harm,  
5 the regulation should provide for stricter civil actions and criminal  
6 prosecutions;

7 (b) Where a service is being performed for individuals involving a  
8 hazard to the public health, safety, or welfare, the regulation should  
9 impose inspection requirements and enable an appropriate state agency  
10 to enforce violations by injunctive relief in court, including, but not  
11 limited to, regulation of the business activity providing the service  
12 rather than the employees of the business;

13 (c) Where the threat to the public health, safety, or economic  
14 well-being is relatively small as a result of the operation of the  
15 health profession, the regulation should implement a system of  
16 registration;

17 (d) Where the consumer may have a substantial basis for relying on  
18 the services of a practitioner, the regulation should implement a  
19 system of certification; or

20 (e) Where apparent that adequate regulation cannot be achieved by  
21 means other than licensing, the regulation should implement a system of  
22 licensing.

23 **Sec. 202.** RCW 18.120.020 and 1989 c 300 s 14 are each amended to  
24 read as follows:

25 The definitions contained in this section shall apply throughout  
26 this chapter unless the context clearly requires otherwise.

27 (1) "Applicant group" includes any health professional group or  
28 organization, any individual, or any other interested party which  
29 proposes that any health professional group not presently regulated be  
30 regulated (~~((or which proposes to substantially increase the scope of~~  
31 ~~practice of the profession))~~).

32 (2) "Certificate" and "certification" mean a voluntary process by  
33 which a statutory regulatory entity grants recognition to an individual  
34 who (a) has met certain prerequisite qualifications specified by that  
35 regulatory entity, and (b) may assume or use "certified" in the title  
36 or designation to perform prescribed health professional tasks.

37 (3) "Grandfather clause" means a provision in a regulatory statute  
38 applicable to practitioners actively engaged in the regulated health

1 profession prior to the effective date of the regulatory statute which  
2 exempts the practitioners from meeting the prerequisite qualifications  
3 set forth in the regulatory statute to perform prescribed occupational  
4 tasks.

5 (4) "Health professions" means and includes the following health  
6 and health-related licensed or regulated professions and occupations:  
7 (~~Podiatry~~) Podiatric medicine and surgery under chapter 18.22 RCW;  
8 chiropractic under chapter ~~(s)~~ 18.25 (~~and 18.26~~) RCW; dental hygiene  
9 under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; dispensing  
10 opticians under chapter 18.34 RCW; hearing aids under chapter 18.35  
11 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral  
12 directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW;  
13 nursing home administration under chapter 18.52 RCW; optometry under  
14 chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW;  
15 osteopathy and osteopathic medicine and surgery under chapters 18.57  
16 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine  
17 under chapters 18.71(~~r~~) and 18.71A(~~r~~ ~~and 18.72~~) RCW; emergency  
18 medicine under chapter 18.73 RCW; physical therapy under chapter 18.74  
19 RCW; practical nurses under chapter 18.78 RCW; psychologists under  
20 chapter 18.83 RCW; registered nurses under chapter 18.88 RCW;  
21 occupational therapists licensed pursuant to chapter 18.59 RCW;  
22 respiratory care practitioners certified under chapter 18.89 RCW;  
23 veterinarians and animal technicians under chapter 18.92 RCW; health  
24 care assistants under chapter 18.135 RCW; massage practitioners under  
25 chapter 18.108 RCW; acupuncturists certified under chapter 18.06 RCW;  
26 persons registered or certified under chapter 18.19 RCW; dietitians and  
27 nutritionists certified by chapter 18.138 RCW; radiologic technicians  
28 under chapter 18.84 RCW; and nursing assistants registered or certified  
29 under chapter 18.88A RCW.

30 (5) "Inspection" means the periodic examination of practitioners by  
31 a state agency in order to ascertain whether the practitioners'  
32 occupation is being carried out in a fashion consistent with the public  
33 health, safety, and welfare.

34 (6) "Legislative committees of reference" means the standing  
35 legislative committees designated by the respective rules committees of  
36 the senate and house of representatives to consider proposed  
37 legislation to regulate health professions not previously regulated.

38 (7) "License," "licensing," and "licensure" mean permission to  
39 engage in a health profession which would otherwise be unlawful in the

1 state in the absence of the permission. A license is granted to those  
2 individuals who meet prerequisite qualifications to perform prescribed  
3 health professional tasks and for the use of a particular title.

4 (8) "Professional license" means an individual, nontransferable  
5 authorization to carry on a health activity based on qualifications  
6 which include: (a) Graduation from an accredited or approved program,  
7 and (b) acceptable performance on a qualifying examination or series of  
8 examinations.

9 (9) "Practitioner" means an individual who (a) has achieved  
10 knowledge and skill by practice, and (b) is actively engaged in a  
11 specified health profession.

12 (10) "Public member" means an individual who is not, and never was,  
13 a member of the health profession being regulated or the spouse of a  
14 member, or an individual who does not have and never has had a material  
15 financial interest in either the rendering of the health professional  
16 service being regulated or an activity directly related to the  
17 profession being regulated.

18 (11) "Registration" means the formal notification which, prior to  
19 rendering services, a practitioner shall submit to a state agency  
20 setting forth the name and address of the practitioner; the location,  
21 nature and operation of the health activity to be practiced; and, if  
22 required by the regulatory entity, a description of the service to be  
23 provided.

24 (12) "Regulatory entity" means any board, commission, agency,  
25 division, or other unit or subunit of state government which regulates  
26 one or more professions, occupations, industries, businesses, or other  
27 endeavors in this state.

28 (13) "State agency" includes every state office, department, board,  
29 commission, regulatory entity, and agency of the state, and, where  
30 provided by law, programs and activities involving less than the full  
31 responsibility of a state agency.

32 **Sec. 203.** RCW 18.120.040 and 1989 1st ex.s. c 9 s 305 are each  
33 amended to read as follows:

34 Applicant groups shall submit a written report explaining the  
35 factors enumerated in RCW 18.120.030 to the legislative committees of  
36 reference, copies of which shall be sent to the (~~state board of health~~  
37 ~~and the~~) department of health for review and comment. The (~~state~~  
38 ~~board of health and the~~) department of health shall make

1 recommendations based on the report submitted by applicant groups to  
2 the extent requested by the legislative committees.

3 **PART 3 - CREATING A UNIFORM AND CONSISTENTLY APPLIED DISCIPLINARY**  
4 **PROCESS UNDER THE UNIFORM DISCIPLINARY ACT**

5 **Sec. 301.** RCW 18.130.010 and 1991 c 332 s 1 are each amended to  
6 read as follows:

7 It is the intent of the legislature to strengthen and consolidate  
8 disciplinary and licensure procedures for the licensed health and  
9 health-related professions and businesses by providing a uniform  
10 disciplinary act with standardized procedures for the licensure of  
11 health care professionals and the consistent enforcement of laws the  
12 purpose of which is to assure the public of the adequacy of  
13 professional competence and conduct in the healing arts.

14 It is also the intent of the legislature that all health and  
15 health-related professions newly credentialed by the state come under  
16 the uniform disciplinary act.

17 Further, the legislature declares that the addition of public  
18 members on all health care boards can give both the state and the  
19 public, which it has a statutory responsibility to protect, assurances  
20 of accountability and confidence in the various practices of health  
21 care. It is further the intent that this chapter will best be  
22 implemented by a uniform and consistently applied disciplinary process.

23 NEW SECTION. **Sec. 302.** A new section is added to chapter 18.130  
24 RCW to read as follows:

25 UNIFORM APPLICATION OF THE UNIFORM DISCIPLINARY ACT. (1) By  
26 September 1, 1993, the secretary, in consultation with the regulatory  
27 boards under RCW 18.130.040, shall develop procedures and criteria in  
28 rule for the consistent application of this chapter to all persons  
29 subject to this chapter. This shall include but not be limited to  
30 assuring consistency and uniformity in determining whether complaints  
31 merit investigation, conducting complaint investigations, determining  
32 when an action by the complainant constitutes unlicensed practice,  
33 unprofessional conduct or unsafe practice, and assessing sanctions  
34 against individuals for violation of the provisions of this chapter.

1 (2) The secretary shall report to the health policy committees of  
2 the legislature concerning implementation of this section no later than  
3 November 1, 1993.

4 **Sec. 303.** RCW 18.130.040 and 1992 c 128 s 6 are each amended to  
5 read as follows:

6 (1) This chapter applies only to the secretary and the boards  
7 having jurisdiction in relation to the professions licensed under the  
8 chapters specified in this section. This chapter does not apply to any  
9 business or profession not licensed under the chapters specified in  
10 this section.

11 (2)(a) The secretary has authority under this chapter in relation  
12 to the following professions:

13 (i) Dispensing opticians licensed under chapter 18.34 RCW;

14 (ii) Naturopaths licensed under chapter 18.36A RCW;

15 (iii) Midwives licensed under chapter 18.50 RCW;

16 (iv) Ocularists licensed under chapter 18.55 RCW;

17 (v) Massage operators and businesses licensed under chapter 18.108  
18 RCW;

19 (vi) Dental hygienists licensed under chapter 18.29 RCW;

20 (vii) Acupuncturists certified under chapter 18.06 RCW;

21 (viii) Radiologic technologists certified and x-ray technicians  
22 registered under chapter 18.84 RCW;

23 (ix) Respiratory care practitioners certified under chapter 18.89  
24 RCW;

25 (x) Persons registered or certified under chapter 18.19 RCW;

26 (xi) Persons registered as nursing pool operators under chapter  
27 18.52C RCW;

28 (xii) Nursing assistants registered or certified under chapter  
29 ~~((18.52B))~~ 18.88A RCW;

30 (xiii) Dietitians and nutritionists certified under chapter 18.138  
31 RCW;

32 (xiv) Sex offender treatment providers certified under chapter  
33 18.155 RCW; ~~((and))~~

34 (xv) Persons licensed and certified under chapter 18.73 RCW or RCW  
35 18.71.205; and

36 (xvi) Health care assistants certified under chapter 18.135 RCW.

37 (b) The boards having authority under this chapter are as follows:

1 (i) The podiatric medical board as established in chapter 18.22  
2 RCW;

3 (ii) The chiropractic (~~(disciplinary)~~) board as established in  
4 chapter (~~(18.26 RCW governing licenses issued under chapter)~~) 18.25  
5 RCW;

6 (iii) The (~~(dental disciplinary)~~) board of dentistry as established  
7 in chapter 18.32 RCW;

8 (iv) The council on hearing aids as established in chapter 18.35  
9 RCW;

10 (v) The board of funeral directors and embalmers as established in  
11 chapter 18.39 RCW;

12 (vi) The board of examiners for nursing home administrators as  
13 established in chapter 18.52 RCW;

14 (vii) The optometry board as established in chapter 18.54 RCW  
15 governing licenses issued under chapter 18.53 RCW;

16 (viii) The board of osteopathic medicine and surgery as established  
17 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
18 18.57A RCW;

19 (ix) The (~~(medical disciplinary)~~) board of medicine as established  
20 in chapter (~~(18.72)~~) 18.71 RCW governing licenses and registrations  
21 issued under chapters 18.71 and 18.71A RCW;

22 (x) The board of physical therapy as established in chapter 18.74  
23 RCW;

24 (xi) The board of occupational therapy practice as established in  
25 chapter 18.59 RCW;

26 (xii) The board of practical nursing as established in chapter  
27 18.78 RCW;

28 (xiii) The examining board of psychology and its disciplinary  
29 committee as established in chapter 18.83 RCW;

30 (xiv) The board of nursing as established in chapter 18.88 RCW; and  
31 (xv) The veterinary board of governors as established in chapter  
32 18.92 RCW;

33 (xvi) The board of pharmacy as established in chapter 18.64 RCW  
34 governing licenses governed under chapters 18.64 and 18.64A RCW.

35 (3) In addition to the authority to discipline license holders, the  
36 disciplining authority has the authority to grant or deny licenses  
37 based on the conditions and criteria established in this chapter and  
38 the chapters specified in subsection (2) of this section. (~~However,~~  
39 ~~the board of chiropractic examiners has authority over issuance and~~

1 ~~denial of licenses provided for in chapter 18.25 RCW, the board of~~  
2 ~~dental examiners has authority over issuance and denial of licenses~~  
3 ~~provided for in RCW 18.32.040, and the board of medical examiners has~~  
4 ~~authority over issuance and denial of licenses and registrations~~  
5 ~~provided for in chapters 18.71 and 18.71A RCW.))~~ This chapter also  
6 governs any investigation, hearing, or proceeding relating to denial of  
7 licensure or issuance of a license conditioned on the applicant's  
8 compliance with an order entered pursuant to RCW 18.130.160 by the  
9 disciplining authority.

10 **Sec. 304.** RCW 18.130.050 and 1987 c 150 s 2 are each amended to  
11 read as follows:

12 The disciplining authority has the following authority:

13 (1) To adopt, amend, and rescind such rules as are deemed necessary  
14 to carry out this chapter;

15 (2) To investigate all complaints or reports of unprofessional  
16 conduct as defined in this chapter and to hold hearings as provided in  
17 this chapter;

18 (3) To issue subpoenas and administer oaths in connection with any  
19 investigation, hearing, or proceeding held under this chapter;

20 (4) To take or cause depositions to be taken and use other  
21 discovery procedures as needed in any investigation, hearing, or  
22 proceeding held under this chapter;

23 (5) To compel attendance of witnesses at hearings;

24 (6) In the course of investigating a complaint or report of  
25 unprofessional conduct, to conduct practice reviews;

26 (7) To take emergency action ordering summary suspension of a  
27 license, or restriction or limitation of the licensee's practice  
28 pending proceedings by the disciplining authority;

29 (8) To use the office of administrative hearings as authorized in  
30 chapter 34.12 RCW to conduct hearings. However, the disciplining  
31 authority shall make the final decision regarding disposition of the  
32 license;

33 (9) To use individual members of the boards to direct  
34 investigations. However, the member of the board shall not  
35 subsequently participate in the hearing of the case;

36 (10) To enter into contracts for professional services determined  
37 to be necessary for adequate enforcement of this chapter;

1 (11) To contract with licensees or other persons or organizations  
2 to provide services necessary for the monitoring and supervision of  
3 licensees who are placed on probation, whose professional activities  
4 are restricted, or who are for any authorized purpose subject to  
5 monitoring by the disciplining authority;

6 (12) To adopt standards of professional conduct or practice;

7 (13) To grant or deny license applications, and in the event of a  
8 finding of unprofessional conduct by an applicant or license holder, to  
9 impose any sanction against a license applicant or license holder  
10 provided by this chapter;

11 (14) To enter into an assurance of discontinuance in lieu of  
12 issuing a statement of charges or conducting a hearing. The assurance  
13 shall consist of a statement of the law in question and an agreement to  
14 not violate the stated provision. The applicant or license holder  
15 shall not be required to admit to any violation of the law, nor shall  
16 the assurance be construed as such an admission. Violation of an  
17 assurance under this subsection is grounds for disciplinary action;

18 (15) To designate individuals authorized to sign subpoenas and  
19 statements of charges;

20 (16) To review and audit the records of licensed health facilities'  
21 or services' quality assurance committee decisions in which a  
22 licensee's practice privilege or employment is terminated or  
23 restricted. Each health facility or service shall produce and make  
24 accessible to the disciplining authority the appropriate records and  
25 otherwise facilitate the review and audit. Information so gained shall  
26 not be subject to discovery or introduction into evidence in any civil  
27 action and shall be exempt from public disclosure under chapter 42.17  
28 RCW;

29 (17) To delegate a review judge to conduct adjudicative proceedings  
30 and issue orders, or both.

31 **Sec. 305.** RCW 18.130.060 and 1991 c 3 s 269 are each amended to  
32 read as follows:

33 In addition to the authority specified in RCW 18.130.050, the  
34 secretary has the following additional authority:

35 (1) To employ such investigative, administrative, and clerical  
36 staff as necessary for the enforcement of this chapter;

37 (2) Upon the request of a board, to appoint (~~not more than three~~)  
38 pro tem members for the purpose of participating as members of one or

1 more committees of the board in connection with proceedings  
2 specifically identified in the request. Individuals so appointed must  
3 meet the same minimum qualifications as regular members of the board.  
4 While serving as board members pro tem, persons so appointed have all  
5 the powers, duties, and immunities, and are entitled to the emoluments,  
6 including travel expenses in accordance with RCW 43.03.050 and  
7 43.03.060, of regular members of the board. The chairperson of a  
8 committee shall be a regular member of the board appointed by the board  
9 chairperson. Committees have authority to act as directed by the board  
10 with respect to all matters concerning the review, investigation, and  
11 adjudication of all complaints, allegations, charges, and matters  
12 subject to the jurisdiction of the board. The authority to act through  
13 committees does not restrict the authority of the board to act as a  
14 single body at any phase of proceedings within the board's  
15 jurisdiction. Board committees may make interim orders and issue final  
16 decisions with respect to matters and cases delegated to the committee  
17 by the board. Final decisions may be appealed as provided in chapter  
18 34.05 RCW, the Administrative Procedure Act;

19 (3) To establish fees to be paid for witnesses, expert witnesses,  
20 and consultants used in any investigation and to establish fees to  
21 witnesses in any agency adjudicative proceeding as authorized by RCW  
22 34.05.446;

23 (4) To conduct investigations and practice reviews at the direction  
24 of the disciplining authority and to issue subpoenas, administer oaths,  
25 and take depositions in the course of conducting those investigations  
26 and practice reviews at the direction of the disciplining authority.

27 **Sec. 306.** RCW 18.130.090 and 1986 c 259 s 6 are each amended to  
28 read as follows:

29 ((+1)) If the disciplining authority determines, upon  
30 investigation, that there is reason to believe a violation of RCW  
31 18.130.180 has occurred, a statement of charge or charges shall be  
32 prepared and served upon the license holder or applicant at the  
33 earliest practical time. The statement of charge or charges shall be  
34 accompanied by a notice that the license holder or applicant may  
35 request a hearing to contest the charge or charges. The license holder  
36 or applicant must file a request for hearing with the disciplining  
37 authority within twenty days after being served the statement of  
38 charges. ~~((The failure to request a hearing constitutes a default,~~

1 whereupon the disciplining authority may enter a decision on the basis  
2 of the facts available to it.

3 (2) ~~If a hearing is requested, the time of the hearing shall be~~  
4 ~~fixed by the disciplining authority as soon as convenient, but the~~  
5 ~~hearing shall not be held earlier than thirty days after service of the~~  
6 ~~charges upon the license holder or applicant. A notice of hearing~~  
7 ~~shall be issued at least twenty days prior to the hearing, specifying~~  
8 ~~the time, date, and place of the hearing. The notice shall also notify~~  
9 ~~the license holder or applicant that a record of the proceeding will be~~  
10 ~~kept, that he or she will have the opportunity to appear personally and~~  
11 ~~to have counsel present, with the right to produce witnesses, who will~~  
12 ~~be subject to cross examination, and evidence in his or her own behalf,~~  
13 ~~to cross examine witnesses testifying against him or her, to examine~~  
14 ~~such documentary evidence as may be produced against him or her, to~~  
15 ~~conduct depositions, and to have subpoenas issued by the disciplining~~  
16 ~~authority.)) If the twenty-day limit results in a hardship upon the~~  
17 ~~license holder or applicant, he or she may request for good cause an~~  
18 ~~extension not to exceed sixty additional days. If the disciplining~~  
19 ~~authority finds that there is good cause, it shall grant the extension.~~

20 NEW SECTION. Sec. 307. A new section is added to chapter 18.130  
21 RCW to read as follows:

22 DISCIPLINARY AUTHORITY--REQUIRED UNIFORM PROCEDURES. In the  
23 performance of its responsibilities under this chapter, the  
24 disciplinary authority shall:

25 (1) Develop a uniform procedure to respond to public inquiries  
26 concerning complaints and their disposition, active investigations,  
27 statement of charges, and findings of fact and final orders involving  
28 a licensee, applicant, or unlicensed person provided that public  
29 release of information related to disciplinary actions or violations of  
30 this chapter are limited to revocations of licenses. Suspension of a  
31 license or other conditions placed upon a license are not subject to  
32 public release;

33 (2) Upon making contact with a licensee, applicant, or unlicensed  
34 person for the purpose of investigation of a complaint, inform the  
35 licensee, applicant, or unlicensed person of the nature of the  
36 complaint and the individual's right to obtain legal counsel prior to  
37 responding to any inquiries by the disciplinary authority. The  
38 licensee, applicant, or unlicensed person shall also be informed that

1 responses to the disciplinary authority's inquiries may be used in  
2 adjudicative proceedings;

3 (3) Upon issuance of a statement of charges to the licensee,  
4 applicant, or unlicensed person, provide full disclosure of pertinent  
5 records and other supporting information used in the investigation;

6 (4) Develop a uniform procedure for the timely and complete  
7 response to a licensee, applicant, or unlicensed person request for  
8 discovery, including reasonable interrogatories, request for production  
9 and depositions, and reasonable and appropriate request for department  
10 staff consultation concerning the investigation of the licensee,  
11 applicant, or unlicensed person;

12 (5) Allow the respondent to have at least ninety days to submit  
13 documents and any other evidence the respondent wishes to have  
14 considered in a settlement conference. Extension may be granted with  
15 showing of good cause;

16 (6) Not prohibit a licensee, applicant, or unlicensed person from  
17 agreeing to sanctions without admitting to a violation of this chapter;

18 (7) Honor a settlement concerning violations of this chapter with  
19 a licensee, applicant, or unlicensed person agreed to prior to a  
20 hearing, except that such settlements may be disapproved by the  
21 disciplinary authority for good cause. In any case, a licensee,  
22 applicant, or unlicensed person shall not be denied a hearing in  
23 accordance with chapter 34.05 RCW;

24 (8) Inform witnesses in an investigation that their responses to  
25 inquiries may be released to the licensee, applicant, or unlicensed  
26 person under investigation should a statement of charges be issued by  
27 the disciplinary authority;

28 (9) Comply with restrictions on ex parte communications as provided  
29 for under RCW 34.05.455.

30 **Sec. 308.** RCW 18.130.160 and 1986 c 259 s 8 are each amended to  
31 read as follows:

32 Upon a finding that a license holder or applicant has committed  
33 unprofessional conduct or is unable to practice with reasonable skill  
34 and safety due to a physical or mental condition, the disciplining  
35 authority may issue an order providing for one or any combination of  
36 the following:

37 (1) Revocation of the license;

38 (2) Suspension of the license for a fixed or indefinite term;

- 1 (3) Restriction or limitation of the practice;
- 2 (4) Requiring the satisfactory completion of a specific program of  
3 remedial education or treatment;
- 4 (5) The monitoring of the practice by a supervisor approved by the  
5 disciplining authority;
- 6 (6) Censure or reprimand;
- 7 (7) Compliance with conditions of probation for a designated period  
8 of time;
- 9 (8) Payment of a fine for each violation of this chapter, not to  
10 exceed ((one)) five thousand dollars per violation. Funds received  
11 shall be placed in the health professions account;
- 12 (9) Denial of the license request;
- 13 (10) Corrective action;
- 14 (11) Refund of fees billed to and collected from the consumer.

15 Any of the actions under this section may be totally or partly  
16 stayed by the disciplining authority. In determining what action is  
17 appropriate, the disciplining authority must first consider what  
18 sanctions are necessary to protect or compensate the public. Only  
19 after such provisions have been made may the disciplining authority  
20 consider and include in the order requirements designed to rehabilitate  
21 the license holder or applicant. All costs associated with compliance  
22 with orders issued under this section are the obligation of the license  
23 holder or applicant.

24 **Sec. 309.** RCW 18.130.165 and 1987 c 150 s 4 are each amended to  
25 read as follows:

26 Where an order for payment of a fine is made as a result of a  
27 hearing under RCW 18.130.100 or 18.130.190 and timely payment is not  
28 made as directed in the final order, the disciplining authority may  
29 enforce the order for payment in the superior court in the county in  
30 which the hearing was held. This right of enforcement shall be in  
31 addition to any other rights the disciplining authority may have as to  
32 any licensee ordered to pay a fine but shall not be construed to limit  
33 a licensee's ability to seek judicial review under RCW 18.130.140.

34 In any action for enforcement of an order of payment of a fine, the  
35 disciplining authority's order is conclusive proof of the validity of  
36 the order of payment of a fine and the terms of payment.

1       **Sec. 310.** RCW 18.130.175 and 1991 c 3 s 270 are each amended to  
2 read as follows:

3       (1) In lieu of disciplinary action under RCW 18.130.160 and if the  
4 disciplining authority determines that the unprofessional conduct may  
5 be the result of substance abuse, the disciplining authority may refer  
6 the license holder to a voluntary substance abuse monitoring program  
7 approved by the disciplining authority.

8       The cost of the treatment shall be the responsibility of the  
9 license holder, but the responsibility does not preclude payment by an  
10 employer, existing insurance coverage, or other sources. Primary  
11 alcoholism or drug treatment shall be provided by approved treatment  
12 ~~((facilities))~~ programs under RCW ~~((70.96A.020(2)))~~ 70.96A.020:  
13 PROVIDED, That nothing shall prohibit the disciplining authority from  
14 approving additional services and programs as an adjunct to primary  
15 alcoholism or drug treatment. The disciplining authority may also  
16 approve the use of out-of-state programs. Referral of the license  
17 holder to the program shall be done only with the consent of the  
18 license holder. Referral to the program may also include probationary  
19 conditions for a designated period of time. If the license holder does  
20 not consent to be referred to the program or does not successfully  
21 complete the program, the disciplining authority may take appropriate  
22 action under RCW 18.130.160. If the license holder has a setback in  
23 complying with the program, but program records indicate continuing  
24 progress toward the successful completion of the program, the  
25 disciplinary authority shall encourage the license holder to continue  
26 participation in the program and may impose additional conditions on  
27 the license holder, but shall not take action under RCW 18.130.160  
28 unless the license holder is deemed unable to continue to practice with  
29 reasonable skill and safety under the conditions imposed on his or her  
30 license.

31       (2) In addition to approving substance abuse monitoring programs  
32 that may receive referrals from the disciplining authority, the  
33 disciplining authority may establish by rule requirements for  
34 participation of license holders who are not being investigated or  
35 monitored by the disciplining authority for substance abuse. License  
36 holders voluntarily participating in the approved programs without  
37 being referred by the disciplining authority shall not be subject to  
38 disciplinary action under RCW 18.130.160 for their substance abuse, and  
39 shall not have their participation made known to the disciplining

1 authority, if they meet the requirements of this section and the  
2 program in which they are participating.

3 (3) The license holder shall sign a waiver allowing the program to  
4 release information to the disciplining authority if the licensee does  
5 not comply with the requirements of this section or is unable to  
6 practice with reasonable skill or safety. The substance abuse program  
7 shall report to the disciplining authority any license holder who fails  
8 to comply with the requirements of this section or the program or who,  
9 in the opinion of the program, is unable to practice with reasonable  
10 skill or safety. License holders shall report to the disciplining  
11 authority if they fail to comply with this section or do not complete  
12 the program's requirements. License holders may, upon the agreement of  
13 the program and disciplining authority, reenter the program if they  
14 have previously failed to comply with this section.

15 (4) The treatment and pretreatment records of license holders  
16 referred to or voluntarily participating in approved programs shall be  
17 confidential, shall be exempt from RCW 42.17.250 through 42.17.450, and  
18 shall not be subject to discovery by subpoena or admissible as evidence  
19 except for monitoring records reported to the disciplining authority  
20 for cause as defined in subsection (3) of this section. Monitoring  
21 records relating to license holders referred to the program by the  
22 disciplining authority or relating to license holders reported to the  
23 disciplining authority by the program for cause, shall be released to  
24 the disciplining authority at the request of the disciplining  
25 authority. Records held by the disciplining authority under this  
26 section shall be exempt from RCW 42.17.250 through 42.17.450 and shall  
27 not be subject to discovery by subpoena except by the license holder.

28 (5) "Substance abuse," as used in this section, means the  
29 impairment, as determined by the disciplining authority, of a license  
30 holder's professional services by an addiction to, a dependency on, or  
31 the use of alcohol, legend drugs, or controlled substances.

32 (6) This section does not affect an employer's right or ability to  
33 make employment-related decisions regarding a license holder. This  
34 section does not restrict the authority of the disciplining authority  
35 to take disciplinary action for any other unprofessional conduct.

36 (7) A person who, in good faith, reports information or takes  
37 action in connection with this section is immune from civil liability  
38 for reporting information or taking the action.

1 (a) The immunity from civil liability provided by this section  
2 shall be liberally construed to accomplish the purposes of this section  
3 and the persons entitled to immunity shall include:

4 (i) An approved monitoring treatment program;

5 (ii) The professional association operating the program;

6 (iii) Members, employees, or agents of the program or association;

7 (iv) Persons reporting a license holder as being impaired or  
8 providing information about the license holder's impairment; and

9 (v) Professionals supervising or monitoring the course of the  
10 impaired license holder's treatment or rehabilitation.

11 (b) The immunity provided in this section is in addition to any  
12 other immunity provided by law.

13 (8) In addition to health care professionals governed by this  
14 chapter, this section also applies to pharmacists under chapter 18.64  
15 RCW and pharmacy assistants under chapter 18.64A RCW. For that  
16 purpose, the board of pharmacy shall be deemed to be the disciplining  
17 authority and the substance abuse monitoring program shall be in lieu  
18 of disciplinary action under RCW 18.64.160 or 18.64A.050. The board of  
19 pharmacy shall adjust license fees to offset the costs of this program.

20 NEW SECTION. **Sec. 311.** RCW 18.130.190 and 18.130.175 and section  
21 307 of this act apply to all actions pending or in process before a  
22 disciplinary authority on January 1, 1993, or all actions initiated by  
23 a disciplinary authority on or after January 1, 1993, regardless of  
24 when the cause of action may have arisen. To this extent, these  
25 sections apply retroactively, but in all other respects they apply  
26 prospectively.

27 **Sec. 312.** RCW 18.130.185 and 1987 c 150 s 8 are each amended to  
28 read as follows:

29 If a person or business regulated by this chapter violates RCW  
30 18.130.170 or 18.130.180, the attorney general, any prosecuting  
31 attorney, the (~~director~~) secretary, the board, or any other person  
32 may maintain an action in the name of the state of Washington to enjoin  
33 the person from committing the violations. The injunction shall not  
34 relieve the offender from criminal prosecution, but the remedy by  
35 injunction shall be in addition to the liability of the offender to  
36 criminal prosecution and disciplinary action.

1       **Sec. 313.** RCW 18.130.186 and 1989 c 125 s 3 are each amended to  
2 read as follows:

3       (1) To implement a substance abuse monitoring program for license  
4 holders specified under RCW 18.130.040, who are impaired by substance  
5 abuse, the disciplinary authority may enter into a contract with a  
6 voluntary substance abuse program under RCW 18.130.175. The program  
7 may include any or all of the following:

8       (a) Contracting with providers of treatment programs;

9       (b) Receiving and evaluating reports of suspected impairment from  
10 any source;

11       (c) Intervening in cases of verified impairment;

12       (d) Referring impaired license holders to treatment programs;

13       (e) Monitoring the treatment and rehabilitation of impaired license  
14 holders including those ordered by the disciplinary authority;

15       (f) Providing education, prevention of impairment, posttreatment  
16 monitoring, and support of rehabilitated impaired license holders; and

17       (g) Performing other activities as agreed upon by the disciplinary  
18 authority.

19       (2) A contract entered into under subsection (1) of this section  
20 may be financed by a surcharge on each license issuance or renewal to  
21 be collected by the department (~~(of licensing)~~) from the license  
22 holders of the same regulated health profession. These moneys shall be  
23 placed in the health professions account to be used solely for the  
24 implementation of the program.

25       **Sec. 314.** RCW 18.130.190 and 1991 c 3 s 271 are each amended to  
26 read as follows:

27       (1) The secretary shall investigate complaints concerning practice  
28 by unlicensed persons of a profession or business for which a license  
29 is required by the chapters specified in RCW 18.130.040. In the  
30 investigation of the complaints, the secretary shall have the same  
31 authority as provided the secretary under RCW 18.130.050. (~~The  
32 secretary shall issue a cease and desist order to a person after notice  
33 and hearing and upon a determination that the person has violated this  
34 subsection.~~)

35       (2) The secretary may issue a notice of intention to issue a cease  
36 and desist order to any person whom the secretary has reason to believe  
37 is engaged in the unlicensed practice of a profession or business for  
38 which a license is required by the chapters specified in RCW

1 18.130.040. The person to whom such notice is issued may request an  
2 adjudicative proceeding to contest the charges. The request for  
3 hearing must be filed within twenty days after service of the notice of  
4 intention to issue a cease and desist order. The failure to request a  
5 hearing constitutes a default, whereupon the secretary may enter a  
6 permanent cease and desist order, which may include a civil fine. All  
7 proceedings shall be conducted in accordance with chapter 34.05 RCW.

8 (3) If the secretary makes a final determination that a person has  
9 engaged or is engaging in unlicensed practice, the secretary may issue  
10 a cease and desist order. In addition, the secretary may impose a  
11 civil fine in an amount not exceeding five thousand dollars for each  
12 day upon which the person engaged in unlicensed practice of a business  
13 or profession for which a license is required by one or more of the  
14 chapters specified in RCW 18.130.040. The proceeds of such fines shall  
15 be deposited to the health professions account.

16 (4) If the secretary makes a written finding of fact that the  
17 public interest will be irreparably harmed by delay in issuing an  
18 order, the secretary may issue a temporary cease and desist order. The  
19 person receiving a temporary cease and desist order shall be provided  
20 an opportunity for a prompt hearing. The temporary cease and desist  
21 order shall remain in effect until further order of the secretary. The  
22 failure to request a prompt or regularly scheduled hearing constitutes  
23 a default, whereupon the secretary may enter a permanent cease and  
24 desist order, which may include a civil fine.

25 (5) Neither the issuance of a cease and desist order nor payment of  
26 a civil fine shall ((not)) relieve the person so practicing or  
27 operating a business without a license from criminal prosecution  
28 therefor, but the remedy of a cease and desist order or civil fine  
29 shall be in addition to any criminal liability. The cease and desist  
30 order is conclusive proof of unlicensed practice and may be enforced  
31 under RCW 7.21.060. This method of enforcement of the cease and desist  
32 order or civil fine may be used in addition to, or as an alternative  
33 to, any provisions for enforcement of agency orders set out in chapter  
34 34.05 RCW.

35 ((+2)) (6) The attorney general, a county prosecuting attorney,  
36 the secretary, a board, or any person may in accordance with the laws  
37 of this state governing injunctions, maintain an action in the name of  
38 this state to enjoin any person practicing a profession or business for  
39 which a license is required by the chapters specified in RCW 18.130.040

1 without a license from engaging in such practice or operating such  
2 business until the required license is secured. However, the  
3 injunction shall not relieve the person so practicing or operating a  
4 business without a license from criminal prosecution therefor, but the  
5 remedy by injunction shall be in addition to any criminal liability.

6 ((+3+)) (7) Unlicensed practice of a profession or operating a  
7 business for which a license is required by the chapters specified in  
8 RCW 18.130.040, unless otherwise exempted by law, constitutes a gross  
9 misdemeanor. All fees, fines, forfeitures, and penalties collected or  
10 assessed by a court because of a violation of this section shall be  
11 remitted to the health professions account.

12 **Sec. 315.** RCW 18.130.300 and 1984 c 279 s 21 are each amended to  
13 read as follows:

14 The ((director)) secretary, members of the boards, or individuals  
15 acting on their behalf are immune from suit in any civil action((~~-~~  
16 ~~civil or criminal,~~)) based on any disciplinary proceedings or other  
17 official acts performed in the course of their duties.

18 NEW SECTION. **Sec. 316.** FUNERAL DIRECTORS AND EMBALMERS STUDY.  
19 The board of funeral directors and embalmers shall report to the health  
20 policy committees of the legislature by November 15, 1993, with  
21 recommendations for incorporation of the applicable provisions of  
22 chapter 18.130 RCW into chapter 18.39 RCW.

23 NEW SECTION. **Sec. 317.** A new section is added to chapter 18.130  
24 RCW to read as follows:

25 DISCIPLINARY AUTHORITY--REQUIRED UNIFORM PROCEDURES. In the  
26 performance of its responsibilities under this chapter, the  
27 disciplinary authority shall:

28 (1) Develop a uniform procedure to respond to public inquiries  
29 concerning complaints and their disposition, active investigations,  
30 statement of charges, and findings of fact and final orders involving  
31 a licensee, applicant, or unlicensed person;

32 (2) Upon making contact with a licensee, applicant, or unlicensed  
33 person for the purpose of investigation of a complaint, inform the  
34 licensee, applicant, or unlicensed person of the nature of the  
35 complaint and the individual's right to obtain legal counsel prior to  
36 responding to any inquiries by the disciplinary authority. The

1 licensee, applicant, or unlicensed person shall also be informed that  
2 responses to the disciplinary authority's inquiries may be used in  
3 adjudicative proceedings;

4 (3) Upon issuance of a statement of charges to the licensee,  
5 applicant, or unlicensed person, provide full disclosure of pertinent  
6 records and other supporting information used in the investigation;

7 (4) Develop a uniform procedure for the timely and complete  
8 response to a licensee, applicant, or unlicensed person request for  
9 discovery, including reasonable interrogatories, request for production  
10 and depositions, and reasonable and appropriate request for department  
11 staff consultation concerning the investigation of the licensee,  
12 applicant, or unlicensed person;

13 (5) Not prohibit a licensee, applicant, or unlicensed person from  
14 agreeing to sanctions without admitting to a violation of this chapter;

15 (6) Honor a settlement concerning violations of this chapter with  
16 a licensee, applicant, or unlicensed person agreed to prior to a  
17 hearing, except that such settlements may be disapproved by the  
18 disciplinary authority for good cause. In any case, a licensee,  
19 applicant, or unlicensed person shall not be denied a hearing in  
20 accordance with chapter 34.05 RCW;

21 (7) Inform witnesses in an investigation that their responses to  
22 inquiries may be released to the licensee, applicant, or unlicensed  
23 person under investigation should a statement of charges be issued by  
24 the disciplinary authority;

25 (8) Comply with restrictions on ex parte communications as provided  
26 for under RCW 34.05.455.

27 **Sec. 318.** RCW 18.25.006 and 1992 c 241 s 3 are each amended to  
28 read as follows:

29 Unless the context clearly requires otherwise, the definitions in  
30 this section apply throughout this chapter.

31 (1) "Department" means the department of health.

32 (2) "Secretary" means the secretary of the department of health or  
33 the secretary's designee.

34 (3) "Chiropractor" means an individual licensed under this chapter.

35 (4) "Board" means the Washington state board of chiropractic  
36 ((~~examiners~~)).

37 (5) "Vertebral subluxation complex" means a functional defect or  
38 alteration of the biomechanical and physiological dynamics in a joint

1 that may cause neuronal disturbances, with or without displacement  
2 detectable by x-ray. The effects of the vertebral subluxation complex  
3 may include, but are not limited to, any of the following: Fixation,  
4 hypomobility, hypermobility, periarticular muscle spasm, edema, or  
5 inflammation.

6 (6) "Articular dysfunction" means an alteration of the  
7 biomechanical and physiological dynamics of a joint of the axial or  
8 appendicular skeleton.

9 (7) "Musculoskeletal disorders" means abnormalities of the muscles,  
10 bones, and connective tissue.

11 (8) "Chiropractic differential diagnosis" means a diagnosis to  
12 determine the existence of a vertebral subluxation complex, articular  
13 dysfunction, or musculoskeletal disorder, and the appropriateness of  
14 chiropractic care or the need for referral to other health care  
15 providers.

16 (9) "Chiropractic adjustment" means chiropractic care of a  
17 vertebral subluxation complex, articular dysfunction, or  
18 musculoskeletal disorder. Such care includes manual or mechanical  
19 adjustment of any vertebral articulation and contiguous articulations  
20 beyond the normal passive physiological range of motion.

21 (10) "Extremity manipulation" means a corrective thrust or maneuver  
22 applied to a joint of the appendicular skeleton. The use of extremity  
23 manipulation shall be complementary and preparatory to a chiropractic  
24 spinal adjustment to support correction of a vertebral subluxation  
25 complex and is considered a part of a spinal adjustment and shall not  
26 be billed separately from or in addition to a spinal adjustment.

27 **Sec. 319.** RCW 18.25.015 and 1989 c 258 s 1 are each amended to  
28 read as follows:

29 There is hereby created a state board of chiropractic (~~(examiners)~~)  
30 consisting of five practicing chiropractors and one consumer member to  
31 conduct examinations and perform duties as provided in this chapter.

32 Members of the board shall be appointed by the governor, who may  
33 consider such persons who are recommended for appointment by  
34 chiropractic associations of this state. For at least five years  
35 preceding the time of their appointment, and during their tenure of  
36 office, the members of the board must be actual residents of Washington  
37 and must be citizens of the United States. In addition, the doctors of

1 chiropractic shall have been engaged in the active licensed practice of  
2 chiropractic in this state for a minimum of five years.

3 Appointments shall be for a term of five years. Vacancies of  
4 members shall be filled by the governor as in the case of original  
5 appointment, such appointee to hold office for the remainder of the  
6 unexpired term. No board member shall serve more than two consecutive  
7 full terms.

8 A simple majority of the board members shall constitute a quorum of  
9 the board.

10 **Sec. 320.** RCW 18.25.020 and 1991 c 3 s 38 are each amended to read  
11 as follows:

12 (1) Any person not now licensed to practice chiropractic in this  
13 state and who desires to practice chiropractic in this state, before it  
14 shall be lawful for him or her to do so, shall make application  
15 therefor to the secretary, upon such form and in such manner as may be  
16 adopted and directed by the secretary. Each applicant who matriculates  
17 to a chiropractic college after January 1, 1975, shall have completed  
18 not less than one-half of the requirements for a baccalaureate degree  
19 at an accredited and approved college or university and shall be a  
20 graduate of a chiropractic school or college accredited and approved by  
21 the board (~~(of chiropractic examiners)~~) and shall show satisfactory  
22 evidence of completion by each applicant of a resident course of study  
23 of not less than four thousand classroom hours of instruction in such  
24 school or college. Applications shall be in writing and shall be  
25 signed by the applicant in his or her own handwriting and shall be  
26 sworn to before some officer authorized to administer oaths, and shall  
27 recite the history of the applicant as to his or her educational  
28 advantages, his or her experience in matters pertaining to a knowledge  
29 of the care of the sick, how long he or she has studied chiropractic,  
30 under what teachers, what collateral branches, if any, he or she has  
31 studied, the length of time he or she has engaged in clinical practice;  
32 accompanying the same by reference therein, with any proof thereof in  
33 the shape of diplomas, certificates, and shall accompany said  
34 application with satisfactory evidence of good character and  
35 reputation.

36 (2) There shall be paid to the secretary by each applicant for a  
37 license, a fee determined by the secretary as provided in RCW 43.70.250  
38 which shall accompany application and a fee determined by the secretary

1 as provided in RCW 43.70.250, which shall be paid upon issuance of  
2 license. Like fees shall be paid for any subsequent examination and  
3 application.

4 **Sec. 321.** RCW 18.25.030 and 1989 c 258 s 4 are each amended to  
5 read as follows:

6 Examinations for license to practice chiropractic shall be made by  
7 the board (~~(of chiropractic examiners)~~) according to the method deemed  
8 by it to be the most practicable and expeditious to test the  
9 applicant's qualifications. Such application shall be designated by a  
10 number instead of his or her name, so that the identity shall not be  
11 discovered or disclosed to the members of the examining committee until  
12 after the examination papers are graded.

13 All examinations shall be in whole or in part in writing, the  
14 subject of which shall be as follows: Anatomy, physiology, spinal  
15 anatomy, microbiology-public health, general diagnosis,  
16 neuromuscularskeletal diagnosis, x-ray, principles of chiropractic and  
17 adjusting, as taught by chiropractic schools and colleges. The board  
18 shall administer a practical examination to applicants which shall  
19 consist of diagnosis, principles and practice, x-ray, and adjustive  
20 technique consistent with chapter 18.25 RCW. A license shall be  
21 granted to all applicants whose score over each subject tested is  
22 seventy-five percent. The board may enact additional requirements for  
23 testing administered by the national board of chiropractic examiners.

24 **Sec. 322.** RCW 18.25.040 and 1991 c 320 s 8 are each amended to  
25 read as follows:

26 Persons licensed to practice chiropractic under the laws of any  
27 other state, territory of the United States, the District of Columbia,  
28 Puerto Rico, or province of Canada, having qualifications substantially  
29 equivalent to those required by this chapter, may, in the discretion of  
30 the board (~~(of chiropractic examiners)~~), and after such examination as  
31 may be required by rule of the board, be issued a license to practice  
32 in this state without further examination, upon payment of a fee  
33 determined by the secretary as provided in RCW 43.70.250.

34 **Sec. 323.** RCW 18.25.070 and 1991 c 3 s 40 are each amended to read  
35 as follows:

1 (1) Every person practicing chiropractic shall, as a prerequisite  
2 to annual renewal of license, submit to the secretary at the time of  
3 application therefor, satisfactory proof showing attendance of at least  
4 twenty-five hours during the preceding twelve-month period, at one or  
5 more chiropractic symposiums which are recognized and approved by the  
6 board (~~(of chiropractic examiners: PROVIDED, That)~~). The board may,  
7 for good cause shown, waive said attendance. The following guidelines  
8 for such symposiums shall apply:

9 (a) The board shall set criteria for the course content of  
10 educational symposia concerning matters which are recognized by the  
11 state of Washington chiropractic licensing laws; it shall be the  
12 licensee's responsibility to determine whether the course content meets  
13 these criteria;

14 (b) The board shall adopt standards for distribution of annual  
15 continuing education credit requirements;

16 (c) Rules shall be adopted by the board for licensees practicing  
17 and residing outside the state who shall meet all requirements  
18 established by the board by rules (~~(and regulations)~~).

19 (2) Every person practicing chiropractic within this state shall  
20 pay on or before his or her birth anniversary date, after a license is  
21 issued to him or her as herein provided, to said secretary a renewal  
22 license fee to be determined by the secretary as provided in RCW  
23 43.70.250. The secretary shall, thirty days or more before the birth  
24 anniversary date of each chiropractor in the state, mail to that  
25 chiropractor a notice of the fact that the renewal fee will be due on  
26 or before his or her birth anniversary date. Nothing in this chapter  
27 shall be construed so as to require that the receipts shall be recorded  
28 as original licenses are required to be recorded.

29 The failure of any licensed chiropractor to pay his or her annual  
30 license renewal fee within thirty days of license expiration shall work  
31 a forfeiture of his or her license. It shall not be reinstated except  
32 upon evidence that continuing educational requirements have been  
33 fulfilled and the payment of a penalty to be determined by the  
34 secretary as provided in RCW 43.70.250, together with all annual  
35 license renewal fees delinquent at the time of the forfeiture, and  
36 those for each year thereafter up to the time of reinstatement. Should  
37 the licentiate allow his or her license to elapse for more than three  
38 years, he or she may be reexamined as provided for in RCW 18.25.040 at  
39 the discretion of the board.

1       **Sec. 324.** RCW 18.25.190 and 1991 c 320 s 10 are each amended to  
2 read as follows:

3       Nothing in this chapter shall be construed to prohibit:

4       (1) The temporary practice in this state of chiropractic by any  
5 chiropractor licensed by another state, territory, or country in which  
6 he or she resides. However, the chiropractor shall not establish a  
7 practice open to the general public and shall not engage in temporary  
8 practice under this section for a period longer than thirty days. The  
9 chiropractor shall register his or her intention to engage in the  
10 temporary practice of chiropractic in this state with the board of  
11 chiropractic examiners before engaging in the practice of chiropractic,  
12 and shall agree to be bound by such conditions as may be prescribed by  
13 rule by the board.

14       (2) The practice of chiropractic, except the administration of a  
15 chiropractic adjustment, by a person who is a regular senior student in  
16 an accredited school of chiropractic approved by the board if the  
17 practice is part of a regular course of instruction offered by the  
18 school and the student is under the direct supervision and control of  
19 a chiropractor duly licensed pursuant to this chapter and approved by  
20 the board.

21       (3) The practice of chiropractic by a person serving a period of  
22 postgraduate chiropractic training in a program of clinical  
23 chiropractic training sponsored by a school of chiropractic accredited  
24 in this state if the practice is part of his or her duties as a  
25 clinical postgraduate trainee and the trainee is under the direct  
26 supervision and control of a chiropractor duly licensed pursuant to  
27 this chapter and approved by the board.

28       (4) The practice of chiropractic by a person who is eligible and  
29 has applied to take the next available examination for licensing  
30 offered by the board (~~(of chiropractic examiners)~~), except that the  
31 unlicensed chiropractor must provide all services under the direct  
32 control and supervision of a licensed chiropractor approved by the  
33 board. The unlicensed chiropractor may continue to practice as  
34 provided by this subsection until the results of the next available  
35 examination are published, but in no case for a period longer than six  
36 months. The board shall adopt rules necessary to effectuate the intent  
37 of this subsection.

38       Any provision of chiropractic services by any individual under  
39 subsection (1), (2), (3), or (4) of this section shall be subject to

1 the jurisdiction of the chiropractic disciplinary board as provided in  
2 chapters 18.26 and 18.130 RCW.

3 **Sec. 325.** RCW 18.32.010 and 1991 c 3 s 58 are each amended to read  
4 as follows:

5 Words used in the singular in this chapter may also be applied to  
6 the plural of the persons and things; words importing the plural may be  
7 applied to the singular; words importing the masculine gender may be  
8 extended to females also; the term "board" used in this chapter shall  
9 mean the Washington state board of (~~dental examiners~~) dentistry and  
10 the term "secretary" shall mean the secretary of health of the state of  
11 Washington.

12 **Sec. 326.** RCW 18.32.030 and 1991 c 3 s 59 are each amended to read  
13 as follows:

14 The following practices, acts, and operations are excepted from the  
15 operation of the provisions of this chapter:

16 (1) The rendering of dental relief in emergency cases in the  
17 practice of his or her profession by a physician or surgeon, licensed  
18 as such and registered under the laws of this state, unless the  
19 physician or surgeon undertakes to or does reproduce lost parts of the  
20 human teeth in the mouth or to restore or to replace in the human mouth  
21 lost or missing teeth;

22 (2) The practice of dentistry in the discharge of official duties  
23 by dentists in the United States federal services on federal  
24 reservations, including but not limited to the armed services, coast  
25 guard, public health service, veterans' bureau, or bureau of Indian  
26 affairs;

27 (3) Dental schools or colleges approved under RCW 18.32.040, and  
28 the practice of dentistry by students in Washington state dental  
29 schools or colleges approved by the board, when acting under the  
30 direction and supervision of Washington state-licensed dental school  
31 faculty;

32 (4) The practice of dentistry by licensed dentists of other states  
33 or countries while appearing as clinicians at meetings of the  
34 Washington state dental association, or component parts thereof, or at  
35 meetings sanctioned by them, or other groups approved by the board (~~of~~  
36 ~~dental examiners~~));

1 (5) The use of roentgen and other rays for making radiographs or  
2 similar records of dental or oral tissues, under the supervision of a  
3 licensed dentist or physician;

4 (6) The making, repairing, altering, or supplying of artificial  
5 restorations, substitutions, appliances, or materials for the  
6 correction of disease, loss, deformity, malposition, dislocation,  
7 fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or  
8 associated tissues or parts; providing the same are made, repaired,  
9 altered, or supplied pursuant to the written instructions and order of  
10 a licensed dentist which may be accompanied by casts, models, or  
11 impressions furnished by the dentist, and the prescriptions shall be  
12 retained and filed for a period of not less than three years and shall  
13 be available to and subject to the examination of the secretary or the  
14 secretary's authorized representatives;

15 (7) The removal of deposits and stains from the surfaces of the  
16 teeth, the application of topical preventative or prophylactic agents,  
17 and the polishing and smoothing of restorations, when performed or  
18 prescribed by a dental hygienist licensed under the laws of this state;

19 (8) A qualified and licensed physician and surgeon extracting teeth  
20 or performing oral surgery pursuant to the scope of practice under  
21 chapter 18.71 or 18.57 RCW;

22 (9) The performing of dental operations or services by persons not  
23 licensed under this chapter when performed under the supervision of a  
24 licensed dentist: PROVIDED HOWEVER, That such nonlicensed person shall  
25 in no event perform the following dental operations or services unless  
26 permitted to be performed by the person under this chapter or chapters  
27 18.29, 18.57, 18.71, and 18.88 RCW:

28 (a) Any removal of or addition to the hard or soft tissue of the  
29 oral cavity;

30 (b) Any diagnosis of or prescription for treatment of disease,  
31 pain, deformity, deficiency, injury, or physical condition of the human  
32 teeth or jaws, or adjacent structure;

33 (c) Any administration of general or injected local anaesthetic of  
34 any nature in connection with a dental operation, including intravenous  
35 sedation;

36 (d) Any oral prophylaxis;

37 (e) The taking of any impressions of the teeth or jaw or the  
38 relationships of the teeth or jaws, for the purpose of fabricating any  
39 intra-oral restoration, appliance, or prosthesis.

1       **Sec. 327.** RCW 18.32.035 and 1989 c 202 s 14 are each amended to  
2 read as follows:

3       There shall be a board of (~~dental examiners~~) dentistry consisting  
4 of nine practicing dentists, at least three of whom reside east of the  
5 summit of the Cascade range, and one consumer member, to be known as  
6 the Washington state board of dental examiners.

7       The members shall be appointed by the governor in the manner  
8 hereinafter set forth and at the time of their appointment upon said  
9 board must be actual residents of the state in active practice of  
10 dentistry as defined in this chapter and must have been for a period of  
11 five years or more legally licensed to practice dentistry in this  
12 state. No person is eligible to appointment to the board who is in any  
13 way connected with or interested in any dental college or dental  
14 department of any institution of learning. Members shall be appointed  
15 to the board to serve for terms of five years from January 1st of the  
16 year in which they are appointed, and shall hold office until their  
17 successors are appointed.

18       In case of a vacancy occurring on the board, the vacancy shall be  
19 filled by the governor as provided in this section for the remainder of  
20 the term of the vacancy and the appointee shall hold office until a  
21 successor is appointed.

22       The board may contract with competent persons on a temporary basis  
23 to assist in developing or administering examinations for licensure.

24       The board may enter into compacts and agreements with other states  
25 and with organizations formed by several states, for the purpose of  
26 conducting multi-state licensing examinations. The board may enter  
27 into such compacts and agreements even though they would result in the  
28 examination of a candidate for a license in this state by an examiner  
29 or examiners from another state or states, and even though the compacts  
30 and agreements would result in the examination of a candidate or  
31 candidates for a license in another state or states by an examiner or  
32 examiners from this state.

33       The board (~~of dental examiners~~) may adopt rules in accordance  
34 with chapter 34.05 RCW to implement this chapter and chapter 18.130  
35 RCW.

36       **Sec. 328.** RCW 18.32.042 and 1989 c 202 s 28 are each amended to  
37 read as follows:

1 A member of the board (~~(of dental examiners)~~) may be removed by the  
2 governor for neglect of duty, misconduct, or malfeasance or misfeasance  
3 in office. Whenever the governor is satisfied that a member of the  
4 board has been guilty of neglect of duty, misconduct, or malfeasance or  
5 misfeasance in office, the governor shall file with the secretary of  
6 state a statement showing the governor's reasons, with the order of  
7 removal. The secretary of state shall immediately send a certified  
8 copy of the order of removal and statement of causes by certified mail  
9 to the last known address of the member in question.

10 **Sec. 329.** RCW 18.50.115 and 1991 c 3 s 112 are each amended to  
11 read as follows:

12 A midwife licensed under this chapter may obtain and administer  
13 prophylactic ophthalmic medication, postpartum oxytocic, vitamin K, Rho  
14 immune globulin (human), and local anesthetic and may administer such  
15 other drugs or medications as prescribed by a physician. A pharmacist  
16 who dispenses such drugs to a licensed midwife shall not be liable for  
17 any adverse reactions caused by any method of use by the midwife.

18 The secretary, after consultation with representatives of the  
19 midwife advisory committee, the board of pharmacy, and the board of  
20 (~~(medical examiners)~~) medicine, may issue regulations which authorize  
21 licensed midwives to purchase and use legend drugs and devices in  
22 addition to the drugs authorized in this chapter.

23 **Sec. 330.** RCW 18.71.010 and 1991 c 3 s 158 are each amended to  
24 read as follows:

25 The following terms used in this chapter shall have the meanings  
26 set forth in this section unless the context clearly indicates  
27 otherwise:

28 (1) "Board" means the board of (~~(medical examiners)~~) medicine.

29 (2) "Secretary" means the secretary of health.

30 (3) "Resident physician" means an individual who has graduated from  
31 a school of medicine which meets the requirements set forth in RCW  
32 18.71.055 and is serving a period of postgraduate clinical medical  
33 training sponsored by a college or university in this state or by a  
34 hospital accredited by this state. For purposes of this chapter, the  
35 term shall include individuals designated as intern or medical fellow.

36 (4) "Emergency medical care" or "emergency medical service" has the  
37 same meaning as in chapter 18.73 RCW.

1       **Sec. 331.** RCW 18.71.015 and 1991 c 44 s 1 and 1991 c 3 s 159 are  
2 each reenacted and amended to read as follows:

3       There is hereby created a board of (~~medical examiners~~) medicine  
4 consisting of six individuals licensed to practice medicine in the  
5 state of Washington, one individual who is licensed as a physician  
6 assistant under chapter 18.71A RCW, and two individuals who are not  
7 physicians, to be known as the Washington state board of (~~medical~~  
8 ~~examiners~~) medicine.

9       The board shall be appointed by the governor. On expiration of the  
10 term of any member, the governor shall appoint for a period of five  
11 years an individual of similar qualifications to take the place of such  
12 member. Each member shall hold office until the expiration of the term  
13 for which such member is appointed or until a successor shall have been  
14 appointed and shall have qualified.

15       Each member of the board shall be a citizen of the United States,  
16 must be an actual resident of this state, and, if a physician, must  
17 have been licensed to practice medicine in this state for at least five  
18 years.

19       The board shall meet as soon as practicable after appointment and  
20 elect a chair and a vice-chair from its members. Meetings shall be  
21 held at least four times a year and at such place as the board shall  
22 determine and at such other times and places as the board deems  
23 necessary. A majority of the board members serving shall constitute a  
24 quorum for the transaction of board business.

25       It shall require the affirmative vote of a majority of a quorum of  
26 the board to carry any motion or resolution, to adopt any rule, or to  
27 pass any measure. A majority of the members appointed to a panel of  
28 the board shall constitute a quorum for the panel to transact business  
29 delegated to it by the board.

30       Each member of the board shall be compensated in accordance with  
31 RCW 43.03.240 and in addition thereto shall be reimbursed for travel  
32 expenses incurred in carrying out the duties of the board in accordance  
33 with RCW 43.03.050 and 43.03.060. Any such expenses shall be paid from  
34 funds appropriated to the department of health.

35       Any member of the board may be removed by the governor for neglect  
36 of duty, misconduct, or malfeasance or misfeasance in office.

37       Vacancies in the membership of the board shall be filled for the  
38 unexpired term by appointment by the governor.

1       **Sec. 332.** RCW 18.71.205 and 1992 c 128 s 1 are each amended to  
2 read as follows:

3       (1) The secretary of the department of health, in conjunction with  
4 the advice and assistance of the emergency medical services licensing  
5 and certification advisory committee as prescribed in RCW 18.73.050,  
6 and the board (~~(of medical examiners)~~), shall prescribe:

7       (a) Minimum standards and performance requirements for the  
8 certification and recertification of physician's trained intravenous  
9 therapy technicians, airway management technicians, and mobile  
10 intensive care paramedics; and

11       (b) Procedures for certification, recertification, and  
12 decertification of physician's trained intravenous therapy technicians,  
13 airway management technicians, and mobile intensive care paramedics.

14       (2) Initial certification shall be for a period of three years.

15       (3) Recertification shall be granted upon proof of continuing  
16 satisfactory performance and education, and shall be for a period of  
17 three years.

18       (4) As used in chapters 18.71 and 18.73 RCW, "approved medical  
19 program director" means a person who:

20       (a) Is licensed to practice medicine and surgery pursuant to  
21 chapter 18.71 RCW or osteopathy and surgery pursuant to chapter 18.57  
22 RCW; and

23       (b) Is qualified and knowledgeable in the administration and  
24 management of emergency care and services; and

25       (c) Is so certified by the department of health for a county, group  
26 of counties, or cities with populations over four hundred thousand in  
27 coordination with the recommendations of the local medical community  
28 and local emergency medical services and trauma care council.

29       (5) The uniform disciplinary act, chapter 18.130 RCW, governs  
30 uncertified practice, the issuance and denial of certificates, and the  
31 disciplining of certificate holders under this section. The secretary  
32 shall be the disciplining authority under this section. Disciplinary  
33 action shall be initiated against a person credentialed under this  
34 chapter in a manner consistent with the responsibilities and duties of  
35 the medical program director under whom such person is responsible.

36       **Sec. 333.** RCW 18.71A.010 and 1990 c 196 s 1 are each amended to  
37 read as follows:

1 (1) "Physician assistant" means a person who is licensed by the  
2 board to practice medicine to a limited extent only under the  
3 supervision of a physician as defined in chapter 18.71 RCW and who is  
4 academically and clinically prepared to provide health care services  
5 and perform diagnostic, therapeutic, preventative, and health  
6 maintenance services.

7 (2) "Board" means the board of (~~medical examiners~~) medicine.

8 (3) "Practice medicine" shall have the meaning defined in RCW  
9 18.71.011.

10 (4) "Secretary" means the secretary of health or the secretary's  
11 designee.

12 (5) "Department" means the department of health.

13 **Sec. 334.** RCW 18.135.030 and 1991 c 3 s 273 are each amended to  
14 read as follows:

15 The secretary, or the secretary's designee, with the advice of  
16 designees of the board of (~~medical examiners~~) medicine, the board of  
17 osteopathic medicine and surgery, the podiatry board, and the board of  
18 nursing, shall adopt rules necessary to administer, implement, and  
19 enforce this chapter and establish the minimum requirements necessary  
20 for a health care facility or health care practitioner to certify a  
21 health care assistant capable of performing the functions authorized in  
22 this chapter. The rules shall establish minimum requirements for each  
23 and every category of health care assistant. Said rules shall be  
24 adopted after fair consideration of input from representatives of each  
25 category. These requirements shall ensure that the public health and  
26 welfare are protected and shall include, but not be limited to, the  
27 following factors:

28 (1) The education and occupational qualifications for the health  
29 care assistant category;

30 (2) The work experience for the health care assistant category;

31 (3) The instruction and training provided for the health care  
32 assistant category; and

33 (4) The types of drugs or diagnostic agents which may be  
34 administered by injection by health care assistants working in a  
35 hospital or nursing home. The rules established pursuant to this  
36 subsection shall not prohibit health care assistants working in a  
37 health care facility other than a nursing home or hospital from  
38 performing the functions authorized under this chapter.

1       **Sec. 335.** RCW 69.41.030 and 1991 c 30 s 1 are each amended to read  
2 as follows:

3       It shall be unlawful for any person to sell, deliver, or possess  
4 any legend drug except upon the order or prescription of a physician  
5 under chapter 18.71 RCW, an osteopathic physician or an osteopathic  
6 physician and surgeon under chapter 18.57 RCW, a dentist under chapter  
7 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW,  
8 a veterinarian under chapter 18.92 RCW, a commissioned medical or  
9 dental officer in the United States armed forces or public health  
10 service in the discharge of his or her official duties, a duly licensed  
11 physician or dentist employed by the veterans administration in the  
12 discharge of his or her official duties, a registered nurse under  
13 chapter 18.88 RCW when authorized by the board of nursing, an  
14 osteopathic physician's assistant under chapter 18.57A RCW when  
15 authorized by the committee of osteopathic examiners, a physician  
16 assistant under chapter 18.71A RCW when authorized by the board of  
17 (~~medical examiners~~) medicine, a physician licensed to practice  
18 medicine and surgery or a physician licensed to practice osteopathy and  
19 surgery, a dentist licensed to practice dentistry, a podiatric  
20 physician and surgeon licensed to practice podiatric medicine and  
21 surgery, or a veterinarian licensed to practice veterinary medicine, in  
22 any province of Canada which shares a common border with the state of  
23 Washington or in any state of the United States: PROVIDED, HOWEVER,  
24 That the above provisions shall not apply to sale, delivery, or  
25 possession by drug wholesalers or drug manufacturers, or their agents  
26 or employees, or to any practitioner acting within the scope of his or  
27 her license, or to a common or contract carrier or warehouseman, or any  
28 employee thereof, whose possession of any legend drug is in the usual  
29 course of business or employment: PROVIDED FURTHER, That nothing in  
30 this chapter or chapter 18.64 RCW shall prevent a family planning  
31 clinic that is under contract with the department of social and health  
32 services from selling, delivering, possessing, and dispensing  
33 commercially prepackaged oral contraceptives prescribed by authorized,  
34 licensed health care practitioners.

35       **Sec. 336.** RCW 69.45.010 and 1989 1st ex.s. c 9 s 444 are each  
36 amended to read as follows:

37       The definitions in this section apply throughout this chapter.

38       (1) "Board" means the board of pharmacy.

1 (2) "Drug samples" means any federal food and drug administration  
2 approved controlled substance, legend drug, or products requiring  
3 prescriptions in this state, which is distributed at no charge to a  
4 practitioner by a manufacturer or a manufacturer's representative,  
5 exclusive of drugs under clinical investigations approved by the  
6 federal food and drug administration.

7 (3) "Controlled substance" means a drug, substance, or immediate  
8 precursor of such drug or substance, so designated under or pursuant to  
9 chapter 69.50 RCW, the uniform controlled substances act.

10 (4) "Deliver" or "delivery" means the actual, constructive, or  
11 attempted transfer from one person to another of a drug or device,  
12 whether or not there is an agency relationship.

13 (5) "Dispense" means the interpretation of a prescription or order  
14 for a drug, biological, or device and, pursuant to that prescription or  
15 order, the proper selection, measuring, compounding, labeling, or  
16 packaging necessary to prepare that prescription or order for delivery.

17 (6) "Distribute" means to deliver, other than by administering or  
18 dispensing, a legend drug.

19 (7) "Legend drug" means any drug that is required by state law or  
20 by regulations of the board to be dispensed on prescription only or is  
21 restricted to use by practitioners only.

22 (8) "Manufacturer" means a person or other entity engaged in the  
23 manufacture or distribution of drugs or devices, but does not include  
24 a manufacturer's representative.

25 (9) "Person" means any individual, corporation, government or  
26 governmental subdivision or agency, business trust, estate, trust,  
27 partnership, association, or any other legal entity.

28 (10) "Practitioner" means a physician under chapter 18.71 RCW, an  
29 osteopathic physician or an osteopathic physician and surgeon under  
30 chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a (~~podiatrist~~)  
31 podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian  
32 under chapter 18.92 RCW, a pharmacist under chapter 18.64 RCW, a  
33 commissioned medical or dental officer in the United States armed  
34 forces or the public health service in the discharge of his or her  
35 official duties, a duly licensed physician or dentist employed by the  
36 veterans administration in the discharge of his or her official duties,  
37 a registered nurse under chapter 18.88 RCW when authorized to prescribe  
38 by the board of nursing, an osteopathic physician's assistant under  
39 chapter 18.57A RCW when authorized by the board of osteopathic medicine

1 and surgery, or a physician's assistant under chapter 18.71A RCW when  
2 authorized by the board of (~~medical examiners~~) medicine.

3 (11) "Manufacturer's representative" means an agent or employee of  
4 a drug manufacturer who is authorized by the drug manufacturer to  
5 possess drug samples for the purpose of distribution in this state to  
6 appropriately authorized health care practitioners.

7 (12) "Reasonable cause" means a state of facts found to exist that  
8 would warrant a reasonably intelligent and prudent person to believe  
9 that a person has violated state or federal drug laws or regulations.

10 (13) "Department" means the department of health.

11 (14) "Secretary" means the secretary of health or the secretary's  
12 designee.

13 **Sec. 337.** RCW 74.42.230 and 1982 c 120 s 2 are each amended to  
14 read as follows:

15 (1) The resident's attending or staff physician or authorized  
16 practitioner approved by the attending physician shall order all  
17 medications for the resident. The order may be oral or written and  
18 shall be limited by time. An "authorized practitioner," as used in  
19 this section, is a registered nurse under chapter 18.88 RCW when  
20 authorized by the board of nursing, an osteopathic physician's  
21 assistant under chapter 18.57A RCW when authorized by the committee of  
22 osteopathic examiners, or a physician's assistant under chapter 18.71A  
23 RCW when authorized by the board of (~~medical examiners~~) medicine.

24 (2) An oral order shall be given only to a licensed nurse,  
25 pharmacist, or another physician. The oral order shall be recorded and  
26 signed immediately by the person receiving the order. The attending  
27 physician shall sign the record of the oral order in a manner  
28 consistent with good medical practice.

29 **PART 4 - TECHNICAL CHANGES TO THE**  
30 **HEALTH PROFESSIONAL PRACTICE ACTS**

31 NEW SECTION. Sec. 401. A new section is added to chapter 18.06  
32 RCW to read as follows:

33 APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The secretary of  
34 health shall have the authority to adopt rules, standards, guidelines,  
35 or judgments relating to the scope of practice of the profession

1 regulated under this chapter in accordance with the provisions of  
2 chapter 18.-- RCW (sections 101 through 106 of this act).

3 NEW SECTION. **Sec. 402.** A new section is added to chapter 18.19  
4 RCW to read as follows:

5 APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The secretary of  
6 health shall have the authority to adopt rules, standards, guidelines,  
7 or judgments relating to the scope of practice of the profession  
8 regulated under this chapter in accordance with the provisions of  
9 chapter 18.-- RCW (sections 101 through 106 of this act).

10 NEW SECTION. **Sec. 403.** A new section is added to chapter 18.22  
11 RCW to read as follows:

12 APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The secretary of  
13 health shall have the authority to adopt rules, standards, guidelines,  
14 or judgments relating to the scope of practice of the profession  
15 regulated under this chapter in accordance with the provisions of  
16 chapter 18.-- RCW (sections 101 through 106 of this act).

17 NEW SECTION. **Sec. 404.** A new section is added to chapter 18.25  
18 RCW to read as follows:

19 APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The secretary of  
20 health shall have the authority to adopt rules, standards, guidelines,  
21 or judgments relating to the scope of practice of the profession  
22 regulated under this chapter in accordance with the provisions of  
23 chapter 18.-- RCW (sections 101 through 106 of this act).

24 NEW SECTION. **Sec. 405.** A new section is added to chapter 18.29  
25 RCW to read as follows:

26 APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The secretary of  
27 health shall have the authority to adopt rules, standards, guidelines,  
28 or judgments relating to the scope of practice of the profession  
29 regulated under this chapter in accordance with the provisions of  
30 chapter 18.-- RCW (sections 101 through 106 of this act).

31 NEW SECTION. **Sec. 406.** A new section is added to chapter 18.32  
32 RCW to read as follows:

33 APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The secretary of  
34 health shall have the authority to adopt rules, standards, guidelines,

1 or judgments relating to the scope of practice of the profession  
2 regulated under this chapter in accordance with the provisions of  
3 chapter 18.-- RCW (sections 101 through 106 of this act).

4 NEW SECTION. **Sec. 407.** A new section is added to chapter 18.34  
5 RCW to read as follows:

6 APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The secretary of  
7 health shall have the authority to adopt rules, standards, guidelines,  
8 or judgments relating to the scope of practice of the profession  
9 regulated under this chapter in accordance with the provisions of  
10 chapter 18.-- RCW (sections 101 through 106 of this act).

11 NEW SECTION. **Sec. 408.** A new section is added to chapter 18.35  
12 RCW to read as follows:

13 APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The secretary of  
14 health shall have the authority to adopt rules, standards, guidelines,  
15 or judgments relating to the scope of practice of the profession  
16 regulated under this chapter in accordance with the provisions of  
17 chapter 18.-- RCW (sections 101 through 106 of this act).

18 NEW SECTION. **Sec. 409.** A new section is added to chapter 18.36A  
19 RCW to read as follows:

20 APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The secretary of  
21 health shall have the authority to adopt rules, standards, guidelines,  
22 or judgments relating to the scope of practice of the profession  
23 regulated under this chapter in accordance with the provisions of  
24 chapter 18.-- RCW (sections 101 through 106 of this act).

25 NEW SECTION. **Sec. 410.** A new section is added to chapter 18.50  
26 RCW to read as follows:

27 APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The secretary of  
28 health shall have the authority to adopt rules, standards, guidelines,  
29 or judgments relating to the scope of practice of the profession  
30 regulated under this chapter in accordance with the provisions of  
31 chapter 18.-- RCW (sections 101 through 106 of this act).

32 NEW SECTION. **Sec. 411.** A new section is added to chapter 18.52  
33 RCW to read as follows:

1 APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The secretary of  
2 health shall have the authority to adopt rules, standards, guidelines,  
3 or judgments relating to the scope of practice of the profession  
4 regulated under this chapter in accordance with the provisions of  
5 chapter 18.-- RCW (sections 101 through 106 of this act).

6 NEW SECTION. **Sec. 412.** A new section is added to chapter 18.52C  
7 RCW to read as follows:

8 APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The secretary of  
9 health shall have the authority to adopt rules, standards, guidelines,  
10 or judgments relating to the scope of practice of the profession  
11 regulated under this chapter in accordance with the provisions of  
12 chapter 18.-- RCW (sections 101 through 106 of this act).

13 NEW SECTION. **Sec. 413.** A new section is added to chapter 18.53  
14 RCW to read as follows:

15 APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The secretary of  
16 health shall have the authority to adopt rules, standards, guidelines,  
17 or judgments relating to the scope of practice of the profession  
18 regulated under this chapter in accordance with the provisions of  
19 chapter 18.-- RCW (sections 101 through 106 of this act).

20 NEW SECTION. **Sec. 414.** A new section is added to chapter 18.54  
21 RCW to read as follows:

22 APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The secretary of  
23 health shall have the authority to adopt rules, standards, guidelines,  
24 or judgments relating to the scope of practice of the profession  
25 regulated under this chapter in accordance with the provisions of  
26 chapter 18.-- RCW (sections 101 through 106 of this act).

27 NEW SECTION. **Sec. 415.** A new section is added to chapter 18.55  
28 RCW to read as follows:

29 APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The secretary of  
30 health shall have the authority to adopt rules, standards, guidelines,  
31 or judgments relating to the scope of practice of the profession  
32 regulated under this chapter in accordance with the provisions of  
33 chapter 18.-- RCW (sections 101 through 106 of this act).

1        NEW SECTION.    **Sec. 416.**    A new section is added to chapter 18.57  
2    RCW to read as follows:

3        APPLICATION OF SCOPE OF PRACTICE AUTHORITY.    The secretary of  
4    health shall have the authority to adopt rules, standards, guidelines,  
5    or judgments relating to the scope of practice of the profession  
6    regulated under this chapter in accordance with the provisions of  
7    chapter 18.-- RCW (sections 101 through 106 of this act).

8        NEW SECTION.    **Sec. 417.**    A new section is added to chapter 18.57A  
9    RCW to read as follows:

10       APPLICATION OF SCOPE OF PRACTICE AUTHORITY.    The secretary of  
11    health shall have the authority to adopt rules, standards, guidelines,  
12    or judgments relating to the scope of practice of the profession  
13    regulated under this chapter in accordance with the provisions of  
14    chapter 18.-- RCW (sections 101 through 106 of this act).

15       NEW SECTION.    **Sec. 418.**    A new section is added to chapter 18.59  
16    RCW to read as follows:

17       APPLICATION OF SCOPE OF PRACTICE AUTHORITY.    The secretary of  
18    health shall have the authority to adopt rules, standards, guidelines,  
19    or judgments relating to the scope of practice of the profession  
20    regulated under this chapter in accordance with the provisions of  
21    chapter 18.-- RCW (sections 101 through 106 of this act).

22       NEW SECTION.    **Sec. 419.**    A new section is added to chapter 18.64  
23    RCW to read as follows:

24       APPLICATION OF SCOPE OF PRACTICE AUTHORITY.    The secretary of  
25    health shall have the authority to adopt rules, standards, guidelines,  
26    or judgments relating to the scope of practice of the profession  
27    regulated under this chapter in accordance with the provisions of  
28    chapter 18.-- RCW (sections 101 through 106 of this act).

29       NEW SECTION.    **Sec. 420.**    A new section is added to chapter 18.64A  
30    RCW to read as follows:

31       APPLICATION OF SCOPE OF PRACTICE AUTHORITY.    The secretary of  
32    health shall have the authority to adopt rules, standards, guidelines,  
33    or judgments relating to the scope of practice of the profession  
34    regulated under this chapter in accordance with the provisions of  
35    chapter 18.-- RCW (sections 101 through 106 of this act).

1        NEW SECTION.    **Sec. 421.**    A new section is added to chapter 18.71  
2    RCW to read as follows:

3        APPLICATION OF SCOPE OF PRACTICE AUTHORITY.    The secretary of  
4    health shall have the authority to adopt rules, standards, guidelines,  
5    or judgments relating to the scope of practice of the profession  
6    regulated under this chapter in accordance with the provisions of  
7    chapter 18.-- RCW (sections 101 through 106 of this act).

8        NEW SECTION.    **Sec. 422.**    A new section is added to chapter 18.71A  
9    RCW to read as follows:

10       APPLICATION OF SCOPE OF PRACTICE AUTHORITY.    The secretary of  
11    health shall have the authority to adopt rules, standards, guidelines,  
12    or judgments relating to the scope of practice of the profession  
13    regulated under this chapter in accordance with the provisions of  
14    chapter 18.-- RCW (sections 101 through 106 of this act).

15       NEW SECTION.    **Sec. 423.**    A new section is added to chapter 18.73  
16    RCW to read as follows:

17       APPLICATION OF SCOPE OF PRACTICE AUTHORITY.    The secretary of  
18    health shall have the authority to adopt rules, standards, guidelines,  
19    or judgments relating to the scope of practice of the profession  
20    regulated under this chapter in accordance with the provisions of  
21    chapter 18.-- RCW (sections 101 through 106 of this act).

22       NEW SECTION.    **Sec. 424.**    A new section is added to chapter 18.74  
23    RCW to read as follows:

24       APPLICATION OF SCOPE OF PRACTICE AUTHORITY.    The secretary of  
25    health shall have the authority to adopt rules, standards, guidelines,  
26    or judgments relating to the scope of practice of the profession  
27    regulated under this chapter in accordance with the provisions of  
28    chapter 18.-- RCW (sections 101 through 106 of this act).

29       NEW SECTION.    **Sec. 425.**    A new section is added to chapter 18.78  
30    RCW to read as follows:

31       APPLICATION OF SCOPE OF PRACTICE AUTHORITY.    The secretary of  
32    health shall have the authority to adopt rules, standards, guidelines,  
33    or judgments relating to the scope of practice of the profession  
34    regulated under this chapter in accordance with the provisions of  
35    chapter 18.-- RCW (sections 101 through 106 of this act).

1        NEW SECTION.    **Sec. 426.**    A new section is added to chapter 18.83  
2    RCW to read as follows:

3        APPLICATION OF SCOPE OF PRACTICE AUTHORITY.    The secretary of  
4    health shall have the authority to adopt rules, standards, guidelines,  
5    or judgments relating to the scope of practice of the profession  
6    regulated under this chapter in accordance with the provisions of  
7    chapter 18.-- RCW (sections 101 through 106 of this act).

8        NEW SECTION.    **Sec. 427.**    A new section is added to chapter 18.84  
9    RCW to read as follows:

10       APPLICATION OF SCOPE OF PRACTICE AUTHORITY.    The secretary of  
11    health shall have the authority to adopt rules, standards, guidelines,  
12    or judgments relating to the scope of practice of the profession  
13    regulated under this chapter in accordance with the provisions of  
14    chapter 18.-- RCW (sections 101 through 106 of this act).

15       NEW SECTION.    **Sec. 428.**    A new section is added to chapter 18.88  
16    RCW to read as follows:

17       APPLICATION OF SCOPE OF PRACTICE AUTHORITY.    The secretary of  
18    health shall have the authority to adopt rules, standards, guidelines,  
19    or judgments relating to the scope of practice of the profession  
20    regulated under this chapter in accordance with the provisions of  
21    chapter 18.-- RCW (sections 101 through 106 of this act).

22       NEW SECTION.    **Sec. 429.**    A new section is added to chapter 18.88A  
23    RCW to read as follows:

24       APPLICATION OF SCOPE OF PRACTICE AUTHORITY.    The secretary of  
25    health shall have the authority to adopt rules, standards, guidelines,  
26    or judgments relating to the scope of practice of the profession  
27    regulated under this chapter in accordance with the provisions of  
28    chapter 18.-- RCW (sections 101 through 106 of this act).

29       NEW SECTION.    **Sec. 430.**    A new section is added to chapter 18.89  
30    RCW to read as follows:

31       APPLICATION OF SCOPE OF PRACTICE AUTHORITY.    The secretary of  
32    health shall have the authority to adopt rules, standards, guidelines,  
33    or judgments relating to the scope of practice of the profession  
34    regulated under this chapter in accordance with the provisions of  
35    chapter 18.-- RCW (sections 101 through 106 of this act).

1        NEW SECTION.    **Sec. 431.**    A new section is added to chapter 18.92  
2    RCW to read as follows:

3        APPLICATION OF SCOPE OF PRACTICE AUTHORITY.    The secretary of  
4    health shall have the authority to adopt rules, standards, guidelines,  
5    or judgments relating to the scope of practice of the profession  
6    regulated under this chapter in accordance with the provisions of  
7    chapter 18.-- RCW (sections 101 through 106 of this act).

8        NEW SECTION.    **Sec. 432.**    A new section is added to chapter 18.108  
9    RCW to read as follows:

10       APPLICATION OF SCOPE OF PRACTICE AUTHORITY.    The secretary of  
11    health shall have the authority to adopt rules, standards, guidelines,  
12    or judgments relating to the scope of practice of the profession  
13    regulated under this chapter in accordance with the provisions of  
14    chapter 18.-- RCW (sections 101 through 106 of this act).

15       NEW SECTION.    **Sec. 433.**    A new section is added to chapter 18.135  
16    RCW to read as follows:

17       APPLICATION OF SCOPE OF PRACTICE AUTHORITY.    The secretary of  
18    health shall have the authority to adopt rules, standards, guidelines,  
19    or judgments relating to the scope of practice of the profession  
20    regulated under this chapter in accordance with the provisions of  
21    chapter 18.-- RCW (sections 101 through 106 of this act).

22       NEW SECTION.    **Sec. 434.**    A new section is added to chapter 18.138  
23    RCW to read as follows:

24       APPLICATION OF SCOPE OF PRACTICE AUTHORITY.    The secretary of  
25    health shall have the authority to adopt rules, standards, guidelines,  
26    or judgments relating to the scope of practice of the profession  
27    regulated under this chapter in accordance with the provisions of  
28    chapter 18.-- RCW (sections 101 through 106 of this act).

29       NEW SECTION.    **Sec. 435.**    A new section is added to chapter 18.155  
30    RCW to read as follows:

31       APPLICATION OF SCOPE OF PRACTICE AUTHORITY.    The secretary of  
32    health shall have the authority to adopt rules, standards, guidelines,  
33    or judgments relating to the scope of practice of the profession  
34    regulated under this chapter in accordance with the provisions of  
35    chapter 18.-- RCW (sections 101 through 106 of this act).

1       **Sec. 436.** RCW 18.25.005 and 1992 c 241 s 2 are each amended to  
2 read as follows:

3       (1) Chiropractic is the practice of health care that deals with the  
4 diagnosis or analysis and care or treatment of the vertebral  
5 subluxation complex and its effects, articular dysfunction, and  
6 musculoskeletal disorders, all for the restoration and maintenance of  
7 health and recognizing the recuperative powers of the body.

8       (2) Chiropractic treatment or care includes the use of procedures  
9 involving spinal adjustments, and extremity manipulation insofar as any  
10 such procedure is complementary or preparatory to a chiropractic spinal  
11 adjustment. Chiropractic treatment also includes the use of heat,  
12 cold, water, exercise, massage, trigger point therapy, dietary advice  
13 and recommendation of nutritional supplementation except for medicines  
14 of herbal, animal, or botanical origin, the normal regimen and  
15 rehabilitation of the patient, first aid, and counseling on hygiene,  
16 sanitation, and preventive measures. Chiropractic care also includes  
17 such physiological therapeutic procedures as traction and light, but  
18 does not include procedures involving the application of sound,  
19 diathermy, or electricity.

20       (3) As part of a chiropractic differential diagnosis, a  
21 chiropractor shall perform a physical examination, which may include  
22 diagnostic x-rays, to determine the appropriateness of chiropractic  
23 care or the need for referral to other health care providers. The  
24 (~~chiropractic disciplinary~~) board shall provide by rule for the type  
25 and use of diagnostic and analytical devices and procedures consistent  
26 with this chapter.

27       (4) Chiropractic care shall not include the prescription or  
28 dispensing of any medicine or drug, the practice of obstetrics or  
29 surgery, the use of x-rays or any other form of radiation for  
30 therapeutic purposes, colonic irrigation, or any form of venipuncture.

31       (5) Nothing in this chapter prohibits or restricts any other  
32 practitioner of a "health profession" defined in RCW 18.120.020(4) from  
33 performing any functions or procedures the practitioner is licensed or  
34 permitted to perform, and the term "chiropractic" as defined in this  
35 chapter shall not prohibit a practitioner licensed under chapter 18.71  
36 RCW from performing medical procedures, except such procedures shall  
37 not include the adjustment by hand of any articulation of the spine.

1       **Sec. 437.** RCW 18.25.019 and 1987 c 150 s 12 are each amended to  
2 read as follows:

3       The uniform disciplinary act, chapter 18.130 RCW, governs  
4 unlicensed practice and the issuance and denial of licenses and the  
5 disciplining of licensees under this chapter.

6       **Sec. 438.** RCW 18.26.030 and 1986 c 259 s 25 are each amended to  
7 read as follows:

8       (1) In addition to those acts defined in chapter 18.130 RCW, the  
9 term "unprofessional conduct" as used in this chapter (~~and chapter~~  
10 ~~18.25-RCW~~) includes failing to differentiate chiropractic care from  
11 any and all other methods of healing at all times.

12       (2) Proceedings involving alleged unprofessional conduct shall be  
13 conducted by the attorney general upon the direction of the board.

14       **Sec. 439.** RCW 18.26.390 and 1991 c 320 s 11 are each amended to  
15 read as follows:

16       The board may adopt rules necessary and appropriate to implement  
17 RCW 18.26.320 through 18.26.380 (as recodified by this act).

18       **Sec. 440.** RCW 18.32.195 and 1992 c 59 s 1 are each amended to read  
19 as follows:

20       The board may, without examination, issue a license to persons who  
21 possess the qualifications set forth in this section.

22       (1) The board may, upon written request of the dean of the school  
23 of dentistry of the University of Washington, issue a license to  
24 practice dentistry in this state to persons who have been licensed or  
25 otherwise authorized to practice dentistry in another state or country  
26 and who have been accepted for employment by the school of dentistry as  
27 full-time faculty members. For purposes of this subsection, this means  
28 teaching members of the faculty of the school of dentistry of the  
29 University of Washington who are so employed on a one hundred percent  
30 of work time basis. Such license shall permit the holder thereof to  
31 practice dentistry within the confines of the university facilities for  
32 a period of one year while he or she is so employed as a full-time  
33 faculty member by the school of dentistry of the University of  
34 Washington. It shall terminate whenever the holder ceases to be such  
35 a full-time faculty member. Such license shall permit the holder  
36 thereof to practice dentistry only in connection with his or her duties

1 in employment with the school of dentistry of the University of  
2 Washington. This limitation shall be stated on the license.

3 (2) The board may, upon written request of the dean of the school  
4 of dentistry of the University of Washington, issue a limited license  
5 to practice dentistry in this state to university residents in  
6 postgraduate dental education. The license shall permit the resident  
7 dentist to provide dental care only in connection with his or her  
8 duties as a university resident.

9 (3) The board may condition the granting of a license under this  
10 section with terms the board deems appropriate. All persons licensed  
11 under this section shall be subject to the jurisdiction of the (~~dental~~  
12 ~~disciplinary~~) board to the same extent as other members of the dental  
13 profession, in accordance with this chapter, and in addition the  
14 licensee may be disciplined by the (~~dental-disciplinary~~) board after  
15 a hearing has been held in accordance with the provisions set forth in  
16 this chapter, and determination by the (~~dental-disciplinary~~) board  
17 that such licensee has violated any of the restrictions set forth in  
18 this section.

19 (4) Persons applying for licensure pursuant to this section shall  
20 pay the application fee determined by the secretary and, in the event  
21 the license applied for is issued, a license fee at the rate provided  
22 for licenses generally. After review by the board (~~of dental~~  
23 ~~examiners~~), licenses issued under this section may be renewed annually  
24 if the licensee continues to be employed as a full-time faculty member  
25 of the school of dentistry of the University of Washington, or a  
26 university resident in postgraduate dental education, and otherwise  
27 meets the requirements of the provisions and conditions deemed  
28 appropriate by the board of dental examiners. Any person who obtains  
29 a license pursuant to this section may, without an additional  
30 application fee, apply for licensure under this chapter, in which case  
31 the applicant shall be subject to examination and the other  
32 requirements of this chapter.

33 **Sec. 441.** RCW 18.32.655 and 1986 c 259 s 35 are each amended to  
34 read as follows:

35 (1) The (~~dental-disciplinary~~) board has the power and it shall be  
36 its duty to(+

37 (+)) require licensed dentists to keep and maintain a copy of each  
38 laboratory referral instruction, describing detailed services rendered,

1 for a period to be determined by the board but not more than three  
2 years, and to require the production of all such records for  
3 examination by the board or its authorized representatives; and

4 (2) Promulgate reasonable rules and regulations requiring licensed  
5 dentists to make, maintain and produce for examination by the board or  
6 its authorized representatives such other records as may be reasonable  
7 and proper in the performance of its duties and enforcing the  
8 provisions of this chapter.

9 **Sec. 442.** RCW 18.64.160 and 1985 c 7 s 60 are each amended to read  
10 as follows:

11 (~~The board of pharmacy shall have the power to refuse, suspend, or~~  
12 ~~revoke~~) In addition to the grounds under RCW 18.130.170 and  
13 18.130.180, the board of pharmacy may take disciplinary action against  
14 the license of any pharmacist or intern upon proof that:

15 (1) His or her license was procured through fraud,  
16 misrepresentation, or deceit;

17 (2) (~~He or she has been convicted of a felony relating to his or~~  
18 ~~her practice as a pharmacist;~~

19 (3) ~~He or she has committed any act involving moral turpitude,~~  
20 ~~dishonesty, or corruption, if the act committed directly relates to the~~  
21 ~~pharmacist's fitness to practice pharmacy. Upon such conviction,~~  
22 ~~however, the judgment and sentence shall be conclusive evidence at the~~  
23 ~~ensuing disciplinary hearing of the guilt of the respondent pharmacist~~  
24 ~~of the crime described in the indictment or information, and of his or~~  
25 ~~her violation of the statute upon which it is based;~~

26 (4) ~~He or she is unfit to practice pharmacy because of habitual~~  
27 ~~intemperance in the use of alcoholic beverages, drugs, controlled~~  
28 ~~substances, or any other substance which impairs the performance of~~  
29 ~~professional duties;~~

30 (5) ~~He or she exhibits behavior which may be due to physical or~~  
31 ~~mental impairment, which creates an undue risk of causing harm to him~~  
32 ~~or herself or to other persons when acting as a licensed pharmacist or~~  
33 ~~intern;~~

34 (6) ~~He or she has incompetently or negligently practiced pharmacy,~~  
35 ~~creating an unreasonable risk of harm to any individual;~~

36 (7) ~~His or her legal authority to practice pharmacy, issued by any~~  
37 ~~other properly constituted licensing authority of any other state, has~~  
38 ~~been and is currently suspended or revoked;~~

1       ~~(8))~~) In the event that a pharmacist is determined by a court of  
2 competent jurisdiction to be mentally incompetent, the pharmacist shall  
3 automatically have his or her license suspended by the board upon the  
4 entry of the judgment, regardless of the pendency of an appeal;

5       ~~((9))~~) (3) He or she has knowingly violated or permitted the  
6 violation of any provision of any state or federal law, rule, or  
7 regulation governing the possession, use, distribution, or dispensing  
8 of drugs, including, but not limited to, the violation of any provision  
9 of this chapter, Title 69 RCW, or rule or regulation of the board;

10       ~~((10))~~) (4) He or she has knowingly allowed any unlicensed person  
11 to take charge of a pharmacy or engage in the practice of pharmacy,  
12 except a pharmacy intern or pharmacy assistant acting as authorized in  
13 this chapter or chapter 18.64A RCW in the presence of and under the  
14 immediate supervision of a licensed pharmacist;

15       ~~((11))~~) (5) He or she has compounded, dispensed, or caused the  
16 compounding or dispensing of any drug or device which contains more or  
17 less than the equivalent quantity of ingredient or ingredients  
18 specified by the person who prescribed such drug or device(~~(÷~~  
19 ~~PROVIDED, HOWEVER, That)~~). Nothing herein shall be construed to  
20 prevent the pharmacist from exercising professional judgment in the  
21 preparation or providing of such drugs or devices.

22       ~~((In any case of the refusal, suspension, or revocation of a~~  
23 ~~license by said board of pharmacy under the provisions of this chapter,~~  
24 ~~said board shall proceed in accordance with chapter 34.05 RCW.))~~

25       **NEW SECTION. Sec. 443.** A new section is added to chapter 18.64  
26 RCW to read as follows:

27       **PHARMACISTS--APPLICATION OF THE UNIFORM DISCIPLINARY ACT.** The  
28 uniform disciplinary act, chapter 18.130 RCW, governs unlicensed  
29 practice, the issuance and denial of licenses of pharmacists and  
30 pharmacy interns, and the discipline of licensed pharmacists and  
31 pharmacy interns under this chapter.

32       **Sec. 444.** RCW 18.64A.050 and 1989 1st ex.s. c 9 s 424 are each  
33 amended to read as follows:

34       ~~((The board of pharmacy shall have the power to refuse, suspend, or~~  
35 ~~revoke))~~ In addition to the grounds under RCW 18.130.170 and  
36 18.130.180, the board of pharmacy under chapter 18.130 RCW may take

1 disciplinary action against the certificate of any pharmacy assistant  
2 upon proof that:

3 (1) His or her certificate was procured through fraud,  
4 misrepresentation or deceit;

5 (2) He or she has been found guilty of any offense in violation of  
6 the laws of this state relating to drugs, poisons, cosmetics or drug  
7 sundries by any court of competent jurisdiction. Nothing herein shall  
8 be construed to affect or alter the provisions of RCW 9.96A.020;

9 ~~(3) ((He or she is unfit to perform his or her duties because of  
10 habitual intoxication or abuse of controlled substances;~~

11 ~~(4))~~ (4) He or she has exhibited gross incompetency in the performance  
12 of his or her duties;

13 ~~((5))~~ (4) He or she has willfully or repeatedly violated any of  
14 the rules and regulations of the board of pharmacy or of the  
15 department;

16 ~~((6))~~ (5) He or she has willfully or repeatedly performed duties  
17 beyond the scope of his or her certificate in violation of the  
18 provisions of this chapter; or

19 ~~((7))~~ (6) He or she has impersonated a licensed pharmacist.

20 ~~((In any case of the refusal, suspension or revocation of a  
21 certificate by the board, a hearing shall be conducted in accordance  
22 with RCW 18.64.160, as now or hereafter amended, and appeal may be  
23 taken in accordance with the Administrative Procedure Act, chapter  
24 34.05 RCW.))~~

25 NEW SECTION. Sec. 445. A new section is added to chapter 18.64A  
26 RCW to read as follows:

27 PHARMACY ASSISTANTS--APPLICATION OF THE UNIFORM DISCIPLINARY ACT.  
28 The uniform disciplinary act, chapter 18.130 RCW, governs unlicensed  
29 practice, the issuance and denial of licenses, and the discipline of  
30 licensees under this chapter.

31 **Sec. 446.** RCW 18.71.019 and 1987 c 150 s 45 are each amended to  
32 read as follows:

33 The uniform disciplinary act, chapter 18.130 RCW, governs  
34 unlicensed practice and the issuance ~~((and))~~, denial of licenses, and  
35 the discipline of licensees under this chapter.

1       **Sec. 447.** RCW 18.71.030 and 1990 c 196 s 12 and 1990 c 33 s 552  
2 are each reenacted and amended to read as follows:

3       Nothing in this chapter shall be construed to apply to or interfere  
4 in any way with the practice of religion or any kind of treatment by  
5 prayer; nor shall anything in this chapter be construed to prohibit:

6       (1) The furnishing of medical assistance in cases of emergency  
7 requiring immediate attention;

8       (2) The domestic administration of family remedies;

9       (3) The administration of oral medication of any nature to students  
10 by public school district employees or private elementary or secondary  
11 school employees as provided for in chapter 28A.210 RCW;

12       (4) The practice of dentistry, osteopathy, osteopathy and surgery,  
13 nursing, chiropractic, (~~podiatry~~) podiatric medicine and surgery,  
14 optometry, naturopathy or any other healing art licensed under the  
15 methods or means permitted by such license;

16       (5) The practice of medicine in this state by any commissioned  
17 medical officer serving in the armed forces of the United States or  
18 public health service or any medical officer on duty with the United  
19 States veterans administration while such medical officer is engaged in  
20 the performance of the duties prescribed for him or her by the laws and  
21 regulations of the United States;

22       (6) The practice of medicine by any practitioner licensed by  
23 another state or territory in which he or she resides, provided that  
24 such practitioner shall not open an office or appoint a place of  
25 meeting patients or receiving calls within this state;

26       (7) The practice of medicine by a person who is a regular student  
27 in a school of medicine approved and accredited by the board, however,  
28 the performance of such services be only pursuant to a regular course  
29 of instruction or assignments from his or her instructor, or that such  
30 services are performed only under the supervision and control of a  
31 person licensed pursuant to this chapter;

32       (8) The practice of medicine by a person serving a period of  
33 postgraduate medical training in a program of clinical medical training  
34 sponsored by a college or university in this state or by a hospital  
35 accredited in this state, however, the performance of such services  
36 shall be only pursuant to his or her duties as a trainee;

37       (9) The practice of medicine by a person who is regularly enrolled  
38 in a physician assistant program approved by the board, however, the  
39 performance of such services (~~{shall}~~) shall be only pursuant to a

1 regular course of instruction in said program and such services are  
2 performed only under the supervision and control of a person licensed  
3 pursuant to this chapter;

4 (10) The practice of medicine by a licensed physician assistant  
5 which practice is performed under the supervision and control of a  
6 physician licensed pursuant to this chapter;

7 (11) The practice of medicine, in any part of this state which  
8 shares a common border with Canada and which is surrounded on three  
9 sides by water, by a physician licensed to practice medicine and  
10 surgery in Canada or any province or territory thereof;

11 (12) The administration of nondental anesthesia by a dentist who  
12 has completed a residency in anesthesiology at a school of medicine  
13 approved by the board of medical examiners, however, a dentist allowed  
14 to administer nondental anesthesia shall do so only under authorization  
15 of the patient's attending surgeon, obstetrician, or psychiatrist and  
16 the ((medical—disciplinary)) board shall have jurisdiction to  
17 discipline a dentist practicing under this exemption and enjoin or  
18 suspend such dentist from the practice of nondental anesthesia  
19 according to the provisions of chapter ((18.72 RCW and chapter)) 18.130  
20 RCW;

21 (13) Emergency lifesaving service rendered by a physician's trained  
22 mobile intravenous therapy technician, by a physician's trained mobile  
23 airway management technician, or by a physician's trained mobile  
24 intensive care paramedic, as defined in RCW 18.71.200, if the emergency  
25 lifesaving service is rendered under the responsible supervision and  
26 control of a licensed physician;

27 (14) The provision of clean, intermittent bladder catheterization  
28 for students by public school district employees or private school  
29 employees as provided for in RCW 18.88.295 and 28A.210.280.

30 **Sec. 448.** RCW 18.71.095 and 1991 c 3 s 164 are each amended to  
31 read as follows:

32 The board may, without examination, issue a limited license to  
33 persons who possess the qualifications set forth herein:

34 (1) The board may, upon the written request of the secretary of the  
35 department of social and health services or the secretary of  
36 corrections, issue a limited license to practice medicine in this state  
37 to persons who have been accepted for employment by the department of  
38 social and health services or the department of corrections as

1 physicians; who are licensed to practice medicine in another state of  
2 the United States or in the country of Canada or any province or  
3 territory thereof; and who meet all of the qualifications for licensure  
4 set forth in RCW 18.71.050.

5 Such license shall permit the holder thereof to practice medicine  
6 only in connection with patients, residents, or inmates of the state  
7 institutions under the control and supervision of the secretary of the  
8 department of social and health services or the department of  
9 corrections.

10 (2) The board may issue a limited license to practice medicine in  
11 this state to persons who have been accepted for employment by a county  
12 or city health department as physicians; who are licensed to practice  
13 medicine in another state of the United States or in the country of  
14 Canada or any province or territory thereof; and who meet all of the  
15 qualifications for licensure set forth in RCW 18.71.050.

16 Such license shall permit the holder thereof to practice medicine  
17 only in connection with his or her duties in employment with the city  
18 or county health department.

19 (3) Upon receipt of a completed application showing that the  
20 applicant meets all of the requirements for licensure set forth in RCW  
21 18.71.050 except for completion of two years of postgraduate medical  
22 training, and that the applicant has been appointed as a resident  
23 physician in a program of postgraduate clinical training in this state  
24 approved by the board, the board may issue a limited license to a  
25 resident physician. Such license shall permit the resident physician  
26 to practice medicine only in connection with his or her duties as a  
27 resident physician and shall not authorize the physician to engage in  
28 any other form of practice. Each resident physician shall practice  
29 medicine only under the supervision and control of a physician licensed  
30 in this state, but such supervision and control shall not be construed  
31 to necessarily require the personal presence of the supervising  
32 physician at the place where services are rendered.

33 (4)(a) Upon nomination by the dean of the school of medicine at the  
34 University of Washington or the chief executive officer of a hospital  
35 or other appropriate health care facility licensed in the state of  
36 Washington, the board may issue a limited license to a physician  
37 applicant invited to serve as a teaching-research member of the  
38 institution's instructional staff if the sponsoring institution and the  
39 applicant give evidence that he or she has graduated from a recognized

1 medical school and has been licensed or otherwise privileged to  
2 practice medicine at his or her location of origin. Such license shall  
3 permit the recipient to practice medicine only within the confines of  
4 the instructional program specified in the application and shall  
5 terminate whenever the holder ceases to be involved in that program, or  
6 at the end of one year, whichever is earlier. Upon request of the  
7 applicant and the institutional authority, the license may be renewed  
8 for no more than a total of two years.

9 (b) Upon nomination by the dean of the school of medicine of the  
10 University of Washington or the chief executive officer of any hospital  
11 or appropriate health care facility licensed in the state of  
12 Washington, the board may issue a limited license to an applicant  
13 selected by the sponsoring institution to be enrolled in one of its  
14 designated departmental or divisional fellowship programs provided that  
15 the applicant shall have graduated from a recognized medical school and  
16 has been granted a license or other appropriate certificate to practice  
17 medicine in the location of the applicant's origin. Such license shall  
18 permit the holder only to practice medicine within the confines of the  
19 fellowship program to which he or she has been appointed and, upon the  
20 request of the applicant and the sponsoring institution, the license  
21 may be renewed by the board for no more than a total of two years.

22 All persons licensed under this section shall be subject to the  
23 jurisdiction of the ((~~medical disciplinary~~)) board to the same extent  
24 as other members of the medical profession, in accordance with  
25 chapter((~~s 18.72 and~~)) 18.130 RCW.

26 Persons applying for licensure pursuant to this section shall pay  
27 an application fee determined by the secretary as provided in RCW  
28 43.70.250 and, in the event the license applied for is issued, a  
29 license fee at the rate provided for renewals of licenses generally.  
30 Licenses issued hereunder may be renewed annually pursuant to the  
31 provisions of RCW 18.71.080. Any person who obtains a limited license  
32 pursuant to this section may, without an additional application fee,  
33 apply for licensure under this chapter, but shall submit a new  
34 application form and comply with all other licensing requirements of  
35 this chapter.

36 **Sec. 449.** RCW 18.71.230 and 1986 c 259 s 112 are each amended to  
37 read as follows:

1 A right to practice medicine and surgery by an individual in this  
2 state pursuant to RCW 18.71.030 (5) through (12) shall be subject to  
3 discipline by order of the board upon a finding by the board of an act  
4 of unprofessional conduct as defined in RCW 18.130.180 or that the  
5 individual is unable to practice with reasonable skill or safety due to  
6 a mental or physical condition as described in RCW 18.130.170. Such  
7 physician shall have the same rights of notice, hearing and judicial  
8 review as provided licensed physicians generally pursuant to chapter(~~s~~  
9 ~~18.72~~and)) 18.130 RCW.

10 **Sec. 450.** RCW 18.72.165 and 1986 c 300 s 5 are each amended to  
11 read as follows:

12 (1) A licensed health care professional licensed under chapter  
13 18.71 RCW shall report to the (~~medical disciplinary~~) board when he or  
14 she has personal knowledge that a practicing physician has either  
15 committed an act or acts which may constitute statutorily defined  
16 unprofessional conduct or that a practicing physician may be unable to  
17 practice medicine with reasonable skill and safety to patients by  
18 reason of illness, drunkenness, excessive use of drugs, narcotics,  
19 chemicals, or any other type of material, or as a result of any mental  
20 or physical conditions.

21 (2) Reporting under this section is not required by:

22 (a) An appropriately appointed peer review committee member of a  
23 licensed hospital or by an appropriately designated professional review  
24 committee member of a county or state medical society during the  
25 investigative phase of their respective operations if these  
26 investigations are completed in a timely manner; or

27 (b) A treating licensed health care professional of a physician  
28 currently involved in a treatment program as long as the physician  
29 patient actively participates in the treatment program and the  
30 physician patient's impairment does not constitute a clear and present  
31 danger to the public health, safety, or welfare.

32 (3) The (~~medical disciplinary~~) board may impose disciplinary  
33 sanctions, including license suspension or revocation, on any health  
34 care professional subject to the jurisdiction of the board who has  
35 failed to comply with this section.

36 **Sec. 451.** RCW 18.72.265 and 1986 c 259 s 117 are each amended to  
37 read as follows:

1 (1) The contents of any report file under RCW 18.130.070 shall be  
2 confidential and exempt from public disclosure pursuant to chapter  
3 42.17 RCW, except that it may be reviewed (a) by the licensee involved  
4 or his counsel or authorized representative who may submit any  
5 additional exculpatory or explanatory statements or other information,  
6 which statements or other information shall be included in the file, or  
7 (b) by ~~((a representative of the medical disciplinary))~~ board, or  
8 investigator thereof, who has been assigned to review the activities of  
9 a licensed physician.

10 Upon a determination that a report is without merit, the  
11 ~~((board's))~~ secretary's records may be purged of information relating  
12 to the report.

13 (2) Every individual, medical association, medical society,  
14 hospital, medical service bureau, health insurance carrier or agent,  
15 professional liability insurance carrier, professional standards review  
16 organization, and agency of the federal, state, or local government  
17 shall be immune from civil liability, whether direct or derivative, for  
18 providing information to the board subsequent to RCW 18.130.070, or for  
19 which an individual health care provider has immunity under the  
20 provisions of RCW 4.24.240, 4.24.250, or 4.24.260, as now or hereafter  
21 amended.

22 **Sec. 452.** RCW 18.72.340 and 1986 c 300 s 6 are each amended to  
23 read as follows:

24 (1) Every institution or organization providing professional  
25 liability insurance to physicians shall send a complete report to the  
26 ~~((medical disciplinary))~~ board of all malpractice settlements, awards,  
27 or payments in excess of ~~((twenty))~~ one hundred thousand dollars as a  
28 result of a claim or action for damages alleged to have been caused by  
29 an insured physician's incompetency or negligence in the practice of  
30 medicine. Such institution or organization shall also report the  
31 award, settlement, or payment of three or more claims during a ~~((year))~~  
32 five-year time period as the result of the alleged physician's  
33 incompetence or negligence in the practice of medicine regardless of  
34 the dollar amount of the award or payment.

35 (2) Reports required by this section shall be made within sixty  
36 days of the date of the settlement or verdict. Failure to comply with  
37 this section is punishable by a civil penalty not to exceed two hundred  
38 fifty dollars.

1        NEW SECTION.    **Sec. 453.**    A new section is added to chapter 18.135  
2 RCW to read as follows:

3        HEALTH CARE ASSISTANTS--APPLICATION OF THE UNIFORM DISCIPLINARY  
4 ACT.    The uniform disciplinary act, chapter 18.130 RCW, governs  
5 uncertified practice, the issuance and denial of certificates, and the  
6 discipline of certificate holders under this chapter.    The secretary  
7 shall be the disciplining authority under this chapter.

8        **Sec. 454.**    RCW 18.135.070 and 1984 c 281 s 7 are each amended to  
9 read as follows:

10        The licensing authority of health care facilities or the  
11 (~~disciplinary board~~) disciplining authority of the delegating or  
12 supervising health care practitioner shall investigate all complaints  
13 or allegations of violations of proper certification of a health care  
14 assistant or violations of delegation of authority or supervision.    A  
15 substantiated violation shall constitute sufficient cause for  
16 disciplinary action by the licensing authority of a health care  
17 facility or the disciplinary board of the health care practitioner.

18        **Sec. 455.**    RCW 43.70.220 and 1989 1st ex.s. c 9 s 301 are each  
19 amended to read as follows:

20        The powers and duties of the department of licensing and the  
21 director of licensing under the following statutes are hereby  
22 transferred to the department of health and the secretary of health:  
23 Chapters 18.06, 18.19, 18.22, 18.25, (~~18.26~~) 18.29, 18.32, 18.34,  
24 18.35, 18.36A, 18.50, 18.52, (~~18.52A, 18.52B~~) 18.52C, 18.53, 18.54,  
25 18.55, 18.57, 18.57A, 18.59, 18.71, 18.71A, (~~18.72~~) 18.74, 18.78,  
26 18.83, 18.84, 18.88, 18.89, 18.92, 18.108, 18.135, and 18.138 RCW.  
27 More specifically, the health professions regulatory programs and  
28 services presently administered by the department of licensing are  
29 hereby transferred to the department of health.

30        NEW SECTION.    **Sec. 456.**    A new section is added to chapter 34.05  
31 RCW under the subchapter heading "judicial review and civil  
32 enforcement" to read as follows:

33        Unless the context clearly indicates otherwise, for the purposes of  
34 rules review committee oversight, "rule" means guidelines, interpretive  
35 statements, policy statements, declaratory judgments whether binding or  
36 nonbinding, advisory opinions, or any other orders of an administrative

1 agency meant to state the official position of the agency on a matter  
2 within its jurisdiction that affects a class of persons.

3 NEW SECTION. **Sec. 457.** The following acts or parts of acts are  
4 each repealed:

5 (1) RCW 18.26.010 and 1989 c 258 s 7 & 1967 c 171 s 1;

6 (2) RCW 18.26.020 and 1991 c 3 s 43, 1989 c 258 s 8, & 1967 c 171  
7 s 2;

8 (3) RCW 18.26.028 and 1987 c 150 s 13 & 1986 c 259 s 22;

9 (4) RCW 18.26.040 and 1989 c 258 s 9 & 1980 c 46 s 1;

10 (5) RCW 18.26.050 and 1991 c 3 s 44, 1979 c 158 s 21, & 1967 c 171  
11 s 5;

12 (6) RCW 18.26.060 and 1967 c 171 s 6;

13 (7) RCW 18.26.070 and 1991 c 3 s 45, 1984 c 287 s 28, & 1980 c 46  
14 s 2;

15 (8) RCW 18.26.080 and 1967 c 171 s 8;

16 (9) RCW 18.26.090 and 1989 c 258 s 11 & 1967 c 171 s 9;

17 (10) RCW 18.26.110 and 1986 c 259 s 26, 1975 1st ex.s. c 39 s 2, &  
18 1967 c 171 s 11;

19 (11) RCW 18.26.900 and 1967 c 171 s 31;

20 (12) RCW 18.32.500 and 1989 c 202 s 24, 1986 c 259 s 39, & 1977  
21 ex.s. c 5 s 37;

22 (13) RCW 18.32.510 and 1977 ex.s. c 5 s 1;

23 (14) RCW 18.32.520 and 1991 c 3 s 71, 1989 c 202 s 25, 1986 c 259  
24 s 40, 1979 c 158 s 36, & 1977 ex.s. c 5 s 2;

25 (15) RCW 18.32.530 and 1989 c 202 s 26, 1986 c 259 s 41, & 1977  
26 ex.s. c 5 s 3;

27 (16) RCW 18.32.534 and 1991 c 3 s 72 & 1989 c 125 s 1;

28 (17) RCW 18.32.560 and 1984 c 279 s 51 & 1977 ex.s. c 5 s 6;

29 (18) RCW 18.32.570 and 1977 ex.s. c 5 s 7;

30 (19) RCW 18.32.580 and 1977 ex.s. c 5 s 8;

31 (20) RCW 18.32.590 and 1977 ex.s. c 5 s 9;

32 (21) RCW 18.32.600 and 1984 c 287 s 31 & 1977 ex.s. c 5 s 10;

33 (22) RCW 18.32.610 and 1977 ex.s. c 5 s 11;

34 (23) RCW 18.32.620 and 1984 c 279 s 62 & 1977 ex.s. c 5 s 12;

35 (24) RCW 18.32.665 and 1986 c 259 s 36 & 1935 c 112 s 20;

36 (25) RCW 18.32.745 and 1991 c 3 s 73, 1977 ex.s. c 5 s 31, 1957 c  
37 52 s 38, & 1953 c 93 s 7;

1 (26) RCW 18.64.260 and 1987 c 202 s 184, 1969 ex.s. c 199 s 17,  
2 1909 c 213 s 9, & 1899 c 121 s 17;  
3 (27) RCW 18.71A.070 and 1990 c 196 s 7, 1979 c 158 s 58, & 1975 1st  
4 ex.s. c 190 s 3;  
5 (28) RCW 18.72.010 and 1955 c 202 s 1;  
6 (29) RCW 18.72.020 and 1986 c 259 s 115 & 1955 c 202 s 2;  
7 (30) RCW 18.72.045 and 1991 c 215 s 1;  
8 (31) RCW 18.72.090 and 1955 c 202 s 9;  
9 (32) RCW 18.72.100 and 1991 c 3 s 166, 1984 c 287 s 45, 1979 ex.s.  
10 c 111 s 3, 1979 c 158 s 59, 1975-'76 2nd ex.s. c 34 s 42, & 1955 c 202  
11 s 10;  
12 (33) RCW 18.72.110 and 1955 c 202 s 11;  
13 (34) RCW 18.72.120 and 1991 c 3 s 167 & 1955 c 202 s 12;  
14 (35) RCW 18.72.130 and 1979 ex.s. c 111 s 4 & 1955 c 202 s 13;  
15 (36) RCW 18.72.150 and 1986 c 259 s 116, 1979 ex.s. c 111 s 5, 1975  
16 c 61 s 4, & 1955 c 202 s 15;  
17 (37) RCW 18.72.154 and 1986 c 259 s 107;  
18 (38) RCW 18.72.155 and 1991 c 3 s 168 & 1979 ex.s. c 111 s 6;  
19 (39) RCW 18.72.190 and 1989 c 373 s 18 & 1955 c 202 s 19;  
20 (40) RCW 18.72.301 and 1989 c 119 s 1 & 1987 c 416 s 1;  
21 (41) RCW 18.72.306 and 1991 c 3 s 169, 1989 c 119 s 2, & 1987 c 416  
22 s 2;  
23 (42) RCW 18.72.311 and 1987 c 416 s 3;  
24 (43) RCW 18.72.316 and 1987 c 416 s 4;  
25 (44) RCW 18.72.321 and 1987 c 416 s 6;  
26 (45) RCW 18.72.380 and 1991 c 3 s 170, 1985 c 7 s 62, & 1983 c 71  
27 s 1;  
28 (46) RCW 18.72.390 and 1991 sp.s. c 13 s 17, 1985 c 57 s 6, & 1983  
29 c 71 s 2;  
30 (47) RCW 18.72.400 and 1991 c 3 s 171 & 1983 c 71 s 3;  
31 (48) RCW 18.72.900 and 1955 c 202 s 46;  
32 (49) RCW 18.72.910 and 1955 c 202 s 48;  
33 (50) RCW 18.135.080 and 1991 c 3 s 277 & 1984 c 281 s 8;  
34 (51) RCW 43.131.337 and 1987 c 160 s 2; and  
35 (52) RCW 43.131.338 and 1987 c 160 s 3.

36

#### RECODIFICATIONS

1        NEW SECTION. Sec. 458. RECODIFICATION. RCW 18.26.030, 18.26.320,  
2 18.26.330, 18.26.340, 18.26.350, 18.26.360, 18.26.370, 18.26.380, and  
3 18.26.390 are each recodified as sections in chapter 18.25 RCW. RCW  
4 18.72.165, 18.72.265, 18.72.340, 18.72.345, 18.72.350, and 18.72.360  
5 are each recodified as sections in chapter 18.71 RCW.

6        NEW SECTION. **Sec. 459.** CAPTIONS. Captions as used in this act  
7 constitute no part of the law.

8        NEW SECTION. **Sec. 460.** If any provision of this act or its  
9 application to any person or circumstance is held invalid, the  
10 remainder of the act or the application of the provision to other  
11 persons or circumstances is not affected.

--- END ---