
ENGROSSED SUBSTITUTE HOUSE BILL 1331

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Dyer, Dellwo, Skinner and Backlund; by request of Department of Health)

Read first time 02/20/95.

1 AN ACT Relating to the use of examinations in the credentialing of
2 health professionals; amending RCW 18.25.030, 18.32.050, 18.34.080,
3 18.29.021, 18.29.120, 18.53.060, 18.54.070, 18.64A.020, 18.74.035,
4 18.83.070, 18.83.072, 18.92.030, 18.92.100, 18.108.030, 18.108.050, and
5 18.108.073; reenacting and amending RCW 18.74.023; and adding a new
6 section to chapter 18.130 RCW.

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

8 **Sec. 1.** RCW 18.25.030 and 1994 sp.s. c 9 s 111 are each amended to
9 read as follows:

10 Examinations for license to practice chiropractic shall be ~~((made))~~
11 developed and administered, or approved, or both, by the commission
12 according to the method deemed by it to be the most practicable and
13 expeditious to test the applicant's qualifications. ((Such
14 application)) The commission may approve an examination prepared or
15 administered by a private testing agency or association of licensing
16 authorities. The applicant shall be designated by a number instead of
17 his or her name, so that the identity shall not be discovered or
18 disclosed to the members of the commission until after the examination
19 papers are graded.

1 (~~All examinations shall be in whole or in part in writing, the~~
2 ~~subject of which shall be as follows~~) Examination subjects may include
3 the following: Anatomy, physiology, spinal anatomy, microbiology-
4 public health, general diagnosis, neuromuscularskeletal diagnosis, x-
5 ray, principles of chiropractic and adjusting, as taught by
6 chiropractic schools and colleges(~~. The commission shall administer~~
7 ~~a practical examination to applicants which shall consist of diagnosis,~~
8 ~~principles and practice, x ray, and adjustive technique~~), and any
9 other subject areas consistent with chapter 18.25 RCW. (~~A license~~
10 ~~shall be granted to all applicants whose score over each subject tested~~
11 ~~is seventy five percent.~~) The commission shall set the standards for
12 passing the examination. The commission may enact additional
13 requirements for testing administered by the national board of
14 chiropractic examiners.

15 **Sec. 2.** RCW 18.32.050 and 1994 sp.s. c 9 s 212 are each amended to
16 read as follows:

17 Commission members shall be compensated and reimbursed pursuant to
18 this section for their activities in administering a multi-state
19 licensing examination pursuant to the commission's compact or agreement
20 with another state or states or with organizations formed by several
21 states. (~~Compensation or reimbursement received by a commission~~
22 ~~member from another state, or organization formed by several states,~~
23 ~~for such member's services in administering a multi state licensing~~
24 ~~examination, shall be deposited in the state general fund.~~)

25 **Sec. 3.** RCW 18.34.080 and 1991 c 3 s 77 are each amended to read
26 as follows:

27 The examination shall determine whether the applicant has a
28 thorough knowledge of the principles governing the practice of a
29 dispensing optician which is hereby declared necessary for the
30 protection of the public health. The examining committee may approve
31 an examination prepared or administered by a private testing agency or
32 association of licensing authorities. The secretary shall license
33 successful examinees and the license shall be conspicuously displayed
34 in the place of business of the licensee.

35 **Sec. 4.** RCW 18.29.021 and 1991 c 3 s 46 are each amended to read
36 as follows:

1 (1) The department shall issue a license to any applicant who, as
2 determined by the secretary:

3 (a) Has successfully completed an educational program approved by
4 the secretary. This educational program shall include course work
5 encompassing the subject areas within the scope of the license to
6 practice dental hygiene in the state of Washington;

7 (b) Has successfully completed an examination administered or
8 approved by the dental hygiene examining committee; and

9 (c) Has not engaged in unprofessional conduct or is not unable to
10 practice with reasonable skill and safety as a result of a physical or
11 mental impairment.

12 (2) Applications for licensure shall be submitted on forms provided
13 by the department. The department may require any information and
14 documentation necessary to determine if the applicant meets the
15 criteria for licensure as provided in this chapter and chapter 18.130
16 RCW. Each applicant shall pay a fee determined by the secretary as
17 provided in RCW 43.70.250. The fee shall be submitted with the
18 application.

19 **Sec. 5.** RCW 18.29.120 and 1991 c 3 s 52 are each amended to read
20 as follows:

21 The secretary in consultation with the Washington dental hygiene
22 examining committee shall:

23 (1) Adopt rules in accordance with chapter 34.05 RCW necessary to
24 prepare and conduct examinations for dental hygiene licensure;

25 (2) Require an applicant for licensure to pass an examination
26 consisting of written and practical tests upon such subjects and of
27 such scope as the committee determines;

28 (3) Set the standards for passage of the examination;

29 (4) Administer at least two examinations each calendar year (~~in~~
30 ~~conjunction with examinations for licensure of dentists under chapter~~
31 ~~18.32 RCW)). Additional examinations may be given as necessary; and~~

32 (5) Establish by rule the procedures for an appeal of an
33 examination failure.

34 **Sec. 6.** RCW 18.53.060 and 1991 c 3 s 135 are each amended to read
35 as follows:

36 From and after January 1, 1940, in order to be eligible for
37 examination for registration, a person shall be a citizen of the United

1 States of America, who shall have a preliminary education of or equal
2 to four years in a state accredited high school and has completed a
3 full attendance course in a regularly chartered school of optometry
4 maintaining a standard which is deemed sufficient and satisfactory by
5 the optometry board, who is a person of good moral character, (~~who is~~
6 ~~not afflicted with any contagious or infectious disease,~~) who has a
7 visual acuity in at least one eye, of a standard known as 20/40 under
8 correction: PROVIDED, That from and after January 1, 1975, in order to
9 be eligible for examination for a license, a person shall have the
10 following qualifications:

11 (1) Be a graduate of a state accredited high school or its
12 equivalent;

13 (2) Have a diploma or other certificate of completion from an
14 accredited college of optometry or school of optometry, maintaining a
15 standard which is deemed sufficient and satisfactory by the optometry
16 board, conferring its degree of doctor of optometry or its equivalent,
17 maintaining a course of four scholastic years in addition to
18 preprofessional college level studies, and teaching substantially all
19 of the following subjects: General anatomy, anatomy of the eyes,
20 physiology, physics, chemistry, pharmacology, biology, bacteriology,
21 general pathology, ocular pathology, ocular neurology, ocular myology,
22 psychology, physiological optics, optometrical mechanics, clinical
23 optometry, visual field charting and orthoptics, general laws of optics
24 and refraction and use of the ophthalmoscope, retinoscope and other
25 clinical instruments necessary in the practice of optometry; and

26 (3) Be of good moral character(~~and~~
27 ~~(4) Have no contagious or infectious disease~~)).

28 Such person shall file an application for an examination and
29 license with said board at any time thirty days prior to the time fixed
30 for such examination, or at a later date if approved by the board, and
31 such application must be on forms approved by the board, and properly
32 attested, and if found to be in accordance with the provisions of this
33 chapter shall entitle the applicant upon payment of the proper fee, to
34 take the examination prescribed by the board. Such examination shall
35 not be out of keeping with the established teachings and adopted
36 textbooks of the recognized schools of optometry, and shall be confined
37 to such subjects and practices as are recognized as essential to the
38 practice of optometry. All candidates without discrimination, who
39 shall successfully pass the prescribed examination, shall be registered

1 by the board and shall, upon payment of the proper fee, be issued a
2 license. (~~The optometry board, at its discretion, may waive all or a~~
3 ~~portion of the written examination for any applicant who has~~
4 ~~satisfactorily passed the examination given by the National Board of~~
5 ~~Examiners in Optometry.)) Any license to practice optometry in this
6 state issued by the secretary, and which shall be in full force and
7 effect at the time of passage of this 1975 amendatory act, shall be
8 continued.~~

9 **Sec. 7.** RCW 18.54.070 and 1991 c 3 s 140 are each amended to read
10 as follows:

11 The board has the following powers and duties:

12 (1) (~~The board shall prepare the necessary lists of examination~~
13 ~~questions, conduct examinations, either written or oral or partly~~
14 ~~written and partly oral, and shall certify to the secretary of health~~
15 ~~all lists, signed by all members conducting the examination, of all~~
16 ~~applicants for licenses who have successfully passed the examination~~
17 ~~and a separate list of all applicants for licenses who have failed to~~
18 ~~pass the examination, together with a copy of all examination questions~~
19 ~~used, and the written answers to questions on written examinations~~
20 ~~submitted by each of the applicants.)) To develop and administer, or
21 approve, or both, a licensure examination. The board may approve an
22 examination prepared or administered by a private testing agency or
23 association of licensing authorities.~~

24 (2) The board shall adopt rules and regulations to promote safety,
25 protection and the welfare of the public, to carry out the purposes of
26 this chapter, to aid the board in the performance of its powers and
27 duties, and to govern the practice of optometry.

28 **Sec. 8.** RCW 18.64A.020 and 1977 ex.s. c 101 s 2 are each amended
29 to read as follows:

30 (1) The board shall adopt, in accordance with chapter 34.05 RCW,
31 rules (~~and regulations~~) fixing the classification and qualifications
32 and the educational and training requirements for persons who may be
33 employed as pharmacy assistants or who may be enrolled in any pharmacy
34 assistant training program. Such (~~regulations~~) rules shall provide
35 that:

36 (a) Licensed pharmacists shall supervise the training of pharmacy
37 assistants; and

1 (b) Training programs shall assure the competence of pharmacy
2 assistants to aid and assist pharmacy operations. Training programs
3 shall consist of instruction and/or practical training.

4 Such rules may include successful completion of examinations for
5 applicants for pharmacy assistant certificates. If such examination
6 rules are adopted, the board shall prepare or determine the nature of,
7 and supervise the grading of the examinations. The board may approve
8 an examination prepared or administered by a private testing agency or
9 association of licensing authorities.

10 (2) The board may disapprove or revoke approval of any training
11 program for failure to conform to board rules (~~(and regulations)~~). In
12 the case of the disapproval or revocation of approval of a training
13 program by the board, a hearing shall be conducted in accordance with
14 RCW 18.64.160 (~~(as now or hereafter amended)~~), and appeal may be taken
15 in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

16 **Sec. 9.** RCW 18.74.023 and 1991 c 12 s 3 and 1991 c 3 s 175 are
17 each reenacted and amended to read as follows:

18 The board has the following powers and duties:

19 (1) To develop and administer, or approve, or both, examinations to
20 applicants for a license under this chapter.

21 (2) To pass upon the qualifications of applicants for a license and
22 to certify to the secretary duly qualified applicants.

23 (3) To make such rules not inconsistent with the laws of this state
24 as may be deemed necessary or proper to carry out the purposes of this
25 chapter.

26 (4) To establish and administer requirements for continuing
27 competency, which shall be a prerequisite to renewing a license under
28 this chapter.

29 (5) To keep an official record of all its proceedings, which record
30 shall be evidence of all proceedings of the board which are set forth
31 therein.

32 (6) To adopt rules not inconsistent with the laws of this state,
33 when it deems appropriate, in response to questions put to it by
34 professional health associations, physical therapists, and consumers in
35 this state concerning the authority of physical therapists to perform
36 particular acts.

1 **Sec. 10.** RCW 18.74.035 and 1991 c 3 s 176 are each amended to read
2 as follows:

3 All qualified applicants for a license as a physical therapist
4 shall be examined by the board at such time and place as the board may
5 determine. The board may approve an examination prepared or
6 administered by a private testing agency or association of licensing
7 authorities. The examination shall embrace the following subjects:
8 The applied sciences of anatomy, neuroanatomy, kinesiology, physiology,
9 pathology, psychology, physics; physical therapy, as defined in this
10 chapter, applied to medicine, neurology, orthopedics, pediatrics,
11 psychiatry, surgery; medical ethics; technical procedures in the
12 practice of physical therapy as defined in this chapter; and such other
13 subjects as the board may deem useful to test the applicant's fitness
14 to practice physical therapy, but not including the adjustment or
15 manipulation of the spine or use of a thrusting force as mobilization.
16 Examinations shall be held within the state at least once a year, at
17 such time and place as the board shall determine. An applicant who
18 fails an examination may apply for reexamination upon payment of a
19 reexamination fee determined by the secretary.

20 **Sec. 11.** RCW 18.83.070 and 1984 c 279 s 80 are each amended to
21 read as follows:

22 An applicant for a license as "psychologist" must submit proof to
23 the board that:

24 (1) The applicant is of good moral character.

25 (2) The applicant holds a doctoral degree from a regionally
26 accredited institution, obtained from an integrated program of graduate
27 study in psychology as defined by rules of the board.

28 (3) The applicant has had no fewer than two years of supervised
29 experience, at least one of which shall have been obtained subsequent
30 to the granting of the doctoral degree. The board shall adopt rules
31 defining the circumstances under which supervised experience shall
32 qualify the candidate for licensure.

33 (4) The applicant has passed the written ~~((and))~~ or oral
34 examinations, or both, as prescribed by the board.

35 Any person holding a valid license to practice psychology in the
36 state of Washington on June 7, 1984, shall be considered licensed under
37 this chapter.

1 **Sec. 12.** RCW 18.83.072 and 1991 c 3 s 198 are each amended to read
2 as follows:

3 (1) Examination of applicants shall be held in Olympia, Washington,
4 or at such other place as designated by the secretary, at least
5 annually at such times as the board may determine.

6 (2) Any applicant shall have the right to discuss with the board
7 his or her performance on the examination.

8 (3) Any applicant who fails to make a passing grade on the
9 examination may be allowed to retake the examination. Any applicant
10 who fails the examination a second time must obtain special permission
11 from the board to take the examination again.

12 (4) The reexamination fee shall be the same as the application fee
13 set forth in RCW 18.83.060.

14 (5) The board may approve an examination prepared or administered
15 by a private testing agency or association of licensing authorities.

16 **Sec. 13.** RCW 18.92.030 and 1993 c 78 s 3 are each amended to read
17 as follows:

18 The board shall ~~((prepare examination questions, conduct~~
19 ~~examinations, and grade the answers of applicants))~~ develop and
20 administer, or approve, or both, a licensure examination in the
21 subjects determined by the board to be essential to the practice of
22 veterinary medicine, surgery, and dentistry. The board may approve an
23 examination prepared or administered by a private testing agency or
24 association of licensing authorities. The board, under chapter 34.05
25 RCW, may adopt rules necessary to carry out the purposes of this
26 chapter, including the performance of the duties and responsibilities
27 of animal technicians and veterinary medication clerks. The rules
28 shall be adopted in the interest of good veterinary health care
29 delivery to the consuming public and shall not prevent animal
30 technicians from inoculating an animal. The board also has the power
31 to adopt by rule standards prescribing requirements for veterinary
32 medical facilities and fixing minimum standards of continuing
33 veterinary medical education.

34 The department is the official office of record.

35 **Sec. 14.** RCW 18.92.100 and 1991 c 3 s 243 are each amended to read
36 as follows:

1 Examinations for license to practice veterinary medicine, surgery
2 and dentistry shall be held at least once each year at such times and
3 places as the secretary may authorize and direct. ((Said)) The
4 examination(~~(, which shall be conducted in the English language)~~) shall
5 be(~~(, in whole or in part, in writing)~~) on ~~((the following))~~
6 subjects(~~(:— Veterinary anatomy, surgery, obstetrics, pathology,~~
7 ~~chemistry, hygiene, veterinary diagnosis, materia medica, therapeutics,~~
8 ~~parasitology, physiology, sanitary medicine, and such other subjects~~
9 ~~which))~~ that are ordinarily included in the curricula of veterinary
10 colleges(~~(, as the board may prescribe)~~). All examinees shall be
11 tested by written examination, supplemented by such oral interviews and
12 practical demonstrations as the board deems necessary. ~~((The board may~~
13 ~~accept the examinee's results on the National Board of Veterinary~~
14 ~~Examiners in lieu of the written portion of the state examination.))~~

15 **Sec. 15.** RCW 18.108.030 and 1987 c 443 s 3 are each amended to
16 read as follows:

17 (1) No person may practice or represent himself or herself as a
18 massage practitioner without first applying for and receiving from the
19 department a license to practice.

20 (2) A person represents himself or herself as a massage
21 practitioner when the person adopts or uses any title or any
22 description of services that incorporates one or more of the following
23 terms or designations: Massage, massage practitioner, massage
24 therapist, massage therapy, therapeutic massage, massage technician,
25 massage technology, massagist, masseur, masseuse, myotherapist or
26 myotherapy, touch therapist, reflexologist, ~~((accupressurist))~~
27 acupressurist, body therapy or body therapist, or any derivation of
28 those terms that implies a massage technique or method.

29 **Sec. 16.** RCW 18.108.050 and 1987 c 443 s 5 are each amended to
30 read as follows:

31 This chapter does not apply to:

32 (1) An individual giving massage to members of his or her immediate
33 family;

34 (2) The practice of a profession by individuals who are licensed,
35 certified, or registered under other laws of this state and who are
36 performing services within their authorized scope of practice;

1 (3) Massage practiced at the athletic department of any institution
2 maintained by the public funds of the state, or any of its political
3 subdivisions;

4 (4) Massage practiced at the athletic department of any school or
5 college approved by the department by rule using recognized national
6 professional standards;

7 (5) Students enrolled in an approved massage school, approved
8 program, or approved apprenticeship program, practicing massage
9 techniques, incidental to the massage school or program and supervised
10 by the approved school or program. Students must identify themselves
11 as a student when performing massage services on members of the public.
12 Students may not be compensated for the massage services they provide.

13 **Sec. 17.** RCW 18.108.073 and 1991 c 3 s 258 are each amended to
14 read as follows:

15 (1) The date and location of the examination shall be established
16 by the secretary. Applicants who demonstrate to the secretary's
17 satisfaction that the following requirements have been met shall be
18 scheduled for the next examination following the filing of the
19 application:

20 (a) Effective June 1, 1988, successful completion of a course of
21 study in an approved massage program; or

22 (b) Effective June 1, 1988, successful completion of an
23 apprenticeship program established by the board; and

24 (c) Be eighteen years of age or older.

25 In addition, the secretary shall establish a deadline for receipt
26 of completed and approved applications ((shall be received sixty days
27 before the scheduled examination)).

28 (2) The board or its designee shall examine each applicant in a
29 written ((and practical)) examination determined most effective on
30 subjects appropriate to the massage scope of practice. The subjects
31 may include anatomy, kinesiology, physiology, pathology, principles of
32 human behavior, massage theory and practice, hydrotherapy, hygiene,
33 first aid, Washington law pertaining to the practice of massage, and
34 such other subjects as the board may deem useful to test applicant's
35 fitness to practice massage therapy. Such examinations shall be
36 limited in purpose to determining whether the applicant possesses the
37 minimum skill and knowledge necessary to practice competently.

1 (3) (~~The examination papers, all grading of examinations, and the~~
2 ~~grading of any practical work,)~~ All records of a candidate's
3 performance shall be preserved for a period of not less than one year
4 after the board has made and published decisions thereupon. All
5 examinations shall be conducted by the board under fair and impartial
6 methods as determined by the secretary.

7 (4) An applicant who fails to make the required grade in the first
8 examination is entitled to take up to two additional examinations upon
9 the payment of a fee for each subsequent examination determined by the
10 secretary as provided in RCW 43.70.250. Upon failure of three
11 examinations, the secretary may invalidate the original application and
12 require such remedial education as is required by the board before
13 admission to future examinations.

14 (5) The board may approve an examination prepared or administered,
15 or both, by a private testing agency or association of licensing boards
16 for use by an applicant in meeting the licensing requirement.

17 NEW SECTION. Sec. 18. A new section is added to chapter 18.130
18 RCW to read as follows:

19 The secretary of health shall coordinate and review all proposed
20 rules, interpretive statements, policy statements, and declaratory
21 orders, as defined in chapter 34.05 RCW, that are proposed for adoption
22 or issuance by any health profession board or commission vested with
23 rule-making authority identified under RCW 18.130.040(2)(b). The
24 secretary shall review the proposed rules, interpretive statements,
25 policy statements, and declaratory orders against criteria that
26 include, but are not limited to, the effect of the proposed rule,
27 statement, or order upon existing health care policies, and the effect
28 of the proposed rule, statement, or order upon the practice of health
29 professionals. Within thirty days of the receipt of a proposed rule,
30 interpretive statement, policy statement, or declaratory order from the
31 originating board or commission, the secretary shall inform the board
32 or commission of the results of the secretary's review, and shall
33 provide any comments or suggestions that the secretary deems
34 appropriate. Emergency rule making, as defined in RCW 34.05.350, is
35 not subject to this review process. The secretary shall adopt rules

1 and procedures for the coordination and review of proposed rules,
2 interpretive statements, policy statements, and declaratory orders.

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