
HOUSE BILL 2404

State of Washington 54th Legislature 1996 Regular Session

By Representatives Dyer, Cody, Hymes and Backlund

Read first time 01/10/96. Referred to Committee on Health Care.

1 AN ACT Relating to placing opticians and optometrists within one
2 commission without changing the scope of practice of either profession;
3 amending RCW 18.54.010, 18.54.040, 18.54.050, 18.54.060, 18.54.070,
4 18.54.090, 18.54.130, 18.54.140, 18.54.150, 18.54.900, 18.34.020,
5 18.34.115, 18.34.120, 18.53.010, 18.53.030, 18.53.035, 18.53.060,
6 18.53.100, and 69.41.010; reenacting and amending RCW 18.130.040;
7 adding new sections to chapter 18.54 RCW; adding a new section to
8 chapter 18.53 RCW; creating new sections; recodifying RCW 18.53.035;
9 repealing RCW 18.34.050, 18.54.020, and 18.54.030; and providing an
10 effective date.

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

12 NEW SECTION. **Sec. 1.** INTENT. It is the intent of the legislature
13 to consolidate the existing board of optometry and the opticians
14 examining committee to form the vision care quality assurance
15 commission. The merger is necessary to create one body that promotes
16 public safety and further develops a seamless approach to the rule-
17 making process that addresses the delivery of vision services to
18 consumers in the state. It is the intent of the legislature that the
19 new unified commission will greatly enhance the collegial relationships

1 between vision care providers and better promote and protect consumer
2 safety issues.

3 **Sec. 2.** RCW 18.54.010 and 1963 c 25 s 1 are each amended to read
4 as follows:

5 Unless the context clearly indicates otherwise, the terms used in
6 this chapter take their meanings as follows:

7 (1) "~~((Board))~~ Commission" means the ~~((optometry board))~~ vision
8 care quality assurance commission;

9 (2) "License" means a ~~((certificate or permit))~~ license to practice
10 optometry as provided in ~~((RCW 18.53.020 as amended from time to time))~~
11 RCW 18.53.060 and a license to practice opticianry as provided in RCW
12 18.34.080;

13 (3) "Members" means members of the ~~((optometry board))~~ commission.

14 NEW SECTION. **Sec. 3.** COMMISSION COMPOSITION--MEMBERS--
15 APPOINTMENTS--TERMS. The Washington state vision care quality
16 assurance commission is established, consisting of nine members each
17 appointed by the governor to a four-year term. No member may serve
18 more than two consecutive full terms. In appointing the initial
19 members of the commission, it is the intent of the legislature that
20 members of the previous board and examining committee regulating these
21 professions continue to serve until the expiration of their current
22 term. Members of the commission hold office until their successors are
23 appointed. For purposes of continuity, the governor may appoint
24 members of the initial commission to staggered terms of from one to
25 four years. Thereafter, all members shall be appointed to full four-
26 year terms.

27 NEW SECTION. **Sec. 4.** COMMISSION--QUALIFICATIONS--VACANCIES.
28 Commission members must be citizens of the United States and residents
29 of this state, and no commission member may have a connection with a
30 school or college embracing the teaching of optometry, opticianry, or
31 ophthalmology or with a wholesale optical supply business. Three
32 members must be Washington licensed optometrists practicing for a
33 period of four years immediately preceding the effective date of
34 appointment; three members must be Washington licensed dispensing
35 opticians practicing for a period of four years immediately preceding
36 the effective date of appointment; three members must be public

1 members; and one nonvoting member must be a Washington licensed
2 practicing ophthalmologist who holds certification in that specialty
3 from the American Academy of Ophthalmology and has been practicing for
4 a period of four years immediately preceding the effective date of
5 appointment. Public members of the commission may not be a member of
6 any other health care licensing authority, or have a fiduciary
7 obligation to a facility rendering health services regulated by the
8 commission, or have a material or financial interest in the rendering
9 of health services regulated by the commission. If a vacancy occurs on
10 the commission, the governor shall appoint a replacement to fill the
11 remainder of the unexpired term.

12 **Sec. 5.** RCW 18.54.040 and 1963 c 25 s 4 are each amended to read
13 as follows:

14 The ~~((board))~~ commission must elect a ~~((chairman))~~ chair and
15 secretary from its members, to serve for a term of one year or until
16 their successors are elected and qualified. The chair shall rotate
17 annually among the optometrists, opticians, and public members serving
18 on the commission. In the absence of the chair, the commission shall
19 appoint an interim chair. In the event of a tie vote, the issue must
20 be brought to a second vote and the chair shall refrain from voting.

21 **Sec. 6.** RCW 18.54.050 and 1991 c 3 s 139 are each amended to read
22 as follows:

23 The ~~((board))~~ commission must meet at least once yearly or more
24 frequently upon call of the ~~((chairman))~~ chair or the secretary of
25 health at such times and places as the ~~((chairman))~~ chair or the
26 secretary of health may designate by giving three days' notice or as
27 otherwise required by RCW 42.30.075. Meetings of the commission must
28 be open to the public except the commission may hold executive sessions
29 to the extent permitted by chapter 42.30 RCW. The secretary of health
30 shall furnish such secretarial, clerical, and other assistance as
31 required.

32 **Sec. 7.** RCW 18.54.060 and 1963 c 25 s 6 are each amended to read
33 as follows:

34 ~~((Three))~~ A majority of the commission members appointed, present,
35 and serving constitutes a quorum for the transaction of commission
36 business ~~((of the board))~~. An optometrist and an optician must both be

1 present to constitute a quorum. The affirmative vote of a majority of
2 a quorum of the commission is required to carry a motion or resolution
3 or to adopt a rule.

4 **Sec. 8.** RCW 18.54.070 and 1995 c 198 s 7 are each amended to read
5 as follows:

6 The ~~((board))~~ commission has the following powers and duties:

7 (1) To develop and administer, or approve, or both, a licensure
8 examination. The ~~((board))~~ commission may approve an examination
9 prepared or administered by a private testing agency or association of
10 licensing authorities.

11 (2) The ~~((board))~~ commission shall adopt rules ~~((and regulations))~~
12 to promote safety, protection, and the welfare of the public, to carry
13 out the purposes of this chapter, and to aid the ~~((board))~~ commission
14 in the performance of its powers and duties ~~((, and to govern the~~
15 ~~practice of optometry))~~.

16 NEW SECTION. **Sec. 9.** COMMISSION--RULES--CONTINUATION IN EFFECT.
17 The commission may adopt rules that are not inconsistent with the laws
18 of this state as it determines are necessary to carry out the purpose
19 of this chapter. The commission may adopt rules in accordance with
20 chapter 34.05 RCW to implement this chapter.

21 The commission is the successor in interest of the examining
22 committee of dispensing opticians and the optometry board. All
23 contracts, undertakings, agreements, rules, regulations, and policies
24 of those boards continue in full force and effect on the effective date
25 of this act, unless otherwise repealed or rejected by this chapter or
26 by the commission.

27 **Sec. 10.** RCW 18.54.090 and 1963 c 25 s 9 are each amended to read
28 as follows:

29 The ~~((board))~~ commission is an administrative agency of the state
30 of Washington, and ~~((the provisions of))~~ the administrative procedure
31 act, chapter 34.05 RCW as amended from time to time, governs the
32 conduct and proceedings of the ~~((board))~~ commission. Nothing in this
33 chapter shall be construed to give the ~~((board))~~ commission the power
34 to set or recommend a minimum schedule of fees to be charged by
35 licensed optometrists and opticians.

1 **Sec. 11.** RCW 18.54.130 and 1984 c 287 s 41 are each amended to
2 read as follows:

3 Members of the (~~board~~) commission are entitled to receive their
4 travel expenses in accordance with RCW 43.03.050 and 43.03.060. Each
5 member of the (~~board will~~) commission must also be compensated in
6 accordance with RCW 43.03.240.

7 **Sec. 12.** RCW 18.54.140 and 1991 c 3 s 141 are each amended to read
8 as follows:

9 Notwithstanding any other provisions of law, rule, or regulation,
10 the (~~board~~) commission may draw from the health professions account
11 on vouchers approved by the secretary of health, so much money as is
12 necessary to carry into effect, to administer, and to enforce (~~the~~
13 ~~provisions of~~) this chapter.

14 **Sec. 13.** RCW 18.54.150 and 1963 c 25 s 15 are each amended to read
15 as follows:

16 All powers previously vested in the (~~director of licenses~~)
17 disciplinary authority under (~~the provisions of~~) RCW 18.53.100 are
18 vested in the (~~optometry board~~) commission.

19 **Sec. 14.** RCW 18.54.900 and 1963 c 25 s 16 are each amended to read
20 as follows:

21 This act may be known and cited as the "~~(optometry board)~~ vision
22 care quality assurance commission act."

23 **Sec. 15.** RCW 18.34.020 and 1995 c 178 s 1 are each amended to read
24 as follows:

25 The term "secretary" wherever used in this chapter shall mean the
26 secretary of health of the state of Washington. The term "apprentice"
27 wherever used in this chapter shall mean a person who shall be
28 designated an apprentice in the records of the secretary at the request
29 of a physician, registered optometrist, or licensee hereunder, who
30 shall thereafter be the primary supervisor of the apprentice. The
31 apprentice may thereafter receive from a physician, registered
32 optometrist, or licensee hereunder training and direct supervision in
33 the work of a dispensing optician. "Commission" wherever used in this
34 chapter shall mean the vision care quality assurance commission in
35 chapter 18.54 RCW.

1 **Sec. 16.** RCW 18.34.115 and 1991 c 332 s 33 are each amended to
2 read as follows:

3 An applicant holding a credential in another state may be
4 credentialed to practice in this state without examination if the
5 ((secretary)) commission determines that the other state's
6 credentialing standards are substantially equivalent to the standards
7 in this state.

8 **Sec. 17.** RCW 18.34.120 and 1991 c 3 s 79 are each amended to read
9 as follows:

10 Each licensee hereunder shall pay an annual renewal registration
11 fee determined by the secretary as provided in RCW 43.70.250, on or
12 before the first day of July of each year, and thereupon the license of
13 such person shall be renewed for a period of one year. Any failure to
14 pay the annual renewal registration fee shall render the license
15 invalid, but such license shall be reinstated upon written application
16 therefor to the secretary and payment of a penalty determined by the
17 secretary as provided in RCW 43.70.250, together with all delinquent
18 annual license renewal fees. In addition, the ((secretary)) commission
19 may adopt rules establishing mandatory continuing education
20 requirements to be met by persons applying for license renewal.

21 NEW SECTION. **Sec. 18.** A new section is added to chapter 18.53 RCW
22 to read as follows:

23 For the purposes of this chapter, "commission" means the vision
24 care quality assurance commission in chapter 18.54 RCW.

25 **Sec. 19.** RCW 18.53.010 and 1989 c 36 s 1 are each amended to read
26 as follows:

27 (1) The practice of optometry is defined as the examination of the
28 human eye, the examination and ascertaining any defects of the human
29 vision system and the analysis of the process of vision. The practice
30 of optometry may include, but not necessarily be limited to, the
31 following:

32 (a) The employment of any objective or subjective means or method
33 including the use of drugs topically applied to the eye for diagnostic
34 and therapeutic purposes by those licensed under this chapter and who
35 meet the requirements of subsections (2) and (3) of this section, and
36 the use of any diagnostic instruments or devices for the examination or

1 analysis of the human vision system, the measurement of the powers or
2 range of human vision, or the determination of the refractive powers of
3 the human eye or its functions in general; and

4 (b) The prescription and fitting of lenses, prisms, therapeutic or
5 refractive contact lenses and the adaptation or adjustment of frames and
6 lenses used in connection therewith; and

7 (c) The prescription and provision of visual therapy, therapeutic
8 aids and other optical devices, and the treatment with topically
9 applied drugs by those licensed under this chapter and who meet the
10 requirements of subsections (2) and (3) of this section; and

11 (d) The ascertainment of the perceptive, neural, muscular or
12 pathological condition of the visual system; and

13 (e) The adaptation of prosthetic eyes.

14 (2) Those persons using drugs for diagnostic purposes in the
15 practice of optometry shall have a minimum of sixty hours of didactic
16 and clinical instruction in general and ocular pharmacology as applied
17 to optometry, and for therapeutic purposes, an additional minimum of
18 seventy-five hours of didactic and clinical instruction as established
19 by the ((~~board~~)) commission, and certification from an institution of
20 higher learning, accredited by those agencies recognized by the United
21 States office of education or the council on postsecondary
22 accreditation to qualify for certification by the ((~~optometry board of~~
23 ~~Washington~~)) commission to use drugs for diagnostic and therapeutic
24 purposes. Such course or courses shall be the fiscal responsibility of
25 the participating and attending optometrist.

26 (3) The ((~~board~~)) commission shall establish a schedule of drugs
27 for diagnostic and treatment purposes limited to the practice of
28 optometry, and no person licensed pursuant to this chapter shall
29 prescribe, dispense, purchase, possess, or administer drugs except as
30 authorized and to the extent permitted by the ((~~board~~)) commission.

31 (4) The ((~~board~~)) commission shall develop a means of
32 identification and verification of optometrists certified to use
33 therapeutic drugs for the purpose of issuing prescriptions as
34 authorized by this section.

35 **Sec. 20.** RCW 18.53.030 and 1986 c 259 s 80 are each amended to
36 read as follows:

37 The ((~~board~~)) commission may at its discretion, issue a permit to
38 practice optometry during the interim between examinations, to any

1 person who has filed an application for examination which has been
2 accepted by the ((~~board~~)) commission as admitting the applicant to the
3 next examination. Such permit shall be valid only until the date of
4 the next examination and shall not be issued sooner than thirty days
5 following any regular examination, and no permit shall be issued to any
6 person who has failed before the ((~~board~~)) commission, nor where a
7 certificate has been revoked.

8 **Sec. 21.** RCW 18.53.035 and 1991 c 332 s 30 are each amended to
9 read as follows:

10 An applicant holding a credential in another state may be
11 credentialed to practice in this state without examination if the
12 ((~~board~~)) commission determines that the other state's credentialing
13 standards are substantially equivalent to the standards in this state.

14 **Sec. 22.** RCW 18.53.060 and 1995 c 198 s 6 are each amended to read
15 as follows:

16 From and after January 1, 1940, in order to be eligible for
17 examination for registration, a person shall be a citizen of the United
18 States of America, who shall have a preliminary education of or equal
19 to four years in a state accredited high school and has completed a
20 full attendance course in a regularly chartered school of optometry
21 maintaining a standard which is deemed sufficient and satisfactory by
22 the ((~~optometry board~~)) commission, who is a person of good moral
23 character, who has a visual acuity in at least one eye, of a standard
24 known as 20/40 under correction: PROVIDED, That from and after January
25 1, 1975, in order to be eligible for examination for a license, a
26 person shall have the following qualifications:

27 (1) Be a graduate of a state accredited high school or its
28 equivalent;

29 (2) Have a diploma or other certificate of completion from an
30 accredited college of optometry or school of optometry, maintaining a
31 standard which is deemed sufficient and satisfactory by the ((~~optometry~~
32 ~~board~~)) commission, conferring its degree of doctor of optometry or its
33 equivalent, maintaining a course of four scholastic years in addition
34 to preprofessional college level studies, and teaching substantially
35 all of the following subjects: General anatomy, anatomy of the eyes,
36 physiology, physics, chemistry, pharmacology, biology, bacteriology,
37 general pathology, ocular pathology, ocular neurology, ocular myology,

1 psychology, physiological optics, optometrical mechanics, clinical
2 optometry, visual field charting and orthoptics, general laws of optics
3 and refraction and use of the ophthalmoscope, retinoscope and other
4 clinical instruments necessary in the practice of optometry; and

5 (3) Be of good moral character.

6 ((Such)) The person shall file an application for an examination
7 and license with ((said board)) the commission at any time thirty days
8 ((prior to)) before the time fixed for ((such)) the examination, or at
9 a later date if approved by the ((board)) commission, and ((such)) the
10 application must be on forms approved by the ((board)) commission, and
11 properly attested, and if found to be in accordance with ((the
12 provisions of)) this chapter shall entitle the applicant upon payment
13 of the proper fee, to take the examination prescribed by the ((board.
14 Such)) commission. The examination shall not be out of keeping with
15 the established teachings and adopted textbooks of the recognized
16 schools of optometry, and shall be confined to such subjects and
17 practices as are recognized as essential to the practice of optometry.
18 All candidates without discrimination, who shall successfully pass the
19 prescribed examination, shall be registered by the ((board)) commission
20 and shall, upon payment of the proper fee, be issued a license. Any
21 license to practice optometry in this state issued by the secretary,
22 and which shall be in full force and effect at the time of passage of
23 ((this 1975 amendatory act)) chapter 69, Laws of 1975 1st ex. sess.,
24 shall be continued.

25 **Sec. 23.** RCW 18.53.100 and 1991 c 3 s 137 are each amended to read
26 as follows:

27 The following constitutes grounds for disciplinary action under
28 chapter 18.130 RCW:

- 29 (1) Any form of fraud or deceit used in securing a license; or
30 (2) Any unprofessional conduct, of a nature likely to deceive or
31 defraud the public; or
32 (3) The employing either directly or indirectly of any person or
33 persons commonly known as "cappers" or "steerers" to obtain business;
34 or
35 (4) To employ any person to solicit from house to house, or to
36 personally solicit from house to house; or

1 (5) Advertisement in any way in which untruthful, improbable or
2 impossible statements are made regarding treatments, cures or values;
3 or

4 (6) The use of the term "eye specialist" in connection with the
5 name of such optometrist; or

6 (7) Inability to demonstrate, in a manner satisfactory to the
7 secretary or the (~~board of optometry~~) commission, their practical
8 ability to perform any function set forth in RCW 18.53.010 which they
9 utilize in their practice.

10 **Sec. 24.** RCW 18.130.040 and 1995 c 336 s 2, 1995 c 323 s 16, and
11 1995 c 260 s 11 are each reenacted and amended to read as follows:

12 (1) This chapter applies only to the secretary and the boards and
13 commissions having jurisdiction in relation to the professions licensed
14 under the chapters specified in this section. This chapter does not
15 apply to any business or profession not licensed under the chapters
16 specified in this section.

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

19 (~~(i)~~) (~~Dispensing opticians licensed under chapter 18.34 RCW;~~
20 ~~(ii)~~) Naturopaths licensed under chapter 18.36A RCW;

21 (~~(iii)~~) (ii) Midwives licensed under chapter 18.50 RCW;

22 (~~(iv)~~) (iii) Ocularists licensed under chapter 18.55 RCW;

23 (~~(v)~~) (iv) Massage operators and businesses licensed under
24 chapter 18.108 RCW;

25 (~~(vi)~~) (v) Dental hygienists licensed under chapter 18.29 RCW;

26 (~~(vii)~~) (vi) Acupuncturists licensed under chapter 18.06 RCW;

27 (~~(viii)~~) (vii) Radiologic technologists certified and X-ray
28 technicians registered under chapter 18.84 RCW;

29 (~~(ix)~~) (viii) Respiratory care practitioners certified under
30 chapter 18.89 RCW;

31 (~~(x)~~) (ix) Persons registered or certified under chapter 18.19
32 RCW;

33 (~~(xi)~~) (x) Persons registered as nursing pool operators under
34 chapter 18.52C RCW;

35 (~~(xii)~~) (xi) Nursing assistants registered or certified under
36 chapter 18.79 RCW;

37 (~~(xiii)~~) (xii) Health care assistants certified under chapter
38 18.135 RCW;

1 (~~(xiv)~~) (xiii) Dietitians and nutritionists certified under
2 chapter 18.138 RCW;
3 (~~(xv)~~) (xiv) Sex offender treatment providers certified under
4 chapter 18.155 RCW;
5 (~~(xvi)~~) (xv) Persons licensed and certified under chapter 18.73
6 RCW or RCW 18.71.205;
7 (~~(xvii)~~) (xvi) Persons registered as adult family home operators
8 under RCW 18.48.020; and
9 (~~(xviii)~~) (xvii) Denturists licensed under chapter 18.30 RCW.
10 (b) The boards and commissions having authority under this chapter
11 are as follows:
12 (i) The podiatric medical board as established in chapter 18.22
13 RCW;
14 (ii) The chiropractic quality assurance commission as established
15 in chapter 18.25 RCW;
16 (iii) The dental quality assurance commission as established in
17 chapter 18.32 RCW;
18 (iv) The board on fitting and dispensing of hearing aids as
19 established in chapter 18.35 RCW;
20 (v) The board of examiners for nursing home administrators as
21 established in chapter 18.52 RCW;
22 (vi) The (~~(optometry board)~~) vision care quality assurance
23 commission as established in chapter 18.54 RCW governing licenses
24 issued under chapters 18.34 and 18.53 RCW;
25 (vii) The board of osteopathic medicine and surgery as established
26 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
27 18.57A RCW;
28 (viii) The board of pharmacy as established in chapter 18.64 RCW
29 governing licenses issued under chapters 18.64 and 18.64A RCW;
30 (ix) The medical quality assurance commission as established in
31 chapter 18.71 RCW governing licenses and registrations issued under
32 chapters 18.71 and 18.71A RCW;
33 (x) The board of physical therapy as established in chapter 18.74
34 RCW;
35 (xi) The board of occupational therapy practice as established in
36 chapter 18.59 RCW;
37 (xii) The nursing care quality assurance commission as established
38 in chapter 18.79 RCW governing licenses issued under that chapter;

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

3 (xiv) The veterinary board of governors as established in chapter
4 18.92 RCW.

5 (3) In addition to the authority to discipline license holders, the
6 disciplining authority has the authority to grant or deny licenses
7 based on the conditions and criteria established in this chapter and
8 the chapters specified in subsection (2) of this section. This chapter
9 also governs any investigation, hearing, or proceeding relating to
10 denial of licensure or issuance of a license conditioned on the
11 applicant's compliance with an order entered pursuant to RCW 18.130.160
12 by the disciplining authority.

13 (4) All disciplining authorities shall adopt procedures to ensure
14 substantially consistent application of this chapter, the Uniform
15 Disciplinary Act, among the disciplining authorities listed in
16 subsection (2) of this section.

17 **Sec. 25.** RCW 69.41.010 and 1994 sp.s. c 9 s 736 are each amended
18 to read as follows:

19 As used in this chapter, the following terms have the meanings
20 indicated unless the context clearly requires otherwise:

21 (1) "Administer" means the direct application of a legend drug
22 whether by injection, inhalation, ingestion, or any other means, to the
23 body of a patient or research subject by:

24 (a) A practitioner; or

25 (b) The patient or research subject at the direction of the
26 practitioner.

27 (2) "Deliver" or "delivery" means the actual, constructive, or
28 attempted transfer from one person to another of a legend drug, whether
29 or not there is an agency relationship.

30 (3) "Department" means the department of health.

31 (4) "Dispense" means the interpretation of a prescription or order
32 for a legend drug and, pursuant to that prescription or order, the
33 proper selection, measuring, compounding, labeling, or packaging
34 necessary to prepare that prescription or order for delivery.

35 (5) "Dispenser" means a practitioner who dispenses.

36 (6) "Distribute" means to deliver other than by administering or
37 dispensing a legend drug.

38 (7) "Distributor" means a person who distributes.

1 (8) "Drug" means:

2 (a) Substances recognized as drugs in the official United States
3 pharmacopoeia, official homeopathic pharmacopoeia of the United States,
4 or official national formulary, or any supplement to any of them;

5 (b) Substances intended for use in the diagnosis, cure, mitigation,
6 treatment, or prevention of disease in man or animals;

7 (c) Substances (other than food, minerals or vitamins) intended to
8 affect the structure or any function of the body of man or animals; and

9 (d) Substances intended for use as a component of any article
10 specified in clause (a), (b), or (c) of this subsection. It does not
11 include devices or their components, parts, or accessories.

12 (9) "Legend drugs" means any drugs which are required by state law
13 or regulation of the state board of pharmacy to be dispensed on
14 prescription only or are restricted to use by practitioners only.

15 (10) "Person" means individual, corporation, government or
16 governmental subdivision or agency, business trust, estate, trust,
17 partnership or association, or any other legal entity.

18 (11) "Practitioner" means:

19 (a) A physician under chapter 18.71 RCW, an osteopathic physician
20 or an osteopathic physician and surgeon under chapter 18.57 RCW, a
21 dentist under chapter 18.32 RCW, a podiatric physician and surgeon
22 under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a
23 registered nurse, advanced registered nurse practitioner, or licensed
24 practical nurse under chapter 18.79 RCW, an optometrist under chapter
25 18.53 RCW who is certified by the (~~optometry board~~) vision care
26 quality assurance commission under RCW 18.53.010, an osteopathic
27 physician assistant under chapter 18.57A RCW, a physician assistant
28 under chapter 18.71A RCW, or a pharmacist under chapter 18.64 RCW;

29 (b) A pharmacy, hospital, or other institution licensed,
30 registered, or otherwise permitted to distribute, dispense, conduct
31 research with respect to, or to administer a legend drug in the course
32 of professional practice or research in this state; and

33 (c) A physician licensed to practice medicine and surgery or a
34 physician licensed to practice osteopathy and surgery in any state, or
35 province of Canada, which shares a common border with the state of
36 Washington.

37 (12) "Secretary" means the secretary of health or the secretary's
38 designee.

1 NEW SECTION. **Sec. 26.** REPEALERS. The following acts or parts of
2 acts are each repealed:

3 (1) RCW 18.34.050 and 1984 c 287 s 32 & 1957 c 43 s 5;

4 (2) RCW 18.54.020 and 1963 c 25 s 2; and

5 (3) RCW 18.54.030 and 1984 c 279 s 54 & 1963 c 25 s 3.

6 NEW SECTION. **Sec. 27.** RECODIFICATION. RCW 18.53.035 is
7 recodified as a section in chapter 18.54 RCW.

8 NEW SECTION. **Sec. 28.** CAPTIONS. Captions as used in this act
9 constitute no part of the law.

10 NEW SECTION. **Sec. 29.** CODIFICATION. Sections 3, 4, and 9 of this
11 act are each added to chapter 18.54 RCW.

12 NEW SECTION. **Sec. 30.** EFFECTIVE DATE. Section 24 of this act
13 shall take effect July 1, 1996.

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