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**SUBSTITUTE SENATE BILL 5308**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Fairley, Moyer, Franklin and Deccio; by request of Department of Health)

Read first time 02/08/95.

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; and reenacting and amending RCW 18.74.023.

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

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

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

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