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**SUBSTITUTE SENATE BILL 5232**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Wood, Prentice, Deccio, Franklin, Fairley, Thibaudeau, Kohl and McAuliffe)

Read first time 03/03/97.

1 AN ACT Relating to completion of prescriptive authority for  
2 advanced registered nurse practitioners; amending RCW 18.79.050,  
3 18.79.240, and 18.79.250; adding new sections to chapter 18.79 RCW;  
4 adding a new section to chapter 18.57 RCW; adding a new section to  
5 chapter 18.71 RCW; and creating a new section.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.79 RCW  
8 to read as follows:

9 Subject to RCW 18.79.240(1)(s), the dispensing of Schedules II  
10 through IV controlled substances is limited to a maximum of a seventy-  
11 two-hour supply of the prescribed controlled substance.

12 **Sec. 2.** RCW 18.79.050 and 1994 sp.s. c 9 s 405 are each amended to  
13 read as follows:

14 "Advanced registered nursing practice" means the performance of the  
15 acts of a registered nurse and the performance of an expanded role in  
16 providing health care services as recognized by the medical and nursing  
17 professions, the scope of which is defined by rule by the commission.  
18 Upon approval by the commission, an advanced registered nurse

1 practitioner may prescribe legend drugs and controlled substances  
2 contained in Schedules II through V of the Uniform Controlled  
3 Substances Act, chapter 69.50 RCW. The prescribing of controlled  
4 substances contained in Schedules II through IV is subject to RCW  
5 18.79.240(1)(s).

6 Nothing in this section prohibits a person from practicing a  
7 profession for which a license has been issued under the laws of this  
8 state or specifically authorized by any other law of the state of  
9 Washington.

10 This section does not prohibit (1) the nursing care of the sick,  
11 without compensation, by an unlicensed person who does not hold himself  
12 or herself out to be an advanced registered nurse practitioner, or (2)  
13 the practice of registered nursing by a licensed registered nurse or  
14 the practice of licensed practical nursing by a licensed practical  
15 nurse.

16 **Sec. 3.** RCW 18.79.240 and 1994 sp.s. c 9 s 424 are each amended to  
17 read as follows:

18 (1) In the context of the definition of registered nursing practice  
19 and advanced registered nursing practice, this chapter shall not be  
20 construed as:

21 (a) Prohibiting the incidental care of the sick by domestic  
22 servants or persons primarily employed as housekeepers, so long as they  
23 do not practice registered nursing within the meaning of this chapter;

24 (b) Preventing a person from the domestic administration of family  
25 remedies or the furnishing of nursing assistance in case of emergency;

26 (c) Prohibiting the practice of nursing by students enrolled in  
27 approved schools as may be incidental to their course of study or  
28 prohibiting the students from working as nursing aides;

29 (d) Prohibiting auxiliary services provided by persons carrying out  
30 duties necessary for the support of nursing services, including those  
31 duties that involve minor nursing services for persons performed in  
32 hospitals, nursing homes, or elsewhere under the direction of licensed  
33 physicians or the supervision of licensed registered nurses;

34 (e) Prohibiting the practice of nursing in this state by a legally  
35 qualified nurse of another state or territory whose engagement requires  
36 him or her to accompany and care for a patient temporarily residing in  
37 this state during the period of one such engagement, not to exceed six

1 months in length, if the person does not represent or hold himself or  
2 herself out as a registered nurse licensed to practice in this state;

3 (f) Prohibiting nursing or care of the sick, with or without  
4 compensation, when done in connection with the practice of the  
5 religious tenets of a church by adherents of the church so long as they  
6 do not engage in the practice of nursing as defined in this chapter;

7 (g) Prohibiting the practice of a legally qualified nurse of  
8 another state who is employed by the United States government or a  
9 bureau, division, or agency thereof, while in the discharge of his or  
10 her official duties;

11 (h) Permitting the measurement of the powers or range of human  
12 vision, or the determination of the accommodation and refractive state  
13 of the human eye or the scope of its functions in general, or the  
14 fitting or adaptation of lenses for the aid thereof;

15 (i) Permitting the prescribing or directing the use of, or using,  
16 an optical device in connection with ocular exercises, visual training,  
17 vision training, or orthoptics;

18 (j) Permitting the prescribing of contact lenses for, or the  
19 fitting and adaptation of contact lenses to, the human eye;

20 (k) Prohibiting the performance of routine visual screening;

21 (l) Permitting the practice of dentistry or dental hygiene as  
22 defined in chapters 18.32 and 18.29 RCW, respectively;

23 (m) Permitting the practice of chiropractic as defined in chapter  
24 18.25 RCW including the adjustment or manipulation of the articulation  
25 of the spine;

26 (n) Permitting the practice of podiatric medicine and surgery as  
27 defined in chapter 18.22 RCW;

28 (o) Permitting the performance of major surgery, except such minor  
29 surgery as the commission may have specifically authorized by rule  
30 adopted in accordance with chapter 34.05 RCW;

31 (p) Permitting the prescribing of controlled substances as defined  
32 in Schedules I through IV of the Uniform Controlled Substances Act,  
33 chapter 69.50 RCW, except as provided in (r) or (s) of this subsection;

34 (q) Prohibiting the determination and pronouncement of death;

35 (r) Prohibiting advanced registered nurse practitioners, approved  
36 by the commission as certified registered nurse anesthetists from  
37 selecting, ordering, or administering controlled substances as defined  
38 in Schedules II through IV of the Uniform Controlled Substances Act,  
39 chapter 69.50 RCW, consistent with their commission-recognized scope of

1 practice; subject to facility-specific protocols, and subject to a  
2 request for certified registered nurse anesthetist anesthesia services  
3 issued by a physician licensed under chapter 18.71 RCW, an osteopathic  
4 physician and surgeon licensed under chapter 18.57 RCW, a dentist  
5 licensed under chapter 18.32 RCW, or a podiatric physician and surgeon  
6 licensed under chapter 18.22 RCW; the authority to select, order, or  
7 administer Schedule II through IV controlled substances being limited  
8 to those drugs that are to be directly administered to patients who  
9 require anesthesia for diagnostic, operative, obstetrical, or  
10 therapeutic procedures in a hospital, clinic, ambulatory surgical  
11 facility, or the office of a practitioner licensed under chapter 18.71,  
12 18.22, 18.36, 18.36A, 18.57, 18.57A, or 18.32 RCW; "select" meaning the  
13 decision-making process of choosing a drug, dosage, route, and time of  
14 administration; and "order" meaning the process of directing licensed  
15 individuals pursuant to their statutory authority to directly  
16 administer a drug or to dispense, deliver, or distribute a drug for the  
17 purpose of direct administration to a patient, under instructions of  
18 the certified registered nurse anesthetist. "Protocol" means a  
19 statement regarding practice and documentation concerning such items as  
20 categories of patients, categories of medications, or categories of  
21 procedures rather than detailed case-specific formulas for the practice  
22 of nurse anesthesia;

23 (s) Prohibiting advanced registered nurse practitioners from  
24 ordering or prescribing controlled substances as defined in Schedules  
25 II through IV of the Uniform Controlled Substances Act, chapter 69.50  
26 RCW, if and to the extent (i) it is permitted by their scope of  
27 practice as defined by the commission; and (ii) it is consistent with  
28 a collaboration agreement filed with the commission under section 6 of  
29 this act. Nothing in this subsection (1)(s) prohibits advanced  
30 registered nurse practitioners, approved by the commission as certified  
31 registered nurse anesthetists from selecting, ordering, or  
32 administering controlled substances as defined in Schedules II through  
33 IV of the Uniform Controlled Substances Act, chapter 69.50 RCW, as  
34 provided in (r) of this subsection.

35 (2) In the context of the definition of licensed practical nursing  
36 practice, this chapter shall not be construed as:

37 (a) Prohibiting the incidental care of the sick by domestic  
38 servants or persons primarily employed as housekeepers, so long as they  
39 do not practice practical nursing within the meaning of this chapter;

1 (b) Preventing a person from the domestic administration of family  
2 remedies or the furnishing of nursing assistance in case of emergency;

3 (c) Prohibiting the practice of practical nursing by students  
4 enrolled in approved schools as may be incidental to their course of  
5 study or prohibiting the students from working as nursing assistants;

6 (d) Prohibiting auxiliary services provided by persons carrying out  
7 duties necessary for the support of nursing services, including those  
8 duties that involve minor nursing services for persons performed in  
9 hospitals, nursing homes, or elsewhere under the direction of licensed  
10 physicians or the supervision of licensed registered nurses;

11 (e) Prohibiting or preventing the practice of nursing in this state  
12 by a legally qualified nurse of another state or territory whose  
13 engagement requires him or her to accompany and care for a patient  
14 temporarily residing in this state during the period of one such  
15 engagement, not to exceed six months in length, if the person does not  
16 represent or hold himself or herself out as a licensed practical nurse  
17 licensed to practice in this state;

18 (f) Prohibiting nursing or care of the sick, with or without  
19 compensation, when done in connection with the practice of the  
20 religious tenets of a church by adherents of the church so long as they  
21 do not engage in licensed practical nurse practice as defined in this  
22 chapter;

23 (g) Prohibiting the practice of a legally qualified nurse of  
24 another state who is employed by the United States government or any  
25 bureau, division, or agency thereof, while in the discharge of his or  
26 her official duties.

27 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.57 RCW  
28 to read as follows:

29 (1) The board together with the medical care quality assurance  
30 commission, and the nursing care quality assurance commission are  
31 directed to jointly adopt by rule, a process and criteria that  
32 authorize an advanced registered nurse practitioner to prescribe  
33 controlled substances contained in Schedules II through IV of the  
34 Uniform Controlled Substances Act, chapter 69.50 RCW, when a  
35 collaboration agreement is in effect with a physician licensed under  
36 this chapter or chapter 18.71 RCW. In order for chapter . . . , Laws of  
37 1997 (this act) to be in effect, substantially similar rules must be

1 adopted by all three entities by July 1, 1998, and notice of the  
2 adoption published in the Washington State Register.

3 (2) Nothing precludes any advanced registered nurse practitioner  
4 from having a collaboration agreement with more than one physician.

5 (3) The board together with the medical care quality assurance  
6 commission and the nursing care quality assurance commission are  
7 directed to:

8 (a) Develop a process and criteria for monitoring implementation of  
9 chapter . . . , Laws of 1997 (this act), to include disciplinary trends,  
10 prescribing patterns, or any other reasonably related issues; and

11 (b) File a report with the health care committees of the  
12 legislature prior to January 1, 2000.

13 NEW SECTION. **Sec. 5.** A new section is added to chapter 18.71 RCW  
14 to read as follows:

15 (1) The commission together with the nursing care quality assurance  
16 commission, and the board of osteopathic medicine and surgery are  
17 directed to jointly adopt by rule, a process and criteria that  
18 authorize an advanced registered nurse practitioner to prescribe  
19 controlled substances contained in Schedules II through IV of the  
20 Uniform Controlled Substances Act, chapter 69.50 RCW, when a  
21 collaboration agreement is in effect with a physician licensed under  
22 chapter 18.57 RCW or this chapter. In order for chapter . . . , Laws of  
23 1997 (this act) to be in effect, substantially similar rules must be  
24 adopted by all three entities by July 1, 1998, and notice of the  
25 adoption published in the Washington State Register.

26 (2) Nothing precludes any advanced registered nurse practitioner  
27 from having a collaboration agreement with more than one physician.

28 (3) The commission together with the nursing care quality assurance  
29 commission and the board of osteopathic medicine and surgery are  
30 directed to:

31 (a) Develop a process and criteria for monitoring implementation of  
32 chapter . . . , Laws of 1997 (this act), to include disciplinary trends,  
33 prescribing patterns, or any other reasonably related issues; and

34 (b) File a report with the health care committees of the  
35 legislature prior to January 1, 2000.

36 NEW SECTION. **Sec. 6.** A new section is added to chapter 18.79 RCW  
37 to read as follows:

1 (1) The commission together with the medical care quality assurance  
2 commission, and the board of osteopathic medicine and surgery are  
3 directed to jointly adopt by rule, a process and criteria that  
4 authorize an advanced registered nurse practitioner to prescribe  
5 controlled substances contained in Schedules II through IV of the  
6 Uniform Controlled Substances Act, chapter 69.50 RCW, when a  
7 collaboration agreement is in effect with a physician licensed under  
8 chapter 18.57 or 18.71 RCW. In order for chapter . . . , Laws of 1997  
9 (this act) to be in effect, substantially similar rules must be adopted  
10 by all three entities by July 1, 1998, and notice of the adoption  
11 published in the Washington State Register.

12 (2) Nothing precludes any advanced registered nurse practitioner  
13 from having a collaboration agreement with more than one physician.

14 (3) The commission together with the medical care quality assurance  
15 commission and the board of osteopathic medicine and surgery are  
16 directed to:

17 (a) Develop a process and criteria for monitoring implementation of  
18 chapter . . . , Laws of 1997 (this act), to include disciplinary trends,  
19 prescribing patterns, or any other reasonably related issues; and

20 (b) File a report with the health care committees of the  
21 legislature prior to January 1, 2000.

22 **Sec. 7.** RCW 18.79.250 and 1994 sp.s. c 9 s 425 are each amended to  
23 read as follows:

24 An advanced registered nurse practitioner under his or her license  
25 may perform for compensation nursing care, as that term is usually  
26 understood, of the ill, injured, or infirm, and in the course thereof,  
27 she or he may do the following things that shall not be done by a  
28 person not so licensed, except as provided in RCW 18.79.260 and  
29 18.79.270:

30 (1) Perform specialized and advanced levels of nursing as  
31 recognized jointly by the medical and nursing professions, as defined  
32 by the commission;

33 (2) Prescribe legend drugs and Schedules II through V controlled  
34 substances, as defined in the Uniform Controlled Substances Act,  
35 chapter 69.50 RCW, within the scope of practice defined by the  
36 commission. The prescribing of Schedules II through IV controlled  
37 substances is subject to RCW 18.79.240(1)(s);

38 (3) Perform all acts provided in RCW 18.79.260;

1           (4) Hold herself or himself out to the public or designate herself  
2 or himself as an advanced registered nurse practitioner or as a nurse  
3 practitioner.

4           NEW SECTION. **Sec. 8.** If the Washington state board of osteopathic  
5 medicine and surgery, the Washington state nursing care quality  
6 assurance commission, and the Washington state medical quality  
7 assurance commission do not adopt substantially similar rules as  
8 required by sections 4 through 6 of this act by July 1, 1998, this act  
9 is null and void.

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