
SECOND SUBSTITUTE SENATE BILL 5232

State of Washington

55th Legislature

1998 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 02/02/98.

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 18.71 RCW; adding a new section to
5 chapter 18.57 RCW; providing an effective date; and declaring an
6 emergency.

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

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

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

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

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

1 Upon approval by the commission, an advanced registered nurse
2 practitioner may prescribe legend drugs and controlled substances
3 contained in Schedule V of the Uniform Controlled Substances Act,
4 chapter 69.50 RCW, and Schedules II through IV subject to RCW
5 18.79.240(1) (r) or (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) Doing so is permitted by their scope of
27 practice; (ii) it is in response to a combined request from one or more
28 physicians licensed under chapter 18.71 or 18.57 RCW and an advanced
29 registered nurse practitioner licensed under this chapter, proposing a
30 joint practice arrangement under which such prescriptive authority will
31 be exercised with appropriate collaboration between the practitioners;
32 and (iii) it is consistent with rules adopted under this subsection.
33 The medical quality assurance commission, the board of osteopathic
34 medicine and surgery, and the commission are directed to jointly adopt
35 by consensus by rule a process and criteria that implements the joint
36 practice arrangements authorized under this subsection. This
37 subsection (1)(s) does not apply to certified registered nurse
38 anesthetists.

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

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

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

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

11 (d) Prohibiting auxiliary services provided by persons carrying out
12 duties necessary for the support of nursing services, including those
13 duties that involve minor nursing services for persons performed in
14 hospitals, nursing homes, or elsewhere under the direction of licensed
15 physicians or the supervision of licensed registered nurses;

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

23 (f) Prohibiting nursing or care of the sick, with or without
24 compensation, when done in connection with the practice of the
25 religious tenets of a church by adherents of the church so long as they
26 do not engage in licensed practical nurse practice as defined in this
27 chapter;

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

32 **Sec. 4.** RCW 18.79.250 and 1994 sp.s. c 9 s 425 are each amended to
33 read as follows:

34 An advanced registered nurse practitioner under his or her license
35 may perform for compensation nursing care, as that term is usually
36 understood, of the ill, injured, or infirm, and in the course thereof,
37 she or he may do the following things that shall not be done by a

1 person not so licensed, except as provided in RCW 18.79.260 and
2 18.79.270:

3 (1) Perform specialized and advanced levels of nursing as
4 recognized jointly by the medical and nursing professions, as defined
5 by the commission;

6 (2) Prescribe legend drugs and Schedule V controlled substances, as
7 defined in the Uniform Controlled Substances Act, chapter 69.50 RCW,
8 and Schedules II through IV subject to RCW 18.79.240(1) (r) or (s)
9 within the scope of practice defined by the commission;

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

11 (4) Hold herself or himself out to the public or designate herself
12 or himself as an advanced registered nurse practitioner or as a nurse
13 practitioner.

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

16 The commission is directed to jointly adopt by consensus, with the
17 board of osteopathic medicine and surgery and the Washington state
18 nursing care quality assurance commission, a process and criteria that
19 implements the joint practice arrangements authorized under RCW
20 18.79.240(1)(s).

21 NEW SECTION. **Sec. 6.** A new section is added to chapter 18.57 RCW
22 to read as follows:

23 The board is directed to jointly adopt by consensus, with the
24 medical quality assurance commission and the Washington state nursing
25 care quality assurance commission, a process and criteria that
26 implements the joint practice arrangements authorized under RCW
27 18.79.240(1)(s).

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

30 The commission is directed to jointly adopt by consensus, with the
31 medical quality assurance commission and the board of osteopathic
32 medicine and surgery, a process and criteria that implements the joint
33 practice arrangements authorized under RCW 18.79.240(1)(s).

1 NEW SECTION. **Sec. 8.** Sections 1 through 3 of this act take effect
2 July 1, 1999.

3 NEW SECTION. **Sec. 9.** Sections 5 through 7 of this act are
4 necessary for the immediate preservation of the public peace, health,
5 or safety, or support of the state government and its existing public
6 institutions, and take effect immediately.

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