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**SENATE BILL 5494**

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**State of Washington                      55th Legislature                      1997 Regular Session**

**By Senators Deccio, Wojahn, Fairley, Wood and Prentice**

Read first time 01/28/97. Referred to Committee on Health & Long-Term Care.

1            AN ACT Relating to clinical laboratory science practitioners;  
2 reenacting and amending RCW 18.130.040; adding a new chapter to Title  
3 18 RCW; and providing an effective date.

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

5            NEW SECTION.    **Sec. 1.** The legislature finds that it is necessary  
6 to regulate the practice of clinical laboratory science in order to  
7 protect the public health, safety, and welfare. It is the intent of  
8 the legislature that this chapter provide for better protection of  
9 public health and safety by providing minimum qualifications for  
10 clinical laboratory science practitioners, thereby increasing the  
11 degree of professional competence of persons performing laboratory  
12 tests.

13            NEW SECTION.    **Sec. 2.** Unless the context clearly requires  
14 otherwise, the definitions in this section apply throughout this  
15 chapter.

16            (1) "Clinical laboratory" or "laboratory" means a facility, office,  
17 or site where clinical laboratory tests are performed.

1 (2) "Clinical laboratory science" means the use of the following  
2 scientific disciplines to assess, examine, and analyze biological  
3 specimens: Biochemistry, chemistry, immunology, immunohematology,  
4 hematology, serology, virology, microbiology, parasitology, cytology,  
5 histology, radioimmunology, phlebotomy, microscopy, or other related  
6 fields.

7 (3) "Clinical laboratory science scope of practice" means the  
8 performance of clinical laboratory tests and related activities,  
9 including all phases of test performance from procurement of specimens  
10 to reporting of results; collection of specimens, including blood  
11 specimens using venous, arterial, or capillary puncture; performance of  
12 minor, invasive procedures for diagnostic purposes; and training others  
13 to perform phlebotomy. "Clinical laboratory science scope of practice"  
14 includes assessing specimens for adequacy and appropriateness;  
15 calibrating and maintaining instruments; verifying quality control;  
16 detecting, assessing, and correcting malfunctions, failures, and other  
17 problems; judging the results to be reasonable and acceptable using  
18 other known information and correlation with other results; reporting  
19 and consulting on laboratory results; and providing consultation on  
20 interpretation of laboratory test methods. These activities are to be  
21 performed during the preanalytical, analytical, and postanalytical  
22 phases of clinical laboratory testing.

23 (4) "Clinical laboratory science practitioner" means a person  
24 licensed under this chapter to perform clinical laboratory science  
25 scope of practice.

26 (5) "Clinical laboratory test" or "laboratory test" means a  
27 microbiological, serological, chemical, hematological, radiobioassay,  
28 cytological, biophysical, immunological, or other pathological  
29 examination that is performed on material derived from the human body,  
30 or any other such test or procedure that provides information for the  
31 diagnosis, prevention, or treatment of a disease or assessment of a  
32 medical condition, including screening.

33 (6) "Committee" means the clinical laboratory practice advisory  
34 committee established under section 5 of this act.

35 (7) "Department" means the department of health.

36 (8) "Limited laboratory testing" means laboratory testing, specimen  
37 collection, and performance of limited, minor, invasive procedures for  
38 diagnostic purposes authorized by the secretary by rule to be performed  
39 by registered laboratory testing assistants.

1 (9) "Registered laboratory testing assistant" means a person  
2 registered under this chapter to perform limited laboratory testing.

3 (10) "Secretary" means the secretary of the department of health.

4 NEW SECTION. **Sec. 3.** This chapter does not apply to:

5 (1) Any person licensed in this state who, under any other  
6 licensing authority, engages in the practice for which he or she is  
7 licensed or certified;

8 (2) A clinical laboratory science practitioner employed by the  
9 United States government or any bureau, division, or agency of the  
10 United States while in the discharge of the employee's official duties;

11 (3) A clinical laboratory science practitioner engaged in teaching  
12 or research if the results of the examination performed are not used in  
13 health maintenance, screening, or diagnosis or treatment of disease;

14 (4) A student or trainee enrolled in a clinical laboratory science  
15 education program, if the activities constitute a part of a planned  
16 course in the program, the person is designated by a title such as  
17 intern, trainee, or student, and the person works directly under an  
18 individual licensed by this state to perform clinical laboratory  
19 science scope of practice or an instructor exempt under subsection (3)  
20 of this section;

21 (5) A business manager of a laboratory if the person has no direct  
22 involvement with test performance;

23 (6) Other persons, as defined in rule by the secretary, who are  
24 determined not intended to be covered by this chapter.

25 NEW SECTION. **Sec. 4.** (1) No person may perform clinical  
26 laboratory science scope of practice or hold himself or herself out as  
27 a clinical laboratory science practitioner, or like term, in this state  
28 unless the person is licensed under this chapter.

29 (2) No person may perform limited laboratory testing or hold  
30 himself or herself out as a registered laboratory testing assistant, or  
31 like term, unless the person is registered or licensed under this  
32 chapter.

33 NEW SECTION. **Sec. 5.** The secretary shall appoint a clinical  
34 laboratory practice advisory committee of eight persons; of whom four  
35 are experienced and knowledgeable clinical laboratory science  
36 practitioners, two are clinical laboratory science educators, and two

1 are public members. The committee shall advise the department on  
2 professional and technical matters pertaining to the implementation and  
3 administration of this chapter.

4 (1) Public members of the committee may not be members of any other  
5 health care licensing board or commission, have a fiduciary obligation  
6 to a clinical laboratory, or have a material or financial interest in  
7 the rendering of health services regulated by the committee.

8 (2) Members of the committee must be compensated in accordance with  
9 RCW 43.03.240 and are entitled to travel expenses in accordance with  
10 RCW 43.03.050 and 43.03.060.

11 (3) Members of the committee shall serve three-year terms. Of the  
12 initial members, two must be appointed to one-year terms, three must be  
13 appointed to two-year terms, and three must be appointed for three-year  
14 terms. Thereafter, members must be appointed for three-year terms.  
15 The member shall not serve more than two full terms.

16 NEW SECTION. **Sec. 6.** With the advice of the committee, the  
17 secretary shall:

18 (1) Delineate education and training qualifications for licensure  
19 of clinical laboratory science practitioners and registration of  
20 laboratory testing assistants with consideration of the complexity and  
21 risk of harm of the tests allowed by the license or registration and of  
22 reciprocity with other states and licensing authorities;

23 (2) Specify requirements for the renewal of licensure or  
24 registration;

25 (3) Approve accrediting and certification bodies for purposes of  
26 licensure of clinical laboratory science practitioners;

27 (4) Establish qualifications for licensure of specialists in such  
28 clinical laboratory science specialties as the secretary may  
29 determine;

30 (5) Establish limited types of laboratory testing and limited  
31 specimen collection that may be performed by registered laboratory  
32 testing assistants;

33 (6) Establish criteria for the continuing competency of persons  
34 regulated under this chapter as required for license or registration  
35 renewal;

36 (7) Adopt rules, policies, procedures, and requirements as  
37 appropriate to carry out the purpose of this chapter;

1 (8) Set administrative procedures, administrative requirements, and  
2 fees in accordance with RCW 43.70.250 and 43.70.280. All fees  
3 collected under this section must be credited to the health professions  
4 account as required under RCW 43.70.320; and

5 (9) Hire additional staff as necessary in order to implement the  
6 provisions of this chapter.

7 NEW SECTION. **Sec. 7.** The uniform disciplinary act, chapter 18.130  
8 RCW, governs unlicensed or unregistered practice, the issuance and  
9 denial of licenses and registrations, and the discipline of persons  
10 licensed or registered under this chapter.

11 **Sec. 8.** RCW 18.130.040 and 1996 c 200 s 32 and 1996 c 81 s 5 are  
12 each reenacted and amended to read as follows:

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

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

20 (i) Dispensing opticians licensed under chapter 18.34 RCW;

21 (ii) Naturopaths licensed under chapter 18.36A RCW;

22 (iii) Midwives licensed under chapter 18.50 RCW;

23 (iv) Ocularists licensed under chapter 18.55 RCW;

24 (v) Massage operators and businesses licensed under chapter 18.108  
25 RCW;

26 (vi) Dental hygienists licensed under chapter 18.29 RCW;

27 (vii) Acupuncturists licensed under chapter 18.06 RCW;

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

30 (ix) Respiratory care practitioners certified under chapter 18.89  
31 RCW;

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

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

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

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

1 (xiv) Dietitians and nutritionists certified under chapter 18.138  
2 RCW;

3 (xv) Sex offender treatment providers certified under chapter  
4 18.155 RCW;

5 (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW  
6 18.71.205;

7 (xvii) Persons registered as adult family home providers and  
8 resident managers under RCW 18.48.020; (~~and~~)

9 (xviii) Denturists licensed under chapter 18.30 RCW; and

10 (xix) Persons licensed or registered under chapter 18.-- RCW  
11 (sections 1 through 7, 9, and 10 of this act).

12 (b) The boards and commissions having authority under this chapter  
13 are as follows:

14 (i) The podiatric medical board as established in chapter 18.22  
15 RCW;

16 (ii) The chiropractic quality assurance commission as established  
17 in chapter 18.25 RCW;

18 (iii) The dental quality assurance commission as established in  
19 chapter 18.32 RCW;

20 (iv) The board of hearing and speech as established in chapter  
21 18.35 RCW;

22 (v) The board of examiners for nursing home administrators as  
23 established in chapter 18.52 RCW;

24 (vi) The optometry board as established in chapter 18.54 RCW  
25 governing licenses issued under chapter 18.53 RCW;

26 (vii) The board of osteopathic medicine and surgery as established  
27 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
28 18.57A RCW;

29 (viii) The board of pharmacy as established in chapter 18.64 RCW  
30 governing licenses issued under chapters 18.64 and 18.64A RCW;

31 (ix) The medical quality assurance commission as established in  
32 chapter 18.71 RCW governing licenses and registrations issued under  
33 chapters 18.71 and 18.71A RCW;

34 (x) The board of physical therapy as established in chapter 18.74  
35 RCW;

36 (xi) The board of occupational therapy practice as established in  
37 chapter 18.59 RCW;

38 (xii) The nursing care quality assurance commission as established  
39 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 NEW SECTION. **Sec. 9.** If any provision of this act or its  
18 application to any person or circumstance is held invalid, the  
19 remainder of the act or the application of the provision to other  
20 persons or circumstances is not affected.

21 NEW SECTION. **Sec. 10.** This chapter may be cited as the clinical  
22 laboratory science practice act.

23 NEW SECTION. **Sec. 11.** Sections 1 through 4, 7, and 8 of this act  
24 take effect July 1, 1998.

25 NEW SECTION. **Sec. 12.** Sections 1 through 7, 9, and 10 of this act  
26 constitute a new chapter in Title 18 RCW.

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