CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5829

Chapter 258, Laws of 2003

58th Legislature
2003 Regular Session

NURSING TECHNICIANS

EFFECTIVE DATE: 5/12/03

Passed by the Senate April 21, 2003
YEAS 43 NAYS 0

BRAD OWEN
President of the Senate

Passed by the House April 11, 2003
YEAS 84 NAYS 0

FRANK CHOPP
Speaker of the House of Representatives

CERTIFICATE

I, Milton H. Doumit, Jr., Secretary of the Senate of the State of Washington, do hereby certify that the attached is SUBSTITUTE SENATE BILL 5829 as passed by the Senate and the House of Representatives on the dates hereon set forth.

MILTON H. DOUMIT JR.
Secretary

Approved May 12, 2003.

GARY LOCKE
Governor of the State of Washington

FILED
May 12, 2003 - 4:37 p.m.

Secretary of State
State of Washington
AN ACT Relating to nursing technicians; amending RCW 18.79.240; reenacting and amending RCW 18.130.040; adding new sections to chapter 18.79 RCW; adding a new section to chapter 70.41 RCW; adding a new section to chapter 18.51 RCW; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature finds a need to provide additional work-related opportunities for nursing students. Nursing students enrolled in bachelor of science programs or associate degree programs, working within the limits of their education, gain valuable judgment and knowledge through expanded work opportunities.

NEW SECTION. Sec. 2. (1) "Nursing technician" means a nursing student employed in a hospital licensed under chapter 70.41 RCW or a nursing home licensed under chapter 18.51 RCW, who:

(a) Is currently enrolled in good standing in a nursing program approved by the commission and has not graduated; or

(b) Is a graduate of a nursing program approved by the commission who graduated:

(i) Within the past thirty days; or
(ii) Within the past sixty days and has received a determination from the secretary that there is good cause to continue the registration period, as defined by the secretary in rule.

(2) No person may practice or represent oneself as a nursing technician by use of any title or description of services without being registered under this chapter, unless otherwise exempted by this chapter.

(3) The commission may adopt rules to implement this act.

NEW SECTION. Sec. 3. (1) Nursing technicians are authorized to perform specific nursing functions within the limits of their education, up to their skill and knowledge, but they may not:

(a) Administer chemotherapy, blood or blood products, intravenous medications, or scheduled drugs, or carry out procedures on central lines;

(b) Assume ongoing responsibility for assessments, planning, implementation, or evaluation of the care of patients;

(c) Function independently, act as a supervisor, or delegate tasks to licensed practical nurses, nursing assistants, or unlicensed personnel; or

(d) Perform or attempt to perform nursing techniques or procedures for which the nursing technician lacks the appropriate knowledge, experience, and education.

(2) Nursing technicians may function only under the direct supervision of a registered nurse who agrees to act as supervisor and is immediately available to the nursing technician. The supervising registered nurse must have an unrestricted license with at least two years of clinical practice in the setting where the nursing technician works.

(3) Nursing technicians may only perform specific nursing functions based upon and limited to their education and when they have demonstrated the ability and been verified to safely perform these functions by the nursing program in which the nurse technician is enrolled. The nursing program providing verification is immune from liability for any nursing function performed or not performed by the nursing technician.

(4) Nursing technicians are responsible and accountable for their specific nursing functions.
NEW SECTION.  Sec. 4. (1) Applications for registration must be submitted on forms provided by the secretary. The secretary may require any information and documentation that reasonably relates to the need to determine whether the applicant meets the criteria for registration provided for in chapter 18.130 RCW. Each applicant shall pay a fee determined by the secretary under RCW 43.70.250. The fee must accompany the application.

(2) An applicant for registration as a nursing technician shall submit:
(a) A signed statement from the applicant's nursing program verifying enrollment in, or graduation from, the nursing program; and
(b) A signed statement from the applicant's employer certifying that the employer understands the role of the nursing technician and agrees to meet the requirements of subsection (4) of this section.

(3) The secretary shall issue a registration to an applicant who has met the requirements for registration or deny a registration to an applicant who does not meet the requirements, except that proceedings concerning the denial of registration based on unprofessional conduct or impairment are governed by the uniform disciplinary act, chapter 18.130 RCW.

(4) The employer:
(a) Shall not require the nursing technician to work beyond his or her education and training;
(b) Shall verify that the nursing technician continues to qualify as a nursing technician as described in section 2 of this act;
(c) Shall advise the department and nursing program of any practice-related action taken against the nursing technician;
(d) Shall maintain documentation of the specific nursing functions the nursing technician is authorized to perform; and
(e) Shall provide training regarding the provisions of this act, including procedures for filing a complaint with the department of health or the department of social and health services concerning violations of this act, to all nursing technicians and registered nurses who shall supervise nursing technicians and document the training and make it available for any inspection or survey.

NEW SECTION.  Sec. 5. The secretary shall establish by rule the procedural requirements and fees for renewal of the registration.
Failure to renew invalidates the registration and all privileges granted by the registration. For renewal of registration, a nursing technician must attest that he or she continues to qualify as a nursing technician as described in section 2 of this act.

Sec. 6. RCW 18.79.240 and 2000 c 64 s 3 are each amended to read as follows:

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

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

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

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

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

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

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

(g) Prohibiting the practice of a legally qualified nurse of another state who is employed by the United States government or a bureau, division, or agency thereof, while in the discharge of his or her official duties;
(h) Permitting the measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses for the aid thereof;

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

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

(k) Prohibiting the performance of routine visual screening;

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

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

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

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

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

(q) Prohibiting the determination and pronouncement of death;

(r) Prohibiting advanced registered nurse practitioners, approved by the commission as certified registered nurse anesthetists from selecting, ordering, or administering controlled substances as defined in Schedules II through IV of the Uniform Controlled Substances Act, chapter 69.50 RCW, consistent with their commission-recognized scope of practice; subject to facility-specific protocols, and subject to a request for certified registered nurse anesthetist anesthesia services issued by a physician licensed under chapter 18.71 RCW, an osteopathic physician and surgeon licensed under chapter 18.57 RCW, a dentist licensed under chapter 18.32 RCW, or a podiatric physician and surgeon licensed under chapter 18.22 RCW; the authority to select, order, or administer Schedule II through IV controlled substances being limited to those drugs that are to be directly administered to patients who require anesthesia for diagnostic, operative, obstetrical, or
therapeutic procedures in a hospital, clinic, ambulatory surgical facility, or the office of a practitioner licensed under chapter 18.71, 18.22, 18.36, 18.36A, 18.57, 18.57A, or 18.32 RCW; "select" meaning the decision-making process of choosing a drug, dosage, route, and time of administration; and "order" meaning the process of directing licensed individuals pursuant to their statutory authority to directly administer a drug or to dispense, deliver, or distribute a drug for the purpose of direct administration to a patient, under instructions of the certified registered nurse anesthetist. "Protocol" means a statement regarding practice and documentation concerning such items as categories of patients, categories of medications, or categories of procedures rather than detailed case-specific formulas for the practice of nurse anesthesia;

(s) Prohibiting advanced registered nurse practitioners from ordering or prescribing controlled substances as defined in Schedules II through IV of the Uniform Controlled Substances Act, chapter 69.50 RCW, if and to the extent: (i) Doing so is permitted by their scope of practice; (ii) it is in response to a combined request from one or more physicians licensed under chapter 18.71 or 18.57 RCW and an advanced registered nurse practitioner licensed under this chapter, proposing a joint practice arrangement under which such prescriptive authority will be exercised with appropriate collaboration between the practitioners; and (iii) it is consistent with rules adopted under this subsection. The medical quality assurance commission, the board of osteopathic medicine and surgery, and the commission are directed to jointly adopt by consensus by rule a process and criteria that implements the joint practice arrangements authorized under this subsection. This subsection (1)(s) does not apply to certified registered nurse anesthetists.

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

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

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

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

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

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

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

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

Sec. 7. RCW 18.130.040 and 2002 c 223 s 6 and 2002 c 216 s 11 are
each reenacted and amended to read as follows:

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

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

(i) Dispensing opticians licensed under chapter 18.34 RCW;
(ii) Naturopaths licensed under chapter 18.36A RCW;
(iii) Midwives licensed under chapter 18.50 RCW;
(iv) Ocularists licensed under chapter 18.55 RCW;
(v) Massage operators and businesses licensed under chapter 18.108 RCW;
(vi) Dental hygienists licensed under chapter 18.29 RCW;
(vii) Acupuncturists licensed under chapter 18.06 RCW;
(viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;
(ix) Respiratory care practitioners licensed under chapter 18.89 RCW;
(x) Persons registered under chapter 18.19 RCW;
(xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW;
(xii) Persons registered as nursing pool operators under chapter 18.52C RCW;
(xiii) Nursing assistants registered or certified under chapter 18.88A RCW;
(xiv) Health care assistants certified under chapter 18.135 RCW;
(xv) Dietitians and nutritionists certified under chapter 18.138 RCW;
(xvi) Chemical dependency professionals certified under chapter 18.205 RCW;
(xvii) Sex offender treatment providers certified under chapter 18.155 RCW;
(xviii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;
(xix) Denturists licensed under chapter 18.30 RCW;
(xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
(xxi) Surgical technologists registered under chapter 18.215 RCW;
and
(xxii) Recreational therapists.

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

(i) The podiatric medical board as established in chapter 18.22 RCW;
(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;
(iii) The dental quality assurance commission as established in chapter 18.32 RCW;
(iv) The board of hearing and speech as established in chapter 18.35 RCW;
(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;
(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;
(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;
(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;
(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;
(x) The board of physical therapy as established in chapter 18.74 RCW;
(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;
(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;
(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and
(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

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

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.
NEW SECTION.  Sec. 8. A new section is added to chapter 70.41 RCW to read as follows:

The department shall investigate complaints of violations of sections 3 and 4 of this act by an employer. The department shall maintain records of all employers that have violated sections 3 and 4 of this act.

NEW SECTION.  Sec. 9. A new section is added to chapter 18.51 RCW to read as follows:

The department shall investigate complaints of violations of sections 3 and 4 of this act by an employer. The department shall maintain records of all employers that have violated sections 3 and 4 of this act.

NEW SECTION.  Sec. 10. Sections 1 through 5 of this act are each added to chapter 18.79 RCW.

NEW SECTION.  Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION.  Sec. 12. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the Senate April 21, 2003.
Passed by the House April 11, 2003.
Approved by the Governor May 12, 2003.
Filed in Office of Secretary of State May 12, 2003.