
SUBSTITUTE HOUSE BILL 2473

State of Washington 62nd Legislature 2012 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Green, Hinkle, Johnson, Van De Wege, Ryu, and Roberts)

READ FIRST TIME 01/31/12.

1 AN ACT Relating to creating a medication assistant endorsement for
2 certified nursing assistants who work in nursing homes; amending RCW
3 18.88A.040, 18.88A.050, 18.88A.060, 18.88A.120, 18.88A.130, 18.88A.150,
4 and 18.130.040; reenacting and amending RCW 18.88A.020; adding a new
5 section to chapter 18.88A RCW; creating a new section; and providing an
6 effective date.

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

8 **Sec. 1.** RCW 18.88A.020 and 2010 c 169 s 2 are each reenacted and
9 amended to read as follows:

10 Unless the context clearly requires otherwise, the definitions in
11 this section apply throughout this chapter.

12 (1) "Alternative training" means a nursing assistant-certified
13 program meeting criteria adopted by the commission under RCW 18.88A.087
14 to meet the requirements of a state-approved nurse aide competency
15 evaluation program consistent with 42 U.S.C. Sec. 1395i-3(e) and (f) of
16 the federal social security act.

17 (2) "Approved training program" means a nursing assistant-certified
18 training program approved by the commission to meet the requirements of
19 a state-approved nurse aide training and competency evaluation program

1 consistent with 42 U.S.C. Sec. 1395i-3(e) and (f) of the federal social
2 security act. For community college, vocational-technical institutes,
3 skill centers, and secondary school as defined in chapter 28B.50 RCW,
4 nursing assistant-certified training programs shall be approved by the
5 commission in cooperation with the board for community and technical
6 colleges or the superintendent of public instruction.

7 (3) "Commission" means the Washington nursing care quality
8 assurance commission.

9 (4) "Competency evaluation" means the measurement of an
10 individual's knowledge and skills as related to safe, competent
11 performance as a nursing assistant.

12 (5) "Department" means the department of health.

13 (6) "Health care facility" means a nursing home, hospital, hospice
14 care facility, home health care agency, hospice agency, or other entity
15 for delivery of health care services as defined by the commission.

16 (7) "Medication assistant" means a nursing assistant-certified with
17 a medication assistant endorsement issued under section 2 of this act
18 who is authorized, in addition to his or her duties as a nursing
19 assistant-certified, to administer certain medications and perform
20 certain treatments in a nursing home under the supervision of a
21 registered nurse under section 2 of this act.

22 (8) "Nursing assistant" means an individual, regardless of title,
23 who, under the direction and supervision of a registered nurse or
24 licensed practical nurse, assists in the delivery of nursing and
25 nursing-related activities to patients in a health care facility. The
26 two levels of nursing assistants are:

27 (a) "Nursing assistant-certified," an individual certified under
28 this chapter; and

29 (b) "Nursing assistant-registered," an individual registered under
30 this chapter.

31 ((+8)) (9) "Nursing home" means a nursing home licensed under
32 chapter 18.51 RCW.

33 (10) "Secretary" means the secretary of health.

34 NEW SECTION. Sec. 2. A new section is added to chapter 18.88A RCW
35 to read as follows:

36 (1) Beginning July 1, 2013, the secretary shall issue a medication

1 assistant endorsement to any nursing assistant-certified who meets the
2 following requirements:

3 (a) Ongoing certification as a nursing assistant-certified in good
4 standing under this chapter;

5 (b) Completion of a minimum number of hours of documented work
6 experience as a nursing assistant-certified in a long-term care setting
7 as defined in rule by the commission;

8 (c) Successful completion of an education and training program
9 approved by the commission by rule, such as the model medication
10 assistant-certified curriculum adopted by the national council of state
11 boards of nursing. The education and training program must include
12 training on the specific tasks listed in subsection (2) of this section
13 as well as training on identifying tasks that a medication assistant
14 may not perform under subsection (4) of this section;

15 (d) Passage of an examination approved by the commission by rule,
16 such as the medication aide competency examination available through
17 the national council of state boards of nursing; and

18 (e) Continuing competency requirements as defined in rule by the
19 commission.

20 (2)(a) Subject to subsection (3) of this section, a medication
21 assistant may perform the following additional tasks:

22 (i) The administration of medications orally, topically, and
23 through inhalation;

24 (ii) The performance of simple prescriber-ordered treatments,
25 including blood glucose monitoring, noncomplex clean dressing changes,
26 pulse oximetry reading, and oxygen administration, to be defined by the
27 commission by rule; and

28 (iii) The documentation of the tasks in this subsection (2)(a) on
29 applicable medication or treatment forms.

30 (b) The commission may limit by rule the duties, within the scope
31 of practice of a nursing assistant-certified, that a nursing assistant-
32 certified may perform while functioning as a medication assistant.

33 (3) A medication assistant may only perform the additional tasks in
34 subsection (2) of this section:

35 (a) In a nursing home; and

36 (b) Under the direct supervision of a designated registered nurse
37 who is on-site and immediately accessible during the medication
38 assistant's shift. The registered nurse shall assess the resident

1 prior to the medication assistant administering medications or
2 treatments and determine whether it is safe to administer the
3 medications or treatments. The judgment and decision to administer
4 medications or treatments is retained by the registered nurse.

5 (4) A medication assistant may not:

6 (a) Accept telephone or verbal orders from a prescriber;

7 (b) Calculate medication dosages;

8 (c) Inject any medications;

9 (d) Perform any sterile task;

10 (e) Administer medications through a tube;

11 (f) Administer any Schedule I, II, or III controlled substance; or

12 (g) Perform any task that requires nursing judgment.

13 (5) Nothing in this section requires a nursing home to employ a
14 nursing assistant-certified with a medication assistant endorsement.

15 (6) A medication assistant is responsible and accountable for his
16 or her specific functions.

17 (7) A medication assistant's employer may limit or restrict the
18 range of functions permitted under this section, but may not expand
19 those functions.

20 **Sec. 3.** RCW 18.88A.040 and 1991 c 16 s 4 are each amended to read
21 as follows:

22 (1) No person may practice or represent himself or herself as a
23 nursing assistant-registered by use of any title or description without
24 being registered by the department pursuant to this chapter.

25 (2) After October 1, 1990, no person may by use of any title or
26 description, practice or represent himself or herself as a nursing
27 assistant-certified without applying for certification, meeting the
28 qualifications, and being certified by the department pursuant to this
29 chapter.

30 (3) After July 1, 2013, no person may practice, or represent
31 himself or herself by any title or description, as a medication
32 assistant without a medication assistant endorsement issued under
33 section 2 of this act.

34 **Sec. 4.** RCW 18.88A.050 and 2010 c 169 s 5 are each amended to read
35 as follows:

1 In addition to any other authority provided by law, the secretary
2 has the authority to:

3 (1) Set all nursing assistant certification, registration,
4 medication assistant endorsement, and renewal fees in accordance with
5 RCW 43.70.250 and to collect and deposit all such fees in the health
6 professions account established under RCW 43.70.320;

7 (2) Establish forms, procedures, and the competency evaluation
8 necessary to administer this chapter;

9 (3) Hire clerical, administrative, and investigative staff as
10 needed to implement this chapter;

11 (4) Issue a nursing assistant registration to any applicant who has
12 met the requirements for registration;

13 (5) After January 1, 1990, issue a nursing assistant certificate to
14 any applicant who has met the training, competency evaluation, and
15 conduct requirements for certification under this chapter;

16 (6) Issue a medication assistant endorsement to any applicant who
17 has met the requirements of section 2 of this act;

18 (7) Maintain the official record for the department of all
19 applicants and persons with registrations (~~and~~), certificates, and
20 medication assistant endorsements under this chapter;

21 (~~(7)~~) (8) Exercise disciplinary authority as authorized in
22 chapter 18.130 RCW;

23 (~~(8)~~) (9) Deny registration to any applicant who fails to meet
24 requirement for registration as a nursing assistant;

25 (~~(9)~~) (10) Deny certification to applicants who do not meet the
26 training, competency evaluation, and conduct requirements for
27 certification as a nursing assistant; and

28 (11) Deny medication assistant endorsement to applicants who do not
29 meet the requirements of section 2 of this act.

30 **Sec. 5.** RCW 18.88A.060 and 2010 c 169 s 6 are each amended to read
31 as follows:

32 In addition to any other authority provided by law, the commission
33 may:

34 (1) Determine minimum nursing assistant education requirements and
35 approve training programs;

36 (2) Approve education and training programs and examinations for
37 medication assistants as provided in section 2 of this act;

1 (3) Define the prescriber-ordered treatments a medication assistant
2 is authorized to perform under section 2 of this act;

3 (4) Prepare, grade, and administer, or determine the nature of, and
4 supervise the grading and administration of, the competency evaluation
5 for applicants for nursing assistant certification, using the same
6 competency evaluation for all applicants, whether qualifying to take
7 the competency evaluation under an approved training program or
8 alternative training;

9 ~~((+3))~~ (5) Establish forms and procedures for evaluation of an
10 applicant's alternative training under criteria adopted pursuant to RCW
11 18.88A.087;

12 ~~((+4))~~ (6) Define and approve any experience requirement for
13 nursing assistant certification;

14 ~~((+5))~~ (7) Adopt rules implementing a continuing competency
15 evaluation program for nursing assistants; and

16 ~~((+6))~~ (8) Adopt rules to enable it to carry into effect the
17 provisions of this chapter.

18 **Sec. 6.** RCW 18.88A.120 and 1996 c 191 s 74 are each amended to
19 read as follows:

20 Applications for registration ~~((and))~~ certification, and
21 medication assistant endorsement shall be submitted on forms provided
22 by the secretary. The secretary may require any information and
23 documentation that reasonably relates to the need to determine whether
24 the applicant meets the criteria for registration ~~((and))~~ certification, and medication assistant endorsement credentialing
25 provided for in this chapter and chapter 18.130 RCW. Each applicant
26 shall comply with administrative procedures, administrative
27 requirements, and fees determined by the secretary under RCW 43.70.250
28 and 43.70.280.

30 **Sec. 7.** RCW 18.88A.130 and 1996 c 191 s 75 are each amended to
31 read as follows:

32 Registrations ~~((and))~~ certifications, and medication assistant
33 endorsements shall be renewed according to administrative procedures,
34 administrative requirements, and fees determined by the secretary under
35 RCW 43.70.250 and 43.70.280.

1 **Sec. 8.** RCW 18.88A.150 and 1991 c 16 s 7 are each amended to read
2 as follows:

3 The uniform disciplinary act, chapter 18.130 RCW, governs
4 unregistered (~~(or)~~), uncertified, or unendorsed practice, issuance of
5 certificates (~~(and)~~), registrations, and medication assistant
6 endorsements, and the discipline of persons registered or with
7 certificates under this chapter. The secretary shall be the
8 disciplinary authority under this chapter.

9 **Sec. 9.** RCW 18.130.040 and 2011 c 41 s 11 are each amended to read
10 as follows:

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

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

18 (i) Dispensing opticians licensed and designated apprentices under
19 chapter 18.34 RCW;

20 (ii) Midwives licensed under chapter 18.50 RCW;

21 (iii) Ocularists licensed under chapter 18.55 RCW;

22 (iv) Massage operators and businesses licensed under chapter 18.108
23 RCW;

24 (v) Dental hygienists licensed under chapter 18.29 RCW;

25 (vi) East Asian medicine practitioners licensed under chapter 18.06
26 RCW;

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

29 (viii) Respiratory care practitioners licensed under chapter 18.89
30 RCW;

31 (ix) Hypnotherapists and agency affiliated counselors registered
32 and advisors and counselors certified under chapter 18.19 RCW;

33 (x) Persons licensed as mental health counselors, mental health
34 counselor associates, marriage and family therapists, marriage and
35 family therapist associates, social workers, social work associates--
36 advanced, and social work associates--independent clinical under
37 chapter 18.225 RCW;

1 (xi) Persons registered as nursing pool operators under chapter
2 18.52C RCW;

3 (xii) Nursing assistants registered or certified or medication
4 assistants endorsed under chapter 18.88A RCW;

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

6 (xiv) Dietitians and nutritionists certified under chapter 18.138
7 RCW;

8 (xv) Chemical dependency professionals and chemical dependency
9 professional trainees certified under chapter 18.205 RCW;

10 (xvi) Sex offender treatment providers and certified affiliate sex
11 offender treatment providers certified under chapter 18.155 RCW;

12 (xvii) Persons licensed and certified under chapter 18.73 RCW or
13 RCW 18.71.205;

14 (xviii) Denturists licensed under chapter 18.30 RCW;

15 (xix) Orthotists and prosthetists licensed under chapter 18.200
16 RCW;

17 (xx) Surgical technologists registered under chapter 18.215 RCW;

18 (xxi) Recreational therapists (~~(under chapter 18.230 RCW)~~) under
19 chapter 18.230 RCW;

20 (xxii) Animal massage practitioners certified under chapter 18.240
21 RCW;

22 (xxiii) Athletic trainers licensed under chapter 18.250 RCW;

23 (xxiv) Home care aides certified under chapter 18.88B RCW; and

24 (xxv) Genetic counselors licensed under chapter 18.290 RCW.

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

27 (i) The podiatric medical board as established in chapter 18.22
28 RCW;

29 (ii) The chiropractic quality assurance commission as established
30 in chapter 18.25 RCW;

31 (iii) The dental quality assurance commission as established in
32 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
33 licenses and registrations issued under chapter 18.260 RCW;

34 (iv) The board of hearing and speech as established in chapter
35 18.35 RCW;

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

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

3 (vii) The board of osteopathic medicine and surgery as established
4 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
5 18.57A RCW;

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

8 (ix) The medical quality assurance commission as established in
9 chapter 18.71 RCW governing licenses and registrations issued under
10 chapters 18.71 and 18.71A RCW;

11 (x) The board of physical therapy as established in chapter 18.74
12 RCW;

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

15 (xii) The nursing care quality assurance commission as established
16 in chapter 18.79 RCW governing licenses and registrations issued under
17 that chapter;

18 (xiii) The examining board of psychology and its disciplinary
19 committee as established in chapter 18.83 RCW;

20 (xiv) The veterinary board of governors as established in chapter
21 18.92 RCW; and

22 (xv) The board of naturopathy established in chapter 18.36A RCW.

23 (3) In addition to the authority to discipline license holders, the
24 disciplining authority has the authority to grant or deny licenses.
25 The disciplining authority may also grant a license subject to
26 conditions.

27 (4) All disciplining authorities shall adopt procedures to ensure
28 substantially consistent application of this chapter, the Uniform
29 Disciplinary Act, among the disciplining authorities listed in
30 subsection (2) of this section.

31 NEW SECTION. **Sec. 10.** The department of health and the Washington
32 nursing care quality assurance commission shall adopt any rules
33 necessary to implement this act.

34 NEW SECTION. **Sec. 11.** Sections 1 through 9 of this act take

1 effect July 1, 2013.

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