

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6237

Chapter 153, Laws of 2012

62nd Legislature
2012 Regular Session

MEDICAL ASSISTANTS

EFFECTIVE DATE: 06/07/12 - Except sections 1 through 12, 14, 16,
and 18, which become effective 07/01/13; and sections 15 and 17,
which become effective 07/01/16.

Passed by the Senate March 5, 2012
YEAS 43 NAYS 5

BRAD OWEN

President of the Senate

Passed by the House February 29, 2012
YEAS 97 NAYS 1

FRANK CHOPP

Speaker of the House of Representatives

CERTIFICATE

I, Thomas Hoemann, Secretary of
the Senate of the State of
Washington, do hereby certify that
the attached is **ENGROSSED
SUBSTITUTE SENATE BILL 6237** as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

THOMAS HOEMANN

Secretary

Approved March 29, 2012, 3:40 p.m.

FILED

March 29, 2012

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6237

AS AMENDED BY THE HOUSE

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 Regular Session

By Senate Health & Long-Term Care (originally sponsored by Senators Keiser, Conway, Kline, Frockt, and Becker)

READ FIRST TIME 01/26/12.

1 AN ACT Relating to creating a career pathway for medical
2 assistants; amending RCW 18.79.340, 18.120.020, 18.120.020, 18.130.040,
3 18.130.040, and 18.135.055; adding a new chapter to Title 18 RCW;
4 creating a new section; repealing RCW 18.135.010, 18.135.020,
5 18.135.025, 18.135.030, 18.135.035, 18.135.040, 18.135.050, 18.135.055,
6 18.135.060, 18.135.062, 18.135.065, 18.135.070, 18.135.090, 18.135.100,
7 18.135.110, and 18.135.120; and providing effective dates.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that medical
10 assistants are health professionals specifically trained to work in
11 settings such as physicians' offices, clinics, group practices, and
12 other health care facilities. These multiskilled personnel are trained
13 to perform administrative and clinical procedures under the supervision
14 of health care providers. Physicians value this unique versatility
15 more and more because of the skills of medical assistants and their
16 ability to contain costs and manage human resources efficiently. The
17 demand for medical assistants is expanding rapidly. The efficient and
18 effective delivery of health care in Washington will be improved by
19 recognizing the valuable contributions of medical assistants, and

1 providing statutory support for medical assistants in Washington state.
2 The legislature further finds that rural and small medical practices
3 and clinics may have limited access to formally trained medical
4 assistants. The legislature further intends that the secretary of
5 health develop recommendations for a career ladder that includes
6 medical assistants.

7 NEW SECTION. **Sec. 2.** The definitions in this section apply
8 throughout this chapter unless the context clearly requires otherwise.

9 (1) "Delegation" means direct authorization granted by a licensed
10 health care practitioner to a medical assistant to perform the
11 functions authorized in this chapter which fall within the scope of
12 practice of the health care provider and the training and experience of
13 the medical assistant.

14 (2) "Department" means the department of health.

15 (3) "Health care practitioner" means:

16 (a) A physician licensed under chapter 18.71 RCW;

17 (b) An osteopathic physician and surgeon licensed under chapter
18 18.57 RCW; or

19 (c) Acting within the scope of their respective licensure, a
20 podiatric physician and surgeon licensed under chapter 18.22 RCW, a
21 registered nurse or advanced registered nurse practitioner licensed
22 under chapter 18.79 RCW, a naturopath licensed under chapter 18.36A
23 RCW, a physician assistant licensed under chapter 18.71A RCW, an
24 osteopathic physician assistant licensed under chapter 18.57A RCW, or
25 an optometrist licensed under chapter 18.53 RCW.

26 (4) "Medical assistant-certified" means a person certified under
27 section 5 of this act who assists a health care practitioner with
28 patient care, executes administrative and clinical procedures, and
29 performs functions as provided in section 6 of this act under the
30 supervision of the health care practitioner.

31 (5) "Medical assistant-hemodialysis technician" means a person
32 certified under section 5 of this act who performs hemodialysis and
33 other functions pursuant to section 6 of this act under the supervision
34 of a health care practitioner.

35 (6) "Medical assistant-phlebotomist" means a person certified under
36 section 5 of this act who performs capillary, venous, and arterial

1 invasive procedures for blood withdrawal and other functions pursuant
2 to section 6 of this act under the supervision of a health care
3 practitioner.

4 (7) "Medical assistant-registered" means a person registered under
5 section 5 of this act who, pursuant to an endorsement by a health care
6 practitioner, clinic, or group practice, assists a health care
7 practitioner with patient care, executes administrative and clinical
8 procedures, and performs functions as provided in section 6 of this act
9 under the supervision of the health care practitioner.

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

11 (9) "Supervision" means supervision of procedures permitted
12 pursuant to this chapter by a health care practitioner who is
13 physically present and is immediately available in the facility. The
14 health care practitioner does not need to be present during procedures
15 to withdraw blood, but must be immediately available.

16 NEW SECTION. **Sec. 3.** (1) No person may practice as a medical
17 assistant-certified, medical assistant-hemodialysis technician, or
18 medical assistant-phlebotomist unless he or she is certified under
19 section 5 of this act.

20 (2) No person may practice as a medical assistant-registered unless
21 he or she is registered under section 5 of this act.

22 NEW SECTION. **Sec. 4.** (1) The secretary shall adopt rules
23 specifying the minimum qualifications for a medical assistant-
24 certified, medical assistant-hemodialysis technician, and medical
25 assistant-phlebotomist. The qualifications for a medical assistant-
26 hemodialysis technician must be equivalent to the qualifications for
27 hemodialysis technicians regulated pursuant to chapter 18.135 RCW as of
28 January 1, 2012.

29 (2) The secretary shall adopt rules that establish the minimum
30 requirements necessary for a health care practitioner, clinic, or group
31 practice to endorse a medical assistant as qualified to perform the
32 duties authorized by this chapter and be able to file an attestation of
33 that endorsement with the department.

34 (3) The medical quality assurance commission, the board of
35 osteopathic medicine and surgery, the podiatric medical board, the
36 nursing care quality assurance commission, the board of naturopathy,

1 and the optometry board shall each review and identify other specialty
2 assistive personnel not included in this chapter and the tasks they
3 perform. The department of health shall compile the information from
4 each disciplining authority listed in this subsection and submit the
5 compiled information to the legislature no later than December 15,
6 2012.

7 NEW SECTION. **Sec. 5.** (1)(a) The secretary shall issue a
8 certification as a medical assistant-certified to any person who has
9 satisfactorily completed a medical assistant training program approved
10 by the secretary, passed an examination approved by the secretary, and
11 met any additional qualifications established under section 4 of this
12 act.

13 (b) The secretary shall issue an interim certification to any
14 person who has met all of the qualifications in (a) of this subsection,
15 except for the passage of the examination. A person holding an interim
16 permit possesses the full scope of practice of a medical assistant-
17 certified. The interim permit expires upon passage of the examination
18 or after one year, whichever occurs first, and may not be renewed.

19 (2) The secretary shall issue a certification as a medical
20 assistant-hemodialysis technician to any person who meets the
21 qualifications for a medical assistant-hemodialysis technician
22 established under section 4 of this act.

23 (3) The secretary shall issue a certification as a medical
24 assistant-phlebotomist to any person who meets the qualifications for
25 a medical assistant-phlebotomist established under section 4 of this
26 act.

27 (4)(a) The secretary shall issue a registration as a medical
28 assistant-registered to any person who has a current endorsement from
29 a health care practitioner, clinic, or group practice.

30 (b) In order to be endorsed under this subsection (4), a person
31 must:

32 (i) Be endorsed by a health care practitioner, clinic, or group
33 practice that meets the qualifications established under section 4 of
34 this act; and

35 (ii) Have a current attestation of his or her endorsement to
36 perform specific medical tasks signed by a supervising health care

1 practitioner filed with the department. A medical assistant-registered
2 may only perform the medical tasks listed in his or her current
3 attestation of endorsement.

4 (c) A registration based on an endorsement by a health care
5 practitioner, clinic, or group practice is not transferrable to another
6 health care practitioner, clinic, or group practice.

7 (5) A certification issued under subsections (1) through (3) of
8 this section is transferrable between different practice settings.

9 NEW SECTION. **Sec. 6.** (1) A medical assistant-certified may
10 perform the following duties delegated by, and under the supervision
11 of, a health care practitioner:

12 (a) Fundamental procedures:

13 (i) Wrapping items for autoclaving;

14 (ii) Procedures for sterilizing equipment and instruments;

15 (iii) Disposing of biohazardous materials; and

16 (iv) Practicing standard precautions.

17 (b) Clinical procedures:

18 (i) Performing aseptic procedures in a setting other than a
19 hospital licensed under chapter 70.41 RCW;

20 (ii) Preparing of and assisting in sterile procedures in a setting
21 other than a hospital under chapter 70.41 RCW;

22 (iii) Taking vital signs;

23 (iv) Preparing patients for examination;

24 (v) Capillary blood withdrawal, venipuncture, and intradermal,
25 subcutaneous, and intramuscular injections; and

26 (vi) Observing and reporting patients' signs or symptoms.

27 (c) Specimen collection:

28 (i) Capillary puncture and venipuncture;

29 (ii) Obtaining specimens for microbiological testing; and

30 (iii) Instructing patients in proper technique to collect urine and
31 fecal specimens.

32 (d) Diagnostic testing:

33 (i) Electrocardiography;

34 (ii) Respiratory testing; and

35 (iii) Tests waived under the federal clinical laboratory
36 improvement amendments program on the effective date of this section.

1 The department shall periodically update the tests authorized under
2 this subsection (1)(d) based on changes made by the federal clinical
3 laboratory improvement amendments program.

4 (e) Patient care:

5 (i) Telephone and in-person screening limited to intake and
6 gathering of information without requiring the exercise of judgment
7 based on clinical knowledge;

8 (ii) Obtaining vital signs;

9 (iii) Obtaining and recording patient history;

10 (iv) Preparing and maintaining examination and treatment areas;

11 (v) Preparing patients for, and assisting with, routine and
12 specialty examinations, procedures, treatments, and minor office
13 surgeries;

14 (vi) Maintaining medication and immunization records; and

15 (vii) Screening and following up on test results as directed by a
16 health care practitioner.

17 (f)(i) Administering medications. A medical assistant-certified
18 may only administer medications if the drugs are:

19 (A) Administered only by unit or single dosage, or by a dosage
20 calculated and verified by a health care practitioner. For purposes of
21 this section, a combination vaccine shall be considered a unit dose;

22 (B) Limited to legend drugs, vaccines, and Schedule III-V
23 controlled substances as authorized by a health care practitioner under
24 the scope of his or her license and consistent with rules adopted by
25 the secretary under (f)(ii) of this subsection; and

26 (C) Administered pursuant to a written order from a health care
27 practitioner.

28 (ii) The secretary may, by rule, limit the drugs that may be
29 administered under this subsection. The rules adopted under this
30 subsection must limit the drugs based on risk, class, or route.

31 (g) Intravenous injections. A medical assistant-certified may
32 administer intravenous injections for diagnostic or therapeutic agents
33 if he or she meets minimum standards established by the secretary in
34 rule. The minimum standards must be substantially similar to the
35 qualifications for category D and F health care assistants as they
36 exist on the effective date of this section.

37 (2) A medical assistant-hemodialysis technician may perform
38 hemodialysis when delegated and supervised by a health care

1 practitioner. A medical assistant-hemodialysis technician may also
2 administer drugs and oxygen to a patient when delegated and supervised
3 by a health care practitioner and pursuant to rules adopted by the
4 secretary.

5 (3) A medical assistant-phlebotomist may perform capillary, venous,
6 or arterial invasive procedures for blood withdrawal when delegated and
7 supervised by a health care practitioner and pursuant to rules adopted
8 by the secretary.

9 (4) A medical assistant-registered may perform the following duties
10 delegated by, and under the supervision of, a health care practitioner:

11 (a) Fundamental procedures:

12 (i) Wrapping items for autoclaving;

13 (ii) Procedures for sterilizing equipment and instruments;

14 (iii) Disposing of biohazardous materials; and

15 (iv) Practicing standard precautions.

16 (b) Clinical procedures:

17 (i) Preparing for sterile procedures;

18 (ii) Taking vital signs;

19 (iii) Preparing patients for examination; and

20 (iv) Observing and reporting patients' signs or symptoms.

21 (c) Specimen collection:

22 (i) Obtaining specimens for microbiological testing; and

23 (ii) Instructing patients in proper technique to collect urine and
24 fecal specimens.

25 (d) Patient care:

26 (i) Telephone and in-person screening limited to intake and
27 gathering of information without requiring the exercise of judgment
28 based on clinical knowledge;

29 (ii) Obtaining vital signs;

30 (iii) Obtaining and recording patient history;

31 (iv) Preparing and maintaining examination and treatment areas;

32 (v) Maintaining medication and immunization records; and

33 (vi) Screening and following up on test results as directed by a
34 health care practitioner.

35 (e) Tests waived under the federal clinical laboratory improvement
36 amendments program on the effective date of this section. The
37 department shall periodically update the tests authorized under

1 subsection (1)(d) of this section based on changes made by the federal
2 clinical laboratory improvement amendments program.

3 (f) Administering vaccines, including combination vaccines.

4 NEW SECTION. **Sec. 7.** (1) Prior to delegation of any of the
5 functions in section 6 of this act, a health care practitioner shall
6 determine to the best of his or her ability each of the following:

7 (a) That the task is within that health care practitioner's scope
8 of licensure or authority;

9 (b) That the task is indicated for the patient;

10 (c) The appropriate level of supervision;

11 (d) That no law prohibits the delegation;

12 (e) That the person to whom the task will be delegated is competent
13 to perform that task; and

14 (f) That the task itself is one that should be appropriately
15 delegated when considering the following factors:

16 (i) That the task can be performed without requiring the exercise
17 of judgment based on clinical knowledge;

18 (ii) That results of the task are reasonably predictable;

19 (iii) That the task can be performed without a need for complex
20 observations or critical decisions;

21 (iv) That the task can be performed without repeated clinical
22 assessments; and

23 (v) That the task, if performed improperly, would not present life-
24 threatening consequences or the danger of immediate and serious harm to
25 the patient.

26 (2) Nothing in this section prohibits the use of protocols that do
27 not involve clinical judgment and do not involve the administration of
28 medications, other than vaccines.

29 NEW SECTION. **Sec. 8.** (1) In addition to any other authority
30 provided by law, the secretary may:

31 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to
32 implement this chapter;

33 (b) Establish forms and procedures necessary to administer this
34 chapter;

35 (c) Establish administrative procedures, administrative
36 requirements, and fees in accordance with RCW 43.70.250 and 43.70.280.

1 Until July 1, 2016, for purposes of setting fees under this section,
2 the secretary shall consider persons registered or certified under this
3 chapter and health care assistants, certified under chapter 18.135 RCW,
4 as one profession;

5 (d) Hire clerical, administrative, and investigative staff as
6 needed to implement and administer this chapter;

7 (e) Maintain the official department of health record of all
8 applicants and credential holders; and

9 (f) Establish requirements and procedures for an inactive
10 registration or certification.

11 (2) The uniform disciplinary act, chapter 18.130 RCW, governs
12 unlicensed practice, the issuance and denial of a registration or
13 certification, and the discipline of persons registered or certified
14 under this chapter.

15 NEW SECTION. **Sec. 9.** (1) The department may not issue new
16 certifications for category C, D, E, or F health care assistants on or
17 after the effective date of this section. The department shall certify
18 a category C, D, E, or F health care assistant who was certified prior
19 to the effective date of this section as a medical assistant-certified
20 when he or she renews his or her certification.

21 (2) The department may not issue new certifications for category G
22 health care assistants on or after the effective date of this section.
23 The department shall certify a category G health care assistant who was
24 certified prior to the effective date of this section as a medical
25 assistant-hemodialysis technician when he or she renews his or her
26 certification.

27 (3) The department may not issue new certifications for category A
28 or B health care assistants on or after the effective date of this
29 section. The department shall certify a category A or B health care
30 assistant who was certified prior to the effective date of this section
31 as a medical assistant-phlebotomist when he or she renews his or her
32 certification.

33 NEW SECTION. **Sec. 10.** Nothing in this chapter prohibits or
34 affects:

35 (1) A person licensed under this title performing services within
36 his or her scope of practice;

1 (2) A person performing functions in the discharge of official
2 duties on behalf of the United States government including, but not
3 limited to, the armed forces, coast guard, public health service,
4 veterans' bureau, or bureau of Indian affairs;

5 (3) A person trained by a federally approved end-stage renal
6 disease facility who performs end-stage renal dialysis in the home
7 setting;

8 (4) A person registered or certified under this chapter from
9 performing blood-drawing procedures in the residences of research study
10 participants when the procedures have been authorized by the
11 institutional review board of a comprehensive cancer center or
12 nonprofit degree-granting institution of higher education and are
13 conducted under the general supervision of a physician; or

14 (5) A person participating in an externship as part of an approved
15 medical assistant training program under the direct supervision of an
16 on-site health care provider.

17 NEW SECTION. **Sec. 11.** Within existing resources, the secretary
18 shall develop recommendations regarding a career path plan for medical
19 assistants. The secretary shall consult with stakeholders, including,
20 but not limited to, health care practitioner professional
21 organizations, organizations representing health care workers,
22 community colleges, career colleges, and technical colleges. The
23 recommendations must include methods for including credit for prior
24 learning. The purpose of the plan is to evaluate and map career paths
25 for medical assistants and entry-level health care workers to
26 transition by means of a career ladder into medical assistants or other
27 health care professions. The recommendations must identify barriers to
28 career advancement and career ladder training initiatives. The
29 department shall report its recommendations to the legislature no later
30 than December 15, 2012.

31 NEW SECTION. **Sec. 12.** An applicant with military training or
32 experience satisfies the training or experience requirements of this
33 chapter unless the secretary determines that the military training or
34 experience is not substantially equivalent to the standards of this
35 state.

1 **Sec. 13.** RCW 18.79.340 and 2003 c 258 s 2 are each amended to read
2 as follows:

3 (1) "Nursing technician" means a nursing student employed in a
4 hospital licensed under chapter 70.41 RCW, a clinic, or a nursing home
5 licensed under chapter 18.51 RCW, who:

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

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

10 (i) Within the past thirty days; or

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

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

18 (3) The commission may adopt rules to implement chapter 258, Laws
19 of 2003.

20 **Sec. 14.** RCW 18.120.020 and 2010 c 286 s 14 are each amended to
21 read as follows:

22 The definitions in this section apply throughout this chapter
23 unless the context clearly requires otherwise.

24 (1) "Applicant group" includes any health professional group or
25 organization, any individual, or any other interested party which
26 proposes that any health professional group not presently regulated be
27 regulated or which proposes to substantially increase the scope of
28 practice of the profession.

29 (2) "Certificate" and "certification" mean a voluntary process by
30 which a statutory regulatory entity grants recognition to an individual
31 who (a) has met certain prerequisite qualifications specified by that
32 regulatory entity, and (b) may assume or use "certified" in the title
33 or designation to perform prescribed health professional tasks.

34 (3) "Grandfather clause" means a provision in a regulatory statute
35 applicable to practitioners actively engaged in the regulated health
36 profession prior to the effective date of the regulatory statute which

1 exempts the practitioners from meeting the prerequisite qualifications
2 set forth in the regulatory statute to perform prescribed occupational
3 tasks.

4 (4) "Health professions" means and includes the following health
5 and health-related licensed or regulated professions and occupations:
6 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
7 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
8 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
9 dispensing opticians under chapter 18.34 RCW; hearing instruments under
10 chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and
11 funeral directing under chapter 18.39 RCW; midwifery under chapter
12 18.50 RCW; nursing home administration under chapter 18.52 RCW;
13 optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter
14 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and
15 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine
16 under chapters 18.71 and 18.71A RCW; emergency medicine under chapter
17 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses
18 under chapter 18.79 RCW; psychologists under chapter 18.83 RCW;
19 registered nurses under chapter 18.79 RCW; occupational therapists
20 licensed under chapter 18.59 RCW; respiratory care practitioners
21 licensed under chapter 18.89 RCW; veterinarians and veterinary
22 technicians under chapter 18.92 RCW; health care assistants under
23 chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW;
24 East Asian medicine practitioners licensed under chapter 18.06 RCW;
25 persons registered under chapter 18.19 RCW; persons licensed as mental
26 health counselors, marriage and family therapists, and social workers
27 under chapter 18.225 RCW; dietitians and nutritionists certified by
28 chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW;
29 ~~((and))~~ nursing assistants registered or certified under chapter 18.88A
30 RCW; and medical assistants-certified, medical assistants-hemodialysis
31 technician, medical assistants-phlebotomist, and medical assistants-
32 registered certified and registered under chapter 18.--- RCW (the new
33 chapter created in section 19 of this act).

34 (5) "Inspection" means the periodic examination of practitioners by
35 a state agency in order to ascertain whether the practitioners'
36 occupation is being carried out in a fashion consistent with the public
37 health, safety, and welfare.

1 (6) "Legislative committees of reference" means the standing
2 legislative committees designated by the respective rules committees of
3 the senate and house of representatives to consider proposed
4 legislation to regulate health professions not previously regulated.

5 (7) "License," "licensing," and "licensure" mean permission to
6 engage in a health profession which would otherwise be unlawful in the
7 state in the absence of the permission. A license is granted to those
8 individuals who meet prerequisite qualifications to perform prescribed
9 health professional tasks and for the use of a particular title.

10 (8) "Professional license" means an individual, nontransferable
11 authorization to carry on a health activity based on qualifications
12 which include: (a) Graduation from an accredited or approved program,
13 and (b) acceptable performance on a qualifying examination or series of
14 examinations.

15 (9) "Practitioner" means an individual who (a) has achieved
16 knowledge and skill by practice, and (b) is actively engaged in a
17 specified health profession.

18 (10) "Public member" means an individual who is not, and never was,
19 a member of the health profession being regulated or the spouse of a
20 member, or an individual who does not have and never has had a material
21 financial interest in either the rendering of the health professional
22 service being regulated or an activity directly related to the
23 profession being regulated.

24 (11) "Registration" means the formal notification which, prior to
25 rendering services, a practitioner shall submit to a state agency
26 setting forth the name and address of the practitioner; the location,
27 nature and operation of the health activity to be practiced; and, if
28 required by the regulatory entity, a description of the service to be
29 provided.

30 (12) "Regulatory entity" means any board, commission, agency,
31 division, or other unit or subunit of state government which regulates
32 one or more professions, occupations, industries, businesses, or other
33 endeavors in this state.

34 (13) "State agency" includes every state office, department, board,
35 commission, regulatory entity, and agency of the state, and, where
36 provided by law, programs and activities involving less than the full
37 responsibility of a state agency.

1 **Sec. 15.** RCW 18.120.020 and 2012 c ... s 14 (section 14 of this
2 act) are each amended to read as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

5 (1) "Applicant group" includes any health professional group or
6 organization, any individual, or any other interested party which
7 proposes that any health professional group not presently regulated be
8 regulated or which proposes to substantially increase the scope of
9 practice of the profession.

10 (2) "Certificate" and "certification" mean a voluntary process by
11 which a statutory regulatory entity grants recognition to an individual
12 who (a) has met certain prerequisite qualifications specified by that
13 regulatory entity, and (b) may assume or use "certified" in the title
14 or designation to perform prescribed health professional tasks.

15 (3) "Grandfather clause" means a provision in a regulatory statute
16 applicable to practitioners actively engaged in the regulated health
17 profession prior to the effective date of the regulatory statute which
18 exempts the practitioners from meeting the prerequisite qualifications
19 set forth in the regulatory statute to perform prescribed occupational
20 tasks.

21 (4) "Health professions" means and includes the following health
22 and health-related licensed or regulated professions and occupations:
23 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
24 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
25 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
26 dispensing opticians under chapter 18.34 RCW; hearing instruments under
27 chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and
28 funeral directing under chapter 18.39 RCW; midwifery under chapter
29 18.50 RCW; nursing home administration under chapter 18.52 RCW;
30 optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter
31 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and
32 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine
33 under chapters 18.71 and 18.71A RCW; emergency medicine under chapter
34 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses
35 under chapter 18.79 RCW; psychologists under chapter 18.83 RCW;
36 registered nurses under chapter 18.79 RCW; occupational therapists
37 licensed under chapter 18.59 RCW; respiratory care practitioners
38 licensed under chapter 18.89 RCW; veterinarians and veterinary

1 technicians under chapter 18.92 RCW; (~~health-care-assistants-under~~
2 ~~chapter 18.135 RCW;~~) massage practitioners under chapter 18.108 RCW;
3 East Asian medicine practitioners licensed under chapter 18.06 RCW;
4 persons registered under chapter 18.19 RCW; persons licensed as mental
5 health counselors, marriage and family therapists, and social workers
6 under chapter 18.225 RCW; dietitians and nutritionists certified by
7 chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW;
8 nursing assistants registered or certified under chapter 18.88A RCW;
9 and medical assistants-certified, medical assistants-hemodialysis
10 technician, medical assistants-phlebotomist, and medical assistants-
11 registered certified and registered under chapter 18.--- RCW (the new
12 chapter created in section 19 of this act).

13 (5) "Inspection" means the periodic examination of practitioners by
14 a state agency in order to ascertain whether the practitioners'
15 occupation is being carried out in a fashion consistent with the public
16 health, safety, and welfare.

17 (6) "Legislative committees of reference" means the standing
18 legislative committees designated by the respective rules committees of
19 the senate and house of representatives to consider proposed
20 legislation to regulate health professions not previously regulated.

21 (7) "License," "licensing," and "licensure" mean permission to
22 engage in a health profession which would otherwise be unlawful in the
23 state in the absence of the permission. A license is granted to those
24 individuals who meet prerequisite qualifications to perform prescribed
25 health professional tasks and for the use of a particular title.

26 (8) "Professional license" means an individual, nontransferable
27 authorization to carry on a health activity based on qualifications
28 which include: (a) Graduation from an accredited or approved program,
29 and (b) acceptable performance on a qualifying examination or series of
30 examinations.

31 (9) "Practitioner" means an individual who (a) has achieved
32 knowledge and skill by practice, and (b) is actively engaged in a
33 specified health profession.

34 (10) "Public member" means an individual who is not, and never was,
35 a member of the health profession being regulated or the spouse of a
36 member, or an individual who does not have and never has had a material
37 financial interest in either the rendering of the health professional

1 service being regulated or an activity directly related to the
2 profession being regulated.

3 (11) "Registration" means the formal notification which, prior to
4 rendering services, a practitioner shall submit to a state agency
5 setting forth the name and address of the practitioner; the location,
6 nature and operation of the health activity to be practiced; and, if
7 required by the regulatory entity, a description of the service to be
8 provided.

9 (12) "Regulatory entity" means any board, commission, agency,
10 division, or other unit or subunit of state government which regulates
11 one or more professions, occupations, industries, businesses, or other
12 endeavors in this state.

13 (13) "State agency" includes every state office, department, board,
14 commission, regulatory entity, and agency of the state, and, where
15 provided by law, programs and activities involving less than the full
16 responsibility of a state agency.

17 **Sec. 16.** RCW 18.130.040 and 2011 c 41 s 11 are each amended to
18 read as follows:

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

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

26 (i) Dispensing opticians licensed and designated apprentices under
27 chapter 18.34 RCW;

28 (ii) Midwives licensed under chapter 18.50 RCW;

29 (iii) Ocularists licensed under chapter 18.55 RCW;

30 (iv) Massage operators and businesses licensed under chapter 18.108
31 RCW;

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

33 (vi) East Asian medicine practitioners licensed under chapter 18.06
34 RCW;

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

1 (viii) Respiratory care practitioners licensed under chapter 18.89
2 RCW;

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

5 (x) Persons licensed as mental health counselors, mental health
6 counselor associates, marriage and family therapists, marriage and
7 family therapist associates, social workers, social work associates--
8 advanced, and social work associates--independent clinical under
9 chapter 18.225 RCW;

10 (xi) Persons registered as nursing pool operators under chapter
11 18.52C RCW;

12 (xii) Nursing assistants registered or certified under chapter
13 18.88A RCW;

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

15 (xiv) Dietitians and nutritionists certified under chapter 18.138
16 RCW;

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

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

21 (xvii) Persons licensed and certified under chapter 18.73 RCW or
22 RCW 18.71.205;

23 (xviii) Denturists licensed under chapter 18.30 RCW;

24 (xix) Orthotists and prosthetists licensed under chapter 18.200
25 RCW;

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

27 (xxi) Recreational therapists (~~(under chapter 18.230 RCW)~~) under
28 chapter 18.230 RCW;

29 (xxii) Animal massage practitioners certified under chapter 18.240
30 RCW;

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

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

33 (xxv) Genetic counselors licensed under chapter 18.290 RCW; and

34 (xxvi) __ Medical __ assistants-certified, __ medical __ assistants-
35 hemodialysis technician, medical assistants-phlebotomist, and medical
36 assistants-registered certified and registered under chapter 18.--- RCW
37 (the new chapter created in section 19 of this act).

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

3 (i) The podiatric medical board as established in chapter 18.22
4 RCW;

5 (ii) The chiropractic quality assurance commission as established
6 in chapter 18.25 RCW;

7 (iii) The dental quality assurance commission as established in
8 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
9 licenses and registrations issued under chapter 18.260 RCW;

10 (iv) The board of hearing and speech as established in chapter
11 18.35 RCW;

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

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

16 (vii) The board of osteopathic medicine and surgery as established
17 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
18 18.57A RCW;

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

21 (ix) The medical quality assurance commission as established in
22 chapter 18.71 RCW governing licenses and registrations issued under
23 chapters 18.71 and 18.71A RCW;

24 (x) The board of physical therapy as established in chapter 18.74
25 RCW;

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

28 (xii) The nursing care quality assurance commission as established
29 in chapter 18.79 RCW governing licenses and registrations issued under
30 that chapter;

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

33 (xiv) The veterinary board of governors as established in chapter
34 18.92 RCW; and

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

36 (3) In addition to the authority to discipline license holders, the
37 disciplining authority has the authority to grant or deny licenses.

1 The disciplining authority may also grant a license subject to
2 conditions.

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

7 **Sec. 17.** RCW 18.130.040 and 2012 c ... s 16 (section 16 of this
8 act) are each amended to read as follows:

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

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

16 (i) Dispensing opticians licensed and designated apprentices under
17 chapter 18.34 RCW;

18 (ii) Midwives licensed under chapter 18.50 RCW;

19 (iii) Ocularists licensed under chapter 18.55 RCW;

20 (iv) Massage operators and businesses licensed under chapter 18.108
21 RCW;

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

23 (vi) East Asian medicine practitioners licensed under chapter 18.06
24 RCW;

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

27 (viii) Respiratory care practitioners licensed under chapter 18.89
28 RCW;

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

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

36 (xi) Persons registered as nursing pool operators under chapter
37 18.52C RCW;

1 (xii) Nursing assistants registered or certified under chapter
2 18.88A RCW;

3 (~~(xiii)~~) (~~(Health care assistants certified under chapter 18.135 RCW;~~
4 ~~(xiv)~~) Dietitians and nutritionists certified under chapter 18.138
5 RCW;

6 (~~(xv)~~) (xiv) Chemical dependency professionals and chemical
7 dependency professional trainees certified under chapter 18.205 RCW;

8 (~~(xvi)~~) (xv) Sex offender treatment providers and certified
9 affiliate sex offender treatment providers certified under chapter
10 18.155 RCW;

11 (~~(xvii)~~) (xvi) Persons licensed and certified under chapter 18.73
12 RCW or RCW 18.71.205;

13 (~~(xviii)~~) (xvii) Denturists licensed under chapter 18.30 RCW;

14 (~~(xix)~~) (xviii) Orthotists and prosthetists licensed under
15 chapter 18.200 RCW;

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

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

19 (~~(xxii)~~) (xxi) Animal massage practitioners certified under
20 chapter 18.240 RCW;

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

23 (~~(xxiv)~~) (xxiii) Home care aides certified under chapter 18.88B
24 RCW;

25 (~~(xxv)~~) (xxiv) Genetic counselors licensed under chapter 18.290
26 RCW; and

27 (~~(xxvi)~~) (xxv) Medical assistants-certified, medical assistants-
28 hemodialysis technician, medical assistants-phlebotomist, and medical
29 assistants-registered certified and registered under chapter 18.--- RCW
30 (the new chapter created in section 19 of this act).

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

33 (i) The podiatric medical board as established in chapter 18.22
34 RCW;

35 (ii) The chiropractic quality assurance commission as established
36 in chapter 18.25 RCW;

37 (iii) The dental quality assurance commission as established in

1 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
2 licenses and registrations issued under chapter 18.260 RCW;

3 (iv) The board of hearing and speech as established in chapter
4 18.35 RCW;

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

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

9 (vii) The board of osteopathic medicine and surgery as established
10 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
11 18.57A RCW;

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

14 (ix) The medical quality assurance commission as established in
15 chapter 18.71 RCW governing licenses and registrations issued under
16 chapters 18.71 and 18.71A RCW;

17 (x) The board of physical therapy as established in chapter 18.74
18 RCW;

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

21 (xii) The nursing care quality assurance commission as established
22 in chapter 18.79 RCW governing licenses and registrations issued under
23 that chapter;

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

26 (xiv) The veterinary board of governors as established in chapter
27 18.92 RCW; and

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

29 (3) In addition to the authority to discipline license holders, the
30 disciplining authority has the authority to grant or deny licenses.
31 The disciplining authority may also grant a license subject to
32 conditions.

33 (4) All disciplining authorities shall adopt procedures to ensure
34 substantially consistent application of this chapter, the Uniform
35 Disciplinary Act, among the disciplining authorities listed in
36 subsection (2) of this section.

1 **Sec. 18.** RCW 18.135.055 and 1996 c 191 s 83 are each amended to
2 read as follows:

3 The health care facility or health care practitioner registering an
4 initial or continuing certification pursuant to the provisions of this
5 chapter shall comply with administrative procedures, administrative
6 requirements, and fees determined by the secretary as provided in RCW
7 43.70.250 and 43.70.280. For the purposes of setting fees under this
8 section, the secretary shall consider health care assistants and
9 persons registered and certified under chapter 18.--- RCW (the new
10 chapter created in section 19 of this act) as one profession.

11 All fees collected under this section shall be credited to the
12 health professions account as required in RCW 43.70.320.

13 NEW SECTION. **Sec. 19.** Sections 1 through 12 of this act
14 constitute a new chapter in Title 18 RCW.

15 NEW SECTION. **Sec. 20.** The following acts or parts of acts, as now
16 existing or hereafter amended, are each repealed, effective July 1,
17 2016:

18 (1) RCW 18.135.010 (Practices authorized) and 2009 c 43 s 2, 2008
19 c 58 s 1, & 1984 c 281 s 1;

20 (2) RCW 18.135.020 (Definitions) and 2009 c 43 s 4, 2008 c 58 s 2,
21 2001 c 22 s 2, & 1997 c 133 s 1;

22 (3) RCW 18.135.025 (Rules--Legislative intent) and 1986 c 216 s 1;

23 (4) RCW 18.135.030 (Health care assistant profession--Duties--
24 Requirements for certification--Rules) and 1999 c 151 s 201, 1994 sp.s.
25 c 9 s 515, 1991 c 3 s 273, 1986 c 216 s 2, & 1984 c 281 s 4;

26 (5) RCW 18.135.035 (Requirements for certification--Military
27 training or experience) and 2011 c 32 s 12;

28 (6) RCW 18.135.040 (Certification of health care assistants) and
29 2006 c 242 s 3 & 1984 c 281 s 3;

30 (7) RCW 18.135.050 (Certification by health care facility or
31 practitioner--Roster--Recertification) and 1996 c 191 s 82, 1991 c 3 s
32 274, & 1984 c 281 s 5;

33 (8) RCW 18.135.055 (Registering an initial or continuing
34 certification--Fees) and 2012 c ... s 18 (section 18 of this act), 1996
35 c 191 s 83, 1991 c 3 s 275, & 1985 c 117 s 1;

1 (9) RCW 18.135.060 (Conditions for performing authorized
2 functions--Renal dialysis) and 2001 c 22 s 3, 2000 c 171 s 30, & 1993
3 c 13 s 1;

4 (10) RCW 18.135.062 (Renal dialysis training task force--
5 Development of core competencies) and 2001 c 22 s 4;

6 (11) RCW 18.135.065 (Delegation--Duties of delegator and delegatee)
7 and 2009 c 43 s 5, 2008 c 58 s 3, 1991 c 3 s 276, & 1986 c 216 s 4;

8 (12) RCW 18.135.070 (Complaints--Violations--Investigations--
9 Disciplinary action) and 1993 c 367 s 11 & 1984 c 281 s 7;

10 (13) RCW 18.135.090 (Performance of authorized functions) and 1984
11 c 281 s 9;

12 (14) RCW 18.135.100 (Uniform Disciplinary Act) and 1993 c 367 s 12;

13 (15) RCW 18.135.110 (Blood-drawing procedures--Not prohibited by
14 chapter--Requirements) and 2006 c 242 s 2; and

15 (16) RCW 18.135.120 (Administration of vaccines--Restrictions) and
16 2008 c 58 s 4.

17 NEW SECTION. **Sec. 21.** The secretary of health shall adopt any
18 rules necessary to implement this act.

19 NEW SECTION. **Sec. 22.** Sections 1 through 12, 14, 16, and 18 of
20 this act take effect July 1, 2013.

21 NEW SECTION. **Sec. 23.** Sections 15 and 17 of this act take effect
22 July 1, 2016.

Passed by the Senate March 5, 2012.

Passed by the House February 29, 2012.

Approved by the Governor March 29, 2012.

Filed in Office of Secretary of State March 29, 2012.