

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1865

66th Legislature
2019 Regular Session

Passed by the House March 8, 2019
Yeas 96 Nays 2

Speaker of the House of Representatives

Passed by the Senate April 15, 2019
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1865** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

1 The legislature does not intend to require persons currently
2 licensed under this chapter to change the business name of their
3 practice if otherwise in compliance with this chapter.

4 **Sec. 2.** RCW 18.06.010 and 2016 c 97 s 1 are each amended to read
5 as follows:

6 The following terms in this chapter shall have the meanings set
7 forth in this section unless the context clearly indicates otherwise:

8 (1) "Acupuncture" or "~~((East-Asian))~~ Eastern medicine" means a
9 health care service utilizing ~~((East-Asian))~~ acupuncture or Eastern
10 medicine diagnosis and treatment to promote health and treat organic
11 or functional disorders and includes the following:

12 (a) Acupuncture, including the use of acupuncture needles or
13 lancets to directly and indirectly stimulate acupuncture points and
14 meridians;

15 (b) Use of electrical, mechanical, or magnetic devices to
16 stimulate acupuncture points and meridians;

17 (c) Moxibustion;

18 (d) Acupressure;

19 (e) Cupping;

20 (f) Dermal friction technique;

21 (g) Infra-red;

22 (h) Sonopuncture;

23 (i) Laserpuncture;

24 (j) Point injection therapy ~~((acupuncture))~~, as defined in
25 rule by the department. Point injection therapy includes injection of
26 substances, limited to saline, sterile water, herbs, minerals,
27 vitamins in liquid form, and homeopathic and nutritional substances,
28 consistent with the practice of ~~((East-Asian))~~ acupuncture or Eastern
29 medicine. Point injection therapy does not include injection of
30 controlled substances contained in Schedules I through V of the
31 uniform controlled substances act, chapter 69.50 RCW or steroids as
32 defined in RCW 69.41.300;

33 (k) Dietary advice and health education based on ~~((East-Asian))~~
34 acupuncture or Eastern medical theory, including the recommendation
35 and sale of herbs, vitamins, minerals, and dietary and nutritional
36 supplements;

37 (l) Breathing, relaxation, and ~~((East-Asian))~~ Eastern exercise
38 techniques;

39 (m) Qi gong;

1 (n) (~~East-Asian~~) Eastern massage and Tui na, which is a method
2 of (~~East-Asian~~) Eastern bodywork, characterized by the kneading,
3 pressing, rolling, shaking, and stretching of the body and does not
4 include spinal manipulation; and

5 (o) Superficial heat and cold therapies.

6 (2) "Acupuncturist" or "~~(East-Asian)~~ acupuncture and Eastern
7 medicine practitioner" means a person licensed under this chapter.

8 (3) "Department" means the department of health.

9 (4) "Secretary" means the secretary of health or the secretary's
10 designee.

11 Nothing in this chapter requires individuals to be licensed as an
12 (~~East-Asian~~) acupuncturist or Eastern medicine practitioner in
13 order to provide the techniques and services in subsection (1)(k)
14 through (o) of this section or to sell herbal products.

15 **Sec. 3.** RCW 18.06.020 and 2010 c 286 s 3 are each amended to
16 read as follows:

17 (1) No one may hold themselves out to the public as an (~~East~~
18 ~~Asian—medicine—practitioner,~~) acupuncturist, (~~(or)~~) licensed
19 acupuncturist, acupuncture and Eastern medicine practitioner, or any
20 derivative thereof which is intended to or is likely to lead the
21 public to believe such a person is an (~~East-Asian—medicine~~
22 ~~practitioner,~~) acupuncturist, (~~(or)~~) licensed acupuncturist or
23 acupuncture and Eastern medicine practitioner, unless licensed as
24 provided for in this chapter.

25 (2) A person may not practice (~~East-Asian~~) acupuncture or
26 Eastern medicine (~~(or acupuncture)~~) if the person is not licensed
27 under this chapter.

28 (3) No one may use any configuration of letters after their name
29 (including L. Ac. (~~(or)~~), EAMP, or AEMP) which indicates a degree or
30 formal training in (~~East-Asian~~) acupuncture or Eastern medicine(~~(~~
31 ~~including acupuncture,~~) unless licensed as provided for in this
32 chapter.

33 (4) The secretary may by rule proscribe or regulate advertising
34 and other forms of patient solicitation which are likely to mislead
35 or deceive the public as to whether someone is licensed under this
36 chapter.

37 (5) (~~Any~~) A person licensed (~~(as an acupuncturist)~~) under this
38 chapter (~~(prior to June 10, 2010, must, upon successful license~~
39 ~~renewal, be granted)~~) may use the title (~~East-Asian~~) acupuncture

1 and Eastern medicine practitioner ((~~or~~)) and may use the letters
2 ((~~EAMP~~)) AEMP indicating such license ((~~title~~)). However, nothing in
3 this section ((~~shall~~)) prohibits or limits in any way a practitioner
4 licensed under this ((~~title~~)) chapter from alternatively holding
5 himself or herself out as an acupuncturist ((~~or~~)), licensed
6 acupuncturist, or East Asian medicine practitioner or from using the
7 letters L.Ac.or EAMP after his or her name.

8 **Sec. 4.** RCW 18.06.045 and 2010 c 286 s 4 are each amended to
9 read as follows:

10 Nothing in this chapter shall be construed to prohibit or
11 restrict:

12 (1) The practice by an individual credentialed under the laws of
13 this state and performing services within such individual's
14 authorized scope of practice;

15 (2) The practice by an individual employed by the government of
16 the United States while engaged in the performance of duties
17 prescribed by the laws of the United States;

18 (3) The practice by a person who is a regular student in an
19 educational program approved by the secretary, and whose performance
20 of services is pursuant to a regular course of instruction or
21 assignments from an instructor and under the general supervision of
22 the instructor;

23 (4) The practice of ((~~East Asian~~)) acupuncture or Eastern
24 medicine((~~, including acupuncture,~~)) by any person credentialed to
25 perform ((~~East Asian~~)) acupuncture or Eastern medicine((~~, including~~
26 ~~acupuncture,~~)) in any other jurisdiction where such person is doing
27 so in the course of regular instruction of a school of ((~~East Asian~~
28 ~~medicine, including~~)) acupuncture, Eastern medicine, traditional
29 Chinese medicine, or medical traditions from Japan, Korea, or other
30 East Asian countries, approved by the secretary or in an educational
31 seminar by a professional organization of ((~~East Asian~~)) acupuncture
32 or Eastern medicine, ((~~including acupuncture,~~)) provided that in the
33 latter case, the practice is supervised directly by a person licensed
34 under this chapter or licensed under any other healing art whose
35 scope of practice is ((~~East Asian~~)) acupuncture and Eastern
36 medicine((~~, including acupuncture~~)).

37 **Sec. 5.** RCW 18.06.050 and 2010 c 286 s 5 are each amended to
38 read as follows:

1 Any person seeking to be (~~examined~~) licensed shall present to
2 the secretary (~~at least forty-five days before the commencement of~~
3 ~~the examination~~):

4 (1) A written application on a form or forms provided by the
5 secretary setting forth under affidavit such information as the
6 secretary may require; and

7 (2) Proof that the candidate has:

8 (a) Successfully completed a course, approved by the secretary,
9 of didactic training in basic sciences and (~~East Asian~~) acupuncture
10 and Eastern medicine(~~(, including acupuncture,)~~) over a minimum
11 period of two academic years. The training shall include such
12 subjects as anatomy, physiology, microbiology, biochemistry,
13 pathology, hygiene, and a survey of western clinical sciences. The
14 basic science classes must be equivalent to those offered at the
15 collegiate level. However, if the applicant is a licensed
16 chiropractor under chapter 18.25 RCW or a naturopath licensed under
17 chapter 18.36A RCW, the requirements of this subsection relating to
18 basic sciences may be reduced by up to one year depending upon the
19 extent of the candidate's qualifications as determined under rules
20 adopted by the secretary;

21 (b) Successfully completed five hundred hours of clinical
22 training in (~~East Asian~~) acupuncture or Eastern medicine(~~(, including acupuncture,)~~)
23 that is approved by the secretary.

24 **Sec. 6.** RCW 18.06.060 and 1991 c 3 s 8 are each amended to read
25 as follows:

26 The department shall consider for approval any school(~~(,)~~) or
27 program(~~(, apprenticeship, or tutorial which)~~) that meets the
28 requirements outlined in this chapter and provides the training
29 required under RCW 18.06.050. Clinical and didactic training may be
30 approved as separate programs or as a joint program. The process for
31 approval shall be established by the secretary by rule.

32 **Sec. 7.** RCW 18.06.080 and 2010 c 286 s 6 are each amended to
33 read as follows:

34 (1) The secretary is hereby authorized and empowered to execute
35 the provisions of this chapter and shall offer examinations in (~~East~~
36 ~~Asian~~) order to become a licensed acupuncturist or acupuncture and
37 Eastern medicine(~~(, including acupuncture,)~~) practitioner at least
38 twice a year at such times and places as the secretary may select.

1 The examination shall be a written examination and may include a
2 practical examination.

3 (2) The secretary shall (~~develop or~~) approve a licensure
4 examination in the subjects that the secretary determines are within
5 the scope of and commensurate with the work performed by an (~~East~~
6 ~~Asian~~) acupuncturist or acupuncture and Eastern medicine
7 practitioner and shall include but not necessarily be limited to
8 anatomy, physiology, microbiology, biochemistry, pathology, hygiene,
9 acupuncture, and (~~East—Asian~~) Eastern medicine(~~(, including~~
10 ~~acupuncture)~~). All application papers shall be deposited with the
11 secretary and there retained for at least one year, when they may be
12 destroyed.

13 (3) If the examination is successfully passed, the secretary
14 shall confer on such candidate the title of (~~East—Asian~~)
15 acupuncturist or acupuncture and Eastern medicine practitioner.

16 **Sec. 8.** RCW 18.06.130 and 2010 c 286 s 8 are each amended to
17 read as follows:

18 (1) The secretary shall develop a form to be used by a person
19 licensed under this chapter to inform the patient of the scope of
20 practice and qualifications of an (~~East—Asian~~) acupuncturist or
21 acupuncture and Eastern medicine practitioner. All license holders
22 shall bring the form to the attention of the patients in whatever
23 manner the secretary, by rule, provides.

24 (2) A person violating this section is guilty of a misdemeanor.

25 **Sec. 9.** RCW 18.06.140 and 2015 c 60 s 2 are each amended to read
26 as follows:

27 (1) When a person licensed under this chapter sees patients with
28 potentially serious disorders such as cardiac conditions, acute
29 abdominal symptoms, and such other conditions, the practitioner shall
30 immediately request a consultation or recent written diagnosis from a
31 primary health care provider licensed under chapter 18.71, 18.57,
32 18.57A, 18.36A, or 18.71A RCW or RCW 18.79.050. In the event that the
33 patient with the disorder refuses to authorize such consultation or
34 provide a recent diagnosis from such primary health care provider,
35 (~~East—Asian—medical~~) acupuncture or Eastern medicine treatments(~~(, including~~
36 ~~acupuncture,~~) may only be continued after the patient
37 signs a written waiver acknowledging the risks associated with the
38 failure to pursue treatment from a primary health care provider. The

1 waiver must also include: (a) An explanation of an ((East-Asian))
2 acupuncturist's or acupuncture and Eastern medicine practitioner's
3 scope of practice, including the services and techniques ((East
4 Asian)) acupuncturists or acupuncture and Eastern medicine
5 practitioners are authorized to provide and (b) a statement that the
6 services and techniques that an ((East-Asian)) acupuncturist or
7 acupuncture and Eastern medicine practitioner is authorized to
8 provide will not resolve the patient's underlying potentially serious
9 disorder. The requirements of the waiver shall be established by the
10 secretary in rule.

11 (2) In an emergency, a person licensed under this chapter shall:
12 (a) Initiate the emergency medical system by calling 911; (b) request
13 an ambulance; and (c) provide patient support until emergency
14 response arrives.

15 (3) A person violating this section is guilty of a misdemeanor.

16 **Sec. 10.** RCW 18.06.190 and 2010 c 286 s 10 are each amended to
17 read as follows:

18 The secretary may license a person without examination if such
19 person is credentialed as an ((East-Asian)) acupuncturist or
20 acupuncture and Eastern medicine practitioner ((or—licensed
21 acupuncturist)), or equivalent, in another jurisdiction if, in the
22 secretary's judgment, the requirements of that jurisdiction are
23 equivalent to or greater than those of Washington state.

24 **Sec. 11.** RCW 18.06.220 and 2015 c 60 s 1 are each amended to
25 read as follows:

26 The Washington state ((East-Asian)) acupuncture and Eastern
27 medicine advisory committee is established.

28 (1) The committee consists of five members, each of whom must be
29 a resident of the state of Washington. Four committee members must be
30 ((East-Asian)) acupuncturists or acupuncture and Eastern medicine
31 practitioners licensed under this chapter who have not less than five
32 years' experience in the practice of ((East-Asian)) acupuncture and
33 Eastern medicine and who have been actively engaged in practice
34 within two years of appointment. The fifth committee member must be
35 appointed from the public at large and must have an interest in the
36 rights of consumers of health services.

37 (2) The secretary shall appoint the committee members. Committee
38 members serve at the pleasure of the secretary. The secretary may

1 appoint members of the initial committee to staggered terms of one to
2 three years, and thereafter all terms are for three years. No member
3 may serve more than two consecutive full terms.

4 (3) The committee shall meet as necessary, but no less often than
5 once per year. The committee shall elect a chair and a vice chair. A
6 majority of the members currently serving constitutes a quorum.

7 (4) The committee shall advise and make recommendations to the
8 secretary on standards for the practice of (~~East-Asian~~) acupuncture
9 and Eastern medicine.

10 (5) Committee members must be compensated in accordance with RCW
11 43.03.240, including travel expenses in carrying out his or her
12 authorized duties in accordance with RCW 43.03.050 and 43.03.060.

13 (6) Committee members are immune from suit in an action, civil or
14 criminal, based on the department's disciplinary proceedings or other
15 official acts performed in good faith.

16 **Sec. 12.** RCW 18.06.230 and 2016 c 97 s 4 are each amended to
17 read as follows:

18 (1) Prior to providing point injection therapy services, an
19 (~~East-Asian~~) acupuncturist or acupuncture and Eastern medicine
20 practitioner must obtain the education and training necessary to
21 provide the service. (~~The department shall adopt rules by July 1,~~
22 ~~2017, to specify the education and training necessary to provide~~
23 ~~point injection therapy.~~)

24 (2) Any (~~East-Asian~~) acupuncturist or acupuncture and Eastern
25 medicine practitioner performing point injection therapy prior to
26 June 9, 2016, must be able to demonstrate, upon request of the
27 department of health, successful completion of education and training
28 in point injection therapy.

29 NEW SECTION. **Sec. 13.** A new section is added to chapter 18.06
30 RCW to read as follows:

31 The department shall adopt a rule requiring completion of
32 continuing education for acupuncturists as a condition of license
33 renewal.

34 **Sec. 14.** RCW 4.24.240 and 2010 c 286 s 11 are each amended to
35 read as follows:

36 (1)(a) A person licensed by this state to provide health care or
37 related services including, but not limited to, an (~~East-Asian~~)

1 acupuncturist or acupuncture and Eastern medicine practitioner, a
2 physician, osteopathic physician, dentist, nurse, optometrist,
3 podiatric physician and surgeon, chiropractor, physical therapist,
4 psychologist, pharmacist, optician, physician assistant, osteopathic
5 physician's assistant, nurse practitioner, including, in the event
6 such person is deceased, his or her estate or personal
7 representative;

8 (b) An employee or agent of a person described in subparagraph
9 (a) of this subsection, acting in the course and scope of his or her
10 employment, including, in the event such employee or agent is
11 deceased, his or her estate or personal representative; or

12 (c) An entity, whether or not incorporated, facility, or
13 institution employing one or more persons described in subparagraph
14 (a) of this subsection, including, but not limited to, a hospital,
15 clinic, health maintenance organization, or nursing home; or an
16 officer, director, trustee, employee, or agent thereof acting in the
17 course and scope of his or her employment, including in the event
18 such officer, director, employee, or agent is deceased, his or her
19 estate or personal representative;

20 shall be immune from civil action for damages arising out of the good
21 faith performance of their duties on such committees, where such
22 actions are being brought by or on behalf of the person who is being
23 evaluated.

24 (2) No member, employee, staff person, or investigator of a
25 professional review committee shall be liable in a civil action as a
26 result of acts or omissions made in good faith on behalf of the
27 committee; nor shall any person be so liable for filing charges with
28 or supplying information or testimony in good faith to any
29 professional review committee; nor shall a member, employee, staff
30 person, or investigator of a professional society, of a professional
31 examining or licensing board, of a professional disciplinary board,
32 of a governing board of any institution, or of any employer of
33 professionals be so liable for good faith acts or omissions made in
34 full or partial reliance on recommendations or decisions of a
35 professional review committee or examining board.

36 **Sec. 15.** RCW 4.24.290 and 2010 c 286 s 12 are each amended to
37 read as follows:

38 In any civil action for damages based on professional negligence
39 against a hospital which is licensed by the state of Washington or

1 against the personnel of any such hospital, or against a member of
2 the healing arts including, but not limited to, an ((East-Asian))
3 acupuncturist or acupuncture and Eastern medicine practitioner
4 licensed under chapter 18.06 RCW, a physician licensed under chapter
5 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW,
6 a chiropractor licensed under chapter 18.25 RCW, a dentist licensed
7 under chapter 18.32 RCW, a podiatric physician and surgeon licensed
8 under chapter 18.22 RCW, or a nurse licensed under chapter 18.79 RCW,
9 the plaintiff in order to prevail shall be required to prove by a
10 preponderance of the evidence that the defendant or defendants failed
11 to exercise that degree of skill, care, and learning possessed at
12 that time by other persons in the same profession, and that as a
13 proximate result of such failure the plaintiff suffered damages, but
14 in no event shall the provisions of this section apply to an action
15 based on the failure to obtain the informed consent of a patient.

16 **Sec. 16.** RCW 7.70.020 and 2010 c 286 s 13 are each amended to
17 read as follows:

18 As used in this chapter "health care provider" means either:

19 (1) A person licensed by this state to provide health care or
20 related services including, but not limited to, an ((East-Asian))
21 acupuncturist or acupuncture and Eastern medicine practitioner, a
22 physician, osteopathic physician, dentist, nurse, optometrist,
23 podiatric physician and surgeon, chiropractor, physical therapist,
24 psychologist, pharmacist, optician, physician assistant, midwife,
25 osteopathic physician's assistant, nurse practitioner, or physician's
26 trained mobile intensive care paramedic, including, in the event such
27 person is deceased, his or her estate or personal representative;

28 (2) An employee or agent of a person described in part (1) above,
29 acting in the course and scope of his employment, including, in the
30 event such employee or agent is deceased, his or her estate or
31 personal representative; or

32 (3) An entity, whether or not incorporated, facility, or
33 institution employing one or more persons described in part (1)
34 above, including, but not limited to, a hospital, clinic, health
35 maintenance organization, or nursing home; or an officer, director,
36 employee, or agent thereof acting in the course and scope of his or
37 her employment, including in the event such officer, director,
38 employee, or agent is deceased, his or her estate or personal
39 representative.

1 **Sec. 17.** RCW 18.120.020 and 2017 c 336 s 19 are each amended to
2 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
8 be 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
12 individual who (a) has met certain prerequisite qualifications
13 specified by that regulatory entity, and (b) may assume or use
14 "certified" in the title or designation to perform prescribed health
15 professional tasks.

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

22 (4) "Health professions" means and includes the following health
23 and health-related licensed or regulated professions and occupations:
24 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
25 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
26 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
27 dental anesthesia assistants under chapter 18.350 RCW; dispensing
28 opticians under chapter 18.34 RCW; hearing instruments under chapter
29 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and
30 funeral directing under chapter 18.39 RCW; midwifery under chapter
31 18.50 RCW; nursing home administration under chapter 18.52 RCW;
32 optometry under chapters 18.53 and 18.54 RCW; ocularists under
33 chapter 18.55 RCW; osteopathic medicine and surgery under chapters
34 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW;
35 medicine under chapters 18.71 and 18.71A RCW; emergency medicine
36 under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW;
37 practical nurses under chapter 18.79 RCW; psychologists under chapter
38 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational
39 therapists licensed under chapter 18.59 RCW; respiratory care
40 practitioners licensed under chapter 18.89 RCW; veterinarians and

1 veterinary technicians under chapter 18.92 RCW; massage therapists
2 under chapter 18.108 RCW; (~~East—Asian~~) acupuncturists or
3 acupuncture and Eastern medicine practitioners licensed under chapter
4 18.06 RCW; persons registered under chapter 18.19 RCW; persons
5 licensed as mental health counselors, marriage and family therapists,
6 and social workers under chapter 18.225 RCW; dietitians and
7 nutritionists certified by chapter 18.138 RCW; radiologic technicians
8 under chapter 18.84 RCW; nursing assistants registered or certified
9 under chapter 18.88A RCW; reflexologists certified under chapter
10 18.108 RCW; medical assistants-certified, medical assistants-
11 hemodialysis technician, medical assistants-phlebotomist, forensic
12 phlebotomist, and medical assistants-registered certified and
13 registered under chapter 18.360 RCW; and licensed behavior analysts,
14 licensed assistant behavior analysts, and certified behavior
15 technicians under chapter 18.380 RCW.

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

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

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

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

33 (9) "Professional license" means an individual, nontransferable
34 authorization to carry on a health activity based on qualifications
35 which include: (a) Graduation from an accredited or approved program,
36 and (b) acceptable performance on a qualifying examination or series
37 of examinations.

38 (10) "Public member" means an individual who is not, and never
39 was, a member of the health profession being regulated or the spouse
40 of a member, or an individual who does not have and never has had a

1 material financial interest in either the rendering of the health
2 professional service being regulated or an activity directly related
3 to the profession being regulated.

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

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

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

18 **Sec. 18.** RCW 18.130.040 and 2017 c 336 s 18 are each amended to
19 read as follows:

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

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

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

29 (ii) Midwives licensed under chapter 18.50 RCW;

30 (iii) Ocularists licensed under chapter 18.55 RCW;

31 (iv) Massage therapists and businesses licensed under chapter
32 18.108 RCW;

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

34 (vi) (~~(East-Asian)~~) Acupuncturists or acupuncture and Eastern
35 medicine practitioners licensed under chapter 18.06 RCW;

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

38 (viii) Respiratory care practitioners licensed under chapter
39 18.89 RCW;

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

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

8 (xi) Persons registered as nursing pool operators under chapter
9 18.52C RCW;

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

12 (xiii) Dietitians and nutritionists certified under chapter
13 18.138 RCW;

14 (xiv) Chemical dependency professionals and chemical dependency
15 professional trainees certified under chapter 18.205 RCW;

16 (xv) Sex offender treatment providers and certified affiliate sex
17 offender treatment providers certified under chapter 18.155 RCW;

18 (xvi) Persons licensed and certified under chapter 18.73 RCW or
19 RCW 18.71.205;

20 (xvii) Orthotists and prosthetists licensed under chapter 18.200
21 RCW;

22 (xviii) Surgical technologists registered under chapter 18.215
23 RCW;

24 (xix) Recreational therapists under chapter 18.230 RCW;

25 (xx) Animal massage therapists certified under chapter 18.240
26 RCW;

27 (xxi) Athletic trainers licensed under chapter 18.250 RCW;

28 (xxii) Home care aides certified under chapter 18.88B RCW;

29 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;

30 (xxiv) Reflexologists certified under chapter 18.108 RCW;

31 (xxv) Medical assistants-certified, medical assistants-
32 hemodialysis technician, medical assistants-phlebotomist, forensic
33 phlebotomist, and medical assistants-registered certified and
34 registered under chapter 18.360 RCW; and

35 (xxvi) Behavior analysts, assistant behavior analysts, and
36 behavior technicians under chapter 18.380 RCW.

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

39 (i) The podiatric medical board as established in chapter 18.22
40 RCW;

1 (ii) The chiropractic quality assurance commission as established
2 in chapter 18.25 RCW;

3 (iii) The dental quality assurance commission as established in
4 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
5 licenses and registrations issued under chapter 18.260 RCW, and
6 certifications issued under chapter 18.350 RCW;

7 (iv) The board of hearing and speech as established in chapter
8 18.35 RCW;

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

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

13 (vii) The board of osteopathic medicine and surgery as
14 established in chapter 18.57 RCW governing licenses issued under
15 chapters 18.57 and 18.57A RCW;

16 (viii) The pharmacy quality assurance commission as established
17 in chapter 18.64 RCW governing licenses issued under chapters 18.64
18 and 18.64A RCW;

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

22 (x) The board of physical therapy as established in chapter 18.74
23 RCW;

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

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

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

31 (xiv) The veterinary board of governors as established in chapter
32 18.92 RCW;

33 (xv) The board of naturopathy established in chapter 18.36A RCW;
34 and

35 (xvi) The board of denturists established in chapter 18.30 RCW.

36 (3) In addition to the authority to discipline license holders,
37 the disciplining authority has the authority to grant or deny
38 licenses. The disciplining authority may also grant a license subject
39 to conditions.

1 (4) All disciplining authorities shall adopt procedures to ensure
2 substantially consistent application of this chapter, the uniform
3 disciplinary act, among the disciplining authorities listed in
4 subsection (2) of this section.

5 **Sec. 19.** RCW 18.250.010 and 2016 c 41 s 22 are each amended to
6 read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Athlete" means a person who participates in exercise,
10 recreation, sport, or games requiring physical strength,
11 range-of-motion, flexibility, body awareness and control, speed,
12 stamina, or agility, and the exercise, recreation, sports, or games
13 are of a type conducted in association with an educational
14 institution or professional, amateur, or recreational sports club or
15 organization.

16 (2) "Athletic injury" means an injury or condition sustained by
17 an athlete that affects the person's participation or performance in
18 exercise, recreation, sport, or games and the injury or condition is
19 within the professional preparation and education of an athletic
20 trainer.

21 (3) "Athletic trainer" means a person who is licensed under this
22 chapter. An athletic trainer can practice athletic training through
23 the consultation, referral, or guidelines of a licensed health care
24 provider working within their scope of practice.

25 (4) (a) "Athletic training" means the application of the following
26 principles and methods as provided by a licensed athletic trainer:

27 (i) Risk management and prevention of athletic injuries through
28 preactivity screening and evaluation, educational programs, physical
29 conditioning and reconditioning programs, application of commercial
30 products, use of protective equipment, promotion of healthy
31 behaviors, and reduction of environmental risks;

32 (ii) Recognition, evaluation, and assessment of athletic injuries
33 by obtaining a history of the athletic injury, inspection and
34 palpation of the injured part and associated structures, and
35 performance of specific testing techniques related to stability and
36 function to determine the extent of an injury;

37 (iii) Immediate care of athletic injuries, including emergency
38 medical situations through the application of first-aid and emergency

1 procedures and techniques for nonlife-threatening or life-threatening
2 athletic injuries;

3 (iv) Treatment, rehabilitation, and reconditioning of athletic
4 injuries through the application of physical agents and modalities,
5 therapeutic activities and exercise, standard reassessment techniques
6 and procedures, commercial products, and educational programs, in
7 accordance with guidelines established with a licensed health care
8 provider as provided in RCW 18.250.070;

9 (v) Treatment, rehabilitation, and reconditioning of work-related
10 injuries through the application of physical agents and modalities,
11 therapeutic activities and exercise, standard reassessment techniques
12 and procedures, commercial products, and educational programs, under
13 the direct supervision of and in accordance with a plan of care for
14 an individual worker established by a provider authorized to provide
15 physical medicine and rehabilitation services for injured workers;
16 and

17 (vi) Referral of an athlete to an appropriately licensed health
18 care provider if the athletic injury requires further definitive care
19 or the injury or condition is outside an athletic trainer's scope of
20 practice, in accordance with RCW 18.250.070.

21 (b) "Athletic training" does not include:

22 (i) The use of spinal adjustment or manipulative mobilization of
23 the spine and its immediate articulations;

24 (ii) Orthotic or prosthetic services with the exception of
25 evaluation, measurement, fitting, and adjustment of temporary,
26 prefabricated or direct-formed orthosis as defined in chapter 18.200
27 RCW;

28 (iii) The practice of occupational therapy as defined in chapter
29 18.59 RCW;

30 (iv) The practice of (~~East Asian~~) acupuncture and Eastern
31 medicine as defined in chapter 18.06 RCW;

32 (v) Any medical diagnosis; and

33 (vi) Prescribing legend drugs or controlled substances, or
34 surgery.

35 (5) "Committee" means the athletic training advisory committee.

36 (6) "Department" means the department of health.

37 (7) "Licensed health care provider" means a physician, physician
38 assistant, osteopathic physician, osteopathic physician assistant,
39 advanced registered nurse practitioner, naturopath, physical

1 therapist, chiropractor, dentist, massage therapist, acupuncturist,
2 occupational therapist, or podiatric physician and surgeon.

3 (8) "Secretary" means the secretary of health or the secretary's
4 designee.

5 **Sec. 20.** RCW 41.05.074 and 2015 c 251 s 1 are each amended to
6 read as follows:

7 (1) A health plan offered to public employees and their covered
8 dependents under this chapter that imposes different prior
9 authorization standards and criteria for a covered service among
10 tiers of contracting providers of the same licensed profession in the
11 same health plan shall inform an enrollee which tier an individual
12 provider or group of providers is in by posting the information on
13 its web site in a manner accessible to both enrollees and providers.

14 (2) The health plan may not require prior authorization for an
15 evaluation and management visit or an initial treatment visit with a
16 contracting provider in a new episode of chiropractic, physical
17 therapy, occupational therapy, (~~East-Asian~~) acupuncture and Eastern
18 medicine, massage therapy, or speech and hearing therapies.
19 Notwithstanding RCW 48.43.515(5) this section may not be interpreted
20 to limit the ability of a health plan to require a referral or
21 prescription for the therapies listed in this section.

22 (3) The health care authority shall post on its web site and
23 provide upon the request of a covered person or contracting provider
24 any prior authorization standards, criteria, or information the
25 health plan uses for medical necessity decisions.

26 (4) A health care provider with whom the administrator of the
27 health plan consults regarding a decision to deny, limit, or
28 terminate a person's covered health care services must hold a
29 license, certification, or registration, in good standing and must be
30 in the same or related health field as the health care provider being
31 reviewed or of a specialty whose practice entails the same or similar
32 covered health care service.

33 (5) The health plan may not require a provider to provide a
34 discount from usual and customary rates for health care services not
35 covered under the health plan, policy, or other agreement, to which
36 the provider is a party.

37 (6) For purposes of this section:

38 (a) "New episode of care" means treatment for a new or recurrent
39 condition for which the enrollee has not been treated by the provider

1 within the previous ninety days and is not currently undergoing any
2 active treatment.

3 (b) "Contracting provider" does not include providers employed
4 within an integrated delivery system operated by a carrier licensed
5 under chapter 48.44 or 48.46 RCW.

6 **Sec. 21.** RCW 43.70.110 and 2015 c 77 s 1 are each amended to
7 read as follows:

8 (1) The secretary shall charge fees to the licensee for obtaining
9 a license. Physicians regulated pursuant to chapter 18.71 RCW who
10 reside and practice in Washington and obtain or renew a retired
11 active license are exempt from such fees. After June 30, 1995,
12 municipal corporations providing emergency medical care and
13 transportation services pursuant to chapter 18.73 RCW shall be exempt
14 from such fees, provided that such other emergency services shall
15 only be charged for their pro rata share of the cost of licensure and
16 inspection, if appropriate. The secretary may waive the fees when, in
17 the discretion of the secretary, the fees would not be in the best
18 interest of public health and safety, or when the fees would be to
19 the financial disadvantage of the state.

20 (2) Except as provided in subsection (3) of this section, fees
21 charged shall be based on, but shall not exceed, the cost to the
22 department for the licensure of the activity or class of activities
23 and may include costs of necessary inspection.

24 (3) License fees shall include amounts in addition to the cost of
25 licensure activities in the following circumstances:

26 (a) For registered nurses and licensed practical nurses licensed
27 under chapter 18.79 RCW, support of a central nursing resource center
28 as provided in RCW 18.79.202;

29 (b) For all health care providers licensed under RCW 18.130.040,
30 the cost of regulatory activities for retired volunteer medical
31 worker licensees as provided in RCW 18.130.360; and

32 (c) For physicians licensed under chapter 18.71 RCW, physician
33 assistants licensed under chapter 18.71A RCW, osteopathic physicians
34 licensed under chapter 18.57 RCW, osteopathic physicians' assistants
35 licensed under chapter 18.57A RCW, naturopaths licensed under chapter
36 18.36A RCW, podiatrists licensed under chapter 18.22 RCW,
37 chiropractors licensed under chapter 18.25 RCW, psychologists
38 licensed under chapter 18.83 RCW, registered nurses and licensed
39 practical nurses licensed under chapter 18.79 RCW, optometrists

1 licensed under chapter 18.53 RCW, mental health counselors licensed
2 under chapter 18.225 RCW, massage therapists licensed under chapter
3 18.108 RCW, advanced social workers licensed under chapter 18.225
4 RCW, independent clinical social workers and independent clinical
5 social worker associates licensed under chapter 18.225 RCW, midwives
6 licensed under chapter 18.50 RCW, marriage and family therapists and
7 marriage and family therapist associates licensed under chapter
8 18.225 RCW, occupational therapists and occupational therapy
9 assistants licensed under chapter 18.59 RCW, dietitians and
10 nutritionists certified under chapter 18.138 RCW, speech-language
11 pathologists licensed under chapter 18.35 RCW, and (~~East-Asian~~)
12 acupuncturists or acupuncture and Eastern medicine practitioners
13 licensed under chapter 18.06 RCW, the license fees shall include up
14 to an additional twenty-five dollars to be transferred by the
15 department to the University of Washington for the purposes of RCW
16 43.70.112.

17 (4) Department of health advisory committees may review fees
18 established by the secretary for licenses and comment upon the
19 appropriateness of the level of such fees.

20 **Sec. 22.** RCW 48.43.016 and 2018 c 193 s 1 are each amended to
21 read as follows:

22 (1) A health carrier that imposes different prior authorization
23 standards and criteria for a covered service among tiers of
24 contracting providers of the same licensed profession in the same
25 health plan shall inform an enrollee which tier an individual
26 provider or group of providers is in by posting the information on
27 its web site in a manner accessible to both enrollees and providers.

28 (2) A health carrier may not require prior authorization for an
29 initial evaluation and management visit and up to six consecutive
30 treatment visits with a contracting provider in a new episode of care
31 of chiropractic, physical therapy, occupational therapy, (~~East-Asian~~)
32 acupuncture and Eastern medicine, massage therapy, or speech
33 and hearing therapies that meet the standards of medical necessity
34 and are subject to quantitative treatment limits of the health plan.
35 Notwithstanding RCW 48.43.515(5) this section may not be interpreted
36 to limit the ability of a health plan to require a referral or
37 prescription for the therapies listed in this section.

38 (3) A health carrier shall post on its web site and provide upon
39 the request of a covered person or contracting provider any prior

1 authorization standards, criteria, or information the carrier uses
2 for medical necessity decisions.

3 (4) A health care provider with whom a health carrier consults
4 regarding a decision to deny, limit, or terminate a person's covered
5 health care services must hold a license, certification, or
6 registration, in good standing and must be in the same or related
7 health field as the health care provider being reviewed or of a
8 specialty whose practice entails the same or similar covered health
9 care service.

10 (5) A health carrier may not require a provider to provide a
11 discount from usual and customary rates for health care services not
12 covered under a health plan, policy, or other agreement, to which the
13 provider is a party.

14 (6) For purposes of this section:

15 (a) "New episode of care" means treatment for a new or recurrent
16 condition for which the enrollee has not been treated by the provider
17 within the previous ninety days and is not currently undergoing any
18 active treatment.

19 (b) "Contracting provider" does not include providers employed
20 within an integrated delivery system operated by a carrier licensed
21 under chapter 48.44 or 48.46 RCW.

22 **Sec. 23.** RCW 69.41.010 and 2016 c 148 s 10 and 2016 c 97 s 2 are
23 each reenacted and amended to read as follows:

24 As used in this chapter, the following terms have the meanings
25 indicated unless the context clearly requires otherwise:

26 (1) "Administer" means the direct application of a legend drug
27 whether by injection, inhalation, ingestion, or any other means, to
28 the body of a patient or research subject by:

29 (a) A practitioner; or

30 (b) The patient or research subject at the direction of the
31 practitioner.

32 (2) "Commission" means the pharmacy quality assurance commission.

33 (3) "Community-based care settings" include: Community
34 residential programs for persons with developmental disabilities,
35 certified by the department of social and health services under
36 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128
37 RCW; and assisted living facilities licensed under chapter 18.20 RCW.
38 Community-based care settings do not include acute care or skilled
39 nursing facilities.

1 (4) "Deliver" or "delivery" means the actual, constructive, or
2 attempted transfer from one person to another of a legend drug,
3 whether or not there is an agency relationship.

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

5 (6) "Dispense" means the interpretation of a prescription or
6 order for a legend drug and, pursuant to that prescription or order,
7 the proper selection, measuring, compounding, labeling, or packaging
8 necessary to prepare that prescription or order for delivery.

9 (7) "Dispenser" means a practitioner who dispenses.

10 (8) "Distribute" means to deliver other than by administering or
11 dispensing a legend drug.

12 (9) "Distributor" means a person who distributes.

13 (10) "Drug" means:

14 (a) Substances recognized as drugs in the official United States
15 pharmacopoeia, official homeopathic pharmacopoeia of the United
16 States, or official national formulary, or any supplement to any of
17 them;

18 (b) Substances intended for use in the diagnosis, cure,
19 mitigation, treatment, or prevention of disease in human beings or
20 animals;

21 (c) Substances (other than food, minerals or vitamins) intended
22 to affect the structure or any function of the body of human beings
23 or animals; and

24 (d) Substances intended for use as a component of any article
25 specified in (a), (b), or (c) of this subsection. It does not include
26 devices or their components, parts, or accessories.

27 (11) "Electronic communication of prescription information" means
28 the transmission of a prescription or refill authorization for a drug
29 of a practitioner using computer systems. The term does not include a
30 prescription or refill authorization transmitted verbally by
31 telephone nor a facsimile manually signed by the practitioner.

32 (12) "In-home care settings" include an individual's place of
33 temporary and permanent residence, but does not include acute care or
34 skilled nursing facilities, and does not include community-based care
35 settings.

36 (13) "Legend drugs" means any drugs which are required by state
37 law or regulation of the pharmacy quality assurance commission to be
38 dispensed on prescription only or are restricted to use by
39 practitioners only.

1 (14) "Legible prescription" means a prescription or medication
2 order issued by a practitioner that is capable of being read and
3 understood by the pharmacist filling the prescription or the nurse or
4 other practitioner implementing the medication order. A prescription
5 must be hand printed, typewritten, or electronically generated.

6 (15) "Medication assistance" means assistance rendered by a
7 nonpractitioner to an individual residing in a community-based care
8 setting or in-home care setting to facilitate the individual's self-
9 administration of a legend drug or controlled substance. It includes
10 reminding or coaching the individual, handing the medication
11 container to the individual, opening the individual's medication
12 container, using an enabler, or placing the medication in the
13 individual's hand, and such other means of medication assistance as
14 defined by rule adopted by the department. A nonpractitioner may help
15 in the preparation of legend drugs or controlled substances for self-
16 administration where a practitioner has determined and communicated
17 orally or by written direction that such medication preparation
18 assistance is necessary and appropriate. Medication assistance shall
19 not include assistance with intravenous medications or injectable
20 medications, except prefilled insulin syringes.

21 (16) "Person" means individual, corporation, government or
22 governmental subdivision or agency, business trust, estate, trust,
23 partnership or association, or any other legal entity.

24 (17) "Practitioner" means:

25 (a) A physician under chapter 18.71 RCW, an osteopathic physician
26 or an osteopathic physician and surgeon under chapter 18.57 RCW, a
27 dentist under chapter 18.32 RCW, a podiatric physician and surgeon
28 under chapter 18.22 RCW, an (~~East-Asian~~) acupuncturist or
29 acupuncture and Eastern medicine practitioner to the extent
30 authorized under chapter 18.06 RCW and the rules adopted under RCW
31 18.06.010(1)(j), a veterinarian under chapter 18.92 RCW, a registered
32 nurse, advanced registered nurse practitioner, or licensed practical
33 nurse under chapter 18.79 RCW, an optometrist under chapter 18.53 RCW
34 who is certified by the optometry board under RCW 18.53.010, an
35 osteopathic physician assistant under chapter 18.57A RCW, a physician
36 assistant under chapter 18.71A RCW, a naturopath licensed under
37 chapter 18.36A RCW, a pharmacist under chapter 18.64 RCW, or, when
38 acting under the required supervision of a dentist licensed under
39 chapter 18.32 RCW, a dental hygienist licensed under chapter 18.29
40 RCW;

1 (b) A pharmacy, hospital, or other institution licensed,
2 registered, or otherwise permitted to distribute, dispense, conduct
3 research with respect to, or to administer a legend drug in the
4 course of professional practice or research in this state; and

5 (c) A physician licensed to practice medicine and surgery or a
6 physician licensed to practice osteopathic medicine and surgery in
7 any state, or province of Canada, which shares a common border with
8 the state of Washington.

9 (18) "Secretary" means the secretary of health or the secretary's
10 designee.

11 NEW SECTION. **Sec. 24.** The following acts or parts of acts are
12 each repealed:

13 (1) RCW 18.06.070 (Approval of applications—Examination fee) and
14 1991 c 3 s 9 & 1985 c 326 s 7;

15 (2) RCW 18.06.180 (Application of chapter to previously
16 registered acupuncture assistants) and 1991 c 3 s 17 & 1985 c 326 s
17 18; and

18 (3) RCW 18.06.005 (Intent—2010 c 286) and 2010 c 286 s 1.

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