

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1726

66th Legislature
2019 Regular Session

Passed by the House March 4, 2019
Yeas 95 Nays 0

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 **HOUSE BILL 1726** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1726

Passed Legislature - 2019 Regular Session

State of Washington

66th Legislature

2019 Regular Session

By Representatives Riccelli, Schmick, Robinson, Walsh, Thai, Stonier, Macri, and Pollet

Read first time 01/29/19. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to services provided by health care professional
2 students; amending RCW 18.57.040, 18.71.030, and 18.79.240; and
3 adding a new section to chapter 18.64 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.64
6 RCW to read as follows:

7 (1) This chapter does not prohibit a student from practicing
8 pharmacy if:

9 (a) The student is enrolled in a college or school of pharmacy
10 accredited by the commission and is registered as a pharmacy intern
11 under RCW 18.64.080;

12 (b) The student performs services without compensation or the
13 expectation of compensation as part of a volunteer activity;

14 (c) The student is under the direct supervision of a pharmacist
15 licensed under this chapter, a physician licensed under chapter 18.71
16 RCW, an osteopathic physician and surgeon licensed under chapter
17 18.57 RCW, or a registered nurse or advanced registered nurse
18 practitioner licensed under chapter 18.79 RCW;

19 (d) The services the student performs are within the scope of
20 practice of: (i) A pharmacist licensed under this chapter; and (ii)
21 the person supervising the student;

1 (e) The college or school in which the student is enrolled
2 verifies that the student has demonstrated competency through his or
3 her education and training to perform the services; and

4 (f) The student provides proof of current malpractice insurance
5 to the volunteer activity organizer prior to performing any services.

6 (2) The commission may adopt rules to implement the requirements
7 of this section.

8 **Sec. 2.** RCW 18.57.040 and 1991 c 160 s 5 are each amended to
9 read as follows:

10 Nothing in this chapter shall be construed to prohibit:

11 (1) Service in the case of emergency;

12 (2) The domestic administration of family remedies;

13 (3) The practice of midwifery as permitted under chapter 18.50
14 RCW;

15 (4) The practice of osteopathic medicine and surgery by any
16 commissioned medical officer in the United States government or
17 military service or by any osteopathic physician and surgeon employed
18 by a federal agency, in the discharge of his or her official duties;

19 (5) Practice by a dentist licensed under chapter 18.32 RCW when
20 engaged exclusively in the practice of dentistry;

21 (6) Practice by any osteopathic physician and surgeon from any
22 other state or territory in which he or she resides: PROVIDED, That
23 such practitioner shall not open an office or appoint a place of
24 meeting patients or receive calls within the limits of this state;

25 (7) Practice by a person who is a student enrolled in an
26 accredited school of osteopathic medicine and surgery approved by the
27 board if: ((PROVIDED, That))

28 (a) The performance of such services ((be)) is only pursuant to a
29 course of instruction or assignments from his or her instructor or
30 school, and such services are performed only under the supervision of
31 a person licensed pursuant to this chapter or chapter 18.71 RCW; or

32 (b) (i) Such services are performed without compensation or
33 expectation of compensation as part of a volunteer activity;

34 (ii) The student is under the direct supervision and control of a
35 pharmacist licensed under chapter 18.64 RCW, a physician licensed
36 under chapter 18.71 RCW, an osteopathic physician and surgeon
37 licensed under chapter 18.57 RCW, or a registered nurse or advanced
38 registered nurse practitioner licensed under chapter 18.79 RCW;

1 (iii) The services the student performs are within the scope of
2 practice of: (A) An osteopathic physician and surgeon licensed under
3 this chapter; and (B) the person supervising the student;

4 (iv) The school in which the student is enrolled verifies the
5 student has demonstrated competency through his or her education and
6 training to perform the services; and

7 (v) The student provides proof of current malpractice insurance
8 to the volunteer activity organizer prior to performing any services;

9 (8) Practice by an osteopathic physician and surgeon serving a
10 period of clinical postgraduate medical training in a postgraduate
11 program approved by the board: PROVIDED, That the performance of such
12 services be only pursuant to a course of instruction in said program,
13 and said services are performed only under the supervision and
14 control of a person licensed pursuant to this chapter or chapter
15 18.71 RCW; or

16 (9) Practice by a person who is enrolled in a physician assistant
17 program approved by the board who is performing such services only
18 pursuant to a course of instruction in said program: PROVIDED, That
19 such services are performed only under the supervision and control of
20 a person licensed pursuant to this chapter or chapter 18.71 RCW.

21 This chapter shall not be construed to apply in any manner to any
22 other system or method of treating the sick or afflicted or to apply
23 to or interfere in any way with the practice of religion or any kind
24 of treatment by prayer.

25 **Sec. 3.** RCW 18.71.030 and 1996 c 178 s 4 are each amended to
26 read as follows:

27 Nothing in this chapter shall be construed to apply to or
28 interfere in any way with the practice of religion or any kind of
29 treatment by prayer; nor shall anything in this chapter be construed
30 to prohibit:

31 (1) The furnishing of medical assistance in cases of emergency
32 requiring immediate attention;

33 (2) The domestic administration of family remedies;

34 (3) The administration of oral medication of any nature to
35 students by public school district employees or private elementary or
36 secondary school employees as provided for in chapter 28A.210 RCW;

37 (4) The practice of dentistry, osteopathic medicine and surgery,
38 nursing, chiropractic, podiatric medicine and surgery, optometry,

1 naturopathy, or any other healing art licensed under the methods or
2 means permitted by such license;

3 (5) The practice of medicine in this state by any commissioned
4 medical officer serving in the armed forces of the United States or
5 public health service or any medical officer on duty with the United
6 States veterans administration while such medical officer is engaged
7 in the performance of the duties prescribed for him or her by the
8 laws and regulations of the United States;

9 (6) The practice of medicine by any practitioner licensed by
10 another state or territory in which he or she resides, provided that
11 such practitioner shall not open an office or appoint a place of
12 meeting patients or receiving calls within this state;

13 (7) The practice of medicine by a person who is a regular student
14 in a school of medicine approved and accredited by the commission(~~(7~~
15 ~~however~~) if:

16 (a) The performance of such services (~~(be)~~) is only pursuant to a
17 regular course of instruction or assignments from his or her
18 instructor(~~(7)~~) or (~~that~~);

19 (b) Such services are performed only under the supervision and
20 control of a person licensed pursuant to this chapter; or

21 (c) (i) Such services are performed without compensation or
22 expectation of compensation as part of a volunteer activity;

23 (ii) The student is under the direct supervision and control of a
24 pharmacist licensed under chapter 18.64 RCW, an osteopathic physician
25 and surgeon licensed under chapter 18.57 RCW, or a registered nurse
26 or advanced registered nurse practitioner licensed under chapter
27 18.79 RCW;

28 (iii) The services the student performs are within the scope of
29 practice of: (A) A physician licensed under this chapter; and (B) the
30 person supervising the student;

31 (iv) The school in which the student is enrolled verifies the
32 student has demonstrated competency through his or her education and
33 training to perform the services; and

34 (v) The student provides proof of current malpractice insurance
35 to the volunteer activity organizer prior to performing any services;

36 (8) The practice of medicine by a person serving a period of
37 postgraduate medical training in a program of clinical medical
38 training sponsored by a college or university in this state or by a
39 hospital accredited in this state, however, the performance of such
40 services shall be only pursuant to his or her duties as a trainee;

1 (9) The practice of medicine by a person who is regularly
2 enrolled in a physician assistant program approved by the commission,
3 however, the performance of such services shall be only pursuant to a
4 regular course of instruction in said program and such services are
5 performed only under the supervision and control of a person licensed
6 pursuant to this chapter;

7 (10) The practice of medicine by a licensed physician assistant
8 which practice is performed under the supervision and control of a
9 physician licensed pursuant to this chapter;

10 (11) The practice of medicine, in any part of this state which
11 shares a common border with Canada and which is surrounded on three
12 sides by water, by a physician licensed to practice medicine and
13 surgery in Canada or any province or territory thereof;

14 (12) The administration of nondental anesthesia by a dentist who
15 has completed a residency in anesthesiology at a school of medicine
16 approved by the commission, however, a dentist allowed to administer
17 nondental anesthesia shall do so only under authorization of the
18 patient's attending surgeon, obstetrician, or psychiatrist, and the
19 commission has jurisdiction to discipline a dentist practicing under
20 this exemption and enjoin or suspend such dentist from the practice
21 of nondental anesthesia according to this chapter and chapter 18.130
22 RCW;

23 (13) Emergency lifesaving service rendered by a physician's
24 trained advanced emergency medical (~~service—intermediate—life~~
25 ~~support~~) technician and paramedic, as defined in RCW 18.71.200, if
26 the emergency lifesaving service is rendered under the responsible
27 supervision and control of a licensed physician;

28 (14) The provision of clean, intermittent bladder catheterization
29 for students by public school district employees or private school
30 employees as provided for in RCW 18.79.290 and 28A.210.280.

31 **Sec. 4.** RCW 18.79.240 and 2005 c 28 s 1 are each amended to read
32 as follows:

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

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

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

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

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

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

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

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

29 (h) Permitting the measurement of the powers or range of human
30 vision, or the determination of the accommodation and refractive
31 state of the human eye or the scope of its functions in general, or
32 the fitting or adaptation of lenses for the aid thereof;

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

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

38 (k) Prohibiting the performance of routine visual screening;

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

1 (m) Permitting the practice of chiropractic as defined in chapter
2 18.25 RCW including the adjustment or manipulation of the
3 articulation of the spine;

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

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

9 (p) Permitting the prescribing of controlled substances as
10 defined in Schedule I of the Uniform Controlled Substances Act,
11 chapter 69.50 RCW;

12 (q) Prohibiting the determination and pronouncement of death;

13 (r) Prohibiting advanced registered nurse practitioners, approved
14 by the commission as certified registered nurse anesthetists from
15 selecting, ordering, or administering controlled substances as
16 defined in Schedules II through IV of the Uniform Controlled
17 Substances Act, chapter 69.50 RCW, consistent with their commission-
18 recognized scope of practice; subject to facility-specific protocols,
19 and subject to a request for certified registered nurse anesthetist
20 anesthesia services issued by a physician licensed under chapter
21 18.71 RCW, an osteopathic physician and surgeon licensed under
22 chapter 18.57 RCW, a dentist licensed under chapter 18.32 RCW, or a
23 podiatric physician and surgeon licensed under chapter 18.22 RCW; the
24 authority to select, order, or administer Schedule II through IV
25 controlled substances being limited to those drugs that are to be
26 directly administered to patients who require anesthesia for
27 diagnostic, operative, obstetrical, or therapeutic procedures in a
28 hospital, clinic, ambulatory surgical facility, or the office of a
29 practitioner licensed under chapter 18.71, 18.22, 18.36, 18.36A,
30 18.57, 18.57A, or 18.32 RCW; "select" meaning the decision-making
31 process of choosing a drug, dosage, route, and time of
32 administration; and "order" meaning the process of directing licensed
33 individuals pursuant to their statutory authority to directly
34 administer a drug or to dispense, deliver, or distribute a drug for
35 the purpose of direct administration to a patient, under instructions
36 of the certified registered nurse anesthetist. "Protocol" means a
37 statement regarding practice and documentation concerning such items
38 as categories of patients, categories of medications, or categories
39 of procedures rather than detailed case-specific formulas for the
40 practice of nurse anesthesia;

1 (s) Prohibiting advanced registered nurse practitioners from
2 ordering or prescribing controlled substances as defined in Schedules
3 II through IV of the Uniform Controlled Substances Act, chapter 69.50
4 RCW, if and to the extent that doing so is permitted by their scope
5 of practice;

6 (t) Prohibiting the practice of registered nursing or advanced
7 registered nursing by a student enrolled in an approved school if:

8 (i) The student performs services without compensation or
9 expectation of compensation as part of a volunteer activity;

10 (ii) The student is under the direct supervision of a registered
11 nurse or advanced registered nurse practitioner licensed under this
12 chapter, a pharmacist licensed under chapter 18.64 RCW, an
13 osteopathic physician and surgeon licensed under chapter 18.57 RCW,
14 or a physician licensed under chapter 18.71 RCW;

15 (iii) The services the student performs are within the scope of
16 practice of: (A) The nursing profession for which the student is
17 receiving training; and (B) the person supervising the student;

18 (iv) The school in which the student is enrolled verifies the
19 student has demonstrated competency through his or her education and
20 training to perform the services; and

21 (v) The student provides proof of current malpractice insurance
22 to the volunteer activity organizer prior to performing any services.

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

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

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

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

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

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

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

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

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