
SENATE BILL 5631

State of Washington

52nd Legislature

1991 Regular Session

By Senators West, Niemi and Johnson.

Read first time February 12, 1991. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to administrative requirements for osteopathic
2 medicine and surgery; amending RCW 18.57.001, 18.57.003, 18.57.020,
3 18.57.040, 18.57.050, 18.57.080, and 18.57.145; adding new sections to
4 chapter 18.57 RCW; and repealing RCW 18.57.085.

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

6 **Sec. 1.** RCW 18.57.001 and 1979 c 117 s 1 are each amended to read
7 as follows:

8 As used in this chapter:

9 (1) "Board" means the Washington state board of osteopathic
10 medicine and surgery;

11 (2) "Department" means the department of (~~licensing~~) health;

12 (3) (~~("Director" means the director of licensing)~~) "Secretary"
13 means the secretary of health; and

14 (4) "Osteopathic medicine and surgery" means the use of any and all
15 methods in the treatment of disease, injuries, deformities, and all

1 other physical and mental conditions in and of human beings, including
2 the use of osteopathic manipulative therapy. The term means the same
3 as "osteopathy and surgery".

4 **Sec. 2.** RCW 18.57.003 and 1984 c 287 s 42 are each amended to read
5 as follows:

6 There is hereby created an agency of the state of Washington,
7 consisting of seven individuals appointed by the governor to be known
8 as the Washington state board of osteopathic medicine and surgery.

9 ~~((The members of the first board shall be appointed to serve the
10 following terms from the date of their appointment: Two members for
11 two years, two members for three years, and three members for five
12 years, or until their successors are appointed and fully qualified.
13 The respective terms of office of such initial appointees shall be
14 designated by the governor at the time of appointment.))~~ On expiration
15 of the term of any member, the governor shall appoint for a period of
16 five years ~~((an individual of similar qualifications))~~ a qualified
17 individual to take the place of such member. Each member shall hold
18 office until the expiration of the term for which such member is
19 appointed or until a successor shall have been appointed and shall have
20 qualified. Initial appointments shall be made and vacancies in the
21 membership of the board shall be filled for the unexpired term by
22 appointment by the governor.

23 Each member of the board shall be a citizen of the United States
24 and must be an actual resident of this state. One member shall be a
25 consumer who has neither a financial nor a fiduciary relationship to a
26 health care delivery system, and every other member must have been in
27 active practice as a licensed osteopathic physician and surgeon in this
28 state for at least five years immediately preceding appointment.

1 The board shall ~~((meet as soon as practicable after appointment~~
2 ~~and))~~ elect a ~~((chairman and))~~ chairperson, a secretary, and a vice-
3 chairperson from its members. Meetings of the board shall be held at
4 least four times a year and at such place as the board shall determine
5 and at such other times and places as the board deems necessary.

6 ~~((It shall require the))~~ An affirmative vote of a simple majority
7 of ~~((all))~~ the members ~~((of))~~ present at a meeting or hearing shall be
8 required for the board to take any official action. The board may not
9 take any action without a quorum of the board members present. A
10 simple majority of the board members currently serving constitutes a
11 quorum of the board.

12 Each member of the board shall be compensated in accordance with
13 RCW 43.03.240 and shall be reimbursed for travel expenses in accordance
14 with RCW 43.03.050 and 43.03.060.

15 Any member of the board may be removed by the governor for neglect
16 of duty, misconduct, malfeasance or misfeasance in office, or upon
17 written request of two-thirds of the physicians licensed under this
18 chapter and in active practice in this state.

19 **Sec. 3.** RCW 18.57.020 and 1979 c 117 s 11 are each amended to read
20 as follows:

21 A license shall be issued by the ~~((director))~~ secretary authorizing
22 the holder ~~((thereof))~~ to practice ~~((osteopathy or))~~ osteopathic
23 medicine and surgery~~((, including the use of internal medicine and~~
24 ~~drugs, and shall be the only type of license issued. All licenses to~~
25 ~~practice osteopathy or osteopathic medicine and surgery, including the~~
26 ~~use of internal medicine and drugs, heretofore issued shall remain in~~
27 ~~full force and effect: PROVIDED, That a license to practice osteopathy~~
28 ~~and surgery shall be deemed to be the same as a license to practice~~
29 ~~osteopathic medicine and surgery, and the former license may be~~

1 exchanged for the latter license at the option of the license holder)).
2 In order to procure a license to practice osteopathic medicine and
3 surgery, the applicant must ~~((file with))~~ provide the board
4 ~~((satisfactory testimonials of good moral character and))~~ evidence that
5 a diploma has been issued to the applicant by ~~((some—legally~~
6 ~~chartered))~~ an accredited school of osteopathic medicine and surgery,
7 approved by the board ~~((, or satisfactory evidence of having possessed~~
8 ~~such diploma, and he must file with such diploma an application sworn~~
9 ~~to before some person authorized to administer oaths, and attested by~~
10 ~~the hand and seal of such officer, if he have a seal, stating that he~~
11 ~~is the person named in said diploma, that he is the lawful holder~~
12 ~~thereof, and that the same was procured in the regular course of~~
13 ~~instruction and examination, without fraud or misrepresentation)).~~ The
14 ~~((said))~~ application shall be made upon a form prepared by the
15 ~~((director))~~ secretary, with the approval of the board, and it shall
16 contain such information concerning said osteopathic medical
17 instruction and the preliminary education of the applicant as the board
18 may by rule provide. Applicants who have failed to meet the
19 requirements must be rejected.

20 An applicant for a license to practice osteopathic medicine and
21 surgery must furnish evidence satisfactory to the board that he or she
22 has served for not less than one year ~~((as intern or resident))~~ in a
23 postgraduate training program ~~((acceptable to))~~ approved by the board.

24 In addition, the applicant may be required to furnish evidence
25 satisfactory to the board that he or she is physically and mentally
26 capable of safely carrying on the practice of osteopathic medicine and
27 surgery. The board may require any applicant to submit to such
28 examination or examinations as it deems necessary to determine an
29 applicant's physical and/or mental capability to safely practice
30 osteopathic medicine and surgery. The applicant must also show that he

1 or she has not been guilty of any conduct which would constitute
2 grounds for denial, suspension, or revocation of such license under the
3 laws of the state of Washington.

4 Nothing in this section shall be construed as prohibiting the board
5 from requiring such additional information from applicants as it deems
6 necessary.

7 Nothing in this chapter shall be construed to require any applicant
8 for licensure, or any licensee, as a requisite of retaining or renewing
9 licensure under this chapter, to be a member of any political and/or
10 professional organization.

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.57 RCW
12 to read as follows:

13 A licensed osteopathic physician and surgeon who desires to leave
14 the active practice of osteopathic medicine and surgery in this state
15 may secure from the secretary an inactive license. The initial and
16 renewal fees for an inactive license shall be determined by the
17 secretary as provided in RCW 43.70.250. The holder of an inactive
18 license may reactivate his or her license to practice osteopathic
19 medicine and surgery in accordance with rules adopted by the board.

20 **Sec. 5.** RCW 18.57.040 and 1919 c 4 s 19 are each amended to read
21 as follows:

22 Nothing in this chapter shall be construed to prohibit:

23 (1) Service in the case of emergency~~((~~7-01~~))~~;

24 (2) The domestic administration of family remedies~~((~~7-01~~))~~;

25 (3) The practice of midwifery as permitted under chapter 18.50 RCW;
26 ~~((nor shall this chapter apply to))~~

27 (4) The practice of osteopathic medicine and surgery by any
28 commissioned medical officer in the United States ~~((~~army, navy, or~~~~

1 ~~marine hospital)) government or military service or by any osteopathic~~
2 ~~physician and surgeon employed by a federal agency, in the discharge of~~
3 ~~his or her official duties; ((nor to any licensed))~~

4 (5) Practice by a dentist licensed under chapter 18.32 RCW when
5 engaged exclusively in the practice of dentistry; ((nor shall this
6 chapter apply to))

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

12 (7) Practice by a person who is a student enrolled in an accredited
13 school of osteopathic medicine and surgery approved by the board:
14 PROVIDED, That the performance of such services be only pursuant to a
15 course of instruction or assignments from his or her instructor or
16 school, and such services are performed only under the supervision of
17 a person licensed pursuant to this chapter or chapter 18.71 RCW;

18 (8) Practice by an osteopathic physician and surgeon serving a
19 period of clinical postgraduate medical training in a postgraduate
20 program approved by the board: PROVIDED, That the performance of such
21 services be only pursuant to a course of instruction in said program,
22 and said services are performed only under the supervision and control
23 of a person licensed pursuant to this chapter or chapter 18.71 RCW; or

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

29 This chapter shall not be construed to apply in any manner to any
30 other system or method of treating the sick or afflicted or to apply to

1 or interfere in any way with the practice of religion or any kind of
2 treatment by prayer.

3 **Sec. 6.** RCW 18.57.050 and 1985 c 7 s 55 are each amended to read
4 as follows:

5 Each applicant on making application shall pay the ((director))
6 secretary a fee determined by the ((director)) secretary as provided in
7 RCW ((43.24.086 which shall be paid to the state treasurer by said
8 director and used to defray the expenses and compensation of said
9 director. In case the applicant's credentials are insufficient, or in
10 case he does not desire to take the examination, the sum of fifteen
11 dollars shall be returned. All persons licensed to practice osteopathy
12 or osteopathic medicine and surgery within this state who are engaged
13 in active practice shall pay on or before the first day of May of each
14 year to the director a renewal license fee determined by the director
15 as provided in RCW 43.24.086)) 43.70.250. Application fees are
16 nonrefundable. The board may establish rules and regulations governing
17 mandatory continuing education requirements which shall be met by
18 physicians applying for renewal of licenses. ((Licenses not so renewed
19 will not be valid. The director shall thirty days or more before May
20 1st of each year mail to all active practitioners of osteopathy or
21 osteopathic medicine and surgery in this state at their last known
22 address a notice of the fact that the renewal fee will be due on or
23 before the first of May. Nothing in this chapter shall be construed so
24 as to require that the receipt shall be recorded as original licenses
25 are required to be recorded.)) The secretary shall establish a renewal
26 and late renewal penalty fee as provided in RCW 43.70.250. Failure to
27 renew the license invalidates all privileges granted by the license.
28 The board shall determine by rule when a license shall be canceled for
29 failure to renew and shall establish prerequisites for relicensing.

1 **Sec. 7.** RCW 18.57.080 and 1979 c 117 s 13 are each amended to read
2 as follows:

3 Applicants for a license (~~((must be personally examined by the board~~
4 ~~as to their qualifications))~~ to practice osteopathic medicine and
5 surgery must successfully complete an examination prepared or approved
6 by the board. The examination shall be conducted in the English
7 language, shall (~~((be practical in character and designed to discover))~~)
8 determine the applicant's fitness to practice osteopathic medicine and
9 surgery, and (~~(shall))~~ may be in whole or in part in writing or by
10 practical application on (~~(the following fundamental subjects, to wit:~~
11 ~~Anatomy, histology, gynecology, pathology, bacteriology, chemistry,~~
12 ~~toxicology, physiology, obstetrics, general diagnosis, hygiene,~~
13 ~~principles and practice of osteopathic medicine, surgery, and the~~
14 ~~management of surgical cases (including anesthetics) and any other~~
15 ~~subjects that the board shall deem advisable.))~~ those general subjects
16 and topics of which knowledge is commonly and generally required of
17 applicants who have obtained the doctor of osteopathic medicine and
18 surgery conferred by accredited schools of osteopathic medicine and
19 surgery approved by the board. If an examination does not encompass
20 the subject of osteopathic principles and practice, the applicant shall
21 be required to complete the board-administered examination. The board
22 may prepare and administer or approve preparation and administration of
23 examinations on such subjects as the board deems advisable. The
24 examination papers of any examination administered by the board shall
25 form a part of the applicant's records (~~(of the director))~~ and shall be
26 (~~((kept on file by the board for a period of one year after examination.~~
27 ~~In said examination the applicant shall be known and designated by~~
28 ~~number only, and the name attached to the number shall be kept secret~~
29 ~~until final action by the board on such application))~~ retained as
30 determined by the secretary for a period of not less than one year.

1 All applicants for examination or reexamination shall pay a fee
2 determined by the secretary as provided in RCW 43.70.250.

3 **Sec. 8.** RCW 18.57.145 and 1959 c 110 s 2 are each amended to read
4 as follows:

5 No provision of this chapter or of any other law shall prevent any
6 person who holds a valid, unrevoked certificate to practice
7 (~~osteopathy~~) osteopathic medicine and surgery from using in
8 combination with his or her name the designation "Osteopathic Physician
9 and Surgeon" or the abbreviation of his or her professional degree,
10 Doctor of Osteopathy (D.O.), provided he or she hold such professional
11 degree, or any combination thereof upon his or her stationery, in any
12 professional lists or directories or in other places where the same may
13 properly appear as permitted within the canons of ethics (~~now or~~
14 ~~hereafter promulgated~~) approved by the (~~Washington State Osteopathic~~
15 ~~Association or its successors~~) board.

16 NEW SECTION. **Sec. 9.** A new section is added to chapter 18.57 RCW
17 to read as follows:

18 The board may grant approval to issue without examination a license
19 to an osteopathic physician and surgeon in a board-approved
20 postgraduate training program in this state if the applicant files an
21 application and meets all the requirements for licensure set forth in
22 RCW 18.57.020 except for completion of one year of postgraduate
23 training. The secretary shall issue a postgraduate osteopathic
24 medicine and surgery license that permits the physician in postgraduate
25 training to practice osteopathic medicine and surgery only in
26 connection with his or her duties as a physician in postgraduate
27 training and does not authorize the physician to engage in any other
28 form of practice. Each physician in postgraduate training shall

1 practice osteopathic medicine and surgery only under the supervision of
2 a physician licensed in this state under this chapter or chapter 18.71
3 RCW, but such supervision shall not be construed to necessarily require
4 the personal presence of the supervising physician at the place where
5 services are rendered.

6 All persons licensed under this section shall be subject to the
7 jurisdiction of the board of osteopathic medicine and surgery as set
8 forth in this chapter and chapter 18.130 RCW.

9 Persons applying for licensure pursuant to this section shall pay
10 an application and renewal fee determined by the secretary as provided
11 in RCW 43.70.250. Licenses issued hereunder may be renewed annually.
12 Any person who obtains a license pursuant to this section may, apply
13 for licensure under this chapter, but shall submit a new application
14 form and comply with all other licensing requirements of this chapter.

15 NEW SECTION. **Sec. 10.** RCW 18.57.085 and 1989 c 10 s 5, 1979
16 c 117 s 14, & 1971 ex.s. c 227 s 3 are each repealed.