
SUBSTITUTE HOUSE BILL 1295

State of Washington

58th Legislature

2003 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Morrell, Bailey, Cody, Kenney and Campbell; by request of Department of Health)

READ FIRST TIME 02/05/03.

1 AN ACT Relating to eliminating barriers to initial licensure in
2 health professions; amending RCW 18.06.050, 18.34.070, 18.79.160,
3 18.83.050, 18.83.072, 18.92.070, 18.92.100, 18.155.020, 18.155.030, and
4 18.155.040; reenacting and amending RCW 18.130.040; adding a new
5 section to chapter 18.79 RCW; adding a new section to chapter 18.155
6 RCW; and creating a new section.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that the health care
9 work force shortage is contributing to the health care crisis. The
10 legislature also finds that some unnecessary barriers exist that slow
11 or prevent qualified applicants from becoming credentialed health care
12 providers. The legislature further finds that eliminating these
13 initial barriers to licensure will contribute to state initiatives
14 directed toward easing the health care personnel shortage in
15 Washington.

16 **Sec. 2.** RCW 18.06.050 and 1991 c 3 s 7 are each amended to read as
17 follows:

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

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

6 (2) Proof that the candidate has:

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

19 (b) Successfully completed (~~a course, approved by the secretary,~~)
20 five hundred hours of clinical training in acupuncture (~~over a minimum~~
21 ~~period of one academic year. The training shall include a minimum of:~~
22 ~~(i) Twenty nine quarter credits of supervised practice, consisting of~~
23 ~~at least four hundred separate patient treatments involving a minimum~~
24 ~~of one hundred different patients, and (ii) one hundred hours or nine~~
25 ~~quarter credits of observation which shall include case presentation~~
26 ~~and discussion)) that is approved by the secretary.~~

27 **Sec. 3.** RCW 18.34.070 and 1991 c 3 s 76 are each amended to read
28 as follows:

29 Any applicant for a license shall be examined if he or she pays an
30 examination fee determined by the secretary as provided in RCW
31 43.70.250 and certifies under oath that he or she:

32 (1) Is eighteen years or more of age; and

33 (2) Has graduated from an accredited high school; and

34 (~~Is a citizen of the United States or has declared his or her~~
35 ~~intention of becoming such citizen in accordance with law; and~~

36 ~~(4))~~ Is of good moral character; and

37 (~~(5))~~ (4) Has either:

- 1 (a) Had at least three years of apprenticeship training; or
- 2 (b) Successfully completed a prescribed course in opticianry in a
- 3 college or university approved by the secretary; or
- 4 (c) Been principally engaged in practicing as a dispensing optician
- 5 not in the state of Washington for five years.

6 **Sec. 4.** RCW 18.79.160 and 1994 sp.s. c 9 s 416 are each amended to
7 read as follows:

8 (1) An applicant for a license to practice as a registered nurse
9 shall submit to the commission:

- 10 (a) An attested written application on a department form;
- 11 (b) ~~((Written))~~ An official ~~((evidence of a diploma from))~~
- 12 transcript demonstrating graduation and successful completion of an
- 13 approved ~~((school))~~ program of nursing; and

14 (c) Any other official records specified by the commission.

15 (2) An applicant for a license to practice as an advanced
16 registered nurse practitioner shall submit to the commission:

- 17 (a) An attested written application on a department form;
- 18 (b) ~~((Written))~~ An official ~~((evidence of))~~ transcript
- 19 demonstrating graduation and successful completion of an advanced
- 20 registered nurse practitioner ~~((training))~~ program meeting criteria
- 21 established by the commission; and

22 (c) Any other official records specified by the commission.

23 (3) An applicant for a license to practice as a licensed practical
24 nurse shall submit to the commission:

- 25 (a) An attested written application on a department form;
- 26 (b) ~~((Written official evidence that the applicant is over the age~~
- 27 ~~of eighteen;~~

28 ~~(c) Written official evidence of a high school diploma or general~~

29 ~~education development certificate or diploma;~~

- 30 ~~(d) Written))~~ An official ~~((evidence of completion of))~~ transcript
- 31 demonstrating graduation and successful completion of an approved
- 32 practical nursing program, or its equivalent; and

33 ~~((e))~~ (c) Any other official records specified by the commission.

34 (4) At the time of submission of the application, the applicant for
35 a license to practice as a registered nurse, advanced registered nurse
36 practitioner, or licensed practical nurse must not be in violation of
37 chapter 18.130 RCW or this chapter.

1 (5) The commission shall establish by rule the criteria for
2 evaluating the education of all applicants.

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 18.79 RCW
4 to read as follows:

5 A licensed practical nurse with an active license who is in the
6 process of completing or has completed the coursework of a
7 nontraditional registered nurse program approved by the commission can
8 obtain the required clinical experience when: (1) The experience is
9 obtained under the immediate supervision of a registered nurse who
10 agrees to act as the preceptor with the understanding that the licensed
11 practical nurse is practicing under the preceptor's registered nurse
12 license. The preceptor must have an unrestricted license with at least
13 two years of clinical practice in the same type of practice setting
14 where the preceptorship will occur; and (2) the experience is obtained
15 within six months of completion of the approved nontraditional program.

16 **Sec. 6.** RCW 18.83.050 and 1994 c 35 s 2 are each amended to read
17 as follows:

18 (1) The board shall adopt such rules as it deems necessary to carry
19 out its functions.

20 (2) The board shall examine the qualifications of applicants for
21 licensing under this chapter, to determine which applicants are
22 eligible for licensing under this chapter and shall forward to the
23 secretary the names of applicants so eligible.

24 (3) The board shall administer examinations to qualified applicants
25 on at least an annual basis. The board shall determine the subject
26 matter and scope of the examination(~~(s and shall require both written~~
27 ~~and oral examinations of each applicant)~~), except as provided in RCW
28 18.83.170. The board may allow applicants to take the ((written))
29 examination upon the granting of their doctoral degree before
30 completion of their internship for supervised experience.

31 (4) The board shall keep a complete record of its own proceedings,
32 of the questions given in examinations, of the names and qualifications
33 of all applicants, and the names and addresses of all licensed
34 psychologists. The examination paper of such applicant shall be kept
35 on file for a period of at least one year after examination.

1 (5) The board shall, by rule, adopt a code of ethics for
2 psychologists which is designed to protect the public interest.

3 (6) The board may require that persons licensed under this chapter
4 as psychologists obtain and maintain professional liability insurance
5 in amounts determined by the board to be practicable and reasonably
6 available.

7 **Sec. 7.** RCW 18.83.072 and 1996 c 191 s 65 are each amended to read
8 as follows:

9 (1) Examination of applicants shall be held in Olympia, Washington,
10 or at such other place as designated by the secretary, at least
11 annually at such times as the board may determine.

12 ~~(2) ((Any applicant shall have the right to discuss with the board
13 his or her performance on the examination.~~

14 ~~(3))~~ Any applicant who fails to make a passing grade on the
15 examination may be allowed to retake the examination. Any applicant
16 who fails the examination a second time must obtain special permission
17 from the board to take the examination again.

18 ~~((4))~~ (3) The board may approve an examination prepared or
19 administered by a private testing agency or association of licensing
20 authorities.

21 **Sec. 8.** RCW 18.92.070 and 1991 c 3 s 242 are each amended to read
22 as follows:

23 No person, unless registered or licensed to practice veterinary
24 medicine, surgery, and dentistry in this state at the time this chapter
25 shall become operative, shall begin the practice of veterinary
26 medicine, surgery and dentistry without first applying for and
27 obtaining a license for such purpose from the secretary. In order to
28 procure a license to practice veterinary medicine, surgery, and
29 dentistry in the state of Washington, the applicant for such license
30 shall file his or her application at least sixty days prior to date of
31 examination upon a form furnished by the secretary of health, which, in
32 addition to the fee provided by this chapter, shall be accompanied by
33 satisfactory evidence that he or she is at least eighteen years of age
34 and of good moral character, and by official transcripts or other
35 evidence of graduation from a veterinary college satisfactory to and
36 approved by the board. Said application shall be signed by the

1 applicant (~~and sworn to by him or her before some person authorized to~~
2 ~~administer oaths~~). When such application and the accompanying
3 evidence are found satisfactory, the secretary shall notify the
4 applicant to appear before the board for the next examination. In
5 addition, applicants shall be subject to grounds for denial or issuance
6 of a conditional license under chapter 18.130 RCW.

7 Nothing in this chapter shall preclude the board from permitting a
8 person who has completed a portion of his or her educational program as
9 determined by the board, in a veterinary college recognized by the
10 board, to take the examination or any part thereof prior to satisfying
11 the requirements for application for a license: PROVIDED HOWEVER, That
12 no license shall be issued to such applicant until such requirements
13 are satisfied.

14 **Sec. 9.** RCW 18.92.100 and 1995 c 198 s 14 are each amended to read
15 as follows:

16 Examinations for license to practice veterinary medicine, surgery
17 and dentistry shall be held at least once each year at such times and
18 places as the secretary may authorize and direct. The examination
19 shall be on subjects that are ordinarily included in the curricula of
20 veterinary colleges. (~~All examinees shall be tested by written~~
21 ~~examination, supplemented by such oral interviews and practical~~
22 ~~demonstrations as the board deems necessary.~~)

23 **Sec. 10.** RCW 18.130.040 and 2002 c 223 s 6 and 2002 c 216 s 11 are
24 each reenacted and amended to read as follows:

25 (1) This chapter applies only to the secretary and the boards and
26 commissions having jurisdiction in relation to the professions licensed
27 under the chapters specified in this section. This chapter does not
28 apply to any business or profession not licensed under the chapters
29 specified in this section.

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

- 32 (i) Dispensing opticians licensed under chapter 18.34 RCW;
- 33 (ii) Naturopaths licensed under chapter 18.36A RCW;
- 34 (iii) Midwives licensed under chapter 18.50 RCW;
- 35 (iv) Ocularists licensed under chapter 18.55 RCW;

1 (v) Massage operators and businesses licensed under chapter 18.108
2 RCW;

3 (vi) Dental hygienists licensed under chapter 18.29 RCW;

4 (vii) Acupuncturists licensed under chapter 18.06 RCW;

5 (viii) Radiologic technologists certified and X-ray technicians
6 registered under chapter 18.84 RCW;

7 (ix) Respiratory care practitioners licensed under chapter 18.89
8 RCW;

9 (x) Persons registered under chapter 18.19 RCW;

10 (xi) Persons licensed as mental health counselors, marriage and
11 family therapists, and social workers under chapter 18.225 RCW;

12 (xii) Persons registered as nursing pool operators under chapter
13 18.52C RCW;

14 (xiii) Nursing assistants registered or certified under chapter
15 18.88A RCW;

16 (xiv) Health care assistants certified under chapter 18.135 RCW;

17 (xv) Dietitians and nutritionists certified under chapter 18.138
18 RCW;

19 (xvi) Chemical dependency professionals certified under chapter
20 18.205 RCW;

21 (xvii) Sex offender treatment providers and certified affiliate sex
22 offender treatment providers certified under chapter 18.155 RCW;

23 (xviii) Persons licensed and certified under chapter 18.73 RCW or
24 RCW 18.71.205;

25 (xix) Denturists licensed under chapter 18.30 RCW;

26 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

27 (xxi) Surgical technologists registered under chapter 18.215 RCW;

28 and

29 (xxii) Recreational therapists.

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

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

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

36 (iii) The dental quality assurance commission as established in
37 chapter 18.32 RCW;

1 (iv) The board of hearing and speech as established in chapter
2 18.35 RCW;

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

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

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

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

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

15 (x) The board of physical therapy as established in chapter 18.74
16 RCW;

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

19 (xii) The nursing care quality assurance commission as established
20 in chapter 18.79 RCW governing licenses issued under that chapter;

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

23 (xiv) The veterinary board of governors as established in chapter
24 18.92 RCW.

25 (3) In addition to the authority to discipline license holders, the
26 disciplining authority has the authority to grant or deny licenses
27 based on the conditions and criteria established in this chapter and
28 the chapters specified in subsection (2) of this section. This chapter
29 also governs any investigation, hearing, or proceeding relating to
30 denial of licensure or issuance of a license conditioned on the
31 applicant's compliance with an order entered pursuant to RCW 18.130.160
32 by the disciplining authority.

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. 11.** RCW 18.155.020 and 2001 2nd sp.s. c 12 s 401 are each
2 amended to read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter:

5 (1) "Certified sex offender treatment provider" means a licensed,
6 certified, or registered health professional who is certified to
7 examine and treat sex offenders pursuant to chapters 9.94A and 13.40
8 RCW and sexually violent predators under chapter 71.09 RCW.

9 (2) "Certified affiliate sex offender treatment provider" means a
10 licensed, certified, or registered health professional who is certified
11 as an affiliate to examine and treat sex offenders pursuant to chapters
12 9.94A and 13.40 RCW and sexually violent predators under chapter 71.09
13 RCW under the supervision of a certified sex offender treatment
14 provider.

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

16 (~~(3)~~) (4) "Secretary" means the secretary of health.

17 (~~(4)~~) (5) "Sex offender treatment provider" or "affiliate sex
18 offender treatment provider" means a person who counsels or treats sex
19 offenders accused of or convicted of a sex offense as defined by RCW
20 9.94A.030.

21 **Sec. 12.** RCW 18.155.030 and 2001 2nd sp.s. c 12 s 402 are each
22 amended to read as follows:

23 (1) No person shall represent himself or herself as a certified sex
24 offender treatment provider or certified affiliate sex offender
25 treatment provider without first applying for and receiving a
26 certificate pursuant to this chapter.

27 (2) Only a certified sex offender treatment provider or certified
28 affiliate sex offender treatment provider may perform or provide the
29 following services:

30 (a) Evaluations conducted for the purposes of and pursuant to RCW
31 9.94A.670 and 13.40.160;

32 (b) Treatment of convicted sex offenders who are sentenced and
33 ordered into treatment pursuant to chapter 9.94A RCW and adjudicated
34 juvenile sex offenders who are ordered into treatment pursuant to
35 chapter 13.40 RCW;

36 (c) Except as provided under subsection (3) of this section,

1 treatment of sexually violent predators who are conditionally released
2 to a less restrictive alternative pursuant to chapter 71.09 RCW.

3 (3) A certified sex offender treatment provider or certified
4 affiliate sex offender treatment provider may not perform or provide
5 treatment of sexually violent predators under subsection (2)(c) of this
6 section if the (~~certified sex offender~~) treatment provider has been:

7 (a) Convicted of a sex offense, as defined in RCW 9.94A.030;

8 (b) Convicted in any other jurisdiction of an offense that under
9 the laws of this state would be classified as a sex offense as defined
10 in RCW 9.94A.030; or

11 (c) Suspended or otherwise restricted from practicing any health
12 care profession by competent authority in any state, federal, or
13 foreign jurisdiction.

14 **Sec. 13.** RCW 18.155.040 and 1996 c 191 s 86 are each amended to
15 read as follows:

16 In addition to any other authority provided by law, the secretary
17 shall have the following authority:

18 (1) To set administrative procedures, administrative requirements,
19 and fees in accordance with RCW 43.70.250 and 43.70.280;

20 (2) To establish forms necessary to administer this chapter;

21 (3) To issue a certificate or an affiliate certificate to any
22 applicant who has met the education, training, and examination
23 requirements for certification or an affiliate certification and deny
24 a certificate to applicants who do not meet the minimum qualifications
25 for certification or affiliate certification. Proceedings concerning
26 the denial of certificates based on unprofessional conduct or impaired
27 practice shall be governed by the uniform disciplinary act, chapter
28 18.130 RCW;

29 (4) To hire clerical, administrative, and investigative staff as
30 needed to implement and administer this chapter and to hire individuals
31 including those certified under this chapter to serve as examiners or
32 consultants as necessary to implement and administer this chapter;

33 (5) To maintain the official department record of all applicants
34 and certifications;

35 (6) To conduct a hearing on an appeal of a denial of a certificate
36 on the applicant's failure to meet the minimum qualifications for

1 certification. The hearing shall be conducted pursuant to chapter
2 34.05 RCW;

3 (7) To issue subpoenas, statements of charges, statements of intent
4 to deny certificates, and orders and to delegate in writing to a
5 designee the authority to issue subpoenas, statements of charges, and
6 statements of intent to deny certificates;

7 (8) To determine the minimum education, work experience, and
8 training requirements for certification or affiliate certification,
9 including but not limited to approval of educational programs;

10 (9) To prepare and administer or approve the preparation and
11 administration of examinations for certification;

12 (10) To establish by rule the procedure for appeal of an
13 examination failure;

14 (11) To adopt rules implementing a continuing competency program;

15 (12) To adopt rules in accordance with chapter 34.05 RCW as
16 necessary to implement this chapter.

17 NEW SECTION. **Sec. 14.** A new section is added to chapter 18.155
18 RCW to read as follows:

19 The department shall issue an affiliate certificate to any
20 applicant who meets the following requirements:

21 (1) Successful completion of an educational program approved by the
22 secretary or successful completion of alternate training which meets
23 the criteria of the secretary;

24 (2) Successful completion of an examination administered or
25 approved by the secretary;

26 (3) Not having engaged in unprofessional conduct or being unable to
27 practice with reasonable skill and safety as a result of a physical or
28 mental impairment; and

29 (4) Other requirements as may be established by the secretary that
30 impact the competence of the sex offender treatment provider.

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