

SHB 1300 - S AMD 448
By Senator Keiser

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 18.130.040 and 2004 c 38 s 2 are each amended to read
4 as follows:

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

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

12 (i) Dispensing opticians licensed and designated apprentices under
13 chapter 18.34 RCW;

14 (ii) Naturopaths licensed under chapter 18.36A RCW;

15 (iii) Midwives licensed under chapter 18.50 RCW;

16 (iv) Ocularists licensed under chapter 18.55 RCW;

17 (v) Massage operators and businesses licensed under chapter 18.108
18 RCW;

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

20 (vii) Acupuncturists licensed under chapter 18.06 RCW;

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

23 (ix) Respiratory care practitioners licensed under chapter 18.89
24 RCW;

25 (x) Persons registered under chapter 18.19 RCW;

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

28 (xii) Persons registered as nursing pool operators under chapter
29 18.52C RCW;

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

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

4 (xv) Dietitians and nutritionists certified under chapter 18.138
5 RCW;

6 (xvi) Chemical dependency professionals certified under chapter
7 18.205 RCW;

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

10 (xviii) Persons licensed and certified under chapter 18.73 RCW or
11 RCW 18.71.205;

12 (xix) Denturists licensed under chapter 18.30 RCW;

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

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

15 and

16 (xxii) Recreational therapists.

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

19 (i) The podiatric medical board as established in chapter 18.22
20 RCW;

21 (ii) The chiropractic quality assurance commission as established
22 in chapter 18.25 RCW;

23 (iii) The dental quality assurance commission as established in
24 chapter 18.32 RCW;

25 (iv) The board of hearing and speech as established in chapter
26 18.35 RCW;

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

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

31 (vii) The board of osteopathic medicine and surgery as established
32 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
33 18.57A RCW;

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

36 (ix) The medical quality assurance commission as established in
37 chapter 18.71 RCW governing licenses and registrations issued under
38 chapters 18.71 and 18.71A RCW;

1 (x) The board of physical therapy as established in chapter 18.74
2 RCW;

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

5 (xii) The nursing care quality assurance commission as established
6 in chapter 18.79 RCW governing licenses and registrations issued under
7 that chapter;

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

10 (xiv) The veterinary board of governors as established in chapter
11 18.92 RCW.

12 (3) In addition to the authority to discipline license holders, the
13 disciplining authority has the authority to grant or deny licenses
14 (~~((based on the conditions and criteria established in this chapter and~~
15 ~~the chapters specified in subsection (2) of this section)). ((This~~
16 ~~chapter also governs any investigation, hearing, or proceeding relating~~
17 ~~to denial of licensure or issuance of a license conditioned on the~~
18 ~~applicant's compliance with an order entered pursuant to RCW 18.130.160~~
19 ~~by)) The disciplining authority may also grant a license subject to
20 conditions.~~

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

25 NEW SECTION. Sec. 2. (1) The legislature finds that in order to
26 protect the public and to promote the safety of and confidence in the
27 health care system, the disciplining authority may deny an application
28 for licensure or grant a license with conditions if the applicant:

29 (a) Has had his or her license to practice any health care
30 profession suspended, revoked, or restricted, by competent authority in
31 any state, federal, or foreign jurisdiction;

32 (b) Has committed any act defined as unprofessional conduct for a
33 license holder under RCW 18.130.180;

34 (c) Has been convicted or is subject to current prosecution or
35 pending charges of a crime involving moral turpitude or a crime
36 identified in RCW 43.43.830. For purposes of this section, conviction
37 includes all instances in which a plea of guilty or nolo contendere is

1 the basis for the conviction and all proceedings in which the
2 prosecution or sentence has been deferred or suspended. At the request
3 of an applicant for an original license whose conviction is under
4 appeal, the disciplining authority may defer decision upon the
5 application during the pendency of such a prosecution or appeal;

6 (d) Fails to prove that he or she is qualified in accordance with
7 the provisions of this chapter, the chapters identified in RCW
8 18.130.040(2), or the rules adopted by the disciplining authority; or

9 (e) Is not able to practice with reasonable skill and safety to
10 consumers by reason of any mental or physical condition.

11 (i) The disciplining authority may require the applicant, at his or
12 her own expense, to submit to a mental or physical examination by one
13 or more licensed health professionals designated by the disciplining
14 authority. The disciplining authority shall provide written notice of
15 its requirement for a mental or physical examination which notice shall
16 include a statement of the specific conduct, event, or circumstances
17 justifying an examination and a statement of the nature, purpose,
18 scope, and content of the intended examination. If the applicant fails
19 to submit to the examination or provide the results of the examination
20 or any required waivers, the disciplining authority may deny the
21 application.

22 (ii) An applicant governed by this chapter is deemed to have given
23 consent to submit to a mental, physical, or psychological examination
24 when directed in writing by the disciplining authority and further to
25 have waived all objections to the admissibility or use of the examining
26 health professional's testimony or examination reports by the
27 disciplining authority on the grounds that the testimony or reports
28 constitute privileged communications.

29 (2) The provisions of RCW 9.95.240 and chapter 9.96A RCW do not
30 apply to a decision to deny a license under this section.

31 (3) The disciplining authority shall give written notice to the
32 applicant of the decision to deny a license or grant a license with
33 conditions in response to an application for a license. The notice
34 must state the grounds and factual basis for the action and be served
35 upon the applicant.

36 (4) A license applicant who is aggrieved by the decision to deny
37 the license or grant the license with conditions has the right to an
38 adjudicative proceeding. The application for adjudicative proceeding

1 must be in writing, state the basis for contesting the adverse action,
2 include a copy of the adverse notice, and be served on and received by
3 the department within twenty-eight days of the decision. The license
4 applicant has the burden to establish, by a preponderance of evidence,
5 that the license applicant is qualified in accordance with the
6 provisions of this chapter, the chapters identified in RCW
7 18.130.040(2), and the rules adopted by the disciplining authority.

8 **Sec. 3.** RCW 18.130.050 and 2006 c 99 s 4 are each amended to read
9 as follows:

10 The disciplining authority has the following authority:

11 (1) To adopt, amend, and rescind such rules as are deemed necessary
12 to carry out this chapter;

13 (2) To investigate all complaints or reports of unprofessional
14 conduct as defined in this chapter and to hold hearings as provided in
15 this chapter;

16 (3) To issue subpoenas and administer oaths in connection with any
17 investigation, consideration of an application for license, hearing, or
18 proceeding held under this chapter;

19 (4) To take or cause depositions to be taken and use other
20 discovery procedures as needed in any investigation, hearing, or
21 proceeding held under this chapter;

22 (5) To compel attendance of witnesses at hearings;

23 (6) In the course of investigating a complaint or report of
24 unprofessional conduct, to conduct practice reviews and to issue
25 citations and assess fines for failure to produce documents, records,
26 or other items in accordance with section 5 of this act;

27 ~~(7) ((To take emergency action ordering summary suspension of a~~
28 ~~license, or restriction or limitation of the license holder's practice~~
29 ~~pending proceedings by the disciplining authority. Consistent with RCW~~
30 ~~18.130.370, a disciplining authority shall issue a summary suspension~~
31 ~~of the license or temporary practice permit of a license holder~~
32 ~~prohibited from practicing a health care profession in another state,~~
33 ~~federal, or foreign jurisdiction because of an act of unprofessional~~
34 ~~conduct that is substantially equivalent to an act of unprofessional~~
35 ~~conduct prohibited by this chapter or any of the chapters specified in~~
36 ~~RCW 18.130.040. The summary suspension remains in effect until~~

1 ~~proceedings by the Washington disciplining authority have been~~
2 ~~completed;~~

3 ~~(8))~~ To use a presiding officer as authorized in RCW 18.130.095(3)
4 or the office of administrative hearings as authorized in chapter 34.12
5 RCW to conduct hearings. The disciplining authority shall make the
6 final decision regarding disposition of the license unless the
7 disciplining authority elects to delegate in writing the final decision
8 to the presiding officer;

9 ~~((9))~~ (8) To use individual members of the boards to direct
10 investigations and to authorize the issuance of a citation under
11 subsection (6) of this section. However, the member of the board shall
12 not subsequently participate in the hearing of the case;

13 ~~((10))~~ (9) To enter into contracts for professional services
14 determined to be necessary for adequate enforcement of this chapter;

15 ~~((11))~~ (10) To contract with licensees or other persons or
16 organizations to provide services necessary for the monitoring and
17 supervision of licensees who are placed on probation, whose
18 professional activities are restricted, or who are for any authorized
19 purpose subject to monitoring by the disciplining authority;

20 ~~((12))~~ (11) To adopt standards of professional conduct or
21 practice;

22 ~~((13))~~ (12) To grant or deny license applications, and in the
23 event of a finding of unprofessional conduct by an applicant or license
24 holder, to impose any sanction against a license applicant or license
25 holder provided by this chapter. After January 1, 2008, all sanctions
26 must be issued in accordance with RCW 18.130.165;

27 ~~((14))~~ (13) To restrict or place conditions on the practice of
28 new licensees in order to protect the public and promote the safety of
29 and confidence in the health care system;

30 (14) To designate individuals authorized to sign subpoenas and
31 statements of charges;

32 (15) To establish panels consisting of three or more members of the
33 board to perform any duty or authority within the board's jurisdiction
34 under this chapter;

35 (16) To review and audit the records of licensed health facilities'
36 or services' quality assurance committee decisions in which a
37 licensee's practice privilege or employment is terminated or
38 restricted. Each health facility or service shall produce and make

1 accessible to the disciplining authority the appropriate records and
2 otherwise facilitate the review and audit. Information so gained shall
3 not be subject to discovery or introduction into evidence in any civil
4 action pursuant to RCW 70.41.200(3).

5 **Sec. 4.** RCW 18.130.060 and 2006 c 99 s 1 are each amended to read
6 as follows:

7 In addition to the authority specified in RCW 18.130.050, the
8 secretary has the following additional authority:

9 (1) To employ such investigative, administrative, and clerical
10 staff as necessary for the enforcement of this chapter;

11 (2) Upon the request of a board, to appoint pro tem members to
12 participate as members of a panel of the board in connection with
13 proceedings specifically identified in the request. Individuals so
14 appointed must meet the same minimum qualifications as regular members
15 of the board. Pro tem members appointed for matters under this chapter
16 are appointed for a term of no more than one year. No pro tem member
17 may serve more than four one-year terms. While serving as board
18 members pro tem, persons so appointed have all the powers, duties, and
19 immunities, and are entitled to the emoluments, including travel
20 expenses in accordance with RCW 43.03.050 and 43.03.060, of regular
21 members of the board. The chairperson of a panel shall be a regular
22 member of the board appointed by the board chairperson. Panels have
23 authority to act as directed by the board with respect to all matters
24 concerning the review, investigation, and adjudication of all
25 complaints, allegations, charges, and matters subject to the
26 jurisdiction of the board. The authority to act through panels does
27 not restrict the authority of the board to act as a single body at any
28 phase of proceedings within the board's jurisdiction. Board panels may
29 make interim orders and issue final decisions with respect to matters
30 and cases delegated to the panel by the board. Final decisions may be
31 appealed as provided in chapter 34.05 RCW, the administrative procedure
32 act;

33 (3) To establish fees to be paid for witnesses, expert witnesses,
34 and consultants used in any investigation and to establish fees to
35 witnesses in any agency adjudicative proceeding as authorized by RCW
36 34.05.446;

1 (4) To conduct investigations and practice reviews at the direction
2 of the disciplining authority and to issue subpoenas, administer oaths,
3 and take depositions in the course of conducting those investigations
4 and practice reviews at the direction of the disciplining authority;

5 (5) To take emergency action ordering summary suspension of a
6 license, or restriction or limitation of the license holder's practice
7 pending proceedings by the disciplining authority. Consistent with RCW
8 18.130.370, the secretary shall issue a summary suspension of the
9 license or temporary practice permit of a license holder prohibited
10 from practicing a health care profession in another state, federal, or
11 foreign jurisdiction because of an act of unprofessional conduct that
12 is substantially equivalent to an act of unprofessional conduct
13 prohibited by this chapter or any of the chapters specified in RCW
14 18.130.040. The summary suspension remains in effect until proceedings
15 by the Washington disciplining authority have been completed;

16 (6) To have the health professions regulatory program establish a
17 system to recruit potential public members, to review the
18 qualifications of such potential members, and to provide orientation to
19 those public members appointed pursuant to law by the governor or the
20 secretary to the boards and commissions specified in RCW
21 18.130.040(2)(b), and to the advisory committees and councils for
22 professions specified in RCW 18.130.040(2)(a); and

23 ((+6+)) (7) To adopt rules, in consultation with the disciplining
24 authorities, requiring every license holder to report information
25 identified in RCW 18.130.070.

26 NEW SECTION. Sec. 5. (1)(a) A licensee must produce documents,
27 records, or other items that are within his or her possession or
28 control within twenty-one days of service of a request by a
29 disciplining authority. If the twenty-one day limit results in a
30 hardship upon the licensee, he or she may request for good cause an
31 extension not to exceed thirty additional days.

32 (b) In the event the licensee fails to produce the documents,
33 records, or other items as requested by the disciplining authority or
34 fails to obtain an extension of the time for response, the disciplining
35 authority may issue a written citation and assess a fine of up to one
36 hundred dollars per day for each day after the issuance of the citation
37 until the documents, records, or other items are produced.

1 (c) In no event may the administrative fine assessed by the
2 disciplining authority exceed five thousand dollars for each
3 investigation made with respect to the violation.

4 (2) Citations issued under this section must include the following:

5 (a) A statement that the citation represents a determination that
6 the person named has failed to produce documents, records, or other
7 items as required by this section and that the determination is final
8 unless contested as provided in this section;

9 (b) A statement of the specific circumstances;

10 (c) A statement of the monetary fine, which is up to one hundred
11 dollars per day for each day after the issuance of the citation;

12 (d) A statement informing the licensee that if the licensee desires
13 a hearing to contest the finding of a violation, the hearing must be
14 requested by written notice to the disciplining authority within twenty
15 days of the date of issuance of the citation. The hearing is limited
16 to the issue of whether the licensee timely produced the requested
17 documents, records, or other items or had good cause for failure to do
18 so; and

19 (e) A statement that in the event a licensee fails to pay a fine
20 within thirty days of the date of assessment, the full amount of the
21 assessed fine must be added to the fee for renewal of the license
22 unless the citation is being appealed.

23 (3) RCW 18.130.165 governs proof and enforcement of the fine.

24 (4) Administrative fines collected under this section must be
25 deposited in the health professions account created in RCW 43.70.320.

26 (5) Issuance of a citation under this section does not preclude the
27 disciplining authority from pursuing other action under this chapter.

28 (6) The disciplining authority shall establish and make available
29 to licensees the maximum daily monetary fine that may be issued under
30 subsection (2)(c) of this section. The disciplining authority shall
31 review the maximum fine on a regular basis, but at a minimum, each
32 biennium.

33 **Sec. 6.** RCW 18.130.080 and 2006 c 99 s 5 are each amended to read
34 as follows:

35 (1) ~~((A person, including but not limited to consumers, licensees,~~
36 ~~corporations, organizations, health care facilities, impaired~~
37 ~~practitioner programs, or voluntary substance abuse monitoring programs~~

1 ~~approved by disciplining authorities, and state and local governmental~~
2 ~~agencies,))~~ (a) An individual, an impaired practitioner program, or a
3 voluntary substance abuse monitoring program approved by a disciplining
4 authority may submit a written complaint to the disciplining authority
5 charging a license holder or applicant with unprofessional conduct and
6 specifying the grounds therefor or to report information to the
7 disciplining authority, or voluntary substance abuse monitoring
8 program, or an impaired practitioner program approved by the
9 disciplining authority, which indicates that the license holder may not
10 be able to practice his or her profession with reasonable skill and
11 safety to consumers as a result of a mental or physical condition.

12 (b)(i) Every license holder, corporation, organization, health care
13 facility, and state and local governmental agency that employs a
14 license holder shall report to the disciplining authority when any
15 license holder's services have been terminated or restricted based upon
16 a determination that the license holder has either committed an act or
17 acts that may constitute unprofessional conduct or that the license
18 holder may not be able to practice his or her profession with
19 reasonable skill and safety to consumers as a result of a mental or
20 physical condition.

21 (ii) All reports required by (b)(i) of this subsection must be
22 submitted to the disciplining authority as soon as possible, but no
23 later than twenty days after a determination has been made. A report
24 should contain the following information, if known:

25 (A) The name, address, and telephone number of the person making
26 the report;

27 (B) The name, address, and telephone number of the license holder
28 being reported;

29 (C) The case number of any patient whose treatment is the subject
30 of the report;

31 (D) A brief description or summary of the facts that gave rise to
32 the issuance of the report, including dates of occurrences;

33 (E) If court action is involved, the name of the court in which the
34 action is filed, the date of filing, and the docket number; and

35 (F) Any further information that would aid in the evaluation of the
36 report.

37 (iii) Mandatory reports required by (b)(i) of this subsection are
38 exempt from public inspection and copying to the extent permitted under

1 chapter 42.56 RCW or to the extent that public inspection or copying of
2 the report would invade or violate a person's right to privacy as set
3 forth in RCW 42.56.050.

4 (2) If the disciplining authority determines that ((the)) a
5 complaint submitted under subsection (1) of this section merits
6 investigation, or if the disciplining authority has reason to believe,
7 without a formal complaint, that a license holder or applicant may have
8 engaged in unprofessional conduct, the disciplining authority shall
9 investigate to determine whether there has been unprofessional conduct.
10 In conducting the investigation, the disciplining authority may consult
11 with a practitioner or practitioners who utilize the procedure in
12 question in the complaint in their practices to determine whether the
13 license holder or applicant against whom the complaint has been filed
14 is guilty of unprofessional conduct. In determining whether or not to
15 investigate, the disciplining authority shall consider any prior
16 complaints received by the disciplining authority, any prior findings
17 of fact under RCW 18.130.110, any stipulations to informal disposition
18 under RCW 18.130.172, and any comparable action taken by other state
19 disciplining authorities.

20 ~~((+2))~~ (3) Notwithstanding subsection ((+1)) (2) of this section,
21 the disciplining authority shall initiate an investigation in every
22 instance where:

23 (a) The disciplining authority receives information that a health
24 care provider has been disqualified from participating in the federal
25 medicare program, under Title XVIII of the federal social security act,
26 or the federal medicaid program, under Title XIX of the federal social
27 security act; or

28 (b) There is a pattern of complaints, arrests, or other actions
29 that may not have resulted in a formal adjudication of wrongdoing, but
30 when considered together demonstrate a pattern of similar conduct that,
31 without investigation, may pose a risk to the safety of the license
32 holder's patients.

33 ~~((+3) A person who files a complaint or reports information under~~
34 ~~this section in good faith is immune from suit in any civil action~~
35 ~~related to the filing or contents of the complaint.))~~

36 (4) Failure of an entity to submit a mandatory report to the
37 disciplining authority under subsection (1)(b) of this section is

1 punishable by a civil penalty not to exceed five hundred dollars and
2 constitutes unprofessional conduct.

3 (5) If a report has been made by a hospital to the department under
4 RCW 70.41.210, a report to the disciplining authority under subsection
5 (1)(b) of this section is not required.

6 (6) A person is immune from civil liability, whether direct or
7 derivative, for providing information in good faith to the disciplining
8 authority under this section.

9 **Sec. 7.** RCW 18.130.140 and 1984 c 279 s 14 are each amended to
10 read as follows:

11 An individual who has been disciplined (~~(or)~~), whose license has
12 been denied, or whose license has been granted with conditions by a
13 disciplining authority may appeal the decision as provided in chapter
14 34.05 RCW.

15 **Sec. 8.** RCW 18.130.150 and 1997 c 58 s 831 are each amended to
16 read as follows:

17 A person whose license has been suspended (~~(or revoked)~~) under this
18 chapter may petition the disciplining authority for reinstatement after
19 an interval as determined by the disciplining authority in the order.
20 A person whose license has been revoked under this chapter may petition
21 the disciplining authority for reinstatement no sooner than five years
22 after the effective date of the revocation. The disciplining authority
23 shall hold hearings on the petition and may deny the petition or may
24 order reinstatement and impose terms and conditions as provided in RCW
25 18.130.160 and issue an order of reinstatement. The disciplining
26 authority may require successful completion of an examination as a
27 condition of reinstatement.

28 A person whose license has been suspended for noncompliance with a
29 support order or (~~(a residential or)~~) visitation order under RCW
30 74.20A.320 may petition for reinstatement at any time by providing the
31 secretary a release issued by the department of social and health
32 services stating that the person is in compliance with the order. If
33 the person has continued to meet all other requirements for
34 reinstatement during the suspension, the secretary shall automatically
35 reissue the person's license upon receipt of the release, and payment
36 of a reinstatement fee, if any.

1 **Sec. 9.** RCW 18.130.160 and 2006 c 99 s 6 and 2006 c 8 s 104 are
2 each reenacted and amended to read as follows:

3 Upon a finding, after hearing, that a license holder (~~or~~
4 ~~applicant~~) has committed unprofessional conduct or is unable to
5 practice with reasonable skill and safety due to a physical or mental
6 condition, the disciplining authority (~~may consider the imposition of~~
7 ~~sanctions, taking into account~~) shall issue an order including
8 sanctions adopted in accordance with the schedule adopted under section
9 14 of this act giving proper consideration to any prior findings of
10 fact under RCW 18.130.110, any stipulations to informal disposition
11 under RCW 18.130.172, and any action taken by other in-state or out-of-
12 state disciplining authorities(, and issue an). The order
13 (providing) must provide for one or any combination of the following,
14 as directed by the schedule:

- 15 (1) Revocation of the license;
- 16 (2) Suspension of the license for a fixed or indefinite term;
- 17 (3) Restriction or limitation of the practice;
- 18 (4) Requiring the satisfactory completion of a specific program of
19 remedial education or treatment;
- 20 (5) The monitoring of the practice by a supervisor approved by the
21 disciplining authority;
- 22 (6) Censure or reprimand;
- 23 (7) Compliance with conditions of probation for a designated period
24 of time;
- 25 (8) Payment of a fine for each violation of this chapter, not to
26 exceed five thousand dollars per violation. Funds received shall be
27 placed in the health professions account;
- 28 (9) Denial of the license request;
- 29 (10) Corrective action;
- 30 (11) Refund of fees billed to and collected from the consumer;
- 31 (12) A surrender of the practitioner's license in lieu of other
32 sanctions, which must be reported to the federal data bank.

33 Any of the actions under this section may be totally or partly
34 stayed by the disciplining authority. Safeguarding the public's health
35 and safety is the paramount responsibility of every disciplining
36 authority (~~and~~). In determining what action is appropriate, the
37 disciplining authority must consider the schedule adopted under section
38 14 of this act. Where the schedule allows flexibility in determining

1 the appropriate sanction, the disciplining authority must first
2 consider what sanctions are necessary to protect or compensate the
3 public. Only after such provisions have been made may the disciplining
4 authority consider and include in the order requirements designed to
5 rehabilitate the license holder (~~(or applicant)~~). All costs associated
6 with compliance with orders issued under this section are the
7 obligation of the license holder (~~(or applicant)~~).

8 The disciplining authority may determine that a case presents
9 unique circumstances that the schedule adopted under section 14 of this
10 act does not adequately address. The disciplining authority may
11 deviate from the schedule adopted under section 14 of this act when
12 selecting appropriate sanctions, but the disciplining authority must
13 issue a written explanation of the basis for not following the
14 schedule.

15 The (~~(licensee or applicant)~~) license holder may enter into a
16 stipulated disposition of charges that includes one or more of the
17 sanctions of this section, but only after a statement of charges has
18 been issued and the (~~(licensee)~~) license holder has been afforded the
19 opportunity for a hearing and has elected on the record to forego such
20 a hearing. The stipulation shall either contain one or more specific
21 findings of unprofessional conduct or inability to practice, or a
22 statement by the (~~(licensee)~~) license holder acknowledging that
23 evidence is sufficient to justify one or more specified findings of
24 unprofessional conduct or inability to practice. The stipulation
25 entered into pursuant to this subsection shall be considered formal
26 disciplinary action for all purposes.

27 **Sec. 10.** RCW 18.130.165 and 1993 c 367 s 20 are each amended to
28 read as follows:

29 Where an order for payment of a fine is made as a result of a
30 citation under section 5 of this act or a hearing under RCW 18.130.100
31 or 18.130.190 and timely payment is not made as directed in the final
32 order, the disciplining authority may enforce the order for payment in
33 the superior court in the county in which the hearing was held. This
34 right of enforcement shall be in addition to any other rights the
35 disciplining authority may have as to any licensee ordered to pay a
36 fine but shall not be construed to limit a licensee's ability to seek
37 judicial review under RCW 18.130.140.

1 In any action for enforcement of an order of payment of a fine, the
2 disciplining authority's order is conclusive proof of the validity of
3 the order of payment of a fine and the terms of payment.

4 **Sec. 11.** RCW 18.130.170 and 1995 c 336 s 8 are each amended to
5 read as follows:

6 (1) If the disciplining authority believes a license holder (~~or~~
7 ~~applicant~~) may be unable to practice with reasonable skill and safety
8 to consumers by reason of any mental or physical condition, a statement
9 of charges in the name of the disciplining authority shall be served on
10 the license holder (~~or~~~~applicant~~) and notice shall also be issued
11 providing an opportunity for a hearing. The hearing shall be limited
12 to the sole issue of the capacity of the license holder (~~or~~
13 ~~applicant~~) to practice with reasonable skill and safety. If the
14 disciplining authority determines that the license holder (~~or~~
15 ~~applicant~~) is unable to practice with reasonable skill and safety for
16 one of the reasons stated in this subsection, the disciplining
17 authority shall impose such sanctions under RCW 18.130.160 as is deemed
18 necessary to protect the public.

19 (2)(a) In investigating or adjudicating a complaint or report that
20 a license holder (~~or~~~~applicant~~) may be unable to practice with
21 reasonable skill or safety by reason of any mental or physical
22 condition, the disciplining authority may require a license holder (~~or~~
23 ~~applicant~~) to submit to a mental or physical examination by one or
24 more licensed or certified health professionals designated by the
25 disciplining authority. The license holder (~~or~~~~applicant~~) shall be
26 provided written notice of the disciplining authority's intent to order
27 a mental or physical examination, which notice shall include: (i) A
28 statement of the specific conduct, event, or circumstances justifying
29 an examination; (ii) a summary of the evidence supporting the
30 disciplining authority's concern that the license holder (~~or~~
31 ~~applicant~~) may be unable to practice with reasonable skill and safety
32 by reason of a mental or physical condition, and the grounds for
33 believing such evidence to be credible and reliable; (iii) a statement
34 of the nature, purpose, scope, and content of the intended examination;
35 (iv) a statement that the license holder (~~or~~~~applicant~~) has the right
36 to respond in writing within twenty days to challenge the disciplining
37 authority's grounds for ordering an examination or to challenge the

1 manner or form of the examination; and (v) a statement that if the
2 license holder ((~~or applicant~~)) timely responds to the notice of
3 intent, then the license holder ((~~or applicant~~)) will not be required
4 to submit to the examination while the response is under consideration.

5 (b) Upon submission of a timely response to the notice of intent to
6 order a mental or physical examination, the license holder ((~~or~~
7 ~~applicant~~)) shall have an opportunity to respond to or refute such an
8 order by submission of evidence or written argument or both. The
9 evidence and written argument supporting and opposing the mental or
10 physical examination shall be reviewed by either a panel of the
11 disciplining authority members who have not been involved with the
12 allegations against the license holder ((~~or applicant~~)) or a neutral
13 decision maker approved by the disciplining authority. The reviewing
14 panel of the disciplining authority or the approved neutral decision
15 maker may, in its discretion, ask for oral argument from the parties.
16 The reviewing panel of the disciplining authority or the approved
17 neutral decision maker shall prepare a written decision as to whether:
18 There is reasonable cause to believe that the license holder ((~~or~~
19 ~~applicant~~)) may be unable to practice with reasonable skill and safety
20 by reason of a mental or physical condition, or the manner or form of
21 the mental or physical examination is appropriate, or both.

22 (c) Upon receipt by the disciplining authority of the written
23 decision, or upon the failure of the license holder ((~~or applicant~~)) to
24 timely respond to the notice of intent, the disciplining authority may
25 issue an order requiring the license holder ((~~or applicant~~)) to undergo
26 a mental or physical examination. All such mental or physical
27 examinations shall be narrowly tailored to address only the alleged
28 mental or physical condition and the ability of the license holder ((~~or~~
29 ~~applicant~~)) to practice with reasonable skill and safety. An order of
30 the disciplining authority requiring the license holder ((~~or~~
31 ~~applicant~~)) to undergo a mental or physical examination is not a final
32 order for purposes of appeal. The cost of the examinations ordered by
33 the disciplining authority shall be paid out of the health professions
34 account. In addition to any examinations ordered by the disciplining
35 authority, the licensee may submit physical or mental examination
36 reports from licensed or certified health professionals of the license
37 holder's ((~~or applicant's~~)) choosing and expense.

1 (d) If the disciplining authority finds that a license holder (~~or~~
2 ~~applicant~~) has failed to submit to a properly ordered mental or
3 physical examination, then the disciplining authority may order
4 appropriate action or discipline under RCW 18.130.180(9), unless the
5 failure was due to circumstances beyond the person's control. However,
6 no such action or discipline may be imposed unless the license holder
7 (~~or applicant~~) has had the notice and opportunity to challenge the
8 disciplining authority's grounds for ordering the examination, to
9 challenge the manner and form, to assert any other defenses, and to
10 have such challenges or defenses considered by either a panel of the
11 disciplining authority members who have not been involved with the
12 allegations against the license holder (~~or applicant~~) or a neutral
13 decision maker approved by the disciplining authority, as previously
14 set forth in this section. Further, the action or discipline ordered
15 by the disciplining authority shall not be more severe than a
16 suspension of the license, certification, registration, or application
17 until such time as the license holder (~~or applicant~~) complies with
18 the properly ordered mental or physical examination.

19 (e) Nothing in this section shall restrict the power of a
20 disciplining authority to act in an emergency under RCW 34.05.422(4),
21 34.05.479, and (~~(18.130.050(7))~~) 18.130.060(5).

22 (f) A determination by a court of competent jurisdiction that a
23 license holder (~~or applicant~~) is mentally incompetent or mentally ill
24 is presumptive evidence of the license holder's (~~or applicant's~~)
25 inability to practice with reasonable skill and safety. An individual
26 affected under this section shall at reasonable intervals be afforded
27 an opportunity, at his or her expense, to demonstrate that the
28 individual can resume competent practice with reasonable skill and
29 safety to the consumer.

30 (3) For the purpose of subsection (2) of this section, (~~an~~
31 ~~applicant or~~) a license holder governed by this chapter, by making
32 application, practicing, or filing a license renewal, is deemed to have
33 given consent to submit to a mental, physical, or psychological
34 examination when directed in writing by the disciplining authority and
35 further to have waived all objections to the admissibility or use of
36 the examining health professional's testimony or examination reports by
37 the disciplining authority on the ground that the testimony or reports
38 constitute privileged communications.

1 **Sec. 12.** RCW 18.130.172 and 2000 c 171 s 29 are each amended to
2 read as follows:

3 (1) Prior to serving a statement of charges under RCW 18.130.090 or
4 18.130.170, the disciplinary authority may furnish a statement of
5 allegations to the licensee (~~(or applicant)~~) along with a detailed
6 summary of the evidence relied upon to establish the allegations and a
7 proposed stipulation for informal resolution of the allegations. These
8 documents shall be exempt from public disclosure until such time as the
9 allegations are resolved either by stipulation or otherwise.

10 (2) The disciplinary authority and the (~~(applicant or)~~) licensee
11 may stipulate that the allegations may be disposed of informally in
12 accordance with this subsection. The stipulation shall contain a
13 statement of the facts leading to the filing of the complaint; the act
14 or acts of unprofessional conduct alleged to have been committed or the
15 alleged basis for determining that the (~~(applicant or)~~) licensee is
16 unable to practice with reasonable skill and safety; a statement that
17 the stipulation is not to be construed as a finding of either
18 unprofessional conduct or inability to practice; an acknowledgement
19 that a finding of unprofessional conduct or inability to practice, if
20 proven, constitutes grounds for discipline under this chapter; and an
21 agreement on the part of the licensee (~~(or applicant)~~) that the
22 sanctions set forth in RCW 18.130.160, except RCW 18.130.160 (1), (2),
23 (6), and (8), may be imposed as part of the stipulation, except that no
24 fine may be imposed but the licensee (~~(or applicant)~~) may agree to
25 reimburse the disciplinary authority the costs of investigation and
26 processing the complaint up to an amount not exceeding one thousand
27 dollars per allegation; and an agreement on the part of the
28 disciplinary authority to forego further disciplinary proceedings
29 concerning the allegations. A stipulation entered into pursuant to
30 this subsection shall not be considered formal disciplinary action.

31 (3) If the licensee (~~(or applicant)~~) declines to agree to
32 disposition of the charges by means of a stipulation pursuant to
33 subsection (2) of this section, the disciplinary authority may proceed
34 to formal disciplinary action pursuant to RCW 18.130.090 or 18.130.170.

35 (4) Upon execution of a stipulation under subsection (2) of this
36 section by both the licensee (~~(or applicant)~~) and the disciplinary
37 authority, the complaint is deemed disposed of and shall become subject
38 to public disclosure on the same basis and to the same extent as other

1 records of the disciplinary authority. Should the licensee (~~or~~
2 ~~applicant~~) fail to pay any agreed reimbursement within thirty days of
3 the date specified in the stipulation for payment, the disciplinary
4 authority may seek collection of the amount agreed to be paid in the
5 same manner as enforcement of a fine under RCW 18.130.165.

6 **Sec. 13.** RCW 18.130.180 and 1995 c 336 s 9 are each amended to
7 read as follows:

8 The following conduct, acts, or conditions constitute
9 unprofessional conduct for any license holder (~~or applicant~~) under
10 the jurisdiction of this chapter:

11 (1) The commission of any act involving moral turpitude,
12 dishonesty, or corruption relating to the practice of the person's
13 profession, whether the act constitutes a crime or not. If the act
14 constitutes a crime, conviction in a criminal proceeding is not a
15 condition precedent to disciplinary action. Upon such a conviction,
16 however, the judgment and sentence is conclusive evidence at the
17 ensuing disciplinary hearing of the guilt of the license holder or
18 applicant of the crime described in the indictment or information, and
19 of the person's violation of the statute on which it is based. For the
20 purposes of this section, conviction includes all instances in which a
21 plea of guilty or nolo contendere is the basis for the conviction and
22 all proceedings in which the sentence has been deferred or suspended.
23 Nothing in this section abrogates rights guaranteed under chapter 9.96A
24 RCW;

25 (2) Misrepresentation or concealment of a material fact in
26 obtaining a license or in reinstatement thereof;

27 (3) All advertising which is false, fraudulent, or misleading;

28 (4) Incompetence, negligence, or malpractice which results in
29 injury to a patient or which creates an unreasonable risk that a
30 patient may be harmed. The use of a nontraditional treatment by itself
31 shall not constitute unprofessional conduct, provided that it does not
32 result in injury to a patient or create an unreasonable risk that a
33 patient may be harmed;

34 (5) Suspension, revocation, or restriction of the individual's
35 license to practice any health care profession by competent authority
36 in any state, federal, or foreign jurisdiction, a certified copy of the

1 order, stipulation, or agreement being conclusive evidence of the
2 revocation, suspension, or restriction;

3 (6) The possession, use, prescription for use, or distribution of
4 controlled substances or legend drugs in any way other than for
5 legitimate or therapeutic purposes, diversion of controlled substances
6 or legend drugs, the violation of any drug law, or prescribing
7 controlled substances for oneself;

8 (7) Violation of any state or federal statute or administrative
9 rule regulating the profession in question, including any statute or
10 rule defining or establishing standards of patient care or professional
11 conduct or practice;

12 (8) Failure to cooperate with the disciplining authority by:

13 (a) Not furnishing any papers (~~(or)~~), documents, records, or other
14 items;

15 (b) Not furnishing in writing a full and complete explanation
16 covering the matter contained in the complaint filed with the
17 disciplining authority;

18 (c) Not responding to subpoenas issued by the disciplining
19 authority, whether or not the recipient of the subpoena is the accused
20 in the proceeding; or

21 (d) Not providing reasonable and timely access for authorized
22 representatives of the disciplining authority seeking to perform
23 practice reviews at facilities utilized by the license holder;

24 (9) Failure to comply with an order issued by the disciplining
25 authority or a stipulation for informal disposition entered into with
26 the disciplining authority;

27 (10) Aiding or abetting an unlicensed person to practice when a
28 license is required;

29 (11) Violations of rules established by any health agency;

30 (12) Practice beyond the scope of practice as defined by law or
31 rule;

32 (13) Misrepresentation or fraud in any aspect of the conduct of the
33 business or profession;

34 (14) Failure to adequately supervise auxiliary staff to the extent
35 that the consumer's health or safety is at risk;

36 (15) Engaging in a profession involving contact with the public
37 while suffering from a contagious or infectious disease involving
38 serious risk to public health;

1 (16) Promotion for personal gain of any unnecessary or
2 inefficacious drug, device, treatment, procedure, or service;

3 (17) Conviction of any gross misdemeanor or felony relating to the
4 practice of the person's profession. For the purposes of this
5 subsection, conviction includes all instances in which a plea of guilty
6 or nolo contendere is the basis for conviction and all proceedings in
7 which the sentence has been deferred or suspended. Nothing in this
8 section abrogates rights guaranteed under chapter 9.96A RCW;

9 (18) The procuring, or aiding or abetting in procuring, a criminal
10 abortion;

11 (19) The offering, undertaking, or agreeing to cure or treat
12 disease by a secret method, procedure, treatment, or medicine, or the
13 treating, operating, or prescribing for any health condition by a
14 method, means, or procedure which the licensee refuses to divulge upon
15 demand of the disciplining authority;

16 (20) The willful betrayal of a practitioner-patient privilege as
17 recognized by law;

18 (21) Violation of chapter 19.68 RCW;

19 (22) Interference with an investigation or disciplinary proceeding
20 by willful misrepresentation of facts before the disciplining authority
21 or its authorized representative, or by the use of threats or
22 harassment against any patient or witness to prevent them from
23 providing evidence in a disciplinary proceeding or any other legal
24 action, or by the use of financial inducements to any patient or
25 witness to prevent or attempt to prevent him or her from providing
26 evidence in a disciplinary proceeding;

27 (23) Current misuse of:

28 (a) Alcohol;

29 (b) Controlled substances; or

30 (c) Legend drugs;

31 (24) Abuse of a client or patient or sexual contact with a client
32 or patient;

33 (25) Acceptance of more than a nominal gratuity, hospitality, or
34 subsidy offered by a representative or vendor of medical or health-
35 related products or services intended for patients, in contemplation of
36 a sale or for use in research publishable in professional journals,
37 where a conflict of interest is presented, as defined by rules of the

1 disciplining authority, in consultation with the department, based on
2 recognized professional ethical standards.

3 NEW SECTION. **Sec. 14.** A new section is added to chapter 18.130
4 RCW to read as follows:

5 (1) The disciplining authorities identified in RCW 18.130.040(2)(b)
6 shall review the secretary's sanctioning guidelines and shall
7 collaborate to develop a schedule that defines appropriate ranges of
8 sanctions that are applicable upon a determination that a license
9 holder has committed unprofessional conduct as defined in this chapter
10 or the chapters specified in RCW 18.130.040(2). The schedule must
11 identify aggravating and mitigating circumstances that may enhance or
12 reduce the sanction imposed by the disciplining authority for
13 unprofessional conduct. The schedule must apply to all disciplining
14 authorities. In addition, the disciplining authorities shall make
15 provisions for instances in which there are multiple findings of
16 unprofessional conduct. When establishing the proposed schedule, the
17 disciplining authorities shall consider maintaining consistent sanction
18 determinations that maximize the protection of the public's health and
19 while maintaining the rights of health care providers of the different
20 health professions. The disciplining authorities shall submit the
21 proposed schedule and recommendations to modify or adopt the
22 secretary's guidelines to the secretary no later than November 15,
23 2007.

24 (2) The secretary shall adopt rules establishing a uniform sanction
25 schedule to be applied to all disciplinary actions commenced under this
26 chapter after January 1, 2008. The secretary shall review the proposed
27 schedule developed in accordance with subsection (1) of this section
28 and may modify the schedule as necessary to provide greater protection
29 to the public. The secretary shall use his or her emergency
30 rule-making authority pursuant to the procedures under chapter 34.05
31 RCW, to adopt rules that take effect no later than January 1, 2008, to
32 implement the schedule.

33 (3) The disciplining authority may determine that a case presents
34 unique circumstances that the schedule adopted under this section does
35 not adequately address. The disciplining authority may deviate from
36 the schedule adopted under this section when selecting appropriate

1 sanctions, but the disciplining authority must issue a written
2 explanation in the order of the basis for not following the schedule.

3 (4) The secretary shall report to the legislature by January 15,
4 2008, on the sanctioning schedule adopted.

5 **Sec. 15.** RCW 9.96A.020 and 1999 c 16 s 1 are each amended to read
6 as follows:

7 (1) Subject to the exceptions in subsections (3) and (4) of this
8 section, and unless there is another provision of law to the contrary,
9 a person is not disqualified from employment by the state of Washington
10 or any of its counties, cities, towns, municipal corporations, or
11 quasi-municipal corporations, nor is a person disqualified to practice,
12 pursue or engage in any occupation, trade, vocation, or business for
13 which a license, permit, certificate, or registration is required to be
14 issued by the state of Washington or any of its counties, cities,
15 towns, municipal corporations, or quasi-municipal corporations solely
16 because of a prior conviction of a felony. However, this section does
17 not preclude the fact of any prior conviction of a crime from being
18 considered.

19 (2) A person may be denied employment by the state of Washington or
20 any of its counties, cities, towns, municipal corporations, or quasi-
21 municipal corporations, or a person may be denied a license, permit,
22 certificate or registration to pursue, practice, or engage in an
23 occupation, trade, vocation, or business by reason of the prior
24 conviction of a felony if the felony for which he or she was convicted
25 directly relates to the position of employment sought or to the
26 specific occupation, trade, vocation, or business for which the
27 license, permit, certificate, or registration is sought, and the time
28 elapsed since the conviction is less than ten years. However, for
29 positions in the county treasurer's office, a person may be
30 disqualified from employment because of a prior guilty plea or
31 conviction of a felony involving embezzlement or theft, even if the
32 time elapsed since the guilty plea or conviction is ten years or more.

33 (3) A person is disqualified for any certificate required or
34 authorized under chapters 28A.405 or 28A.410 RCW, because of a prior
35 guilty plea or the conviction of a felony involving sexual exploitation
36 of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44
37 RCW where a minor is the victim, promoting prostitution of a minor

1 under chapter 9A.88 RCW, or a violation of similar laws of another
2 jurisdiction, even if the time elapsed since the guilty plea or
3 conviction is ten years or more.

4 (4) A person is disqualified from employment by school districts,
5 educational service districts, and their contractors hiring employees
6 who will have regularly scheduled unsupervised access to children,
7 because of a prior guilty plea or conviction of a felony involving
8 sexual exploitation of a child under chapter 9.68A RCW, sexual offenses
9 under chapter 9A.44 RCW where a minor is the victim, promoting
10 prostitution of a minor under chapter 9A.88 RCW, or a violation of
11 similar laws of another jurisdiction, even if the time elapsed since
12 the guilty plea or conviction is ten years or more.

13 (5) The provisions of this chapter do not apply to issuance of
14 licenses or credentials for professions regulated under chapter 18.130
15 RCW.

16 (6) Subsections (3) and (4) of this section only apply to a person
17 applying for a certificate or for employment on or after July 25, 1993.
18 Subsection (5) of this section only applies to a person applying for a
19 license or credential on or after the effective date of this section.

20 **Sec. 16.** RCW 9.95.240 and 2003 c 66 s 1 are each amended to read
21 as follows:

22 (1) Every defendant who has fulfilled the conditions of his or her
23 probation for the entire period thereof, or who shall have been
24 discharged from probation prior to the termination of the period
25 thereof, may at any time prior to the expiration of the maximum period
26 of punishment for the offense for which he or she has been convicted be
27 permitted in the discretion of the court to withdraw his or her plea of
28 guilty and enter a plea of not guilty, or if he or she has been
29 convicted after a plea of not guilty, the court may in its discretion
30 set aside the verdict of guilty; and in either case, the court may
31 thereupon dismiss the information or indictment against such defendant,
32 who shall thereafter be released from all penalties and disabilities
33 resulting from the offense or crime of which he or she has been
34 convicted. The probationer shall be informed of this right in his or
35 her probation papers: PROVIDED, That in any subsequent prosecution,
36 for any other offense, such prior conviction may be pleaded and proved,

1 and shall have the same effect as if probation had not been granted, or
2 the information or indictment dismissed.

3 (2)(a) After the period of probation has expired, the defendant may
4 apply to the sentencing court for a vacation of the defendant's record
5 of conviction under RCW 9.94A.640. The court may, in its discretion,
6 clear the record of conviction if it finds the defendant has met the
7 equivalent of the tests in RCW 9.94A.640(2) as those tests would be
8 applied to a person convicted of a crime committed before July 1, 1984.

9 (b) The clerk of the court in which the vacation order is entered
10 shall immediately transmit the order vacating the conviction to the
11 Washington state patrol identification section and to the local police
12 agency, if any, which holds criminal history information for the person
13 who is the subject of the conviction. The Washington state patrol and
14 any such local police agency shall immediately update their records to
15 reflect the vacation of the conviction, and shall transmit the order
16 vacating the conviction to the federal bureau of investigation. A
17 conviction that has been vacated under this section may not be
18 disseminated or disclosed by the state patrol or local law enforcement
19 agency to any person, except other criminal justice enforcement
20 agencies.

21 (3) This section does not apply to chapter 18.130 RCW.

22 NEW SECTION. Sec. 17. A new section is added to chapter 42.52 RCW
23 to read as follows:

24 Members of a health profession board or commission as identified in
25 RCW 18.130.040(2)(b) may express their professional opinions to an
26 elected official about the work of the board or commission on which the
27 member serves, even if those opinions differ from the department of
28 health's official position. Such communication shall be to inform the
29 elected official and not to lobby in support or opposition to any
30 initiative to the legislature.

31 NEW SECTION. Sec. 18. A new section is added to chapter 18.130
32 RCW to read as follows:

33 In order to sustain a complaint against a license holder or
34 applicant, the disciplining authority must provide the testimony of at
35 least one practitioner who utilizes the procedure that is the subject
36 of the complaint in question in his or her practice, or when there is

1 no practitioner who utilizes the procedure in question that is readily
2 available, a practitioner who practices complementary alternative
3 medicine may be used, to establish the license holder or applicant is
4 guilty of unprofessional conduct.

5 NEW SECTION. **Sec. 19.** Sections 2 and 5 of this act are each added
6 to chapter 18.130 RCW."

SHB 1300 - S AMD
By Senator Keiser

7 On page 1, line 1 of the title, after "penalties;" strike the
8 remainder of the title and insert "amending RCW 18.130.040, 18.130.050,
9 18.130.060, 18.130.080, 18.130.140, 18.130.150, 18.130.165, 18.130.170,
10 18.130.172, 18.130.180, 9.96A.020, and 9.95.240; reenacting and
11 amending RCW 18.130.160; adding new sections to chapter 18.130 RCW;
12 adding a new section to chapter 42.52 RCW; and prescribing penalties."

--- END ---