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SENATE BILL 5852

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State of Washington

61st Legislature

2009 Regular Session

By Senators Murray, Becker, and Keiser

Read first time 02/04/09. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to the practice of health care assistants; amending  
2 RCW 18.135.010, 18.135.020, and 18.135.065; adding a new section to  
3 chapter 18.135 RCW; creating a new section; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature to  
6 enhance the delivery of health care to the citizens of the state. For  
7 many years health care assistants, certified with the state and  
8 supervised by a licensed health care practitioner, have been an  
9 integral and often overlooked part of the state's health care delivery  
10 system. It is not surprising then that as the demand for health care  
11 services has exploded over the past twenty years, so too have the  
12 demands on licensed health care practitioners, and in turn those that  
13 assist those practitioners.

14 In an attempt to manage this skyrocketing demand, we have evolved  
15 into a highly complex integrated health delivery system with greater  
16 specialization. Health care assistants have responded to these changes  
17 by developing greater training and education opportunities through  
18 nationally accredited programs. This additional training, when

1 appropriately supervised, can be of great assistance to our licensed  
2 health care practitioners.

3 It is important for the legislature to look for new ways to harness  
4 the training of our health care practitioners, and those that assist  
5 them, in order to alleviate the stress on our current health care  
6 delivery system. With this in mind, the legislature encourages some  
7 minor expansions to the scope of practice of registered health care  
8 assistants, so long as there are clearly defined limitations to their  
9 scope expressly linked to education, training, and supervision.

10 **Sec. 2.** RCW 18.135.010 and 2008 c 58 s 1 are each amended to read  
11 as follows:

12 It is in this state's public interest that limited authority to:  
13 (1) Administer skin tests and subcutaneous, intradermal, intramuscular,  
14 and intravenous injections; (2) perform minor invasive procedures to  
15 withdraw blood; (~~and~~) (3) administer vaccines in accordance with RCW  
16 18.135.120; and (4) administer certain over-the-counter and prescribed  
17 medications by oral, topical, rectal, otic, ophthalmic, or inhaled  
18 routes pursuant to a written order, in accordance with section 5 of  
19 this act be granted to health care assistants who are not so authorized  
20 under existing licensing statutes, subject to such regulations as will  
21 ensure the protection of the health and safety of the patient.

22 **Sec. 3.** RCW 18.135.020 and 2008 c 58 s 2 are each amended to read  
23 as follows:

24 The definitions in this section apply throughout this chapter  
25 unless the context clearly requires otherwise.

26 (1) "Secretary" means the secretary of health.

27 (2) "Health care assistant" means an unlicensed person who assists  
28 a licensed health care practitioner in providing health care to  
29 patients pursuant to this chapter. However, persons trained by a  
30 federally approved end-stage renal disease facility who perform end-  
31 stage renal dialysis in the home setting are exempt from certification  
32 under this chapter.

33 (3) "Health care practitioner" means:

34 (a) A physician licensed under chapter 18.71 RCW;

35 (b) An osteopathic physician or surgeon licensed under chapter  
36 18.57 RCW; or

1 (c) Acting within the scope of their respective licensure, a  
2 podiatric physician and surgeon licensed under chapter 18.22 RCW, a  
3 registered nurse or advanced registered nurse practitioner licensed  
4 under chapter 18.79 RCW, a naturopath licensed under chapter 18.36A  
5 RCW, a physician assistant licensed under chapter 18.71A RCW, or an  
6 osteopathic physician assistant licensed under chapter 18.57A RCW.

7 (4) "Supervision" means supervision of procedures permitted  
8 pursuant to this chapter by a health care practitioner who is  
9 physically present and is immediately available in the facility during  
10 the administration of injections (~~((or))~~), vaccines, or certain over-the-  
11 counter and prescribed medications, as defined in this chapter, but  
12 need not be present during procedures to withdraw blood.

13 (5) "Health care facility" means any professional service  
14 corporation, as defined in chapter 18.100 RCW, hospital, hospice care  
15 center, licensed or certified health care facility, health maintenance  
16 organization regulated under chapter 48.46 RCW, federally qualified  
17 health maintenance organization, renal dialysis center or facility  
18 federally approved under 42 C.F.R. 405.2100, blood bank federally  
19 licensed under 21 C.F.R. 607, or clinical laboratory certified under 20  
20 C.F.R. 405.1301-16.

21 (6) "Delegation" means direct authorization granted by a licensed  
22 health care practitioner to a health care assistant to perform the  
23 functions authorized in this chapter which fall within the scope of  
24 practice of the delegator and which are not within the scope of  
25 practice of the delegatee.

26 **Sec. 4.** RCW 18.135.065 and 2008 c 58 s 3 are each amended to read  
27 as follows:

28 (1) Each delegator, as defined under RCW 18.135.020(6), shall  
29 maintain a list of(~~((a))~~) specific medications ((and)), diagnostic  
30 agents, and vaccines, and the route of administration of each(~~((that~~  
31 ~~he or she has authorized for injection; and (b) the vaccines that he or~~  
32 ~~she has authorized for administration))~~) medication, diagnostic agent,  
33 and vaccine that the delegatee is authorized to administer. Both the  
34 delegator and delegatee shall sign the above list, indicating the date  
35 of each signature. The signed list shall be forwarded to the secretary  
36 of the department of health and shall be available for review.

1 (2) Delegates are prohibited from administering any controlled  
2 substance as defined in RCW 69.50.101(d), any experimental drug, and  
3 any cancer chemotherapy agent unless a delegator is physically present  
4 in the immediate area where the drug is administered.

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 18.135 RCW  
6 to read as follows:

7 (1) The administration of prescribed medications by a health care  
8 assistant is restricted to:

9 (a) A list of medications established by the secretary in rule that  
10 shall be limited to the following categories and types of medications:

11 (i) Over-the-counter medications that may be administered to a  
12 patient while in the care of a health care practitioner, such as:  
13 Benadryl, acetaminophen, ibuprofen, aspirin, neosporin, polysporin,  
14 normal saline, colace, kenalog, and hydrocortisone cream;

15 (ii) Nonover-the-counter unit dose medications that may be  
16 administered to a patient while in the care of a health care  
17 practitioner, such as: Kenalog, hydrocortisone cream, reglan,  
18 compazine, zofran, bactroban, albuterol, xopenex, silvadene,  
19 gastrointestinal cocktail, fluoride, lmx cream, emla, lat, optic dyes,  
20 oral contrast, and oxygen. Within this category of medications, the  
21 secretary may make exceptions for certain nonover-the-counter  
22 medications that do not come in unit dose forms, such as cream only  
23 medications and inhalers.

24 (b) Health care assistants who have successfully graduated from an  
25 accredited medical assistant program approved by the secretary with a  
26 demonstrated competency in the administration of oral, topical, rectal,  
27 inhaled, otic, or ophthalmic medications. The secretary shall  
28 establish in rule the requirements for initial and continued competency  
29 requirements including completion of a minimum of four approved  
30 medication administration clinical education units annually.

31 (2) A health care practitioner, as defined in RCW 18.135.020, must  
32 administer a medication if:

33 (a) A patient is unable to physically ingest or safely apply a  
34 medication independently or with assistance; or

35 (b) A patient is unable to indicate an awareness that he or she is  
36 taking a medication.

1        NEW SECTION.    **Sec. 6.**    This act is necessary for the immediate  
2    preservation of the public peace, health, or safety, or support of the  
3    state government and its existing public institutions, and takes effect  
4    immediately.

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