

ESSB 6103 - H COMM AMD

By Committee on Health Care & Wellness

ADOPTED 03/01/2012

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that protecting the
4 public health and safety from the harms of human trafficking has become
5 more difficult and complex, with severe consequences for the victims
6 and the public. The purpose of this legislation is to provide
7 additional tools so that the regulatory agency has authority to make
8 reasonable inspections of the premises in which services subject to
9 this chapter are being provided in order to determine whether the
10 services are being provided in compliance with this chapter and to
11 support state investigations of human trafficking and other illicit
12 activity.

13 **Sec. 2.** RCW 18.108.005 and 1997 c 297 s 1 are each amended to read
14 as follows:

15 (1) The legislature finds it necessary to license the practice of
16 massage and massage therapy and certify persons practicing reflexology
17 in order to protect the public health and safety. It is the
18 legislature's intent that only individuals who meet and maintain
19 minimum standards of competence and conduct may provide services to the
20 public.

21 (2) This chapter shall not be construed to:

22 (a) Require (~~(or prohibit)~~) individual or group policies or
23 contracts of (~~(an insurance carrier, health care service contractor, or~~
24 ~~health maintenance organization)~~) a health carrier to provide, or
25 prohibit such policies or contracts from providing, benefits or
26 coverage for services and supplies provided by a person licensed under
27 this chapter; or

28 (b) Require that a health carrier contract with a person certified
29 under this chapter.

1 **Sec. 3.** RCW 18.108.010 and 2007 c 272 s 1 are each amended to read
2 as follows:

3 In this chapter, unless the context otherwise requires, the
4 following meanings shall apply:

5 (1) "Board" means the Washington state board of massage.

6 (2) "Massage" and "massage therapy" mean a health care service
7 involving the external manipulation or pressure of soft tissue for
8 therapeutic purposes. Massage therapy includes techniques such as
9 tapping, compressions, friction, reflexology, Swedish gymnastics or
10 movements, gliding, kneading, shaking, and fascial or connective tissue
11 stretching, with or without the aids of superficial heat, cold, water,
12 lubricants, or salts. Massage therapy does not include diagnosis or
13 attempts to adjust or manipulate any articulations of the body or spine
14 or mobilization of these articulations by the use of a thrusting force,
15 nor does it include genital manipulation.

16 (3) "Massage practitioner" means an individual licensed under this
17 chapter.

18 (4) "Secretary" means the secretary of health or the secretary's
19 designee.

20 (5) "Massage business" means the operation of a business where
21 massages are given.

22 (6) "Animal massage practitioner" means an individual with a
23 license to practice massage therapy in this state with additional
24 training in animal therapy.

25 (7) "Intraoral massage" means the manipulation or pressure of soft
26 tissue inside the mouth or oral cavity for therapeutic purposes.

27 (8) "Health carrier" means the same as the definition in RCW
28 48.43.005.

29 (9) "Certified reflexologist" means an individual who is certified
30 under this chapter.

31 (10) "Reflexology" means a health care service that is limited to
32 applying alternating pressure with thumb and finger techniques to
33 reflexive areas of the lower one-third of the extremities, feet, hands,
34 and outer ears based on reflex maps. Reflexology does not include the
35 diagnosis of or treatment for specific diseases, or joint
36 manipulations.

37 (11) "Reflexology business" means the operation of a business where
38 reflexology services are provided.

1 **Sec. 4.** RCW 18.108.025 and 2008 c 25 s 1 are each amended to read
2 as follows:

3 (1) In addition to any other authority provided by law, the board
4 of massage may:

5 ((+1)) (a) Adopt rules in accordance with chapter 34.05 RCW
6 necessary to implement massage practitioner licensure under this
7 chapter, subject to the approval of the secretary;

8 ((+2)) (b) Define, evaluate, approve, and designate those massage
9 schools, massage programs, and massage apprenticeship programs
10 including all current and proposed curriculum, faculty, and health,
11 sanitation, and facility standards from which graduation will be
12 accepted as proof of an applicant's eligibility to take the massage
13 licensing examination;

14 ((+3)) (c) Review approved massage schools and programs
15 periodically;

16 ((+4)) (d) Prepare, grade, administer, and supervise the grading
17 and administration of, examinations for applicants for massage
18 licensure;

19 ((+5)) (e) Establish and administer requirements for continuing
20 education, which shall be a prerequisite to renewing a massage
21 practitioner license under this chapter; and

22 ((+6)) (f) Determine which states have educational and licensing
23 requirements for massage practitioners equivalent to those of this
24 state.

25 (2) The board shall establish by rule the standards and procedures
26 for approving courses of study in massage therapy and may contract with
27 individuals or organizations having expertise in the profession or in
28 education to assist in evaluating courses of study. The standards and
29 procedures set shall apply equally to schools and training within the
30 United States of America and those in foreign jurisdictions.

31 **Sec. 5.** RCW 18.108.030 and 1995 c 198 s 15 are each amended to
32 read as follows:

33 (1)(a) No person may practice or represent himself or herself as a
34 massage practitioner without first applying for and receiving from the
35 department a license to practice. However, this subsection does not
36 prohibit a certified reflexologist from practicing reflexology.

1 ((+2)) (b) A person represents himself or herself as a massage
2 practitioner when the person adopts or uses any title or any
3 description of services that incorporates one or more of the following
4 terms or designations: Massage, massage practitioner, massage
5 therapist, massage therapy, therapeutic massage, massage technician,
6 massage technology, massagist, masseur, masseuse, myotherapist or
7 myotherapy, touch therapist, reflexologist except when used by a
8 certified reflexologist, acupressurist, body therapy or body therapist,
9 or any derivation of those terms that implies a massage technique or
10 method.

11 (2)(a) No person may practice reflexology or represent himself or
12 herself as a reflexologist by use of any title without first being
13 certified as a reflexologist or licensed as a massage practitioner by
14 the department.

15 (b) A person represents himself or herself as a reflexologist when
16 the person adopts or uses any title in any description of services that
17 incorporates one or more of the following terms or designations:
18 Reflexologist, reflexology, foot pressure therapy, foot reflex therapy,
19 or any derivation of those terms that implies a reflexology technique
20 or method. However, this subsection does not prohibit a licensed
21 massage practitioner from using any of these terms as a description of
22 services.

23 (c) A person may not use the term "certified reflexologist" without
24 first being certified by the department.

25 **Sec. 6.** RCW 18.108.040 and 2011 c 223 s 1 are each amended to read
26 as follows:

27 (1)(a) It shall be unlawful to advertise the practice of massage
28 using the term massage or any other term that implies a massage
29 technique or method in any public or private publication or
30 communication by a person not licensed by the secretary as a massage
31 practitioner. However, this subsection does not prohibit a certified
32 reflexologist from using the term reflexology or derivations of the
33 term, subject to subsection (2)(b) of this section.

34 ((+2)) (b) Any person who holds a license to practice as a massage
35 practitioner in this state may use the title "licensed massage
36 practitioner" and the abbreviation "L.M.P.". No other persons may

1 assume such title or use such abbreviation or any other word, letters,
2 signs, or figures to indicate that the person using the title is a
3 licensed massage practitioner.

4 ~~((3))~~ (c) A massage practitioner's name and license number must
5 conspicuously appear on all of the massage practitioner's
6 advertisements.

7 (2)(a) It is unlawful to advertise the practice of reflexology or
8 use any other term that implies reflexology technique or method in any
9 public or private publication or communication by a person not
10 certified by the secretary as a reflexologist or licensed as a massage
11 practitioner.

12 (b) A person certified as a reflexologist may not adopt or use any
13 title or description of services, including for purposes of
14 advertising, that incorporates one or more of the following terms or
15 designations: Massage, masseuse, massager, massagist, masseur,
16 myotherapist or myotherapy, touch therapist, body therapy or therapist,
17 or any derivation of those terms that implies a massage technique or
18 therapy unless the person is also licensed under this chapter as a
19 massage practitioner.

20 (c) A reflexologist's name and certification number must
21 conspicuously appear on all of the reflexologist's advertisements.

22 **Sec. 7.** RCW 18.108.045 and 2011 c 223 s 2 are each amended to read
23 as follows:

24 A massage practitioner licensed under this chapter or a
25 reflexologist certified under this chapter must conspicuously display
26 his or her ~~((license))~~ credential in his or her principal place of
27 business. If the licensed massage practitioner or certified
28 reflexologist does not have a principal place of business or conducts
29 business in any other location, he or she must have a copy of his or
30 her ~~((license))~~ credential available for inspection while performing
31 ~~((any activities related to massage therapy))~~ services within his or
32 her authorized scope of practice.

33 **Sec. 8.** RCW 18.108.050 and 2002 c 277 s 2 are each amended to read
34 as follows:

35 This chapter does not apply to:

1 (1) An individual giving massage or reflexology to members of his
2 or her immediate family;

3 (2) The practice of a profession by individuals who are licensed,
4 certified, or registered under other laws of this state and who are
5 performing services within their authorized scope of practice;

6 (3) Massage or reflexology practiced at the athletic department of:
7 (a) Any institution maintained by the public funds of the state, or
8 any of its political subdivisions;

9 ~~((4) Massage practiced at the athletic department of))~~ (b) Any
10 primary or secondary school or institution of higher education;

11 (c) Any school or college approved by the department of health by
12 rule using recognized national professional standards; or

13 (d) Any nonprofit organization licensed under RCW 66.24.400 and
14 66.24.450;

15 ~~((5))~~ (4) Students enrolled in an approved massage school,
16 approved program, or approved apprenticeship program, practicing
17 massage techniques, incidental to the massage school or program and
18 supervised by the approved school or program. Students must identify
19 themselves as a student when performing massage services on members of
20 the public. Students may not be compensated for the massage services
21 they provide;

22 ~~((6))~~ (5) Students enrolled in an approved reflexology school,
23 approved program, or approved apprenticeship program, practicing
24 reflexology techniques, incidental to the reflexologist school or
25 program and supervised by the approved school or program. Students
26 must identify themselves as a student when performing reflexology
27 services on members of the public. Students may not be compensated for
28 the reflexology services they provide; or

29 (6) Individuals who have completed a somatic education training
30 program approved by the secretary~~((7~~

31 ~~(7) Persons who limit their practice to reflexology. For purposes~~
32 ~~of this chapter, the practice of reflexology is limited to the hands,~~
33 ~~feet, and outer ears. The services provided by those who limit their~~
34 ~~practice to reflexology are not designated or implied to be massage or~~
35 ~~massage therapy)).~~

36 **Sec. 9.** RCW 18.108.060 and 1996 c 191 s 81 are each amended to
37 read as follows:

1 Each applicant and license or certificate holder shall comply with
2 administrative procedures, administrative requirements, and fees set by
3 the secretary under RCW 43.70.250 and 43.70.280.

4 **Sec. 10.** RCW 18.108.070 and 1991 c 3 s 257 are each amended to
5 read as follows:

6 (1) The secretary shall issue a massage practitioner's license to
7 an applicant who demonstrates to the secretary's satisfaction that the
8 following requirements have been met:

9 ~~((+1))~~ (a) Effective June 1, 1988, successful completion of a
10 course of study in an approved massage program or approved
11 apprenticeship program;

12 ~~((+2))~~ (b) Successful completion of an examination administered or
13 approved by the board; and

14 ~~((+3))~~ (c) Be eighteen years of age or older.

15 ~~((In addition, applicants shall be subject to the grounds for
16 denial or issuance of a conditional license under chapter 18.130 RCW.))~~

17 (2) Beginning July 1, 2013, the secretary shall issue a
18 reflexologist certification to an applicant who completes an
19 application form that identifies the name and address of the applicant
20 and the certification request, and demonstrates to the secretary's
21 satisfaction that the following requirements have been met:

22 (a) Successful completion of a course of study in reflexologist
23 program approved by the secretary;

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

26 (c) Be eighteen years of age or older.

27 (3) Applicants for a massage practitioner's license or for
28 certification as a reflexologist shall be subject to the grounds for
29 denial or issuance of a conditional credential under chapter 18.130
30 RCW.

31 (4) The secretary may require any information and documentation
32 that reasonably relates to the need to determine whether the massage
33 practitioner or reflexologist applicant meets the criteria for
34 licensure provided for in this chapter and chapter 18.130 RCW. The
35 secretary shall establish by rule what constitutes adequate proof of
36 meeting the criteria. ~~((The board shall give an appropriate alternate~~

1 ~~form of examination for persons who cannot read or speak English to~~
2 ~~determine equivalent competency.))~~

3 **Sec. 11.** RCW 18.108.073 and 1995 c 198 s 17 are each amended to
4 read as follows:

5 (1) ~~((The date and location of the examination shall be established~~
6 ~~by the secretary.))~~ Applicants ~~((who))~~ for the massage practitioner
7 license examination must demonstrate to the secretary's satisfaction
8 that the following requirements have been met ~~((shall be scheduled for~~
9 ~~the next examination following the filing of the application))~~:

10 (a)(i) Effective June 1, 1988, successful completion of a course of
11 study in an approved massage program; or

12 ~~((b))~~ (ii) Effective June 1, 1988, successful completion of an
13 apprenticeship program established by the board; and

14 ~~((c))~~ (b) Be eighteen years of age or older.

15 ~~((In addition, the secretary shall establish a deadline for receipt~~
16 ~~of completed and approved applications.))~~

17 (2) The board or its designee shall examine each massage
18 practitioner applicant in a written examination determined most
19 effective on subjects appropriate to the massage scope of practice.
20 The subjects may include anatomy, kinesiology, physiology, pathology,
21 principles of human behavior, massage theory and practice,
22 hydrotherapy, hygiene, first aid, Washington law pertaining to the
23 practice of massage, and such other subjects as the board may deem
24 useful to test applicant's fitness to practice massage therapy. Such
25 examinations shall be limited in purpose to determining whether the
26 applicant possesses the minimum skill and knowledge necessary to
27 practice competently.

28 (3) All records of a massage practitioner candidate's performance
29 shall be preserved for a period of not less than one year after the
30 board has made and published decisions thereupon. All examinations
31 shall be conducted by the board under fair and impartial methods as
32 determined by the secretary.

33 (4) ~~((An))~~ A massage practitioner applicant who fails to make the
34 required grade in the first examination is entitled to take up to two
35 additional examinations upon the payment of a fee for each subsequent
36 examination determined by the secretary as provided in RCW 43.70.250.

1 Upon failure of three examinations, the secretary may invalidate the
2 original application and require such remedial education as is required
3 by the board before admission to future examinations.

4 (5) The board may approve an examination prepared or administered,
5 or both, by a private testing agency or association of licensing boards
6 for use by ~~((an))~~ a massage practitioner applicant in meeting the
7 licensing requirement.

8 NEW SECTION. **Sec. 12.** A new section is added to chapter 18.108
9 RCW to read as follows:

10 (1) Beginning July 1, 2013, applicants for the reflexology
11 certification examination must demonstrate to the secretary's
12 satisfaction that the following requirements have been met:

13 (a)(i) Successful completion of a course of study in an approved
14 reflexology program; or

15 (ii) Successful completion of an apprenticeship program approved by
16 the secretary; and

17 (b) Be eighteen years of age or older.

18 (2) The secretary or his or her designee shall examine each
19 reflexology applicant in a written examination determined most
20 effective on subjects appropriate to the reflexology scope of practice.
21 The subjects may include those that the secretary deems useful to test
22 applicant's fitness to practice reflexology. Such examinations shall
23 be limited in purpose to determining whether the applicant possesses
24 the minimum skill and knowledge necessary to practice reflexology
25 competently.

26 (3) All records of a reflexology candidate's performance shall be
27 preserved for a period of not less than one year after the secretary
28 has made and published decisions thereupon. All examinations shall be
29 conducted under fair and impartial methods as determined by the
30 secretary.

31 (4) A reflexology applicant who fails to make the required grade in
32 the first examination is entitled to take up to two additional
33 examinations upon the payment of a fee for each subsequent examination
34 determined by the secretary as provided in RCW 43.70.250. Upon failure
35 of three examinations, the secretary may invalidate the original
36 application and require such remedial education as is required by the
37 secretary before admission to future examinations.

1 (5) The secretary may approve an examination prepared or
2 administered, or both, by a private testing agency or association of
3 licensing boards for use by a reflexology applicant in meeting the
4 certification requirement.

5 **Sec. 13.** RCW 18.108.095 and 1987 c 443 s 12 are each amended to
6 read as follows:

7 ((An)) A massage practitioner applicant holding a license in
8 another state or foreign jurisdiction may be granted a Washington
9 license without examination, if, in the opinion of the board, the other
10 state's or foreign jurisdiction's examination and educational
11 requirements are substantially equivalent to Washington's(~~(PROVIDED,~~
12 ~~That))~~). However, the applicant must demonstrate(~~(s)~~) to the
13 satisfaction of the board a working knowledge of Washington law
14 pertaining to the practice of massage. The applicant shall provide
15 proof in a manner approved by the department that the examination and
16 requirements are equivalent to Washington's.

17 **Sec. 14.** RCW 18.108.085 and 1996 c 154 s 1 are each amended to
18 read as follows:

19 (1) In addition to any other authority provided by law, the
20 secretary may:

21 (a) Adopt rules, in accordance with chapter 34.05 RCW necessary to
22 implement this chapter;

23 (b) Set all license, certification, examination, and renewal fees
24 in accordance with RCW 43.70.250;

25 (c) Establish forms and procedures necessary to administer this
26 chapter;

27 (d) Issue a massage practitioner's license to any applicant who has
28 met the education, training, and examination requirements for licensure
29 and deny licensure to applicants who do not meet the requirements of
30 this chapter; (~~and~~)

31 (e) Issue a reflexology certification to any applicant who has met
32 the requirements for certification and deny certification to applicants
33 who do not meet the requirements of this chapter; and

34 (f) Hire clerical, administrative, and investigative staff as
35 necessary to implement this chapter(~~(, and hire individuals licensed~~

1 ~~under this chapter to serve as examiners for any practical~~
2 ~~examinations)).~~

3 (2) The Uniform Disciplinary Act, chapter 18.130 RCW, governs
4 unlicensed and uncertified practice, the issuance and denial of
5 licenses and certifications, and the disciplining of persons under this
6 chapter. The secretary shall be the disciplining authority under this
7 chapter.

8 (3) Any license or certification issued under this chapter to a
9 person who is or has been convicted of violating RCW 9A.88.030,
10 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances shall
11 automatically be revoked by the secretary upon receipt of a certified
12 copy of the court documents reflecting such conviction. No further
13 hearing or procedure is required, and the secretary has no discretion
14 with regard to the revocation of the license or certification. The
15 revocation shall be effective even though such conviction may be under
16 appeal, or the time period for such appeal has not elapsed. However,
17 upon presentation of a final appellate decision overturning such
18 conviction, the license or certification shall be reinstated, unless
19 grounds for disciplinary action have been found under chapter 18.130
20 RCW. No license or certification may be granted under this chapter to
21 any person who has been convicted of violating RCW 9A.88.030,
22 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances
23 within the eight years immediately preceding the date of application.
24 For purposes of this subsection, "convicted" does not include a
25 conviction that has been the subject of a pardon, annulment, or other
26 equivalent procedure based on a finding of innocence, but does include
27 convictions for offenses for which the defendant received a deferred or
28 suspended sentence, unless the record has been expunged according to
29 law.

30 (4) The secretary shall keep an official record of all proceedings
31 under this chapter, a part of which record shall consist of a register
32 of all applicants for licensure or certification under this chapter,
33 with the result of each application.

34 NEW SECTION. **Sec. 15.** A new section is added to chapter 18.108
35 RCW to read as follows:

36 (1) The secretary may certify an applicant as a reflexologist
37 without examination if the applicant:

1 (a) Has practiced reflexology as a licensed massage practitioner
2 for at least five years prior to the effective date of this section or
3 provides evidence satisfactory to the secretary that he or she has,
4 prior to the effective date of this section, successfully completed a
5 course of study in a reflexology program approved by the secretary; and

6 (b) Applies for certification by one year after the effective date
7 of this section.

8 (2) An applicant holding a reflexology credential in another state
9 or a territory of the United States may be certified to practice in
10 this state without examination if the secretary determines that the
11 other jurisdiction's credentialing standards are substantially
12 equivalent to the standards in this state.

13 NEW SECTION. **Sec. 16.** A new section is added to chapter 18.108
14 RCW to read as follows:

15 (1) For the purposes of ascertaining violations of this chapter and
16 chapter 18.130 RCW, the secretary or authorized representative has the
17 authority to inspect, within reasonable limits and in a reasonable
18 manner, the premises of any massage or reflexology business
19 establishment during hours such business is open. If the secretary is
20 denied access to any premises or establishment the secretary may apply
21 to any court of competent jurisdiction for a warrant authorizing access
22 to such premises or establishment for such purposes. The court may,
23 upon such application, issue a warrant for the purpose requested.

24 (2) This section does not require advance notice of an inspection.

25 NEW SECTION. **Sec. 17.** The following acts or parts of acts are
26 each repealed:

27 (1) RCW 18.108.076 (Application of uniform disciplinary act) and
28 1987 c 150 s 60 & 1986 c 259 s 146; and

29 (2) RCW 18.108.130 (Exemptions) and 1975 1st ex.s. c 280 s 14.

30 **Sec. 18.** RCW 18.120.020 and 2010 c 286 s 14 are each amended to
31 read as follows:

32 The definitions in this section apply throughout this chapter
33 unless the context clearly requires otherwise.

34 (1) "Applicant group" includes any health professional group or
35 organization, any individual, or any other interested party which

1 proposes that any health professional group not presently regulated be
2 regulated or which proposes to substantially increase the scope of
3 practice of the profession.

4 (2) "Certificate" and "certification" mean a voluntary process by
5 which a statutory regulatory entity grants recognition to an individual
6 who (a) has met certain prerequisite qualifications specified by that
7 regulatory entity, and (b) may assume or use "certified" in the title
8 or designation to perform prescribed health professional tasks.

9 (3) "Grandfather clause" means a provision in a regulatory statute
10 applicable to practitioners actively engaged in the regulated health
11 profession prior to the effective date of the regulatory statute which
12 exempts the practitioners from meeting the prerequisite qualifications
13 set forth in the regulatory statute to perform prescribed occupational
14 tasks.

15 (4) "Health professions" means and includes the following health
16 and health-related licensed or regulated professions and occupations:
17 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
18 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
19 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
20 dispensing opticians under chapter 18.34 RCW; hearing instruments under
21 chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and
22 funeral directing under chapter 18.39 RCW; midwifery under chapter
23 18.50 RCW; nursing home administration under chapter 18.52 RCW;
24 optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter
25 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and
26 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine
27 under chapters 18.71 and 18.71A RCW; emergency medicine under chapter
28 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses
29 under chapter 18.79 RCW; psychologists under chapter 18.83 RCW;
30 registered nurses under chapter 18.79 RCW; occupational therapists
31 licensed under chapter 18.59 RCW; respiratory care practitioners
32 licensed under chapter 18.89 RCW; veterinarians and veterinary
33 technicians under chapter 18.92 RCW; health care assistants under
34 chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW;
35 East Asian medicine practitioners licensed under chapter 18.06 RCW;
36 persons registered under chapter 18.19 RCW; persons licensed as mental
37 health counselors, marriage and family therapists, and social workers
38 under chapter 18.225 RCW; dietitians and nutritionists certified by

1 chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW;
2 ((and)) nursing assistants registered or certified under chapter 18.88A
3 RCW; and reflexologists certified under chapter 18.108 RCW.

4 (5) "Inspection" means the periodic examination of practitioners by
5 a state agency in order to ascertain whether the practitioners'
6 occupation is being carried out in a fashion consistent with the public
7 health, safety, and welfare.

8 (6) "Legislative committees of reference" means the standing
9 legislative committees designated by the respective rules committees of
10 the senate and house of representatives to consider proposed
11 legislation to regulate health professions not previously regulated.

12 (7) "License," "licensing," and "licensure" mean permission to
13 engage in a health profession which would otherwise be unlawful in the
14 state in the absence of the permission. A license is granted to those
15 individuals who meet prerequisite qualifications to perform prescribed
16 health professional tasks and for the use of a particular title.

17 (8) "Professional license" means an individual, nontransferable
18 authorization to carry on a health activity based on qualifications
19 which include: (a) Graduation from an accredited or approved program,
20 and (b) acceptable performance on a qualifying examination or series of
21 examinations.

22 (9) "Practitioner" means an individual who (a) has achieved
23 knowledge and skill by practice, and (b) is actively engaged in a
24 specified health profession.

25 (10) "Public member" means an individual who is not, and never was,
26 a member of the health profession being regulated or the spouse of a
27 member, or an individual who does not have and never has had a material
28 financial interest in either the rendering of the health professional
29 service being regulated or an activity directly related to the
30 profession being regulated.

31 (11) "Registration" means the formal notification which, prior to
32 rendering services, a practitioner shall submit to a state agency
33 setting forth the name and address of the practitioner; the location,
34 nature and operation of the health activity to be practiced; and, if
35 required by the regulatory entity, a description of the service to be
36 provided.

37 (12) "Regulatory entity" means any board, commission, agency,

1 division, or other unit or subunit of state government which regulates
2 one or more professions, occupations, industries, businesses, or other
3 endeavors in this state.

4 (13) "State agency" includes every state office, department, board,
5 commission, regulatory entity, and agency of the state, and, where
6 provided by law, programs and activities involving less than the full
7 responsibility of a state agency.

8 **Sec. 19.** RCW 18.130.040 and 2011 c 41 s 11 are each amended to
9 read as follows:

10 (1) This chapter applies only to the secretary and the boards and
11 commissions having jurisdiction in relation to the professions licensed
12 under the chapters specified in this section. This chapter does not
13 apply to any business or profession not licensed under the chapters
14 specified in this section.

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

17 (i) Dispensing opticians licensed and designated apprentices under
18 chapter 18.34 RCW;

19 (ii) Midwives licensed under chapter 18.50 RCW;

20 (iii) Ocularists licensed under chapter 18.55 RCW;

21 (iv) Massage (~~operators~~) practitioners and businesses licensed
22 under chapter 18.108 RCW;

23 (v) Dental hygienists licensed under chapter 18.29 RCW;

24 (vi) East Asian medicine practitioners licensed under chapter 18.06
25 RCW;

26 (vii) Radiologic technologists certified and X-ray technicians
27 registered under chapter 18.84 RCW;

28 (viii) Respiratory care practitioners licensed under chapter 18.89
29 RCW;

30 (ix) Hypnotherapists and agency affiliated counselors registered
31 and advisors and counselors certified under chapter 18.19 RCW;

32 (x) Persons licensed as mental health counselors, mental health
33 counselor associates, marriage and family therapists, marriage and
34 family therapist associates, social workers, social work associates--
35 advanced, and social work associates--independent clinical under
36 chapter 18.225 RCW;

1 (xi) Persons registered as nursing pool operators under chapter
2 18.52C RCW;

3 (xii) Nursing assistants registered or certified under chapter
4 18.88A RCW;

5 (xiii) Health care assistants certified under chapter 18.135 RCW;

6 (xiv) Dietitians and nutritionists certified under chapter 18.138
7 RCW;

8 (xv) Chemical dependency professionals and chemical dependency
9 professional trainees certified under chapter 18.205 RCW;

10 (xvi) Sex offender treatment providers and certified affiliate sex
11 offender treatment providers certified under chapter 18.155 RCW;

12 (xvii) Persons licensed and certified under chapter 18.73 RCW or
13 RCW 18.71.205;

14 (xviii) Denturists licensed under chapter 18.30 RCW;

15 (xix) Orthotists and prosthetists licensed under chapter 18.200
16 RCW;

17 (xx) Surgical technologists registered under chapter 18.215 RCW;

18 (xxi) Recreational therapists (~~(under chapter 18.230 RCW)~~) under
19 chapter 18.230 RCW;

20 (xxii) Animal massage practitioners certified under chapter 18.240
21 RCW;

22 (xxiii) Athletic trainers licensed under chapter 18.250 RCW;

23 (xxiv) Home care aides certified under chapter 18.88B RCW; (~~and~~)

24 (xxv) Genetic counselors licensed under chapter 18.290 RCW; and
25 (xxvi) Reflexologists certified under chapter 18.108 RCW.

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

28 (i) The podiatric medical board as established in chapter 18.22
29 RCW;

30 (ii) The chiropractic quality assurance commission as established
31 in chapter 18.25 RCW;

32 (iii) The dental quality assurance commission as established in
33 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
34 licenses and registrations issued under chapter 18.260 RCW;

35 (iv) The board of hearing and speech as established in chapter
36 18.35 RCW;

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

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

3 (vii) The board of osteopathic medicine and surgery as established
4 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
5 18.57A RCW;

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

8 (ix) The medical quality assurance commission as established in
9 chapter 18.71 RCW governing licenses and registrations issued under
10 chapters 18.71 and 18.71A RCW;

11 (x) The board of physical therapy as established in chapter 18.74
12 RCW;

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

15 (xii) The nursing care quality assurance commission as established
16 in chapter 18.79 RCW governing licenses and registrations issued under
17 that chapter;

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

20 (xiv) The veterinary board of governors as established in chapter
21 18.92 RCW; and

22 (xv) The board of naturopathy established in chapter 18.36A RCW.

23 (3) In addition to the authority to discipline license holders, the
24 disciplining authority has the authority to grant or deny licenses.
25 The disciplining authority may also grant a license subject to
26 conditions.

27 (4) All disciplining authorities shall adopt procedures to ensure
28 substantially consistent application of this chapter, the Uniform
29 Disciplinary Act, among the disciplining authorities listed in
30 subsection (2) of this section.

31 NEW SECTION. **Sec. 20.** If any provision of this act or its
32 application to any person or circumstance is held invalid, the
33 remainder of the act or the application of the provision to other
34 persons or circumstances is not affected.

35 NEW SECTION. **Sec. 21.** The department of health shall adopt any
36 rules necessary to implement this act.

1 NEW SECTION. **Sec. 22.** Sections 1 through 19 of this act take
2 effect July 1, 2013."

3 Correct the title.

EFFECT: The amendment makes the following changes:

(1) Deletes an intent section relating to differentiating reflexology from massage and adds an intent section relating to protecting the public health and safety from the harms of human trafficking.

(2) Adds an effective date of July 1, 2013, except that the requirement to adopt rules takes effect 90 days after the legislative session.

(3) Clarifies that licensed massage practitioners may use "reflexology" as a descriptive term to describe their services and that the restrictions on the use of terms describing massage practice do not prohibit certified reflexologists from using terms describing reflexology.

(4) Limits the in-state persons who may be certified without an examination to those who either have five years of experience as a licensed massage practitioner or who, prior to the bill's effective date, have successfully completed reflexology training approved by the Secretary.

(5) Adds that certified reflexologists, like licensed massage practitioners, must conspicuously display their credential in their place of business.

(6) Adds that health carriers are not required to contract with certified reflexologists.

(7) Adds that the Secretary of Health's inspections of massage or reflexology businesses must be within reasonable limits and in a reasonable manner, and does not require advance notice of the inspection.

(8) Deletes obsolete language relating to the way in which the Board of Massage conducts examinations.

(9) Consolidates duplicate provisions relating to (a) exemptions from the licensure/certification requirements; and (b) application of Uniform Disciplinary Act.

(10) Makes various technical and clarifying changes, such as providing for consistent licensing/certification requirements and consistent use of terms.

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