

ESSB 6237 - H COMM AMD

By Committee on Health Care & Wellness

NOT CONSIDERED 02/29/2012

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that medical
4 assistants are health professionals specifically trained to work in
5 settings such as physicians' offices, clinics, group practices, and
6 other health care facilities. These multiskilled personnel are trained
7 to perform administrative and clinical procedures under the supervision
8 of health care providers. Physicians value this unique versatility
9 more and more because of the skills of medical assistants and their
10 ability to contain costs and manage human resources efficiently. The
11 demand for medical assistants is expanding rapidly. The efficient and
12 effective delivery of health care in Washington will be improved by
13 recognizing the valuable contributions of medical assistants, and
14 providing statutory support for medical assistants in Washington state.
15 The legislature further finds that rural and small medical practices
16 and clinics may have limited access to formally trained medical
17 assistants. The legislature further intends that the secretary of
18 health develop recommendations for a career ladder that includes
19 medical assistants.

20 NEW SECTION. **Sec. 2.** The definitions in this section apply
21 throughout this chapter unless the context clearly requires otherwise.

22 (1) "Delegation" means direct authorization granted by a licensed
23 health care practitioner to a medical assistant to perform the
24 functions authorized in this chapter which fall within the scope of
25 practice of the health care provider and the training and experience of
26 the medical assistant.

27 (2) "Department" means the department of health.

28 (3) "Health care practitioner" means:

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

1 (b) An osteopathic physician or surgeon licensed under chapter
2 18.57 RCW; or

3 (c) Acting within the scope of their respective licensure, a
4 podiatric physician or surgeon licensed under chapter 18.22 RCW, a
5 registered nurse or advanced registered nurse practitioner licensed
6 under chapter 18.79 RCW, a naturopath licensed under chapter 18.36A
7 RCW, a physician assistant licensed under chapter 18.71A RCW, an
8 osteopathic physician assistant licensed under chapter 18.57A RCW, or
9 an optometrist licensed under chapter 18.53 RCW.

10 (4) "Medical assistant-certified" means a person certified under
11 section 5 of this act who assists a health care practitioner with
12 patient care, executes administrative and clinical procedures, and
13 performs functions as provided in section 6 of this act under the
14 supervision of the health care practitioner.

15 (5) "Medical assistant-hemodialysis technician" means a person
16 certified under section 5 of this act who performs hemodialysis and
17 other functions pursuant to section 6 of this act under the supervision
18 of a health care practitioner.

19 (6) "Medical assistant-phlebotomist" means a person certified under
20 section 5 of this act who performs capillary, venous, and arterial
21 invasive procedures for blood withdrawal and other functions pursuant
22 to section 6 of this act under the supervision of a health care
23 practitioner.

24 (7) "Medical assistant-registered" means a person registered under
25 section 5 of this act who, pursuant to an endorsement by a health care
26 practitioner, clinic, or group practice, assists a health care
27 practitioner with patient care, executes administrative and clinical
28 procedures, and performs functions as provided in section 6 of this act
29 under the supervision of the health care practitioner.

30 (8) "Secretary" means the secretary of the department of health.

31 (9) "Supervision" means supervision of procedures permitted
32 pursuant to this chapter by a health care practitioner who is
33 physically present and is immediately available in the facility. The
34 health care practitioner does not need to be present during procedures
35 to withdraw blood, but must be immediately available.

36 NEW SECTION. **Sec. 3.** (1) No person may practice as a medical

1 assistant-certified, medical assistant-hemodialysis technician, or
2 medical assistant-phlebotomist unless he or she is certified under
3 section 5 of this act.

4 (2) No person may practice as a medical assistant-registered unless
5 he or she is registered under section 5 of this act.

6 NEW SECTION. **Sec. 4.** (1) The secretary shall adopt rules
7 specifying the minimum qualifications for a medical assistant-
8 certified, medical assistant-hemodialysis technician, and medical
9 assistant-phlebotomist. The qualifications for a medical assistant-
10 hemodialysis technician must be equivalent to the qualifications for
11 hemodialysis technicians regulated pursuant to chapter 18.135 RCW as of
12 January 1, 2012.

13 (2) The secretary shall adopt rules that establish the minimum
14 requirements necessary for a health care practitioner, clinic, or group
15 practice to endorse a medical assistant as qualified to perform the
16 duties authorized by this chapter and be able to file an attestation of
17 that endorsement with the department.

18 (3) The medical quality assurance commission, the board of
19 osteopathic medicine and surgery, the podiatric medical board, the
20 nursing care quality assurance commission, the board of naturopathy,
21 and the optometry board shall each review and identify other specialty
22 assistive personnel not included in this chapter and the tasks they
23 perform. The department of health shall compile the information from
24 each disciplining authority listed in this subsection and submit the
25 compiled information to the legislature no later than December 15,
26 2012.

27 NEW SECTION. **Sec. 5.** (1)(a) The secretary shall issue a
28 certification as a medical assistant-certified to any person who has
29 satisfactorily completed a medical assistant training program approved
30 by the secretary, passed an examination approved by the secretary, and
31 met any additional qualifications established under section 4 of this
32 act.

33 (b) The secretary shall issue an interim certification to any
34 person who has met all of the qualifications in (a) of this subsection,
35 except for the passage of the examination. A person holding an interim

1 permit possesses the full scope of practice of a medical assistant-
2 certified. The interim permit expires upon passage of the examination
3 or after one year, whichever occurs first, and may not be renewed.

4 (2) The secretary shall issue a certification as a medical
5 assistant-hemodialysis technician to any person who meets the
6 qualifications for a medical assistant-hemodialysis technician
7 established under section 4 of this act.

8 (3) The secretary shall issue a certification as a medical
9 assistant-phlebotomist to any person who meets the qualifications for
10 a medical assistant-phlebotomist established under section 4 of this
11 act.

12 (4)(a) The secretary shall issue a registration as a medical
13 assistant-registered to any person who has a current endorsement from
14 a health care practitioner, clinic, or group practice.

15 (b) In order to be endorsed under this subsection (4), a person
16 must:

17 (i) Be endorsed by a health care practitioner, clinic, or group
18 practice that meets the qualifications established under section 4 of
19 this act; and

20 (ii) Have a current attestation of his or her endorsement to
21 perform specific medical tasks signed by a supervising health care
22 practitioner filed with the department. A medical assistant-registered
23 may only perform the medical tasks listed in his or her current
24 attestation of endorsement.

25 (c) A registration based on an endorsement by a health care
26 practitioner, clinic, or group practice is not transferrable to another
27 health care practitioner, clinic, or group practice.

28 (5) A certification issued under subsections (1) through (3) of
29 this section is transferrable between different practice settings.

30 NEW SECTION. **Sec. 6.** (1) A medical assistant-certified may
31 perform the following duties delegated by, and under the supervision
32 of, a health care practitioner:

33 (a) Fundamental procedures:

34 (i) Wrapping items for autoclaving;

35 (ii) Procedures for sterilizing equipment and instruments;

36 (iii) Disposing of biohazardous materials; and

37 (iv) Practicing standard precautions.

1 (b) Clinical procedures:
2 (i) Performing aseptic procedures in a setting other than a
3 hospital licensed under chapter 70.41 RCW;
4 (ii) Preparing of and assisting in sterile procedures in a setting
5 other than a hospital under chapter 70.41 RCW;
6 (iii) Taking vital signs;
7 (iv) Preparing patients for examination;
8 (v) Capillary blood withdrawal, venipuncture, and intradermal,
9 subcutaneous, and intramuscular injections; and
10 (vi) Observing and reporting patients' signs or symptoms.
11 (c) Specimen collection:
12 (i) Capillary puncture and venipuncture;
13 (ii) Obtaining specimens for microbiological testing; and
14 (iii) Instructing patients in proper technique to collect urine and
15 fecal specimens.
16 (d) Diagnostic testing:
17 (i) Electrocardiography;
18 (ii) Respiratory testing; and
19 (iii) Tests waived under the federal clinical laboratory
20 improvement amendments program on the effective date of this section.
21 The department shall periodically update the tests authorized under
22 this subsection (1)(d) based on changes made by the federal clinical
23 laboratory improvement amendments program.
24 (e) Patient care:
25 (i) Telephone and in-person screening limited to intake and
26 gathering of information without requiring the exercise of judgment
27 based on clinical knowledge;
28 (ii) Obtaining vital signs;
29 (iii) Obtaining and recording patient history;
30 (iv) Preparing and maintaining examination and treatment areas;
31 (v) Preparing patients for, and assisting with, routine and
32 specialty examinations, procedures, treatments, and minor office
33 surgeries;
34 (vi) Maintaining medication and immunization records; and
35 (vii) Screening and following up on test results as directed by a
36 health care practitioner.
37 (f)(i) Administering medications. A medical assistant-certified
38 may only administer medications if the drugs are:

1 (A) Administered only by unit or single dosage, or by a dosage
2 calculated by a health care practitioner. For purposes of this
3 section, a combination vaccine shall be considered a unit dose;

4 (B) Limited to legend drugs, vaccines, and Schedule III-V
5 controlled substances as authorized by a health care practitioner under
6 the scope of his or her license and consistent with rules adopted by
7 the secretary under (f)(ii) of this subsection; and

8 (C) Administered pursuant to a written order from a health care
9 practitioner.

10 (ii) The secretary may, by rule, limit the drugs that may be
11 administered under this subsection. The rules adopted under this
12 subsection must limit the drugs based on risk, class, or route.

13 (g) Intravenous injections. A medical assistant-certified may
14 administer intravenous injections for diagnostic or therapeutic agents
15 if he or she meets minimum standards established by the secretary in
16 rule. The minimum standards must be substantially similar to the
17 qualifications for category D and F health care assistants as they
18 exist on the effective date of this section.

19 (2) A medical assistant-hemodialysis technician may perform
20 hemodialysis when delegated and supervised by a health care
21 practitioner. A medical assistant-hemodialysis technician may also
22 administer drugs and oxygen to a patient when delegated and supervised
23 by a health care practitioner and pursuant to rules adopted by the
24 secretary.

25 (3) A medical assistant-phlebotomist may perform capillary, venous,
26 or arterial invasive procedures for blood withdrawal when delegated and
27 supervised by a health care practitioner and pursuant to rules adopted
28 by the secretary.

29 (4) A medical assistant-registered may perform the following duties
30 delegated by, and under the supervision of, a health care practitioner:

31 (a) Fundamental procedures:

32 (i) Wrapping items for autoclaving;

33 (ii) Procedures for sterilizing equipment and instruments;

34 (iii) Disposing of biohazardous materials; and

35 (iv) Practicing standard precautions.

36 (b) Clinical procedures:

37 (i) Preparing for sterile procedures;

38 (ii) Taking vital signs;

- 1 (iii) Preparing patients for examination; and
2 (iv) Observing and reporting patients' signs or symptoms.
3 (c) Specimen collection:
4 (i) Obtaining specimens for microbiological testing; and
5 (ii) Instructing patients in proper technique to collect urine and
6 fecal specimens.
7 (d) Patient care:
8 (i) Telephone and in-person screening limited to intake and
9 gathering of information without requiring the exercise of judgment
10 based on clinical knowledge;
11 (ii) Obtaining vital signs;
12 (iii) Obtaining and recording patient history;
13 (iv) Preparing and maintaining examination and treatment areas;
14 (v) Maintaining medication and immunization records; and
15 (vi) Screening and following up on test results as directed by a
16 health care practitioner.
17 (e) Tests waived under the federal clinical laboratory improvement
18 amendments program on the effective date of this section. The
19 department shall periodically update the tests authorized under
20 subsection (1)(d) of this section based on changes made by the federal
21 clinical laboratory improvement amendments program.
22 (f) Administering vaccines, including combination vaccines.

23 NEW SECTION. **Sec. 7.** (1) Prior to delegation of any of the
24 functions in section 6 of this act, a health care practitioner shall
25 determine to the best of his or her ability each of the following:

- 26 (a) That the task is within that health care practitioner's scope
27 of licensure or authority;
28 (b) That the task is indicated for the patient;
29 (c) The appropriate level of supervision;
30 (d) That no law prohibits the delegation;
31 (e) That the person to whom the task will be delegated is competent
32 to perform that task; and
33 (f) That the task itself is one that should be appropriately
34 delegated when considering the following factors:
35 (i) That the task can be performed without requiring the exercise
36 of judgment based on clinical knowledge;
37 (ii) That results of the task are reasonably predictable;

1 (iii) That the task can be performed without a need for complex
2 observations or critical decisions;

3 (iv) That the task can be performed without repeated clinical
4 assessments; and

5 (v) That the task, if performed improperly, would not present life-
6 threatening consequences or the danger of immediate and serious harm to
7 the patient.

8 (2) Nothing in this section prohibits the use of protocols that do
9 not involve clinical judgment and do not involve the administration of
10 medications, other than vaccines.

11 NEW SECTION. **Sec. 8.** (1) In addition to any other authority
12 provided by law, the secretary may:

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

15 (b) Establish forms and procedures necessary to administer this
16 chapter;

17 (c) Establish administrative procedures, administrative
18 requirements, and fees in accordance with RCW 43.70.250 and 43.70.280.
19 Until July 1, 2016, for purposes of setting fees under this section,
20 the secretary shall consider persons registered or certified under this
21 chapter and health care assistants, certified under chapter 18.135 RCW,
22 as one profession;

23 (d) Hire clerical, administrative, and investigative staff as
24 needed to implement and administer this chapter;

25 (e) Maintain the official department of health record of all
26 applicants and credential holders; and

27 (f) Establish requirements and procedures for an inactive
28 registration or certification.

29 (2) The uniform disciplinary act, chapter 18.130 RCW, governs
30 unlicensed practice, the issuance and denial of a registration or
31 certification, and the discipline of persons registered or certified
32 under this chapter.

33 NEW SECTION. **Sec. 9.** (1) The department may not issue new
34 certifications for category C, D, E, or F health care assistants on or
35 after the effective date of this section. The department shall certify

1 a category C, D, E, or F health care assistant who was certified prior
2 to the effective date of this section as a medical assistant-certified
3 when he or she renews his or her certification.

4 (2) The department may not issue new certifications for category G
5 health care assistants on or after the effective date of this section.
6 The department shall certify a category G health care assistant who was
7 certified prior to the effective date of this section as a medical
8 assistant-hemodialysis technician when he or she renews his or her
9 certification.

10 (3) The department may not issue new certifications for category A
11 or B health care assistants on or after the effective date of this
12 section. The department shall certify a category A or B health care
13 assistant who was certified prior to the effective date of this section
14 as a medical assistant-phlebotomist when he or she renews his or her
15 certification.

16 NEW SECTION. **Sec. 10.** Nothing in this chapter prohibits or
17 affects:

18 (1) A person licensed under this title performing services within
19 his or her scope of practice;

20 (2) A person performing functions in the discharge of official
21 duties on behalf of the United States government including, but not
22 limited to, the armed forces, coast guard, public health service,
23 veterans' bureau, or bureau of Indian affairs;

24 (3) A person trained by a federally approved end-stage renal
25 disease facility who performs end-stage renal dialysis in the home
26 setting;

27 (4) A person registered or certified under this chapter from
28 performing blood-drawing procedures in the residences of research study
29 participants when the procedures have been authorized by the
30 institutional review board of a comprehensive cancer center or
31 nonprofit degree-granting institution of higher education and are
32 conducted under the general supervision of a physician; or

33 (5) A person participating in an externship as part of an approved
34 medical assistant training program under the direct supervision of an
35 on-site health care provider.

1 NEW SECTION. **Sec. 11.** Within existing resources, the secretary
2 shall develop recommendations regarding a career path plan for medical
3 assistants. The secretary shall consult with stakeholders, including,
4 but not limited to, health care practitioner professional
5 organizations, organizations representing health care workers,
6 community colleges, career colleges, and technical colleges. The
7 recommendations must include methods for including credit for prior
8 learning. The purpose of the plan is to evaluate and map career paths
9 for medical assistants and entry-level health care workers to
10 transition by means of a career ladder into medical assistants or other
11 health care professions. The recommendations must identify barriers to
12 career advancement and career ladder training initiatives. The
13 department shall report its recommendations to the legislature no later
14 than December 15, 2012.

15 NEW SECTION. **Sec. 12.** An applicant with military training or
16 experience satisfies the training or experience requirements of this
17 chapter unless the secretary determines that the military training or
18 experience is not substantially equivalent to the standards of this
19 state.

20 **Sec. 13.** RCW 18.79.340 and 2003 c 258 s 2 are each amended to read
21 as follows:

22 (1) "Nursing technician" means a nursing student employed in a
23 hospital licensed under chapter 70.41 RCW, a clinic, or a nursing home
24 licensed under chapter 18.51 RCW, who:

25 (a) Is currently enrolled in good standing in a nursing program
26 approved by the commission and has not graduated; or

27 (b) Is a graduate of a nursing program approved by the commission
28 who graduated:

29 (i) Within the past thirty days; or

30 (ii) Within the past sixty days and has received a determination
31 from the secretary that there is good cause to continue the
32 registration period, as defined by the secretary in rule.

33 (2) No person may practice or represent oneself as a nursing
34 technician by use of any title or description of services without being
35 registered under this chapter, unless otherwise exempted by this
36 chapter.

1 (3) The commission may adopt rules to implement chapter 258, Laws
2 of 2003.

3 **Sec. 14.** RCW 18.120.020 and 2010 c 286 s 14 are each amended to
4 read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Applicant group" includes any health professional group or
8 organization, any individual, or any other interested party which
9 proposes that any health professional group not presently regulated be
10 regulated or which proposes to substantially increase the scope of
11 practice of the profession.

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

17 (3) "Grandfather clause" means a provision in a regulatory statute
18 applicable to practitioners actively engaged in the regulated health
19 profession prior to the effective date of the regulatory statute which
20 exempts the practitioners from meeting the prerequisite qualifications
21 set forth in the regulatory statute to perform prescribed occupational
22 tasks.

23 (4) "Health professions" means and includes the following health
24 and health-related licensed or regulated professions and occupations:
25 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
26 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
27 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
28 dispensing opticians under chapter 18.34 RCW; hearing instruments under
29 chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and
30 funeral directing under chapter 18.39 RCW; midwifery under chapter
31 18.50 RCW; nursing home administration under chapter 18.52 RCW;
32 optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter
33 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and
34 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine
35 under chapters 18.71 and 18.71A RCW; emergency medicine under chapter
36 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses
37 under chapter 18.79 RCW; psychologists under chapter 18.83 RCW;

1 registered nurses under chapter 18.79 RCW; occupational therapists
2 licensed under chapter 18.59 RCW; respiratory care practitioners
3 licensed under chapter 18.89 RCW; veterinarians and veterinary
4 technicians under chapter 18.92 RCW; health care assistants under
5 chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW;
6 East Asian medicine practitioners licensed under chapter 18.06 RCW;
7 persons registered under chapter 18.19 RCW; persons licensed as mental
8 health counselors, marriage and family therapists, and social workers
9 under chapter 18.225 RCW; dietitians and nutritionists certified by
10 chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW;
11 ~~((and))~~ nursing assistants registered or certified under chapter 18.88A
12 RCW; and medical assistants-certified, medical assistants-hemodialysis
13 technician, medical assistants-phlebotomist, and medical assistants-
14 registered certified and registered under chapter 18.--- RCW (the new
15 chapter created in section 19 of this act).

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

20 (6) "Legislative committees of reference" means the standing
21 legislative committees designated by the respective rules committees of
22 the senate and house of representatives to consider proposed
23 legislation to regulate health professions not previously regulated.

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

29 (8) "Professional license" means an individual, nontransferable
30 authorization to carry on a health activity based on qualifications
31 which include: (a) Graduation from an accredited or approved program,
32 and (b) acceptable performance on a qualifying examination or series of
33 examinations.

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

37 (10) "Public member" means an individual who is not, and never was,
38 a member of the health profession being regulated or the spouse of a

1 member, or an individual who does not have and never has had a material
2 financial interest in either the rendering of the health professional
3 service being regulated or an activity directly related to the
4 profession being regulated.

5 (11) "Registration" means the formal notification which, prior to
6 rendering services, a practitioner shall submit to a state agency
7 setting forth the name and address of the practitioner; the location,
8 nature and operation of the health activity to be practiced; and, if
9 required by the regulatory entity, a description of the service to be
10 provided.

11 (12) "Regulatory entity" means any board, commission, agency,
12 division, or other unit or subunit of state government which regulates
13 one or more professions, occupations, industries, businesses, or other
14 endeavors in this state.

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

19 **Sec. 15.** RCW 18.120.020 and 2012 c ... s 14 (section 14 of this
20 act) are each amended to read as follows:

21 The definitions in this section apply throughout this chapter
22 unless the context clearly requires otherwise.

23 (1) "Applicant group" includes any health professional group or
24 organization, any individual, or any other interested party which
25 proposes that any health professional group not presently regulated be
26 regulated or which proposes to substantially increase the scope of
27 practice of the profession.

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

33 (3) "Grandfather clause" means a provision in a regulatory statute
34 applicable to practitioners actively engaged in the regulated health
35 profession prior to the effective date of the regulatory statute which
36 exempts the practitioners from meeting the prerequisite qualifications

1 set forth in the regulatory statute to perform prescribed occupational
2 tasks.

3 (4) "Health professions" means and includes the following health
4 and health-related licensed or regulated professions and occupations:
5 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
6 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
7 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
8 dispensing opticians under chapter 18.34 RCW; hearing instruments under
9 chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and
10 funeral directing under chapter 18.39 RCW; midwifery under chapter
11 18.50 RCW; nursing home administration under chapter 18.52 RCW;
12 optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter
13 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and
14 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine
15 under chapters 18.71 and 18.71A RCW; emergency medicine under chapter
16 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses
17 under chapter 18.79 RCW; psychologists under chapter 18.83 RCW;
18 registered nurses under chapter 18.79 RCW; occupational therapists
19 licensed under chapter 18.59 RCW; respiratory care practitioners
20 licensed under chapter 18.89 RCW; veterinarians and veterinary
21 technicians under chapter 18.92 RCW; (~~health care assistants under~~
22 ~~chapter 18.135 RCW;~~) massage practitioners under chapter 18.108 RCW;
23 East Asian medicine practitioners licensed under chapter 18.06 RCW;
24 persons registered under chapter 18.19 RCW; persons licensed as mental
25 health counselors, marriage and family therapists, and social workers
26 under chapter 18.225 RCW; dietitians and nutritionists certified by
27 chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW;
28 nursing assistants registered or certified under chapter 18.88A RCW;
29 and medical assistants-certified, medical assistants-hemodialysis
30 technician, medical assistants-phlebotomist, and medical assistants-
31 registered certified and registered under chapter 18.--- RCW (the new
32 chapter created in section 19 of this act).

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

37 (6) "Legislative committees of reference" means the standing

1 legislative committees designated by the respective rules committees of
2 the senate and house of representatives to consider proposed
3 legislation to regulate health professions not previously regulated.

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

9 (8) "Professional license" means an individual, nontransferable
10 authorization to carry on a health activity based on qualifications
11 which include: (a) Graduation from an accredited or approved program,
12 and (b) acceptable performance on a qualifying examination or series of
13 examinations.

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

17 (10) "Public member" means an individual who is not, and never was,
18 a member of the health profession being regulated or the spouse of a
19 member, or an individual who does not have and never has had a material
20 financial interest in either the rendering of the health professional
21 service being regulated or an activity directly related to the
22 profession being regulated.

23 (11) "Registration" means the formal notification which, prior to
24 rendering services, a practitioner shall submit to a state agency
25 setting forth the name and address of the practitioner; the location,
26 nature and operation of the health activity to be practiced; and, if
27 required by the regulatory entity, a description of the service to be
28 provided.

29 (12) "Regulatory entity" means any board, commission, agency,
30 division, or other unit or subunit of state government which regulates
31 one or more professions, occupations, industries, businesses, or other
32 endeavors in this state.

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

1 **Sec. 16.** RCW 18.130.040 and 2011 c 41 s 11 are each amended to
2 read as follows:

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

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

10 (i) Dispensing opticians licensed and designated apprentices under
11 chapter 18.34 RCW;

12 (ii) Midwives licensed under chapter 18.50 RCW;

13 (iii) Ocularists licensed under chapter 18.55 RCW;

14 (iv) Massage operators and businesses licensed under chapter 18.108
15 RCW;

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

17 (vi) East Asian medicine practitioners licensed under chapter 18.06
18 RCW;

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

21 (viii) Respiratory care practitioners licensed under chapter 18.89
22 RCW;

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

25 (x) Persons licensed as mental health counselors, mental health
26 counselor associates, marriage and family therapists, marriage and
27 family therapist associates, social workers, social work associates--
28 advanced, and social work associates--independent clinical under
29 chapter 18.225 RCW;

30 (xi) Persons registered as nursing pool operators under chapter
31 18.52C RCW;

32 (xii) Nursing assistants registered or certified under chapter
33 18.88A RCW;

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

35 (xiv) Dietitians and nutritionists certified under chapter 18.138
36 RCW;

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

1 (xvi) Sex offender treatment providers and certified affiliate sex
2 offender treatment providers certified under chapter 18.155 RCW;
3 (xvii) Persons licensed and certified under chapter 18.73 RCW or
4 RCW 18.71.205;
5 (xviii) Denturists licensed under chapter 18.30 RCW;
6 (xix) Orthotists and prosthetists licensed under chapter 18.200
7 RCW;
8 (xx) Surgical technologists registered under chapter 18.215 RCW;
9 (xxi) Recreational therapists (~~(under chapter 18.230 RCW)~~) under
10 chapter 18.230 RCW;
11 (xxii) Animal massage practitioners certified under chapter 18.240
12 RCW;
13 (xxiii) Athletic trainers licensed under chapter 18.250 RCW;
14 (xxiv) Home care aides certified under chapter 18.88B RCW; (~~and~~)
15 (xxv) Genetic counselors licensed under chapter 18.290 RCW; and
16 (xxvi) Medical assistants-certified, medical assistants-
17 hemodialysis technician, medical assistants-phlebotomist, and medical
18 assistants-registered certified and registered under chapter 18.--- RCW
19 (the new chapter created in section 19 of this act).
20 (b) The boards and commissions having authority under this chapter
21 are as follows:
22 (i) The podiatric medical board as established in chapter 18.22
23 RCW;
24 (ii) The chiropractic quality assurance commission as established
25 in chapter 18.25 RCW;
26 (iii) The dental quality assurance commission as established in
27 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
28 licenses and registrations issued under chapter 18.260 RCW;
29 (iv) The board of hearing and speech as established in chapter
30 18.35 RCW;
31 (v) The board of examiners for nursing home administrators as
32 established in chapter 18.52 RCW;
33 (vi) The optometry board as established in chapter 18.54 RCW
34 governing licenses issued under chapter 18.53 RCW;
35 (vii) The board of osteopathic medicine and surgery as established
36 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
37 18.57A RCW;

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

3 (ix) The medical quality assurance commission as established in
4 chapter 18.71 RCW governing licenses and registrations issued under
5 chapters 18.71 and 18.71A RCW;

6 (x) The board of physical therapy as established in chapter 18.74
7 RCW;

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

10 (xii) The nursing care quality assurance commission as established
11 in chapter 18.79 RCW governing licenses and registrations issued under
12 that chapter;

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

15 (xiv) The veterinary board of governors as established in chapter
16 18.92 RCW; and

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

18 (3) In addition to the authority to discipline license holders, the
19 disciplining authority has the authority to grant or deny licenses.
20 The disciplining authority may also grant a license subject to
21 conditions.

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

26 **Sec. 17.** RCW 18.130.040 and 2012 c ... s 16 (section 16 of this
27 act) are each amended to read as follows:

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

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

35 (i) Dispensing opticians licensed and designated apprentices under
36 chapter 18.34 RCW;

37 (ii) Midwives licensed under chapter 18.50 RCW;

1 (iii) Ocularists licensed under chapter 18.55 RCW;
2 (iv) Massage operators and businesses licensed under chapter 18.108
3 RCW;
4 (v) Dental hygienists licensed under chapter 18.29 RCW;
5 (vi) East Asian medicine practitioners licensed under chapter 18.06
6 RCW;
7 (vii) Radiologic technologists certified and X-ray technicians
8 registered under chapter 18.84 RCW;
9 (viii) Respiratory care practitioners licensed under chapter 18.89
10 RCW;
11 (ix) Hypnotherapists and agency affiliated counselors registered
12 and advisors and counselors certified under chapter 18.19 RCW;
13 (x) Persons licensed as mental health counselors, mental health
14 counselor associates, marriage and family therapists, marriage and
15 family therapist associates, social workers, social work associates--
16 advanced, and social work associates--independent clinical under
17 chapter 18.225 RCW;
18 (xi) Persons registered as nursing pool operators under chapter
19 18.52C RCW;
20 (xii) Nursing assistants registered or certified under chapter
21 18.88A RCW;
22 (~~(xiii)~~) (~~Health care assistants certified under chapter 18.135 RCW;~~
23 ~~(xiv)~~) Dietitians and nutritionists certified under chapter 18.138
24 RCW;
25 (~~(xv)~~) (xiv) Chemical dependency professionals and chemical
26 dependency professional trainees certified under chapter 18.205 RCW;
27 (~~(xvi)~~) (xv) Sex offender treatment providers and certified
28 affiliate sex offender treatment providers certified under chapter
29 18.155 RCW;
30 (~~(xvii)~~) (xvi) Persons licensed and certified under chapter 18.73
31 RCW or RCW 18.71.205;
32 (~~(xviii)~~) (xvii) Denturists licensed under chapter 18.30 RCW;
33 (~~(xix)~~) (xviii) Orthotists and prosthetists licensed under
34 chapter 18.200 RCW;
35 (~~(xx)~~) (xix) Surgical technologists registered under chapter
36 18.215 RCW;
37 (~~(xxi)~~) (xx) Recreational therapists under chapter 18.230 RCW;

1 (~~(xxii)~~) (xxi) Animal massage practitioners certified under
2 chapter 18.240 RCW;
3 (~~(xxiii)~~) (xxii) Athletic trainers licensed under chapter 18.250
4 RCW;
5 (~~(xxiv)~~) (xxiii) Home care aides certified under chapter 18.88B
6 RCW;
7 (~~(xxv)~~) (xxiv) Genetic counselors licensed under chapter 18.290
8 RCW; and
9 (~~(xxvi)~~) (xxv) Medical assistants-certified, medical assistants-
10 hemodialysis technician, medical assistants-phlebotomist, and medical
11 assistants-registered certified and registered under chapter 18.--- RCW
12 (the new chapter created in section 19 of this act).
13 (b) The boards and commissions having authority under this chapter
14 are as follows:
15 (i) The podiatric medical board as established in chapter 18.22
16 RCW;
17 (ii) The chiropractic quality assurance commission as established
18 in chapter 18.25 RCW;
19 (iii) The dental quality assurance commission as established in
20 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
21 licenses and registrations issued under chapter 18.260 RCW;
22 (iv) The board of hearing and speech as established in chapter
23 18.35 RCW;
24 (v) The board of examiners for nursing home administrators as
25 established in chapter 18.52 RCW;
26 (vi) The optometry board as established in chapter 18.54 RCW
27 governing licenses issued under chapter 18.53 RCW;
28 (vii) The board of osteopathic medicine and surgery as established
29 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
30 18.57A RCW;
31 (viii) The board of pharmacy as established in chapter 18.64 RCW
32 governing licenses issued under chapters 18.64 and 18.64A RCW;
33 (ix) The medical quality assurance commission as established in
34 chapter 18.71 RCW governing licenses and registrations issued under
35 chapters 18.71 and 18.71A RCW;
36 (x) The board of physical therapy as established in chapter 18.74
37 RCW;

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

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

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

8 (xiv) The veterinary board of governors as established in chapter
9 18.92 RCW; and

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

11 (3) In addition to the authority to discipline license holders, the
12 disciplining authority has the authority to grant or deny licenses.
13 The disciplining authority may also grant a license subject to
14 conditions.

15 (4) All disciplining authorities shall adopt procedures to ensure
16 substantially consistent application of this chapter, the Uniform
17 Disciplinary Act, among the disciplining authorities listed in
18 subsection (2) of this section.

19 **Sec. 18.** RCW 18.135.055 and 1996 c 191 s 83 are each amended to
20 read as follows:

21 The health care facility or health care practitioner registering an
22 initial or continuing certification pursuant to the provisions of this
23 chapter shall comply with administrative procedures, administrative
24 requirements, and fees determined by the secretary as provided in RCW
25 43.70.250 and 43.70.280. For the purposes of setting fees under this
26 section, the secretary shall consider health care assistants and
27 persons registered and certified under chapter 18.--- RCW (the new
28 chapter created in section 19 of this act) as one profession.

29 All fees collected under this section shall be credited to the
30 health professions account as required in RCW 43.70.320.

31 NEW SECTION. **Sec. 19.** Sections 1 through 12 of this act
32 constitute a new chapter in Title 18 RCW.

33 NEW SECTION. **Sec. 20.** The following acts or parts of acts, as now
34 existing or hereafter amended, are each repealed, effective July 1,
35 2016:

- 1 (1) RCW 18.135.010 (Practices authorized) and 2009 c 43 s 2, 2008
2 c 58 s 1, & 1984 c 281 s 1;
- 3 (2) RCW 18.135.020 (Definitions) and 2009 c 43 s 4, 2008 c 58 s 2,
4 2001 c 22 s 2, & 1997 c 133 s 1;
- 5 (3) RCW 18.135.025 (Rules--Legislative intent) and 1986 c 216 s 1;
- 6 (4) RCW 18.135.030 (Health care assistant profession--Duties--
7 Requirements for certification--Rules) and 1999 c 151 s 201, 1994 sp.s.
8 c 9 s 515, 1991 c 3 s 273, 1986 c 216 s 2, & 1984 c 281 s 4;
- 9 (5) RCW 18.135.035 (Requirements for certification--Military
10 training or experience) and 2011 c 32 s 12;
- 11 (6) RCW 18.135.040 (Certification of health care assistants) and
12 2006 c 242 s 3 & 1984 c 281 s 3;
- 13 (7) RCW 18.135.050 (Certification by health care facility or
14 practitioner--Roster--Recertification) and 1996 c 191 s 82, 1991 c 3 s
15 274, & 1984 c 281 s 5;
- 16 (8) RCW 18.135.055 (Registering an initial or continuing
17 certification--Fees) and 2012 c ... s 18 (section 18 of this act), 1996
18 c 191 s 83, 1991 c 3 s 275, & 1985 c 117 s 1;
- 19 (9) RCW 18.135.060 (Conditions for performing authorized
20 functions--Renal dialysis) and 2001 c 22 s 3, 2000 c 171 s 30, & 1993
21 c 13 s 1;
- 22 (10) RCW 18.135.062 (Renal dialysis training task force--
23 Development of core competencies) and 2001 c 22 s 4;
- 24 (11) RCW 18.135.065 (Delegation--Duties of delegator and delegatee)
25 and 2009 c 43 s 5, 2008 c 58 s 3, 1991 c 3 s 276, & 1986 c 216 s 4;
- 26 (12) RCW 18.135.070 (Complaints--Violations--Investigations--
27 Disciplinary action) and 1993 c 367 s 11 & 1984 c 281 s 7;
- 28 (13) RCW 18.135.090 (Performance of authorized functions) and 1984
29 c 281 s 9;
- 30 (14) RCW 18.135.100 (Uniform Disciplinary Act) and 1993 c 367 s 12;
- 31 (15) RCW 18.135.110 (Blood-drawing procedures--Not prohibited by
32 chapter--Requirements) and 2006 c 242 s 2; and
- 33 (16) RCW 18.135.120 (Administration of vaccines--Restrictions) and
34 2008 c 58 s 4.

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

1 NEW SECTION. **Sec. 22.** Sections 1 through 12, 14, 16, and 18 of
2 this act take effect July 1, 2013.

3 NEW SECTION. **Sec. 23.** Sections 15 and 17 of this act take effect
4 July 1, 2016."

5 Correct the title.

EFFECT: Removes the authority for the Secretary of Health (Secretary) to establish categories of medical assistants. Instead, creates four new professions: Medical assistant-certified, medical assistant-registered, medical assistant-hemodialysis technician, and medical assistant-phlebotomist.

Removes the general categories of tasks a medical assistant may perform and replaces them with specific tasks that the four new professions may perform. Allows a medical assistant to administer intravenous injections if he or she meets standards established by the Secretary. Clarifies that protocols are not prohibited if they do not involve clinical judgment and do not involve the administration of medications, other than vaccines.

Removes the requirement that a medical assistant be at least 18 years of age. Removes provisions allowing medical assistants from other jurisdictions to become medical assistants without passing the examination. Allows a person to practice as a medical assistant certified without passing the examination under an interim permit, which expires after one year or upon passage of the examination and may not be renewed.

Allows an optometrist to direct the practice of a medical assistant.

Removes the requirement that the Secretary establish a career ladder and instead requires the Secretary to develop recommendations regarding a career ladder.

Removes the requirement that the Secretary report to the Legislature prior to adopting rules to implement the new professions.

Requires the disciplining authorities relevant to the professions who may supervise medical assistants to review and identify other specialty assistive personnel and their tasks. Requires the Department of Health (DOH) to compile the information and transmit it to the Legislature by December 15, 2012.

Allows a person with military training to satisfy the training or experience requirements for the new professions, unless the Secretary determines that the military training or experience is not equivalent to state standards.

Allows a nursing technician to work in a clinical setting.

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