
SENATE BILL 5142

State of Washington

67th Legislature

2021 Regular Session

By Senators Frockt, Das, Dhingra, Hasegawa, Lovelett, Randall, Rivers, Robinson, Saldaña, Stanford, and Wilson, C.

Read first time 01/12/21. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to the profession of dental therapist; amending
2 RCW 18.32.030, 18.32.0351, 18.120.020, 18.120.020, 18.130.040,
3 18.260.010, 18.260.040, 18.260.070, 18.260.080, 69.41.010, 69.41.030,
4 69.41.030, 70.350.020, and 43.70.442; reenacting and amending RCW
5 18.130.040, 69.41.010, and 43.70.442; adding a new chapter to Title
6 18 RCW; creating a new section; providing effective dates; providing
7 an expiration date; and declaring an emergency.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that good oral
10 health is an integral piece of overall health and well-being. Without
11 treatment, dental disease compromises overall health and requires
12 increasingly costly interventions. However, most dental disease can
13 be prevented at little cost through routine dental care and disease
14 prevention.

15 Dental-related issues are a leading reason that Washingtonians
16 seek care in hospital emergency departments, which has become the
17 source of care for many, especially uninsured and low-income
18 populations.

19 It is the intent of the legislature to expand access to oral
20 health care for all Washingtonians through an evidence-based mid-
21 level dental provider called a dental therapist. Dental therapy is a

1 strategy to address racial and ethnic disparities in health and rural
2 health care access gaps. Dental therapists are also a strategy to
3 increase workforce diversity in health care and expand career
4 opportunities for existing members of the dental care workforce such
5 as dental hygienists.

6 It is the legislature's intent that dental therapists will meet
7 the needs of local communities as they work under the direction of a
8 licensed Washington dentist. The legislature intends for dental
9 therapists to be incorporated into the dental care workforce and used
10 to effectively treat more patients.

11 It is the intent of the legislature to follow the national
12 commission on dental accreditation's standards for dental therapy
13 education. This will ensure that dental therapists are trained to the
14 highest quality standards and provide state-to-state consistency. It
15 is the intent of the legislature that incorporating the commission on
16 dental accreditation's standards for dental therapy education will
17 pave the way for Washington education institutions to become
18 accredited programs and for students to qualify for financial aid.

19 It is also the intent of the legislature to provide an efficient
20 and reasonable pathway, through a limited license, for federally
21 certified dental health aide therapists or tribally licensed dental
22 therapists to become a Washington state licensed dental therapist.

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

26 (1) "Close supervision of a dentist" means that a supervising
27 dentist:

28 (a) Has personally examined and diagnosed the patient and has
29 personally authorized the procedures to be performed;

30 (b) Is continuously on-site while the procedure in question is
31 being performed; and

32 (c) Is capable of responding immediately in the event of an
33 emergency.

34 (2) "Committee" means the dental hygiene examining committee
35 established in chapter 18.29 RCW.

36 (3) "Dental therapist" means a person licensed to practice dental
37 therapy under this chapter.

38 (4) "Dental therapy" means the services and procedures specified
39 in section 5 of this act.

1 (5) "Dentist" means a person licensed to practice dentistry under
2 chapter 18.32 RCW.

3 (6) "Denturist" means a person licensed to engage in the practice
4 of denturism under chapter 18.30 RCW.

5 (7) "Department" means the department of health.

6 (8) "General supervision" means that a supervising dentist has
7 examined and diagnosed the patient and provided subsequent
8 instructions to be performed by the assistive personnel but does not
9 require that the dentist be physically present in the treatment
10 facility.

11 (9) "Off-site supervision" means supervision that does not
12 require the dentist to be physically present or to personally examine
13 or diagnose the patient.

14 (10) "Practice plan contract" means a document that is signed by
15 a dentist and a dental therapist and outlines the functions the
16 dentist authorizes the dental therapist to perform and the level and
17 type of dentist supervision that is required.

18 (11) "Secretary" means the secretary of health.

19 NEW SECTION. **Sec. 3.** No person may practice dental therapy or
20 represent himself or herself as a dental therapist without being
21 licensed by the department under this chapter. Every person licensed
22 to practice dental therapy in this state shall renew their license
23 and comply with administrative procedures, administrative
24 requirements, continuing education requirements, and fees provided in
25 RCW 43.70.250 and 43.70.280.

26 NEW SECTION. **Sec. 4.** (1) The department shall issue a license
27 to practice as a dental therapist to any applicant who:

28 (a) Pays any applicable fees established by the secretary under
29 RCW 43.70.110 and 43.70.250;

30 (b) Successfully completes a dental therapist program that is
31 accredited or has received initial accreditation by the American
32 dental association's commission on dental accreditation;

33 (c) Passes an examination approved by the committee;

34 (d) Submits, on forms provided by the secretary, the applicant's
35 name, address, and other applicable information as determined by the
36 secretary; and

1 (e) Completes a preceptorship consisting of 400 hours under the
2 close supervision of a dentist followed by 300 hours completed under
3 general supervision of a dentist.

4 After completion of the 400 hours under close supervision, the
5 supervising dentist must review the dental therapist's performance
6 and determine whether the dental therapist may continue to the 300
7 hours under general supervision.

8 (2) (a) The secretary shall establish the date and location of the
9 examination. Applicants who meet the education requirements for
10 licensure must be scheduled for the next examination following the
11 filing of the application. The secretary shall establish by rule the
12 examination application deadline.

13 (b) The examination must contain subjects appropriate to the
14 scope of practice and questions on laws in the state of Washington
15 regulating dental therapy practice.

16 (c) The committee shall establish by rule the requirements for a
17 reexamination if the applicant has failed the examination.

18 (d) The committee may approve an examination prepared or
19 administered by a private testing agency or association of licensing
20 authorities.

21 (3) The secretary in consultation with the committee must
22 establish by rule the procedures to implement this section.

23 NEW SECTION. **Sec. 5.** (1) Subject to the limitations in this
24 section, a licensed dental therapist may provide the following
25 services and procedures under the supervision of a licensed dentist
26 as provided under section 6 of this act and to the extent the
27 supervising dentist authorizes the service or procedure to be
28 provided by the dental therapist:

29 (a) Oral health instruction and disease prevention education,
30 including nutritional counseling and dietary analysis;

31 (b) Preliminary charting of the oral cavity;

32 (c) Making radiographs;

33 (d) Mechanical polishing;

34 (e) Prophylaxis;

35 (f) Periodontal scaling and root planing;

36 (g) Application of topical preventative or prophylactic agents,
37 including fluoride and pit and fissure sealants;

38 (h) Pulp vitality testing;

39 (i) Application of desensitizing medication or resin;

- 1 (j) Fabrication of athletic mouth guards;
- 2 (k) Placement of temporary restorations;
- 3 (l) Fabrication of soft occlusal guards;
- 4 (m) Tissue conditioning and soft reline;
- 5 (n) Atraumatic restorative therapy and interim restorative
- 6 therapy;
- 7 (o) Dressing changes;
- 8 (p) Tooth reimplantation;
- 9 (q) Administration of local anesthetic;
- 10 (r) Administration of nitrous oxide;
- 11 (s) Emergency palliative treatment of dental pain;
- 12 (t) The placement and removal of space maintainers;
- 13 (u) Cavity preparation;
- 14 (v) Restoration of primary and permanent teeth;
- 15 (w) Placement of temporary crowns;
- 16 (x) Preparation and placement of preformed crowns;
- 17 (y) Pulpotomies on primary teeth;
- 18 (z) Indirect and direct pulp capping on primary and permanent
- 19 teeth;
- 20 (aa) Stabilization of reimplanted teeth;
- 21 (bb) Extractions of primary teeth;
- 22 (cc) Suture placement and removal;
- 23 (dd) Brush biopsies;
- 24 (ee) Minor adjustments and repairs on removable prostheses;
- 25 (ff) Recementing of permanent crowns;
- 26 (gg) Oral evaluation and assessment of dental disease and the
- 27 formulation of an individualized treatment plan;
- 28 (hh) The supervision of expanded function dental auxiliaries and
- 29 dental assistants. However, a dental therapist may supervise no more
- 30 than a total of four expanded function dental auxiliaries and dental
- 31 assistants at any one time in any one practice setting. A dental
- 32 therapist may not supervise an expanded function dental auxiliary or
- 33 dental assistant with respect to tasks that the dental therapist is
- 34 not authorized to perform;
- 35 (ii) Nonsurgical extractions of periodontally diseased permanent
- 36 teeth with tooth mobility of plus 3 to plus 4 if the teeth are not
- 37 unerupted, are not impacted, are not fractured, and do not need to be
- 38 sectioned for removal; and
- 39 (jj) The dispensation and oral administration of drugs pursuant
- 40 to subsection (2) of this section.

1 (2) (a) A dental therapist may dispense and orally administer the
2 following drugs within the parameters of the practice plan contract
3 established in section 6 of this act: Nonnarcotic analgesics, anti-
4 inflammatories, preventive agents, and antibiotics.

5 (b) The authority to dispense and orally administer drugs extends
6 only to the drugs identified in this subsection and may be further
7 limited by the practice plan contract.

8 (c) The authority to dispense includes the authority to dispense
9 sample drugs within the categories established in this subsection if
10 the dispensing is permitted under the practice plan contract.

11 (d) A dental therapist may not dispense or administer narcotic
12 drugs as defined in chapter 69.50 RCW.

13 (e) A dental therapist does not have the authority to prescribe
14 drugs.

15 (3) A dental therapist may only provide services and procedures
16 in which they have been educated.

17 (4) A dental therapist may not provide any service or procedure
18 that is not both authorized by this section and been authorized by
19 the supervising dentist via inclusion in the dental therapist's
20 practice plan contract.

21 NEW SECTION. **Sec. 6.** (1) A dental therapist may only practice
22 dental therapy under the supervision of a dentist licensed under
23 chapter 18.32 RCW and pursuant to a written practice plan contract
24 with the supervising dentist. A dental therapist may not practice
25 independently. In circumstances authorized by the supervising dentist
26 in the written practice plan contract, a dental therapist may provide
27 services without the prior examination or diagnosis of a dentist and
28 without the dentist being personally on site when services are
29 provided. The contract must, at a minimum, contain the following
30 elements:

31 (a) The level of supervision required and circumstances when the
32 prior knowledge and consent of the supervising dentist is required;

33 (b) Practice settings where services and procedures may be
34 provided;

35 (c) Any limitations on the services or procedures the dental
36 therapist may provide;

37 (d) Age and procedure-specific practice protocols, including case
38 selection criteria, assessment guidelines, and imaging frequency;

1 (e) Procedures for creating and maintaining dental records for
2 patients treated by the dental therapist;

3 (f) A plan to manage medical emergencies in each practice setting
4 where the dental therapist provides care;

5 (g) A quality assurance plan for monitoring care provided by the
6 dental therapist or, including patient care review, referral follow-
7 up, and a quality assurance chart review;

8 (h) Protocols for administering and dispensing medications,
9 including the specific circumstances under which the medications may
10 be dispensed and administered;

11 (i) Criteria relating to the provision of care to patients with
12 specific medical conditions or complex medical histories, including
13 requirements for consultation prior to the initiation of care; and

14 (j) Specific written protocols governing situations where the
15 dental therapist encounters a patient requiring treatment that
16 exceeds the dental therapist's scope of practice or capabilities and
17 protocols for referral of patients requiring evaluation and treatment
18 by dentists, denturists, physicians, advanced registered nurse
19 practitioners, or other health care providers.

20 (2) The dental therapist shall accept responsibility for all
21 services and procedures provided by the dental therapist or any
22 auxiliary dental providers the dental therapist is supervising
23 pursuant to the practice plan contract.

24 (3) A supervising dentist who knowingly permits a dental
25 therapist to provide a service or procedure that is not authorized in
26 the practice plan contract, or any dental therapist who provides a
27 service or procedure that is not authorized in the practice plan
28 contract, commits unprofessional conduct for purposes of chapter
29 18.130 RCW.

30 (4) A dentist who enters into a written practice plan contract
31 with a dental therapist shall:

32 (a) Directly provide or arrange for another dentist, denturist,
33 or specialist to provide any necessary advanced procedures or
34 services needed by the patient or any treatment that exceeds the
35 dental therapist's scope of practice or capabilities;

36 (b) Ensure that he or she or another dentist is available to the
37 dental therapist for timely communication during treatment if needed.

38 (5) A dental therapist shall perform only those services
39 authorized by the supervising dentist and written practice plan

1 contract and shall maintain an appropriate level of contact with the
2 supervising dentist.

3 (6) Practice plan contracts must be signed and maintained by both
4 the supervising dentist and the dental therapist.

5 (7) A supervising dentist may supervise no more than a total of
6 five dental therapists at any one time.

7 NEW SECTION. **Sec. 7.** Nothing in this chapter prohibits or
8 affects:

9 (1) The practice of dental therapy by an individual otherwise
10 licensed under this title and performing services within his or her
11 scope of practice;

12 (2) The practice of dental therapy in the discharge of official
13 duties on behalf of the United States government, including, but not
14 limited to, the armed forces, coast guard, public health service,
15 veterans' bureau, or bureau of Indian affairs;

16 (3) The practice of dental therapy pursuant to an education
17 program described in section 4 of this act;

18 (4) The practice of dental therapy under the supervision of a
19 dentist necessary to meet the clinical experience or preceptorship
20 requirements of section 4 of this act; or

21 (5) The practice of federally certified dental health aide
22 therapists or tribally licensed dental therapists practicing in
23 clinics operated by an Indian health service, Indian health service
24 direct, tribal 638, or an urban Indian health program system of care,
25 as those terms are defined in the Indian health care improvement act,
26 Title 25 U.S.C. Sec. 1603(12), (25) and (29).

27 NEW SECTION. **Sec. 8.** (1) A dental therapist may practice only
28 in the following settings:

29 (a) Federally qualified health centers, federally qualified
30 health center look-alikes, or nonprofit clinics;

31 (b) School-based health clinics;

32 (c) Long-term care facilities;

33 (d) Correctional institutions;

34 (e) Hospitals;

35 (f) Clinics operated by accredited schools of dentistry, dental
36 therapy, or dental hygiene; and

37 (g) Clinics operated by an Indian health service, Indian health
38 service direct, tribal 638, or an urban Indian health program system

1 of care, as those terms are defined in the Indian health care
2 improvement act, Title 25 U.S.C. Sec. 1603(12), (25) and (29).

3 (2) A dental therapist may not work in any other setting that is
4 not listed in this section.

5 NEW SECTION. **Sec. 9.** Chapter 18.130 RCW governs the unlicensed
6 practice, the issuance and denial of licenses, and the discipline of
7 persons licensed under this chapter. The dental quality assurance
8 commission is the disciplining authority under this chapter.

9 NEW SECTION. **Sec. 10.** (1) The department shall issue a limited
10 license to any applicant who, as determined by the secretary:

11 (a) Holds a valid license, certification, or recertification in
12 another state, Canadian province, or has been certified or licensed
13 by a federal or tribal governing board in the previous two years,
14 that allows a substantially equivalent, but not the entire scope of
15 practice in section 5 of this act;

16 (b) Is currently engaged in active practice in another state,
17 Canadian province, or tribe;

18 (c) Files with the secretary documentation certifying that the
19 applicant:

20 (i) Has graduated from a dental therapy school accredited by the
21 commission on dental accreditation or has graduated from a dental
22 therapy education program that the dental hygiene examining committee
23 determines is substantially equivalent to an accredited education
24 program;

25 (ii) Has successfully completed the national dental therapy
26 examination, or until such time that that exam is developed, the
27 national dental hygiene examination; and

28 (iii) Is licensed or certified to practice in another state or
29 Canadian province, or has been certified or licensed by a federal or
30 tribal governing board in the previous two years;

31 (d) Provides such information as the secretary deems necessary
32 pertaining to the conditions and criteria of the uniform disciplinary
33 act, chapter 18.130 RCW;

34 (e) Demonstrates to the secretary knowledge of Washington state
35 law pertaining to the practice of dental therapy; and

36 (f) Pays any required fees.

37 (2) The term of the limited license issued under this section is
38 18 months.

1 (3) A person practicing with a limited license granted under this
2 section has the authority to perform only those dental therapy
3 procedures in section 5 of this act that he or she was licensed or
4 certified to practice in their previous state, tribe, or Canadian
5 province.

6 (4) Upon demonstration of competency in all procedures in section
7 5 of this act, the limited license holder may apply for licensure as
8 a dental therapist under section 4 of this act.

9 (5) For the purposes of this section, "active practice" means 560
10 hours of practice in the preceding 24 months.

11 **Sec. 11.** RCW 18.32.030 and 2017 c 5 s 5 are each amended to read
12 as follows:

13 The following practices, acts, and operations are excepted from
14 the operation of the provisions of this chapter:

15 (1) The rendering of dental relief in emergency cases in the
16 practice of his or her profession by a physician or surgeon, licensed
17 as such and registered under the laws of this state, unless the
18 physician or surgeon undertakes to or does reproduce lost parts of
19 the human teeth in the mouth or to restore or to replace in the human
20 mouth lost or missing teeth;

21 (2) The practice of dentistry in the discharge of official duties
22 by dentists in the United States federal services on federal
23 reservations, including but not limited to the armed services, coast
24 guard, public health service, veterans' bureau, or bureau of Indian
25 affairs;

26 (3) Dental schools or colleges approved under RCW 18.32.040, and
27 the practice of dentistry by students in accredited dental schools or
28 colleges approved by the commission, when acting under the direction
29 and supervision of Washington state-licensed dental school faculty;

30 (4) The practice of dentistry by licensed dentists of other
31 states or countries while appearing as clinicians at meetings of the
32 Washington state dental association, or component parts thereof, or
33 at meetings sanctioned by them, or other groups approved by the
34 commission;

35 (5) The use of roentgen and other rays for making radiographs or
36 similar records of dental or oral tissues, under the supervision of a
37 licensed dentist or physician;

38 (6) The making, repairing, altering, or supplying of artificial
39 restorations, substitutions, appliances, or materials for the

1 correction of disease, loss, deformity, malposition, dislocation,
2 fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or
3 associated tissues or parts; providing the same are made, repaired,
4 altered, or supplied pursuant to the written instructions and order
5 of a licensed dentist which may be accompanied by casts, models, or
6 impressions furnished by the dentist, and the prescriptions shall be
7 retained and filed for a period of not less than three years and
8 shall be available to and subject to the examination of the secretary
9 or the secretary's authorized representatives;

10 (7) The removal of deposits and stains from the surfaces of the
11 teeth, the application of topical preventative or prophylactic
12 agents, and the polishing and smoothing of restorations, when
13 performed or prescribed by a dental hygienist licensed under the laws
14 of this state;

15 (8) A qualified and licensed physician and surgeon or osteopathic
16 physician and surgeon extracting teeth or performing oral surgery
17 pursuant to the scope of practice under chapter 18.71 or 18.57 RCW;

18 (9) The performing of dental operations or services by registered
19 dental assistants and licensed expanded function dental auxiliaries
20 holding a credential issued under chapter 18.260 RCW when performed
21 under the supervision of a licensed dentist, by dental therapists
22 licensed under chapter 18.--- RCW (the new chapter created in section
23 28 of this act), or by other persons not licensed under this chapter
24 if the person is licensed pursuant to chapter 18.29, 18.57, 18.71, or
25 18.79 RCW as it applies to registered nurses and advanced registered
26 nurse practitioners, each while acting within the scope of the
27 person's permitted practice under the person's license: PROVIDED
28 HOWEVER, That such persons shall in no event perform the following
29 dental operations or services unless permitted to be performed by the
30 person under this chapter or chapters 18.29, 18.57, 18.71, 18.79 as
31 it applies to registered nurses and advanced registered nurse
32 practitioners, and 18.260 RCW:

33 (a) Any removal of or addition to the hard or soft tissue of the
34 oral cavity;

35 (b) Any diagnosis of or prescription for treatment of disease,
36 pain, deformity, deficiency, injury, or physical condition of the
37 human teeth or jaws, or adjacent structure;

38 (c) Any administration of general or injected local anaesthetic
39 of any nature in connection with a dental operation, including
40 intravenous sedation;

1 (d) Any oral prophylaxis;

2 (e) The taking of any impressions of the teeth or jaw or the
3 relationships of the teeth or jaws, for the purpose of fabricating
4 any intra-oral restoration, appliance, or prosthesis;

5 (10) The performing of dental services described in RCW
6 18.350.040 by dental anesthesia assistants certified under chapter
7 18.350 RCW when working under the supervision and direction of an
8 oral and maxillofacial surgeon or dental anesthesiologist; and

9 (11) The performance of dental health aide therapist services to
10 the extent authorized under chapter 70.350 RCW.

11 **Sec. 12.** RCW 18.32.0351 and 2007 c 269 s 16 are each amended to
12 read as follows:

13 The Washington state dental quality assurance commission is
14 established, consisting of (~~sixteen~~) 18 members each appointed by
15 the governor to a four-year term. No member may serve more than two
16 consecutive full terms. In appointing the initial members of the
17 commission, it is the intent of the legislature that, to the extent
18 possible, members of the previous boards and committees regulating
19 these professions be appointed to the commission. Members of the
20 commission hold office until their successors are appointed. The
21 governor may appoint members of the initial commission to staggered
22 terms of from one to four years. Thereafter, all members shall be
23 appointed to full four-year terms. Twelve members of the commission
24 must be dentists, two members must be dental therapists licensed
25 under chapter 18.--- RCW (the new chapter created in section 28 of
26 this act), two members must be expanded function dental auxiliaries
27 licensed under chapter 18.260 RCW, and two members must be public
28 members.

29 **Sec. 13.** RCW 18.120.020 and 2019 c 308 s 17 are each amended to
30 read as follows:

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

33 (1) "Applicant group" includes any health professional group or
34 organization, any individual, or any other interested party which
35 proposes that any health professional group not presently regulated
36 be regulated or which proposes to substantially increase the scope of
37 practice of the profession.

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

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

13 (4) "Health professions" means and includes the following health
14 and health-related licensed or regulated professions and occupations:
15 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
16 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
17 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
18 dental anesthesia assistants under chapter 18.350 RCW; dispensing
19 opticians under chapter 18.34 RCW; hearing instruments under chapter
20 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and
21 funeral directing under chapter 18.39 RCW; midwifery under chapter
22 18.50 RCW; nursing home administration under chapter 18.52 RCW;
23 optometry under chapters 18.53 and 18.54 RCW; ocularists under
24 chapter 18.55 RCW; osteopathic medicine and surgery under chapters
25 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW;
26 medicine under chapters 18.71 and 18.71A RCW; emergency medicine
27 under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW;
28 practical nurses under chapter 18.79 RCW; psychologists under chapter
29 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational
30 therapists licensed under chapter 18.59 RCW; respiratory care
31 practitioners licensed under chapter 18.89 RCW; veterinarians and
32 veterinary technicians under chapter 18.92 RCW; massage therapists
33 under chapter 18.108 RCW; acupuncturists or acupuncture and Eastern
34 medicine practitioners licensed under chapter 18.06 RCW; persons
35 registered under chapter 18.19 RCW; persons licensed as mental health
36 counselors, marriage and family therapists, and social workers under
37 chapter 18.225 RCW; dietitians and nutritionists certified by chapter
38 18.138 RCW; radiologic technicians under chapter 18.84 RCW; nursing
39 assistants registered or certified under chapter 18.88A RCW;
40 reflexologists certified under chapter 18.108 RCW; medical

1 assistants-certified, medical assistants-hemodialysis technician,
2 medical assistants-phlebotomist, forensic phlebotomist, and medical
3 assistants-registered certified and registered under chapter 18.360
4 RCW; ~~((and))~~ licensed behavior analysts, licensed assistant behavior
5 analysts, and certified behavior technicians under chapter 18.380
6 RCW; and dental therapists licensed under chapter 18.--- RCW (the new
7 chapter created in section 28 of this act).

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

12 (6) "Legislative committees of reference" means the standing
13 legislative committees designated by the respective rules committees
14 of the senate and house of representatives to consider proposed
15 legislation to regulate health professions not previously regulated.

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

22 (8) "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 (9) "Professional license" means an individual, nontransferable
26 authorization to carry on a health activity based on qualifications
27 which include: (a) Graduation from an accredited or approved program,
28 and (b) acceptable performance on a qualifying examination or series
29 of examinations.

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

36 (11) "Registration" means the formal notification which, prior to
37 rendering services, a practitioner shall submit to a state agency
38 setting forth the name and address of the practitioner; the location,
39 nature and operation of the health activity to be practiced; and, if

1 required by the regulatory entity, a description of the service to be
2 provided.

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

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

11 **Sec. 14.** RCW 18.120.020 and 2020 c 80 s 22 are each amended to
12 read as follows:

13 The definitions in this section apply throughout this chapter
14 unless the context clearly requires otherwise.

15 (1) "Applicant group" includes any health professional group or
16 organization, any individual, or any other interested party which
17 proposes that any health professional group not presently regulated
18 be regulated or which proposes to substantially increase the scope of
19 practice of the profession.

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

26 (3) "Grandfather clause" means a provision in a regulatory
27 statute applicable to practitioners actively engaged in the regulated
28 health profession prior to the effective date of the regulatory
29 statute which exempts the practitioners from meeting the prerequisite
30 qualifications set forth in the regulatory statute to perform
31 prescribed occupational tasks.

32 (4) "Health professions" means and includes the following health
33 and health-related licensed or regulated professions and occupations:
34 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
35 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
36 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
37 dental anesthesia assistants under chapter 18.350 RCW; dispensing
38 opticians under chapter 18.34 RCW; hearing instruments under chapter
39 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and

1 funeral directing under chapter 18.39 RCW; midwifery under chapter
2 18.50 RCW; nursing home administration under chapter 18.52 RCW;
3 optometry under chapters 18.53 and 18.54 RCW; ocularists under
4 chapter 18.55 RCW; osteopathic medicine and surgery under chapter
5 18.57 RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine
6 under chapters 18.71 and 18.71A RCW; emergency medicine under chapter
7 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses
8 under chapter 18.79 RCW; psychologists under chapter 18.83 RCW;
9 registered nurses under chapter 18.79 RCW; occupational therapists
10 licensed under chapter 18.59 RCW; respiratory care practitioners
11 licensed under chapter 18.89 RCW; veterinarians and veterinary
12 technicians under chapter 18.92 RCW; massage therapists under chapter
13 18.108 RCW; acupuncturists or acupuncture and Eastern medicine
14 practitioners licensed under chapter 18.06 RCW; persons registered
15 under chapter 18.19 RCW; persons licensed as mental health
16 counselors, marriage and family therapists, and social workers under
17 chapter 18.225 RCW; dietitians and nutritionists certified by chapter
18 18.138 RCW; radiologic technicians under chapter 18.84 RCW; nursing
19 assistants registered or certified under chapter 18.88A RCW;
20 reflexologists certified under chapter 18.108 RCW; medical
21 assistants-certified, medical assistants-hemodialysis technician,
22 medical assistants-phlebotomist, forensic phlebotomist, and medical
23 assistants-registered certified and registered under chapter 18.360
24 RCW; ~~((and))~~ licensed behavior analysts, licensed assistant behavior
25 analysts, and certified behavior technicians under chapter 18.380
26 RCW; and dental therapists licensed under chapter 18.--- RCW (the new
27 chapter created in section 28 of this act).

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

32 (6) "Legislative committees of reference" means the standing
33 legislative committees designated by the respective rules committees
34 of the senate and house of representatives to consider proposed
35 legislation to regulate health professions not previously regulated.

36 (7) "License," "licensing," and "licensure" mean permission to
37 engage in a health profession which would otherwise be unlawful in
38 the state in the absence of the permission. A license is granted to
39 those individuals who meet prerequisite qualifications to perform

1 prescribed health professional tasks and for the use of a particular
2 title.

3 (8) "Practitioner" means an individual who (a) has achieved
4 knowledge and skill by practice, and (b) is actively engaged in a
5 specified health profession.

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

11 (10) "Public member" means an individual who is not, and never
12 was, a member of the health profession being regulated or the spouse
13 of a member, or an individual who does not have and never has had a
14 material financial interest in either the rendering of the health
15 professional service being regulated or an activity directly related
16 to the profession being regulated.

17 (11) "Registration" means the formal notification which, prior to
18 rendering services, a practitioner shall submit to a state agency
19 setting forth the name and address of the practitioner; the location,
20 nature and operation of the health activity to be practiced; and, if
21 required by the regulatory entity, a description of the service to be
22 provided.

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

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

31 **Sec. 15.** RCW 18.130.040 and 2019 c 444 s 11, 2019 c 308 s 18,
32 and 2019 c 55 s 7 are each reenacted and amended to read as follows:

33 (1) This chapter applies only to the secretary and the boards and
34 commissions having jurisdiction in relation to the professions
35 licensed under the chapters specified in this section. This chapter
36 does not apply to any business or profession not licensed under the
37 chapters specified in this section.

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

- 1 (i) Dispensing opticians licensed and designated apprentices
2 under chapter 18.34 RCW;
- 3 (ii) Midwives licensed under chapter 18.50 RCW;
- 4 (iii) Ocularists licensed under chapter 18.55 RCW;
- 5 (iv) Massage therapists and businesses licensed under chapter
6 18.108 RCW;
- 7 (v) Dental hygienists licensed under chapter 18.29 RCW;
- 8 (vi) Acupuncturists or acupuncture and Eastern medicine
9 practitioners licensed under chapter 18.06 RCW;
- 10 (vii) Radiologic technologists certified and X-ray technicians
11 registered under chapter 18.84 RCW;
- 12 (viii) Respiratory care practitioners licensed under chapter
13 18.89 RCW;
- 14 (ix) Hypnotherapists and agency affiliated counselors registered
15 and advisors and counselors certified under chapter 18.19 RCW;
- 16 (x) Persons licensed as mental health counselors, mental health
17 counselor associates, marriage and family therapists, marriage and
18 family therapist associates, social workers, social work associates—
19 advanced, and social work associates—independent clinical under
20 chapter 18.225 RCW;
- 21 (xi) Persons registered as nursing pool operators under chapter
22 18.52C RCW;
- 23 (xii) Nursing assistants registered or certified or medication
24 assistants endorsed under chapter 18.88A RCW;
- 25 (xiii) Dietitians and nutritionists certified under chapter
26 18.138 RCW;
- 27 (xiv) Substance use disorder professionals, substance use
28 disorder professional trainees, or co-occurring disorder specialists
29 certified under chapter 18.205 RCW;
- 30 (xv) Sex offender treatment providers and certified affiliate sex
31 offender treatment providers certified under chapter 18.155 RCW;
- 32 (xvi) Persons licensed and certified under chapter 18.73 RCW or
33 RCW 18.71.205;
- 34 (xvii) Orthotists and prosthetists licensed under chapter 18.200
35 RCW;
- 36 (xviii) Surgical technologists registered under chapter 18.215
37 RCW;
- 38 (xix) Recreational therapists under chapter 18.230 RCW;
- 39 (xx) Animal massage therapists certified under chapter 18.240
40 RCW;

1 (xxi) Athletic trainers licensed under chapter 18.250 RCW;
2 (xxii) Home care aides certified under chapter 18.88B RCW;
3 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;
4 (xxiv) Reflexologists certified under chapter 18.108 RCW;
5 (xxv) Medical assistants-certified, medical assistants-
6 hemodialysis technician, medical assistants-phlebotomist, forensic
7 phlebotomist, and medical assistants-registered certified and
8 registered under chapter 18.360 RCW; and

9 (xxvi) Behavior analysts, assistant behavior analysts, and
10 behavior technicians under chapter 18.380 RCW.

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

13 (i) The podiatric medical board as established in chapter 18.22
14 RCW;

15 (ii) The chiropractic quality assurance commission as established
16 in chapter 18.25 RCW;

17 (iii) The dental quality assurance commission as established in
18 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
19 licenses and registrations issued under chapter 18.260 RCW, licenses
20 issued under chapter 18.--- RCW (the new chapter created in section
21 28 of this act), and certifications issued under chapter 18.350 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
29 established in chapter 18.57 RCW governing licenses issued under
30 chapters 18.57 and 18.57A RCW;

31 (viii) The pharmacy quality assurance commission as established
32 in chapter 18.64 RCW governing licenses issued under chapters 18.64
33 and 18.64A RCW;

34 (ix) The Washington medical commission as established in chapter
35 18.71 RCW governing licenses and registrations issued under chapters
36 18.71 and 18.71A RCW;

37 (x) The board of physical therapy as established in chapter 18.74
38 RCW;

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

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

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

6 (xiv) The veterinary board of governors as established in chapter
7 18.92 RCW;

8 (xv) The board of naturopathy established in chapter 18.36A RCW;
9 and

10 (xvi) The board of denturists established in chapter 18.30 RCW.

11 (3) In addition to the authority to discipline license holders,
12 the disciplining authority has the authority to grant or deny
13 licenses. The disciplining authority may also grant a license subject
14 to 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. 16.** RCW 18.130.040 and 2020 c 80 s 23 are each amended to
20 read as follows:

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

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

28 (i) Dispensing opticians licensed and designated apprentices
29 under chapter 18.34 RCW;

30 (ii) Midwives licensed under chapter 18.50 RCW;

31 (iii) Ocularists licensed under chapter 18.55 RCW;

32 (iv) Massage therapists and businesses licensed under chapter
33 18.108 RCW;

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

35 (vi) Acupuncturists or acupuncture and Eastern medicine
36 practitioners licensed under chapter 18.06 RCW;

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

- 1 (viii) Respiratory care practitioners licensed under chapter
2 18.89 RCW;
- 3 (ix) Hypnotherapists and agency affiliated counselors registered
4 and advisors and counselors certified under chapter 18.19 RCW;
- 5 (x) Persons licensed as mental health counselors, mental health
6 counselor associates, marriage and family therapists, marriage and
7 family therapist associates, social workers, social work associates—
8 advanced, and social work associates—independent clinical under
9 chapter 18.225 RCW;
- 10 (xi) Persons registered as nursing pool operators under chapter
11 18.52C RCW;
- 12 (xii) Nursing assistants registered or certified or medication
13 assistants endorsed under chapter 18.88A RCW;
- 14 (xiii) Dietitians and nutritionists certified under chapter
15 18.138 RCW;
- 16 (xiv) Substance use disorder professionals, substance use
17 disorder professional trainees, or co-occurring disorder specialists
18 certified under chapter 18.205 RCW;
- 19 (xv) Sex offender treatment providers and certified affiliate sex
20 offender treatment providers certified under chapter 18.155 RCW;
- 21 (xvi) Persons licensed and certified under chapter 18.73 RCW or
22 RCW 18.71.205;
- 23 (xvii) Orthotists and prosthetists licensed under chapter 18.200
24 RCW;
- 25 (xviii) Surgical technologists registered under chapter 18.215
26 RCW;
- 27 (xix) Recreational therapists under chapter 18.230 RCW;
- 28 (xx) Animal massage therapists certified under chapter 18.240
29 RCW;
- 30 (xxi) Athletic trainers licensed under chapter 18.250 RCW;
- 31 (xxii) Home care aides certified under chapter 18.88B RCW;
- 32 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;
- 33 (xxiv) Reflexologists certified under chapter 18.108 RCW;
- 34 (xxv) Medical assistants-certified, medical assistants-
35 hemodialysis technician, medical assistants-phlebotomist, forensic
36 phlebotomist, and medical assistants-registered certified and
37 registered under chapter 18.360 RCW; and
- 38 (xxvi) Behavior analysts, assistant behavior analysts, and
39 behavior technicians under chapter 18.380 RCW.

- 1 (b) The boards and commissions having authority under this
2 chapter are as follows:
- 3 (i) The podiatric medical board as established in chapter 18.22
4 RCW;
- 5 (ii) The chiropractic quality assurance commission as established
6 in chapter 18.25 RCW;
- 7 (iii) The dental quality assurance commission as established in
8 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
9 licenses and registrations issued under chapter 18.260 RCW, licenses
10 issued under chapter 18.--- RCW (the new chapter created in section
11 28 of this act), and certifications issued under chapter 18.350 RCW;
- 12 (iv) The board of hearing and speech as established in chapter
13 18.35 RCW;
- 14 (v) The board of examiners for nursing home administrators as
15 established in chapter 18.52 RCW;
- 16 (vi) The optometry board as established in chapter 18.54 RCW
17 governing licenses issued under chapter 18.53 RCW;
- 18 (vii) The board of osteopathic medicine and surgery as
19 established in chapter 18.57 RCW governing licenses issued under
20 chapter 18.57 RCW;
- 21 (viii) The pharmacy quality assurance commission as established
22 in chapter 18.64 RCW governing licenses issued under chapters 18.64
23 and 18.64A RCW;
- 24 (ix) The Washington medical commission as established in chapter
25 18.71 RCW governing licenses and registrations issued under chapters
26 18.71 and 18.71A RCW;
- 27 (x) The board of physical therapy as established in chapter 18.74
28 RCW;
- 29 (xi) The board of occupational therapy practice as established in
30 chapter 18.59 RCW;
- 31 (xii) The nursing care quality assurance commission as
32 established in chapter 18.79 RCW governing licenses and registrations
33 issued under that chapter;
- 34 (xiii) The examining board of psychology and its disciplinary
35 committee as established in chapter 18.83 RCW;
- 36 (xiv) The veterinary board of governors as established in chapter
37 18.92 RCW;
- 38 (xv) The board of naturopathy established in chapter 18.36A RCW;
39 and
- 40 (xvi) The board of denturists established in chapter 18.30 RCW.

1 (3) In addition to the authority to discipline license holders,
2 the disciplining authority has the authority to grant or deny
3 licenses. The disciplining authority may also grant a license subject
4 to conditions.

5 (4) All disciplining authorities shall adopt procedures to ensure
6 substantially consistent application of this chapter, the uniform
7 disciplinary act, among the disciplining authorities listed in
8 subsection (2) of this section.

9 **Sec. 17.** RCW 18.260.010 and 2007 c 269 s 1 are each amended to
10 read as follows:

11 The definitions in this section apply throughout this chapter
12 unless the context clearly requires otherwise.

13 (1) "Close supervision" means that a supervising dentist or
14 supervising dental therapist whose patient is being treated has
15 personally diagnosed the condition to be treated and has personally
16 authorized the procedures to be performed. The supervising dentist or
17 supervising dental therapist is continuously on-site and physically
18 present in the treatment facility while the procedures are performed
19 by the assistive personnel and capable of responding immediately in
20 the event of an emergency. The term does not require a supervising
21 dentist or supervising dental therapist to be physically present in
22 the operatory.

23 (2) "Commission" means the Washington state dental quality
24 assurance commission created in chapter 18.32 RCW.

25 (3) "Dental assistant" means a person who is registered by the
26 commission to provide supportive services to a licensed dentist or a
27 licensed dental therapist to the extent provided in this chapter and
28 under the close supervision of a dentist or close supervision of a
29 dental therapist.

30 (4) "Dental therapist" means an individual who holds a license to
31 practice as a dental therapist under chapter 18.--- RCW (the new
32 chapter created in section 28 of this act).

33 (5) "Dentist" means an individual who holds a license to practice
34 dentistry under chapter 18.32 RCW.

35 ((+5)) (6) "Department" means the department of health.

36 ((+6)) (7) "Expanded function dental auxiliary" means a person
37 who is licensed by the commission to provide supportive services to a
38 licensed dentist or dental therapist to the extent provided in this

1 chapter and under the specified level of supervision of a dentist or
2 dental therapist.

3 ~~((7))~~ (8) "General supervision" means that a supervising
4 dentist or dental therapist has examined and diagnosed the patient
5 and provided subsequent instructions to be performed by the assistive
6 personnel, but does not require that the dentist or dental therapist
7 be physically present in the treatment facility.

8 ~~((8))~~ (9) "Secretary" means the secretary of health.

9 ~~((9))~~ (10) "Supervising dental therapist" means a dental
10 therapist licensed under chapter 18.--- RCW (the new chapter created
11 in section 28 of this act) who is responsible for providing the
12 appropriate level of supervision for dental assistants and expanded
13 function dental auxiliaries.

14 (11) "Supervising dentist" means a dentist licensed under chapter
15 18.32 RCW that is responsible for providing the appropriate level of
16 supervision for dental assistants and expanded function dental
17 auxiliaries.

18 **Sec. 18.** RCW 18.260.040 and 2015 c 120 s 3 are each amended to
19 read as follows:

20 (1)(a) The commission shall adopt rules relating to the scope of
21 dental assisting services related to patient care and laboratory
22 duties that may be performed by dental assistants.

23 (b) In addition to the services and duties authorized by the
24 rules adopted under (a) of this subsection, a dental assistant may
25 apply topical anesthetic agents.

26 (c) All dental services performed by dental assistants under (a)
27 or (b) of this subsection must be performed under the close
28 supervision of a supervising dentist or supervising dental therapist
29 as the dentist or dental therapist may allow.

30 (2) In addition to any other limitations established by the
31 commission, dental assistants may not perform the following
32 procedures:

33 (a) Any scaling procedure;

34 (b) Any oral prophylaxis, except coronal polishing;

35 (c) Administration of any general or local anesthetic, including
36 intravenous sedation;

37 (d) Any removal of or addition to the hard or soft tissue of the
38 oral cavity;

1 (e) Any diagnosis of or prescription for treatment of disease,
2 pain, deformity, deficiency, injury, or physical condition of the
3 human teeth, jaw, or adjacent structures; and

4 (f) The taking of any impressions of the teeth or jaw or the
5 relationships of the teeth or jaws, for the purpose of fabricating
6 any intra-oral restoration, appliance, or prosthesis, other than
7 impressions allowed as a delegated duty for dental assistants
8 pursuant to rules adopted by the commission.

9 (3) A dentist or dental therapist may not assign a dental
10 assistant to perform duties until the dental assistant has
11 demonstrated skills necessary to perform competently all assigned
12 duties and responsibilities.

13 **Sec. 19.** RCW 18.260.070 and 2007 c 269 s 6 are each amended to
14 read as follows:

15 (1) The commission shall adopt rules relating to the scope of
16 expanded function dental auxiliary services related to patient care
17 and laboratory duties that may be performed by expanded function
18 dental auxiliaries.

19 (2) The scope of expanded function dental auxiliary services that
20 the commission identifies in subsection (1) of this section includes:

21 (a) In addition to the dental assisting services that a dental
22 assistant may perform under the close supervision of a supervising
23 dentist or supervising dental therapist, the performance of the
24 following services under the general supervision of a supervising
25 dentist or supervising dental therapist as the dentist or dental
26 therapist may allow:

27 (i) Performing coronal polishing;

28 (ii) Giving fluoride treatments;

29 (iii) Applying sealants;

30 (iv) Placing dental x-ray film and exposing and developing the
31 films;

32 (v) Giving patient oral health instruction; and

33 (b) Notwithstanding any prohibitions in RCW 18.260.040, the
34 performance of the following services under the close supervision of
35 a supervising dentist or supervising dental therapist as the dentist
36 or dental therapist may allow:

37 (i) Placing and carving direct restorations; and

38 (ii) Taking final impressions.

1 (3) A dentist or dental therapist may not assign an expanded
2 function dental auxiliary to perform services until the expanded
3 function dental auxiliary has demonstrated skills necessary to
4 perform competently all assigned duties and responsibilities.

5 **Sec. 20.** RCW 18.260.080 and 2007 c 269 s 7 are each amended to
6 read as follows:

7 A supervising dentist or supervising dental therapist is
8 responsible for:

9 (1) Maintaining the appropriate level of supervision for dental
10 assistants and expanded function dental auxiliaries; and

11 (2) Ensuring that the dental assistants and expanded function
12 dental auxiliaries that the dentist or dental therapist supervises
13 are able to competently perform the tasks that they are assigned.

14 **Sec. 21.** RCW 69.41.010 and 2019 c 358 s 6 and 2019 c 308 s 23
15 are each reenacted and amended to read as follows:

16 As used in this chapter, the following terms have the meanings
17 indicated unless the context clearly requires otherwise:

18 (1) "Administer" means the direct application of a legend drug
19 whether by injection, inhalation, ingestion, or any other means, to
20 the body of a patient or research subject by:

21 (a) A practitioner; or

22 (b) The patient or research subject at the direction of the
23 practitioner.

24 (2) "Commission" means the pharmacy quality assurance commission.

25 (3) "Community-based care settings" include: Community
26 residential programs for persons with developmental disabilities,
27 certified by the department of social and health services under
28 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128
29 RCW; and assisted living facilities licensed under chapter 18.20 RCW.
30 Community-based care settings do not include acute care or skilled
31 nursing facilities.

32 (4) "Deliver" or "delivery" means the actual, constructive, or
33 attempted transfer from one person to another of a legend drug,
34 whether or not there is an agency relationship.

35 (5) "Department" means the department of health.

36 (6) "Dispense" means the interpretation of a prescription or
37 order for a legend drug and, pursuant to that prescription or order,

1 the proper selection, measuring, compounding, labeling, or packaging
2 necessary to prepare that prescription or order for delivery.

3 (7) "Dispenser" means a practitioner who dispenses.

4 (8) "Distribute" means to deliver other than by administering or
5 dispensing a legend drug.

6 (9) "Distributor" means a person who distributes.

7 (10) "Drug" means:

8 (a) Substances recognized as drugs in the official United States
9 pharmacopoeia, official homeopathic pharmacopoeia of the United
10 States, or official national formulary, or any supplement to any of
11 them;

12 (b) Substances intended for use in the diagnosis, cure,
13 mitigation, treatment, or prevention of disease in human beings or
14 animals;

15 (c) Substances (other than food, minerals or vitamins) intended
16 to affect the structure or any function of the body of human beings
17 or animals; and

18 (d) Substances intended for use as a component of any article
19 specified in (a), (b), or (c) of this subsection. It does not include
20 devices or their components, parts, or accessories.

21 (11) "Electronic communication of prescription information" means
22 the transmission of a prescription or refill authorization for a drug
23 of a practitioner using computer systems. The term does not include a
24 prescription or refill authorization transmitted verbally by
25 telephone nor a facsimile manually signed by the practitioner.

26 (12) "In-home care settings" include an individual's place of
27 temporary and permanent residence, but does not include acute care or
28 skilled nursing facilities, and does not include community-based care
29 settings.

30 (13) "Legend drugs" means any drugs which are required by state
31 law or regulation of the pharmacy quality assurance commission to be
32 dispensed on prescription only or are restricted to use by
33 practitioners only.

34 (14) "Legible prescription" means a prescription or medication
35 order issued by a practitioner that is capable of being read and
36 understood by the pharmacist filling the prescription or the nurse or
37 other practitioner implementing the medication order. A prescription
38 must be hand printed, typewritten, or electronically generated.

39 (15) "Medication assistance" means assistance rendered by a
40 nonpractitioner to an individual residing in a community-based care

1 setting or in-home care setting to facilitate the individual's self-
2 administration of a legend drug or controlled substance. It includes
3 reminding or coaching the individual, handing the medication
4 container to the individual, opening the individual's medication
5 container, using an enabler, or placing the medication in the
6 individual's hand, and such other means of medication assistance as
7 defined by rule adopted by the department. A nonpractitioner may help
8 in the preparation of legend drugs or controlled substances for self-
9 administration where a practitioner has determined and communicated
10 orally or by written direction that such medication preparation
11 assistance is necessary and appropriate. Medication assistance shall
12 not include assistance with intravenous medications or injectable
13 medications, except prefilled insulin syringes.

14 (16) "Person" means individual, corporation, government or
15 governmental subdivision or agency, business trust, estate, trust,
16 partnership or association, or any other legal entity.

17 (17) "Practitioner" means:

18 (a) A physician under chapter 18.71 RCW, an osteopathic physician
19 or an osteopathic physician and surgeon under chapter 18.57 RCW, a
20 dentist under chapter 18.32 RCW, a podiatric physician and surgeon
21 under chapter 18.22 RCW, an acupuncturist or acupuncture and Eastern
22 medicine practitioner to the extent authorized under chapter 18.06
23 RCW and the rules adopted under RCW 18.06.010(1)(j), a veterinarian
24 under chapter 18.92 RCW, a registered nurse, advanced registered
25 nurse practitioner, or licensed practical nurse under chapter 18.79
26 RCW, an optometrist under chapter 18.53 RCW who is certified by the
27 optometry board under RCW 18.53.010, an osteopathic physician
28 assistant under chapter 18.57A RCW, a physician assistant under
29 chapter 18.71A RCW, a naturopath licensed under chapter 18.36A RCW, a
30 licensed athletic trainer to the extent authorized under chapter
31 18.250 RCW, a pharmacist under chapter 18.64 RCW, (~~(or)~~) when acting
32 under the required supervision of a dentist licensed under chapter
33 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW, or a
34 dental therapist licensed under chapter 18.--- RCW (the new chapter
35 created in section 28 of this act);

36 (b) A pharmacy, hospital, or other institution licensed,
37 registered, or otherwise permitted to distribute, dispense, conduct
38 research with respect to, or to administer a legend drug in the
39 course of professional practice or research in this state; and

1 (c) A physician licensed to practice medicine and surgery or a
2 physician licensed to practice osteopathic medicine and surgery in
3 any state, or province of Canada, which shares a common border with
4 the state of Washington.

5 (18) "Secretary" means the secretary of health or the secretary's
6 designee.

7 **Sec. 22.** RCW 69.41.010 and 2020 c 80 s 40 are each amended to
8 read as follows:

9 As used in this chapter, the following terms have the meanings
10 indicated unless the context clearly requires otherwise:

11 (1) "Administer" means the direct application of a legend drug
12 whether by injection, inhalation, ingestion, or any other means, to
13 the body of a patient or research subject by:

14 (a) A practitioner; or

15 (b) The patient or research subject at the direction of the
16 practitioner.

17 (2) "Commission" means the pharmacy quality assurance commission.

18 (3) "Community-based care settings" include: Community
19 residential programs for persons with developmental disabilities,
20 certified by the department of social and health services under
21 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128
22 RCW; and assisted living facilities licensed under chapter 18.20 RCW.
23 Community-based care settings do not include acute care or skilled
24 nursing facilities.

25 (4) "Deliver" or "delivery" means the actual, constructive, or
26 attempted transfer from one person to another of a legend drug,
27 whether or not there is an agency relationship.

28 (5) "Department" means the department of health.

29 (6) "Dispense" means the interpretation of a prescription or
30 order for a legend drug and, pursuant to that prescription or order,
31 the proper selection, measuring, compounding, labeling, or packaging
32 necessary to prepare that prescription or order for delivery.

33 (7) "Dispenser" means a practitioner who dispenses.

34 (8) "Distribute" means to deliver other than by administering or
35 dispensing a legend drug.

36 (9) "Distributor" means a person who distributes.

37 (10) "Drug" means:

38 (a) Substances recognized as drugs in the official United States
39 pharmacopoeia, official homeopathic pharmacopoeia of the United

1 States, or official national formulary, or any supplement to any of
2 them;

3 (b) Substances intended for use in the diagnosis, cure,
4 mitigation, treatment, or prevention of disease in human beings or
5 animals;

6 (c) Substances (other than food, minerals or vitamins) intended
7 to affect the structure or any function of the body of human beings
8 or animals; and

9 (d) Substances intended for use as a component of any article
10 specified in (a), (b), or (c) of this subsection. It does not include
11 devices or their components, parts, or accessories.

12 (11) "Electronic communication of prescription information" means
13 the transmission of a prescription or refill authorization for a drug
14 of a practitioner using computer systems. The term does not include a
15 prescription or refill authorization transmitted verbally by
16 telephone nor a facsimile manually signed by the practitioner.

17 (12) "In-home care settings" include an individual's place of
18 temporary and permanent residence, but does not include acute care or
19 skilled nursing facilities, and does not include community-based care
20 settings.

21 (13) "Legend drugs" means any drugs which are required by state
22 law or regulation of the pharmacy quality assurance commission to be
23 dispensed on prescription only or are restricted to use by
24 practitioners only.

25 (14) "Legible prescription" means a prescription or medication
26 order issued by a practitioner that is capable of being read and
27 understood by the pharmacist filling the prescription or the nurse or
28 other practitioner implementing the medication order. A prescription
29 must be hand printed, typewritten, or electronically generated.

30 (15) "Medication assistance" means assistance rendered by a
31 nonpractitioner to an individual residing in a community-based care
32 setting or in-home care setting to facilitate the individual's self-
33 administration of a legend drug or controlled substance. It includes
34 reminding or coaching the individual, handing the medication
35 container to the individual, opening the individual's medication
36 container, using an enabler, or placing the medication in the
37 individual's hand, and such other means of medication assistance as
38 defined by rule adopted by the department. A nonpractitioner may help
39 in the preparation of legend drugs or controlled substances for self-
40 administration where a practitioner has determined and communicated

1 orally or by written direction that such medication preparation
2 assistance is necessary and appropriate. Medication assistance shall
3 not include assistance with intravenous medications or injectable
4 medications, except prefilled insulin syringes.

5 (16) "Person" means individual, corporation, government or
6 governmental subdivision or agency, business trust, estate, trust,
7 partnership or association, or any other legal entity.

8 (17) "Practitioner" means:

9 (a) A physician under chapter 18.71 RCW, an osteopathic physician
10 or an osteopathic physician and surgeon under chapter 18.57 RCW, a
11 dentist under chapter 18.32 RCW, a podiatric physician and surgeon
12 under chapter 18.22 RCW, an acupuncturist or acupuncture and Eastern
13 medicine practitioner to the extent authorized under chapter 18.06
14 RCW and the rules adopted under RCW 18.06.010(1)(j), a veterinarian
15 under chapter 18.92 RCW, a registered nurse, advanced registered
16 nurse practitioner, or licensed practical nurse under chapter 18.79
17 RCW, an optometrist under chapter 18.53 RCW who is certified by the
18 optometry board under RCW 18.53.010, a physician assistant under
19 chapter 18.71A RCW, a naturopath licensed under chapter 18.36A RCW, a
20 licensed athletic trainer to the extent authorized under chapter
21 18.250 RCW, a pharmacist under chapter 18.64 RCW, (~~(or)~~) when acting
22 under the required supervision of a dentist licensed under chapter
23 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW, or a
24 dental therapist licensed under chapter 18.--- RCW (the new chapter
25 created in section 28 of this act);

26 (b) A pharmacy, hospital, or other institution licensed,
27 registered, or otherwise permitted to distribute, dispense, conduct
28 research with respect to, or to administer a legend drug in the
29 course of professional practice or research in this state; and

30 (c) A physician licensed to practice medicine and surgery or a
31 physician licensed to practice osteopathic medicine and surgery in
32 any state, or province of Canada, which shares a common border with
33 the state of Washington.

34 (18) "Secretary" means the secretary of health or the secretary's
35 designee.

36 **Sec. 23.** RCW 69.41.030 and 2019 c 55 s 9 are each amended to
37 read as follows:

38 (1) It shall be unlawful for any person to sell, deliver, or
39 possess any legend drug except upon the order or prescription of a

1 physician under chapter 18.71 RCW, an osteopathic physician and
2 surgeon under chapter 18.57 RCW, an optometrist licensed under
3 chapter 18.53 RCW who is certified by the optometry board under RCW
4 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician
5 and surgeon under chapter 18.22 RCW, a veterinarian under chapter
6 18.92 RCW, a commissioned medical or dental officer in the United
7 States armed forces or public health service in the discharge of his
8 or her official duties, a duly licensed physician or dentist employed
9 by the veterans administration in the discharge of his or her
10 official duties, a registered nurse or advanced registered nurse
11 practitioner under chapter 18.79 RCW when authorized by the nursing
12 care quality assurance commission, a pharmacist licensed under
13 chapter 18.64 RCW to the extent permitted by drug therapy guidelines
14 or protocols established under RCW 18.64.011 and authorized by the
15 commission and approved by a practitioner authorized to prescribe
16 drugs, an osteopathic physician assistant under chapter 18.57A RCW
17 when authorized by the board of osteopathic medicine and surgery, a
18 physician assistant under chapter 18.71A RCW when authorized by the
19 Washington medical commission, a dental therapist licensed under
20 chapter 18.--- RCW (the new chapter created in section 28 of this
21 act), or any of the following professionals in any province of Canada
22 that shares a common border with the state of Washington or in any
23 state of the United States: A physician licensed to practice medicine
24 and surgery or a physician licensed to practice osteopathic medicine
25 and surgery, a dentist licensed to practice dentistry, a podiatric
26 physician and surgeon licensed to practice podiatric medicine and
27 surgery, a licensed advanced registered nurse practitioner, a
28 licensed physician assistant, a licensed osteopathic physician
29 assistant, or a veterinarian licensed to practice veterinary
30 medicine: PROVIDED, HOWEVER, That the above provisions shall not
31 apply to sale, delivery, or possession by drug wholesalers or drug
32 manufacturers, or their agents or employees, or to any practitioner
33 acting within the scope of his or her license, or to a common or
34 contract carrier or warehouse operator, or any employee thereof,
35 whose possession of any legend drug is in the usual course of
36 business or employment: PROVIDED FURTHER, That nothing in this
37 chapter or chapter 18.64 RCW shall prevent a family planning clinic
38 that is under contract with the health care authority from selling,
39 delivering, possessing, and dispensing commercially prepackaged oral
40 contraceptives prescribed by authorized, licensed health care

1 practitioners: PROVIDED FURTHER, That nothing in this chapter
2 prohibits possession or delivery of legend drugs by an authorized
3 collector or other person participating in the operation of a drug
4 take-back program authorized in chapter 69.48 RCW.

5 (2) (a) A violation of this section involving the sale, delivery,
6 or possession with intent to sell or deliver is a class B felony
7 punishable according to chapter 9A.20 RCW.

8 (b) A violation of this section involving possession is a
9 misdemeanor.

10 **Sec. 24.** RCW 69.41.030 and 2020 c 80 s 41 are each amended to
11 read as follows:

12 (1) It shall be unlawful for any person to sell, deliver, or
13 possess any legend drug except upon the order or prescription of a
14 physician under chapter 18.71 RCW, an osteopathic physician and
15 surgeon under chapter 18.57 RCW, an optometrist licensed under
16 chapter 18.53 RCW who is certified by the optometry board under RCW
17 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician
18 and surgeon under chapter 18.22 RCW, a veterinarian under chapter
19 18.92 RCW, a commissioned medical or dental officer in the United
20 States armed forces or public health service in the discharge of his
21 or her official duties, a duly licensed physician or dentist employed
22 by the veterans administration in the discharge of his or her
23 official duties, a registered nurse or advanced registered nurse
24 practitioner under chapter 18.79 RCW when authorized by the nursing
25 care quality assurance commission, a pharmacist licensed under
26 chapter 18.64 RCW to the extent permitted by drug therapy guidelines
27 or protocols established under RCW 18.64.011 and authorized by the
28 commission and approved by a practitioner authorized to prescribe
29 drugs, a physician assistant under chapter 18.71A RCW when authorized
30 by the Washington medical commission, a dental therapist licensed
31 under chapter 18.--- RCW (the new chapter created in section 28 of
32 this act), or any of the following professionals in any province of
33 Canada that shares a common border with the state of Washington or in
34 any state of the United States: A physician licensed to practice
35 medicine and surgery or a physician licensed to practice osteopathic
36 medicine and surgery, a dentist licensed to practice dentistry, a
37 podiatric physician and surgeon licensed to practice podiatric
38 medicine and surgery, a licensed advanced registered nurse
39 practitioner, a licensed physician assistant, or a veterinarian

1 licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the
2 above provisions shall not apply to sale, delivery, or possession by
3 drug wholesalers or drug manufacturers, or their agents or employees,
4 or to any practitioner acting within the scope of his or her license,
5 or to a common or contract carrier or warehouse operator, or any
6 employee thereof, whose possession of any legend drug is in the usual
7 course of business or employment: PROVIDED FURTHER, That nothing in
8 this chapter or chapter 18.64 RCW shall prevent a family planning
9 clinic that is under contract with the health care authority from
10 selling, delivering, possessing, and dispensing commercially
11 prepackaged oral contraceptives prescribed by authorized, licensed
12 health care practitioners: PROVIDED FURTHER, That nothing in this
13 chapter prohibits possession or delivery of legend drugs by an
14 authorized collector or other person participating in the operation
15 of a drug take-back program authorized in chapter 69.48 RCW.

16 (2) (a) A violation of this section involving the sale, delivery,
17 or possession with intent to sell or deliver is a class B felony
18 punishable according to chapter 9A.20 RCW.

19 (b) A violation of this section involving possession is a
20 misdemeanor.

21 **Sec. 25.** RCW 70.350.020 and 2017 c 5 s 2 are each amended to
22 read as follows:

23 (1) Dental health aide therapist services are authorized by this
24 chapter under the following conditions:

25 (a) The person providing services is certified as a dental health
26 aide therapist by:

27 (i) A federal community health aide program certification board;
28 or

29 (ii) A federally recognized Indian tribe that has adopted
30 certification standards that meet or exceed the requirements of a
31 federal community health aide program certification board;

32 (b) All services are performed:

33 (i) In a practice setting (~~within the exterior boundaries of a~~
34 ~~tribal reservation~~) and operated by an Indian health (~~program~~)
35 service, Indian health service direct, tribal 638, or an urban Indian
36 health program system of care, as those terms are defined in the
37 Indian health care improvement act, Title 25 U.S.C. Sec. 1603(12),
38 (25) and (29);

1 (ii) In accordance with the standards adopted by the certifying
2 body in (a) of this subsection, including scope of practice,
3 training, supervision, and continuing education;

4 (iii) Pursuant to any applicable written standing orders by a
5 supervising dentist; and

6 (iv) On persons who are members of a federally recognized tribe
7 or otherwise eligible for services under Indian health service
8 criteria, pursuant to the Indian health care improvement act, Title
9 25 U.S.C. Sec. 1601 et seq.

10 (2) The performance of dental health aide therapist services is
11 authorized for a person when working within the scope, supervision,
12 and direction of a dental health aide therapy training program that
13 is certified by an entity described in subsection (1) of this
14 section.

15 (3) All services performed within the scope of subsection (1) or
16 (2) of this section, including the employment or supervision of such
17 services, are exempt from licensing requirements under chapters
18 18.29, 18.32, 18.260, and 18.350 RCW.

19 **Sec. 26.** RCW 43.70.442 and 2020 c 229 s 1 are each amended to
20 read as follows:

21 (1)(a) Each of the following professionals certified or licensed
22 under Title 18 RCW shall, at least once every six years, complete
23 training in suicide assessment, treatment, and management that is
24 approved, in rule, by the relevant disciplining authority:

25 (i) An adviser or counselor certified under chapter 18.19 RCW;

26 (ii) A substance use disorder professional licensed under chapter
27 18.205 RCW;

28 (iii) A marriage and family therapist licensed under chapter
29 18.225 RCW;

30 (iv) A mental health counselor licensed under chapter 18.225 RCW;

31 (v) An occupational therapy practitioner licensed under chapter
32 18.59 RCW;

33 (vi) A psychologist licensed under chapter 18.83 RCW;

34 (vii) An advanced social worker or independent clinical social
35 worker licensed under chapter 18.225 RCW; and

36 (viii) A social worker associate—advanced or social worker
37 associate—independent clinical licensed under chapter 18.225 RCW.

1 (b) The requirements in (a) of this subsection apply to a person
2 holding a retired active license for one of the professions in (a) of
3 this subsection.

4 (c) The training required by this subsection must be at least six
5 hours in length, unless a disciplining authority has determined,
6 under subsection (10)(b) of this section, that training that includes
7 only screening and referral elements is appropriate for the
8 profession in question, in which case the training must be at least
9 three hours in length.

10 (d) Beginning July 1, 2017, the training required by this
11 subsection must be on the model list developed under subsection (6)
12 of this section. Nothing in this subsection (1)(d) affects the
13 validity of training completed prior to July 1, 2017.

14 (2)(a) Except as provided in (b) of this subsection:

15 (i) A professional listed in subsection (1)(a) of this section
16 must complete the first training required by this section by the end
17 of the first full continuing education reporting period after January
18 1, 2014, or during the first full continuing education reporting
19 period after initial licensure or certification, whichever occurs
20 later.

21 (ii) Beginning July 1, 2021, the second training for a
22 psychologist, a marriage and family therapist, a mental health
23 counselor, an advanced social worker, an independent clinical social
24 worker, a social worker associate-advanced, or a social worker
25 associate-independent clinical must be either: (A) An advanced
26 training focused on suicide management, suicide care protocols, or
27 effective treatments; or (B) a training in a treatment modality shown
28 to be effective in working with people who are suicidal, including
29 dialectical behavior therapy, collaborative assessment and management
30 of suicide risk, or cognitive behavior therapy-suicide prevention. If
31 a professional subject to the requirements of this subsection has
32 already completed the professional's second training prior to July 1,
33 2021, the professional's next training must comply with this
34 subsection. This subsection (2)(a)(ii) does not apply if the licensee
35 demonstrates that the training required by this subsection (2)(a)(ii)
36 is not reasonably available.

37 (b)(i) A professional listed in subsection (1)(a) of this section
38 applying for initial licensure may delay completion of the first
39 training required by this section for six years after initial
40 licensure if he or she can demonstrate successful completion of the

1 training required in subsection (1) of this section no more than six
2 years prior to the application for initial licensure.

3 (ii) Beginning July 1, 2021, a psychologist, a marriage and
4 family therapist, a mental health counselor, an advanced social
5 worker, an independent clinical social worker, a social worker
6 associate-advanced, or a social worker associate-independent clinical
7 exempt from his or her first training under (b)(i) of this subsection
8 must comply with the requirements of (a)(ii) of this subsection for
9 his or her first training after initial licensure. If a professional
10 subject to the requirements of this subsection has already completed
11 the professional's first training after initial licensure, the
12 professional's next training must comply with this subsection
13 (2)(b)(ii). This subsection (2)(b)(ii) does not apply if the licensee
14 demonstrates that the training required by this subsection (2)(b)(ii)
15 is not reasonably available.

16 (3) The hours spent completing training in suicide assessment,
17 treatment, and management under this section count toward meeting any
18 applicable continuing education or continuing competency requirements
19 for each profession.

20 (4)(a) A disciplining authority may, by rule, specify minimum
21 training and experience that is sufficient to exempt an individual
22 professional from the training requirements in subsections (1) and
23 (5) of this section. Nothing in this subsection (4)(a) allows a
24 disciplining authority to provide blanket exemptions to broad
25 categories or specialties within a profession.

26 (b) A disciplining authority may exempt a professional from the
27 training requirements of subsections (1) and (5) of this section if
28 the professional has only brief or limited patient contact.

29 (5)(a) Each of the following professionals credentialed under
30 Title 18 RCW shall complete a one-time training in suicide
31 assessment, treatment, and management that is approved by the
32 relevant disciplining authority:

33 (i) A chiropractor licensed under chapter 18.25 RCW;

34 (ii) A naturopath licensed under chapter 18.36A RCW;

35 (iii) A licensed practical nurse, registered nurse, or advanced
36 registered nurse practitioner, other than a certified registered
37 nurse anesthetist, licensed under chapter 18.79 RCW;

38 (iv) An osteopathic physician and surgeon licensed under chapter
39 18.57 RCW, other than a holder of a postgraduate osteopathic medicine
40 and surgery license issued under RCW 18.57.035;

1 (v) An osteopathic physician assistant licensed under chapter
2 18.57A RCW;

3 (vi) A physical therapist or physical therapist assistant
4 licensed under chapter 18.74 RCW;

5 (vii) A physician licensed under chapter 18.71 RCW, other than a
6 resident holding a limited license issued under RCW 18.71.095(3);

7 (viii) A physician assistant licensed under chapter 18.71A RCW;

8 (ix) A pharmacist licensed under chapter 18.64 RCW;

9 (x) A dentist licensed under chapter 18.32 RCW;

10 (xi) A dental hygienist licensed under chapter 18.29 RCW;

11 (xii) An athletic trainer licensed under chapter 18.250 RCW;

12 (xiii) An optometrist licensed under chapter 18.53 RCW;

13 (xiv) An acupuncture and Eastern medicine practitioner licensed
14 under chapter 18.06 RCW; (~~and~~)

15 (xv) A dental therapist licensed under chapter 18.--- RCW (the
16 new chapter created in section 28 of this act); and

17 (xvi) A person holding a retired active license for one of the
18 professions listed in (a)(i) through (~~(xiv)~~) (xv) of this
19 subsection.

20 (b)(i) A professional listed in (a)(i) through (viii) of this
21 subsection or a person holding a retired active license for one of
22 the professions listed in (a)(i) through (viii) of this subsection
23 must complete the one-time training by the end of the first full
24 continuing education reporting period after January 1, 2016, or
25 during the first full continuing education reporting period after
26 initial licensure, whichever is later. Training completed between
27 June 12, 2014, and January 1, 2016, that meets the requirements of
28 this section, other than the timing requirements of this subsection
29 (5)(b), must be accepted by the disciplining authority as meeting the
30 one-time training requirement of this subsection (5).

31 (ii) A licensed pharmacist or a person holding a retired active
32 pharmacist license must complete the one-time training by the end of
33 the first full continuing education reporting period after January 1,
34 2017, or during the first full continuing education reporting period
35 after initial licensure, whichever is later.

36 (iii) A licensed dentist, a licensed dental hygienist, or a
37 person holding a retired active license as a dentist shall complete
38 the one-time training by the end of the full continuing education
39 reporting period after August 1, 2020, or during the first full
40 continuing education reporting period after initial licensure,

1 whichever is later. Training completed between July 23, 2017, and
2 August 1, 2020, that meets the requirements of this section, other
3 than the timing requirements of this subsection (5)(b)(iii), must be
4 accepted by the disciplining authority as meeting the one-time
5 training requirement of this subsection (5).

6 (iv) A licensed optometrist or a licensed acupuncture and Eastern
7 medicine practitioner, or a person holding a retired active license
8 as an optometrist or an acupuncture and Eastern medicine
9 practitioner, shall complete the one-time training by the end of the
10 full continuing education reporting period after August 1, 2021, or
11 during the first full continuing education reporting period after
12 initial licensure, whichever is later. Training completed between
13 August 1, 2020, and August 1, 2021, that meets the requirements of
14 this section, other than the timing requirements of this subsection
15 (5)(b)(iv), must be accepted by the disciplining authority as meeting
16 the one-time training requirement of this subsection (5).

17 (c) The training required by this subsection must be at least six
18 hours in length, unless a disciplining authority has determined,
19 under subsection (10)(b) of this section, that training that includes
20 only screening and referral elements is appropriate for the
21 profession in question, in which case the training must be at least
22 three hours in length.

23 (d) Beginning July 1, 2017, the training required by this
24 subsection must be on the model list developed under subsection (6)
25 of this section. Nothing in this subsection (5)(d) affects the
26 validity of training completed prior to July 1, 2017.

27 (6)(a) The secretary and the disciplining authorities shall work
28 collaboratively to develop a model list of training programs in
29 suicide assessment, treatment, and management. Beginning July 1,
30 2021, for purposes of subsection (2)(a)(ii) of this section, the
31 model list must include advanced training and training in treatment
32 modalities shown to be effective in working with people who are
33 suicidal.

34 (b) The secretary and the disciplining authorities shall update
35 the list at least once every two years.

36 (c) By June 30, 2016, the department shall adopt rules
37 establishing minimum standards for the training programs included on
38 the model list. The minimum standards must require that six-hour
39 trainings include content specific to veterans and the assessment of
40 issues related to imminent harm via lethal means or self-injurious

1 behaviors and that three-hour trainings for pharmacists or dentists
2 include content related to the assessment of issues related to
3 imminent harm via lethal means. When adopting the rules required
4 under this subsection (6)(c), the department shall:

5 (i) Consult with the affected disciplining authorities, public
6 and private institutions of higher education, educators, experts in
7 suicide assessment, treatment, and management, the Washington
8 department of veterans affairs, and affected professional
9 associations; and

10 (ii) Consider standards related to the best practices registry of
11 the American foundation for suicide prevention and the suicide
12 prevention resource center.

13 (d) Beginning January 1, 2017:

14 (i) The model list must include only trainings that meet the
15 minimum standards established in the rules adopted under (c) of this
16 subsection and any three-hour trainings that met the requirements of
17 this section on or before July 24, 2015;

18 (ii) The model list must include six-hour trainings in suicide
19 assessment, treatment, and management, and three-hour trainings that
20 include only screening and referral elements; and

21 (iii) A person or entity providing the training required in this
22 section may petition the department for inclusion on the model list.
23 The department shall add the training to the list only if the
24 department determines that the training meets the minimum standards
25 established in the rules adopted under (c) of this subsection.

26 (e) By January 1, 2021, the department shall adopt minimum
27 standards for advanced training and training in treatment modalities
28 shown to be effective in working with people who are suicidal.
29 Beginning July 1, 2021, all such training on the model list must meet
30 the minimum standards. When adopting the minimum standards, the
31 department must consult with the affected disciplining authorities,
32 public and private institutions of higher education, educators,
33 experts in suicide assessment, treatment, and management, the
34 Washington department of veterans affairs, and affected professional
35 associations.

36 (7) The department shall provide the health profession training
37 standards created in this section to the professional educator
38 standards board as a model in meeting the requirements of RCW
39 28A.410.226 and provide technical assistance, as requested, in the
40 review and evaluation of educator training programs. The educator

1 training programs approved by the professional educator standards
2 board may be included in the department's model list.

3 (8) Nothing in this section may be interpreted to expand or limit
4 the scope of practice of any profession regulated under chapter
5 18.130 RCW.

6 (9) The secretary and the disciplining authorities affected by
7 this section shall adopt any rules necessary to implement this
8 section.

9 (10) For purposes of this section:

10 (a) "Disciplining authority" has the same meaning as in RCW
11 18.130.020.

12 (b) "Training in suicide assessment, treatment, and management"
13 means empirically supported training approved by the appropriate
14 disciplining authority that contains the following elements: Suicide
15 assessment, including screening and referral, suicide treatment, and
16 suicide management. However, the disciplining authority may approve
17 training that includes only screening and referral elements if
18 appropriate for the profession in question based on the profession's
19 scope of practice. The board of occupational therapy may also approve
20 training that includes only screening and referral elements if
21 appropriate for occupational therapy practitioners based on practice
22 setting.

23 (11) A state or local government employee is exempt from the
24 requirements of this section if he or she receives a total of at
25 least six hours of training in suicide assessment, treatment, and
26 management from his or her employer every six years. For purposes of
27 this subsection, the training may be provided in one six-hour block
28 or may be spread among shorter training sessions at the employer's
29 discretion.

30 (12) An employee of a community mental health agency licensed
31 under chapter 71.24 RCW or a chemical dependency program certified
32 under chapter 71.24 RCW is exempt from the requirements of this
33 section if he or she receives a total of at least six hours of
34 training in suicide assessment, treatment, and management from his or
35 her employer every six years. For purposes of this subsection, the
36 training may be provided in one six-hour block or may be spread among
37 shorter training sessions at the employer's discretion.

38 **Sec. 27.** RCW 43.70.442 and 2020 c 229 s 1 and 2020 c 80 s 30 are
39 each reenacted and amended to read as follows:

1 (1) (a) Each of the following professionals certified or licensed
2 under Title 18 RCW shall, at least once every six years, complete
3 training in suicide assessment, treatment, and management that is
4 approved, in rule, by the relevant disciplining authority:

5 (i) An adviser or counselor certified under chapter 18.19 RCW;

6 (ii) A substance use disorder professional licensed under chapter
7 18.205 RCW;

8 (iii) A marriage and family therapist licensed under chapter
9 18.225 RCW;

10 (iv) A mental health counselor licensed under chapter 18.225 RCW;

11 (v) An occupational therapy practitioner licensed under chapter
12 18.59 RCW;

13 (vi) A psychologist licensed under chapter 18.83 RCW;

14 (vii) An advanced social worker or independent clinical social
15 worker licensed under chapter 18.225 RCW; and

16 (viii) A social worker associate—advanced or social worker
17 associate—independent clinical licensed under chapter 18.225 RCW.

18 (b) The requirements in (a) of this subsection apply to a person
19 holding a retired active license for one of the professions in (a) of
20 this subsection.

21 (c) The training required by this subsection must be at least six
22 hours in length, unless a disciplining authority has determined,
23 under subsection (10) (b) of this section, that training that includes
24 only screening and referral elements is appropriate for the
25 profession in question, in which case the training must be at least
26 three hours in length.

27 (d) Beginning July 1, 2017, the training required by this
28 subsection must be on the model list developed under subsection (6)
29 of this section. Nothing in this subsection (1) (d) affects the
30 validity of training completed prior to July 1, 2017.

31 (2) (a) Except as provided in (b) of this subsection:

32 (i) A professional listed in subsection (1) (a) of this section
33 must complete the first training required by this section by the end
34 of the first full continuing education reporting period after January
35 1, 2014, or during the first full continuing education reporting
36 period after initial licensure or certification, whichever occurs
37 later.

38 (ii) Beginning July 1, 2021, the second training for a
39 psychologist, a marriage and family therapist, a mental health
40 counselor, an advanced social worker, an independent clinical social

1 worker, a social worker associate-advanced, or a social worker
2 associate-independent clinical must be either: (A) An advanced
3 training focused on suicide management, suicide care protocols, or
4 effective treatments; or (B) a training in a treatment modality shown
5 to be effective in working with people who are suicidal, including
6 dialectical behavior therapy, collaborative assessment and management
7 of suicide risk, or cognitive behavior therapy-suicide prevention. If
8 a professional subject to the requirements of this subsection has
9 already completed the professional's second training prior to July 1,
10 2021, the professional's next training must comply with this
11 subsection. This subsection (2)(a)(ii) does not apply if the licensee
12 demonstrates that the training required by this subsection (2)(a)(ii)
13 is not reasonably available.

14 (b)(i) A professional listed in subsection (1)(a) of this section
15 applying for initial licensure may delay completion of the first
16 training required by this section for six years after initial
17 licensure if he or she can demonstrate successful completion of the
18 training required in subsection (1) of this section no more than six
19 years prior to the application for initial licensure.

20 (ii) Beginning July 1, 2021, a psychologist, a marriage and
21 family therapist, a mental health counselor, an advanced social
22 worker, an independent clinical social worker, a social worker
23 associate-advanced, or a social worker associate-independent clinical
24 exempt from his or her first training under (b)(i) of this subsection
25 must comply with the requirements of (a)(ii) of this subsection for
26 his or her first training after initial licensure. If a professional
27 subject to the requirements of this subsection has already completed
28 the professional's first training after initial licensure, the
29 professional's next training must comply with this subsection
30 (2)(b)(ii). This subsection (2)(b)(ii) does not apply if the licensee
31 demonstrates that the training required by this subsection (2)(b)(ii)
32 is not reasonably available.

33 (3) The hours spent completing training in suicide assessment,
34 treatment, and management under this section count toward meeting any
35 applicable continuing education or continuing competency requirements
36 for each profession.

37 (4)(a) A disciplining authority may, by rule, specify minimum
38 training and experience that is sufficient to exempt an individual
39 professional from the training requirements in subsections (1) and
40 (5) of this section. Nothing in this subsection (4)(a) allows a

1 disciplining authority to provide blanket exemptions to broad
2 categories or specialties within a profession.

3 (b) A disciplining authority may exempt a professional from the
4 training requirements of subsections (1) and (5) of this section if
5 the professional has only brief or limited patient contact.

6 (5)(a) Each of the following professionals credentialed under
7 Title 18 RCW shall complete a one-time training in suicide
8 assessment, treatment, and management that is approved by the
9 relevant disciplining authority:

10 (i) A chiropractor licensed under chapter 18.25 RCW;

11 (ii) A naturopath licensed under chapter 18.36A RCW;

12 (iii) A licensed practical nurse, registered nurse, or advanced
13 registered nurse practitioner, other than a certified registered
14 nurse anesthetist, licensed under chapter 18.79 RCW;

15 (iv) An osteopathic physician and surgeon licensed under chapter
16 18.57 RCW, other than a holder of a postgraduate osteopathic medicine
17 and surgery license issued under RCW 18.57.035;

18 (v) A physical therapist or physical therapist assistant licensed
19 under chapter 18.74 RCW;

20 (vi) A physician licensed under chapter 18.71 RCW, other than a
21 resident holding a limited license issued under RCW 18.71.095(3);

22 (vii) A physician assistant licensed under chapter 18.71A RCW;

23 (viii) A pharmacist licensed under chapter 18.64 RCW;

24 (ix) A dentist licensed under chapter 18.32 RCW;

25 (x) A dental hygienist licensed under chapter 18.29 RCW;

26 (xi) An athletic trainer licensed under chapter 18.250 RCW;

27 (xii) An optometrist licensed under chapter 18.53 RCW;

28 (xiii) An acupuncture and Eastern medicine practitioner licensed
29 under chapter 18.06 RCW; (~~and~~)

30 (xiv) A dental therapist licensed under chapter 18.--- RCW (the
31 new chapter created in section 28 of this act); and

32 (xv) A person holding a retired active license for one of the
33 professions listed in (a)(i) through (~~(xiii)~~) (xiv) of this
34 subsection.

35 (b)(i) A professional listed in (a)(i) through (vii) of this
36 subsection or a person holding a retired active license for one of
37 the professions listed in (a)(i) through (vii) of this subsection
38 must complete the one-time training by the end of the first full
39 continuing education reporting period after January 1, 2016, or
40 during the first full continuing education reporting period after

1 initial licensure, whichever is later. Training completed between
2 June 12, 2014, and January 1, 2016, that meets the requirements of
3 this section, other than the timing requirements of this subsection
4 (5)(b), must be accepted by the disciplining authority as meeting the
5 one-time training requirement of this subsection (5).

6 (ii) A licensed pharmacist or a person holding a retired active
7 pharmacist license must complete the one-time training by the end of
8 the first full continuing education reporting period after January 1,
9 2017, or during the first full continuing education reporting period
10 after initial licensure, whichever is later.

11 (iii) A licensed dentist, a licensed dental hygienist, or a
12 person holding a retired active license as a dentist shall complete
13 the one-time training by the end of the full continuing education
14 reporting period after August 1, 2020, or during the first full
15 continuing education reporting period after initial licensure,
16 whichever is later. Training completed between July 23, 2017, and
17 August 1, 2020, that meets the requirements of this section, other
18 than the timing requirements of this subsection (5)(b)(iii), must be
19 accepted by the disciplining authority as meeting the one-time
20 training requirement of this subsection (5).

21 (iv) A licensed optometrist or a licensed acupuncture and Eastern
22 medicine practitioner, or a person holding a retired active license
23 as an optometrist or an acupuncture and Eastern medicine
24 practitioner, shall complete the one-time training by the end of the
25 full continuing education reporting period after August 1, 2021, or
26 during the first full continuing education reporting period after
27 initial licensure, whichever is later. Training completed between
28 August 1, 2020, and August 1, 2021, that meets the requirements of
29 this section, other than the timing requirements of this subsection
30 (5)(b)(iv), must be accepted by the disciplining authority as meeting
31 the one-time training requirement of this subsection (5).

32 (c) The training required by this subsection must be at least six
33 hours in length, unless a disciplining authority has determined,
34 under subsection (10)(b) of this section, that training that includes
35 only screening and referral elements is appropriate for the
36 profession in question, in which case the training must be at least
37 three hours in length.

38 (d) Beginning July 1, 2017, the training required by this
39 subsection must be on the model list developed under subsection (6)

1 of this section. Nothing in this subsection (5)(d) affects the
2 validity of training completed prior to July 1, 2017.

3 (6)(a) The secretary and the disciplining authorities shall work
4 collaboratively to develop a model list of training programs in
5 suicide assessment, treatment, and management. Beginning July 1,
6 2021, for purposes of subsection (2)(a)(ii) of this section, the
7 model list must include advanced training and training in treatment
8 modalities shown to be effective in working with people who are
9 suicidal.

10 (b) The secretary and the disciplining authorities shall update
11 the list at least once every two years.

12 (c) By June 30, 2016, the department shall adopt rules
13 establishing minimum standards for the training programs included on
14 the model list. The minimum standards must require that six-hour
15 trainings include content specific to veterans and the assessment of
16 issues related to imminent harm via lethal means or self-injurious
17 behaviors and that three-hour trainings for pharmacists or dentists
18 include content related to the assessment of issues related to
19 imminent harm via lethal means. When adopting the rules required
20 under this subsection (6)(c), the department shall:

21 (i) Consult with the affected disciplining authorities, public
22 and private institutions of higher education, educators, experts in
23 suicide assessment, treatment, and management, the Washington
24 department of veterans affairs, and affected professional
25 associations; and

26 (ii) Consider standards related to the best practices registry of
27 the American foundation for suicide prevention and the suicide
28 prevention resource center.

29 (d) Beginning January 1, 2017:

30 (i) The model list must include only trainings that meet the
31 minimum standards established in the rules adopted under (c) of this
32 subsection and any three-hour trainings that met the requirements of
33 this section on or before July 24, 2015;

34 (ii) The model list must include six-hour trainings in suicide
35 assessment, treatment, and management, and three-hour trainings that
36 include only screening and referral elements; and

37 (iii) A person or entity providing the training required in this
38 section may petition the department for inclusion on the model list.
39 The department shall add the training to the list only if the

1 department determines that the training meets the minimum standards
2 established in the rules adopted under (c) of this subsection.

3 (e) By January 1, 2021, the department shall adopt minimum
4 standards for advanced training and training in treatment modalities
5 shown to be effective in working with people who are suicidal.
6 Beginning July 1, 2021, all such training on the model list must meet
7 the minimum standards. When adopting the minimum standards, the
8 department must consult with the affected disciplining authorities,
9 public and private institutions of higher education, educators,
10 experts in suicide assessment, treatment, and management, the
11 Washington department of veterans affairs, and affected professional
12 associations.

13 (7) The department shall provide the health profession training
14 standards created in this section to the professional educator
15 standards board as a model in meeting the requirements of RCW
16 28A.410.226 and provide technical assistance, as requested, in the
17 review and evaluation of educator training programs. The educator
18 training programs approved by the professional educator standards
19 board may be included in the department's model list.

20 (8) Nothing in this section may be interpreted to expand or limit
21 the scope of practice of any profession regulated under chapter
22 18.130 RCW.

23 (9) The secretary and the disciplining authorities affected by
24 this section shall adopt any rules necessary to implement this
25 section.

26 (10) For purposes of this section:

27 (a) "Disciplining authority" has the same meaning as in RCW
28 18.130.020.

29 (b) "Training in suicide assessment, treatment, and management"
30 means empirically supported training approved by the appropriate
31 disciplining authority that contains the following elements: Suicide
32 assessment, including screening and referral, suicide treatment, and
33 suicide management. However, the disciplining authority may approve
34 training that includes only screening and referral elements if
35 appropriate for the profession in question based on the profession's
36 scope of practice. The board of occupational therapy may also approve
37 training that includes only screening and referral elements if
38 appropriate for occupational therapy practitioners based on practice
39 setting.

1 (11) A state or local government employee is exempt from the
2 requirements of this section if he or she receives a total of at
3 least six hours of training in suicide assessment, treatment, and
4 management from his or her employer every six years. For purposes of
5 this subsection, the training may be provided in one six-hour block
6 or may be spread among shorter training sessions at the employer's
7 discretion.

8 (12) An employee of a community mental health agency licensed
9 under chapter 71.24 RCW or a chemical dependency program certified
10 under chapter 71.24 RCW is exempt from the requirements of this
11 section if he or she receives a total of at least six hours of
12 training in suicide assessment, treatment, and management from his or
13 her employer every six years. For purposes of this subsection, the
14 training may be provided in one six-hour block or may be spread among
15 shorter training sessions at the employer's discretion.

16 NEW SECTION. **Sec. 28.** Sections 1 through 10 of this act
17 constitute a new chapter in Title 18 RCW.

18 NEW SECTION. **Sec. 29.** The department of health shall adopt any
19 rules necessary to implement this act.

20 NEW SECTION. **Sec. 30.** Sections 1 through 13, 15, 17 through 21,
21 23, 25, 26, and 29 of this act are necessary for the immediate
22 preservation of the public peace, health, or safety, or support of
23 the state government and its existing public institutions, and take
24 effect July 1, 2021.

25 NEW SECTION. **Sec. 31.** Sections 13, 15, 21, 23 and 26 of this
26 act expire July 1, 2022.

27 NEW SECTION. **Sec. 32.** Sections 14, 16, 22, 24, and 27 of this
28 act take effect July 1, 2022.

--- END ---