

SB 5184 - H COMM AMD

By Committee on Health Care & Wellness

ADOPTED AND ENGROSSED 02/29/2024

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

3 "NEW SECTION. **Sec. 1.** The definitions in this section apply
4 throughout this chapter unless the context clearly requires
5 otherwise.

6 (1) "Anesthesiologist" means an actively practicing, board-
7 eligible physician licensed under chapter 18.71, 18.71B, or 18.57 RCW
8 who has completed a residency or equivalent training in
9 anesthesiology.

10 (2) "Anesthesiologist assistant" means a person who is licensed
11 by the commission to assist in developing and implementing anesthesia
12 care plans for patients under the supervision of an anesthesiologist
13 or group of anesthesiologists approved by the commission to supervise
14 such assistant.

15 (3) "Assists" means the anesthesiologist assistant personally
16 performs those duties and responsibilities delegated by the
17 anesthesiologist. Delegated services must be consistent with the
18 delegating anesthesiologist's education, training, experience, and
19 active practice. Delegated services must be of the type that a
20 reasonable and prudent anesthesiologist would find within the scope
21 of sound medical judgment to delegate.

22 (4) "Commission" means the Washington medical commission.

23 (5) "Practice medicine" has the meaning defined in RCW 18.71.011.

24 (6) "Secretary" means the secretary of health or the secretary's
25 designee.

26 (7) "Supervision" means the immediate availability of the
27 medically directing anesthesiologist for consultation and direction
28 of the activities of the anesthesiologist assistant. A medically
29 directing anesthesiologist is immediately available if they are in
30 physical proximity that allows the anesthesiologist to reestablish
31 direct contact with the patient to meet medical needs and any urgent
32 or emergent clinical problems, and personally participating in the

1 most demanding procedures of the anesthesia plan including, if
2 applicable, induction and emergence. These responsibilities may also
3 be met through coordination among anesthesiologists of the same group
4 or department.

5 NEW SECTION. **Sec. 2.** (1) The commission shall adopt rules
6 fixing the qualifications and the educational and training
7 requirements for licensure as an anesthesiologist assistant. The
8 requirements shall include completion of an anesthesiologist
9 assistant program accredited by the commission on accreditation of
10 allied health education programs, or successor organization, and
11 within one year successfully taking and passing an examination
12 administered by the national commission for the certification of
13 anesthesiologist assistants or other examination approved by the
14 commission.

15 (2) Applicants for licensure shall file an application with the
16 commission on a form prepared by the secretary with the approval of
17 the commission, detailing the education, training, and experience of
18 the applicant and such other information as the commission may
19 require. The application shall be accompanied by a fee determined by
20 the secretary as provided in RCW 43.70.250 and 43.70.280. Each
21 applicant shall furnish proof satisfactory to the commission of the
22 following:

23 (a) That the applicant has completed an accredited
24 anesthesiologist assistant program approved by the commission and is
25 eligible to take the examination approved by the commission; and

26 (b) That the applicant is physically and mentally capable of
27 practicing as an anesthesiologist assistant with reasonable skill and
28 safety. The commission may require an applicant to submit to such
29 examination or examinations as it deems necessary to determine an
30 applicant's physical or mental capability, or both, to safely
31 practice as an anesthesiologist assistant.

32 (3) (a) The commission may approve, deny, or take other
33 disciplinary action upon the application for a license as provided in
34 the uniform disciplinary act, chapter 18.130 RCW.

35 (b) The license shall be renewed as determined under RCW
36 43.70.250 and 43.70.280. The commission shall request licensees to
37 submit information about their current professional practice at the
38 time of license renewal and licensees must provide the information
39 requested.

1 (4) No person shall practice as an anesthesiologist assistant or
2 represent that they are a "certified anesthesiologist assistant" or
3 "anesthesiologist assistant" or "C.A.A." or "A.A." without a license
4 granted by the commission.

5 NEW SECTION. **Sec. 3.** (1) The commission shall adopt rules
6 establishing the requirements and limitations on the practice by and
7 supervision of anesthesiologist assistants, including the number of
8 anesthesiologist assistants an anesthesiologist may supervise
9 concurrently. Unless approved by the commission, an anesthesiologist
10 may not concurrently supervise more than four specific, individual
11 anesthesiologist assistants at any one time.

12 (2) The commission may adopt rules for the arrangement of other
13 anesthesiologists to serve as backup or on-call supervising
14 anesthesiologists for multiple anesthesiologist assistants.

15 NEW SECTION. **Sec. 4.** (1) An anesthesiologist assistant may not
16 exceed the scope of their supervising anesthesiologist's practice and
17 may assist with those duties and responsibilities delegated to them
18 by the supervising anesthesiologist, and for which they are competent
19 to assist with based on their education, training, and experience.
20 Duties which an anesthesiologist may delegate to an anesthesiologist
21 assistant include but are not limited to:

22 (a) Assisting with preoperative anesthetic evaluations,
23 postoperative anesthetic evaluations, and patient progress notes, all
24 to be cosigned by the supervising anesthesiologist within 24 hours;

25 (b) Administering and assisting with preoperative consultations;

26 (c) Under the supervising anesthesiologist's consultation and
27 direction, order perioperative pharmaceutical agents, medications,
28 and fluids, to be used only at the facility where ordered, including
29 but not limited to controlled substances, which may be administered
30 prior to the cosignature of the supervising anesthesiologist. The
31 supervising anesthesiologist may review and if required by the
32 facility or institutional policy must cosign these orders in a timely
33 manner;

34 (d) Changing or discontinuing a medical treatment plan, after
35 consultation with the supervising anesthesiologist;

36 (e) Calibrating anesthesia delivery systems and obtaining and
37 interpreting information from the systems and monitors, in
38 consultation with an anesthesiologist;

- 1 (f) Assisting the supervising anesthesiologist with the
2 implementation of medically accepted monitoring techniques;
- 3 (g) Assisting with basic and advanced airway interventions,
4 including but not limited to endotracheal intubation, laryngeal mask
5 insertion, and other advanced airways techniques;
- 6 (h) Establishing peripheral intravenous lines, including
7 subcutaneous lidocaine use;
- 8 (i) Establishing radial and dorsalis pedis arterial lines;
- 9 (j) Assisting with general anesthesia, including induction,
10 maintenance, and emergence;
- 11 (k) Assisting with procedures associated with general anesthesia,
12 such as but not limited to gastric intubation;
- 13 (l) Administering intermittent vasoactive drugs and starting and
14 titrating vasoactive infusions for the treatment of patient responses
15 to anesthesia;
- 16 (m) Assisting with spinal and intravenous regional anesthesia;
- 17 (n) Maintaining and managing established neuraxial epidurals and
18 regional anesthesia;
- 19 (o) Assisting with monitored anesthesia care;
- 20 (p) Evaluating and managing patient controlled analgesia,
21 epidural catheters, and peripheral nerve catheters;
- 22 (q) Obtaining venous and arterial blood samples;
- 23 (r) Assisting with, ordering, and interpreting appropriate
24 preoperative, point of care, intraoperative, or postoperative
25 diagnostic tests or procedures as authorized by the supervising
26 anesthesiologist;
- 27 (s) Obtaining and administering perioperative anesthesia and
28 related pharmaceutical agents including intravenous fluids and blood
29 products;
- 30 (t) Participating in management of the patient while in the
31 preoperative suite and recovery area;
- 32 (u) Providing assistance to a cardiopulmonary resuscitation team
33 in response to a life-threatening situation;
- 34 (v) Participating in administrative, research, and clinical
35 teaching activities as authorized by the supervising
36 anesthesiologist; and
- 37 (w) Assisting with such other tasks not prohibited by law under
38 the supervision of a licensed anesthesiologist that an
39 anesthesiologist assistant has been trained and is proficient to
40 assist with.

1 (2) Nothing in this section shall be construed to prevent an
2 anesthesiologist assistant from having access to and being able to
3 obtain drugs as directed by the supervising anesthesiologist. An
4 anesthesiologist assistant may not prescribe, order, compound, or
5 dispense drugs, medications, or devices of any kind.

6 NEW SECTION. **Sec. 5.** No anesthesiologist who supervises a
7 licensed anesthesiologist assistant in accordance with and within the
8 terms of any permission granted by the commission is considered as
9 aiding and abetting an unlicensed person to practice medicine. The
10 supervising anesthesiologist and anesthesiologist assistant shall
11 retain professional and personal responsibility for any act which
12 constitutes the practice of medicine as defined in RCW 18.71.011 when
13 performed by the anesthesiologist assistant.

14 NEW SECTION. **Sec. 6.** An anesthesiologist assistant may sign and
15 attest to any certificates, cards, forms, or other required
16 documentation that the anesthesiologist assistant's supervising
17 anesthesiologist may sign, provided that it is within the
18 anesthesiologist assistant's scope of practice.

19 NEW SECTION. **Sec. 7.** (1) The uniform disciplinary act, chapter
20 18.130 RCW, governs the issuance and denial of licenses and the
21 discipline of licensees under this chapter.

22 (2) The commission shall consult with the board of osteopathic
23 medicine and surgery when investigating allegations of unprofessional
24 conduct against a licensee who has a supervising anesthesiologist
25 license under chapter 18.57 RCW.

26 **Sec. 8.** RCW 18.130.040 and 2023 c 469 s 18, 2023 c 460 s 15,
27 2023 c 425 s 27, 2023 c 270 s 14, 2023 c 175 s 11, and 2023 c 123 s
28 21 are each reenacted and amended to read as follows:

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

34 (2)(a) The secretary has authority under this chapter in relation
35 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 registered, agency affiliated counselors
15 registered, certified, or licensed, and advisors and counselors
16 certified under chapter 18.19 RCW;
- 17 (x) Persons licensed as mental health counselors, mental health
18 counselor associates, marriage and family therapists, marriage and
19 family therapist associates, social workers, social work associates—
20 advanced, and social work associates—independent clinical under
21 chapter 18.225 RCW;
- 22 (xi) Persons registered as nursing pool operators under chapter
23 18.52C RCW;
- 24 (xii) Nursing assistants registered or certified or medication
25 assistants endorsed under chapter 18.88A RCW;
- 26 (xiii) Dietitians and nutritionists certified under chapter
27 18.138 RCW;
- 28 (xiv) Substance use disorder professionals, substance use
29 disorder professional trainees, or co-occurring disorder specialists
30 certified under chapter 18.205 RCW;
- 31 (xv) Sex offender treatment providers and certified affiliate sex
32 offender treatment providers certified under chapter 18.155 RCW;
- 33 (xvi) Persons licensed and certified under chapter 18.73 RCW or
34 RCW 18.71.205;
- 35 (xvii) Orthotists and prosthetists licensed under chapter 18.200
36 RCW;
- 37 (xviii) Surgical technologists registered under chapter 18.215
38 RCW;
- 39 (xix) Recreational therapists under chapter 18.230 RCW;

1 (xx) Animal massage therapists certified under chapter 18.240
2 RCW;

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

11 (xxvi) Behavior analysts, assistant behavior analysts, and
12 behavior technicians under chapter 18.380 RCW;

13 (xxvii) Birth doulas certified under chapter 18.47 RCW;
14 (xxviii) Music therapists licensed under chapter 18.233 RCW;
15 (xxix) Behavioral health support specialists certified under
16 chapter 18.227 RCW; and

17 (xxx) Certified peer specialists and certified peer specialist
18 trainees under chapter 18.420 RCW.

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

21 (i) The podiatric medical board as established in chapter 18.22
22 RCW;

23 (ii) The chiropractic quality assurance commission as established
24 in chapter 18.25 RCW;

25 (iii) The dental quality assurance commission as established in
26 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
27 licenses and registrations issued under chapter 18.260 RCW, licenses
28 issued under chapter 18.265 RCW, and certifications issued under
29 chapter 18.350 RCW;

30 (iv) The board of hearing and speech as established in chapter
31 18.35 RCW;

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

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

36 (vii) The board of osteopathic medicine and surgery as
37 established in chapter 18.57 RCW governing licenses issued under
38 chapter 18.57 RCW;

1 (viii) The pharmacy quality assurance commission as established
2 in chapter 18.64 RCW governing licenses issued under chapters 18.64
3 and 18.64A RCW;

4 (ix) The Washington medical commission as established in chapter
5 18.71 RCW governing licenses and registrations issued under chapters
6 18.71 ~~((and))~~, 18.71A ((RCW)), and 18.--- RCW (the new chapter
7 created in section 10 of this act);

8 (x) The board of physical therapy as established in chapter 18.74
9 RCW;

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

12 (xii) The board of nursing as established in chapter 18.79 RCW
13 governing licenses and registrations issued under that chapter and
14 under chapter 18.80 RCW;

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

17 (xiv) The veterinary board of governors as established in chapter
18 18.92 RCW;

19 (xv) The board of naturopathy established in chapter 18.36A RCW,
20 governing licenses and certifications issued under that chapter; and

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

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

26 (4) All disciplining authorities shall adopt procedures to ensure
27 substantially consistent application of this chapter, the uniform
28 disciplinary act, among the disciplining authorities listed in
29 subsection (2) of this section.

30 **Sec. 9.** RCW 18.120.020 and 2023 c 460 s 14 and 2023 c 175 s 9
31 are each reenacted and amended to read as follows:

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

34 (1) "Applicant group" includes any health professional group or
35 organization, any individual, or any other interested party which
36 proposes that any health professional group not presently regulated
37 be regulated or which proposes to substantially increase the scope of
38 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 chapter
25 18.57 RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine
26 under chapters 18.71 and 18.71A RCW; emergency medicine under chapter
27 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses
28 under chapter 18.79 RCW; psychologists under chapter 18.83 RCW;
29 registered nurses under chapter 18.79 RCW; occupational therapists
30 licensed under chapter 18.59 RCW; respiratory care practitioners
31 licensed under chapter 18.89 RCW; veterinarians and veterinary
32 technicians under chapter 18.92 RCW; massage therapists under chapter
33 18.108 RCW; acupuncturists or acupuncture and Eastern medicine
34 practitioners licensed under chapter 18.06 RCW; persons registered
35 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; licensed behavior analysts, licensed assistant behavior
5 analysts, and certified behavior technicians under chapter 18.380
6 RCW; music therapists licensed under chapter 18.233 RCW; ~~(and)~~
7 dental therapists licensed under chapter 18.265 RCW; and
8 anesthesiologist assistants licensed under chapter 18.--- RCW (the
9 new chapter created in section 10 of this act).

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

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

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

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

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

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

38 (11) "Registration" means the formal notification which, prior to
39 rendering services, a practitioner shall submit to a state agency
40 setting forth the name and address of the practitioner; the location,

1 nature and operation of the health activity to be practiced; and, if
2 required by the regulatory entity, a description of the service to be
3 provided.

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

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

12 NEW SECTION. **Sec. 10.** Sections 1 through 7 of this act
13 constitute a new chapter in Title 18 RCW."

14 Correct the title.

--- END ---