
HOUSE BILL 1115

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Appelwick, Padden, Dellwo and Paris; by request of Statute Law Committee.

Read first time January 21, 1991. Referred to Committee on Judiciary.

1 AN ACT Relating to the correction of references that are incorrect
2 or obsolete as a result of the creation of the department of health by
3 chapter 9, Laws of 1989 1st ex.s.; amending RCW 15.36.425, 16.70.010,
4 16.70.020, 18.06.010, 18.06.020, 18.06.030, 18.06.050, 18.06.060,
5 18.06.070, 18.06.080, 18.06.110, 18.06.120, 18.06.130, 18.06.140,
6 18.06.160, 18.06.170, 18.06.180, 18.06.190, 18.19.020, 18.19.030,
7 18.19.050, 18.19.070, 18.19.080, 18.19.090, 18.19.100, 18.19.110,
8 18.19.120, 18.19.130, 18.19.140, 18.19.150, 18.19.160, 18.19.170,
9 18.19.180, 18.20.020, 18.20.060, 18.25.006, 18.25.017, 18.25.020,
10 18.25.040, 18.25.070, 18.25.075, 18.25.100, 18.26.020, 18.26.050,
11 18.26.070, 18.29.021, 18.29.045, 18.29.060, 18.29.071, 18.29.100,
12 18.29.110, 18.29.120, 18.29.130, 18.29.140, 18.29.150, 18.29.160,
13 18.29.180, 18.32.010, 18.32.030, 18.32.037, 18.32.040, 18.32.100,
14 18.32.110, 18.32.120, 18.32.160, 18.32.170, 18.32.180, 18.32.190,
15 18.32.195, 18.32.220, 18.32.520, 18.32.534, 18.32.745, 18.34.020,
16 18.34.030, 18.34.070, 18.34.080, 18.34.110, 18.34.120, 18.35.010,
17 18.35.040, 18.35.060, 18.35.080, 18.35.090, 18.35.240, 18.35.250,

1 18.36A.020, 18.36A.030, 18.36A.040, 18.36A.050, 18.36A.060, 18.36A.070,
2 18.36A.080, 18.36A.090, 18.36A.100, 18.36A.110, 18.36A.120, 18.36A.130,
3 18.36A.140, 18.46.010, 18.46.050, 18.50.005, 18.50.010, 18.50.020,
4 18.50.034, 18.50.040, 18.50.045, 18.50.050, 18.50.060, 18.50.102,
5 18.50.105, 18.50.115, 18.50.135, 18.50.140, 18.50.150, 18.52.020,
6 18.52.060, 18.52.070, 18.52.100, 18.52.110, 18.52.130, 18.52A.020,
7 18.52A.030, 18.52B.050, 18.52B.080, 18.52B.110, 18.52B.120, 18.52B.150,
8 18.52B.160, 18.52C.020, 18.52C.030, 18.52C.040, 18.53.021, 18.53.050,
9 18.53.060, 18.53.070, 18.53.100, 18.53.140, 18.54.050, 18.54.070,
10 18.54.140, 18.55.020, 18.55.030, 18.55.040, 18.55.050, 18.55.060,
11 18.57.001, 18.57.020, 18.57.050, 18.57.080, 18.57.130, 18.59.020,
12 18.59.080, 18.59.090, 18.59.110, 18.59.150, 18.71.010, 18.71.015,
13 18.71.040, 18.71.050, 18.71.051, 18.71.080, 18.71.095, 18.71.200,
14 18.72.100, 18.72.120, 18.72.155, 18.72.306, 18.72.380, 18.72.400,
15 18.74.010, 18.74.010, 18.74.020, 18.74.023, 18.74.035, 18.74.040,
16 18.74.050, 18.74.060, 18.74.070, 18.74.090, 18.74.095, 18.74.120,
17 18.76.020, 18.78.010, 18.78.050, 18.78.060, 18.78.080, 18.78.100,
18 18.78.110, 18.78.225, 18.83.010, 18.83.025, 18.83.045, 18.83.050,
19 18.83.060, 18.83.072, 18.83.080, 18.83.090, 18.83.105, 18.83.170,
20 18.83.190, 18.84.020, 18.84.040, 18.84.050, 18.84.060, 18.84.070,
21 18.84.080, 18.84.090, 18.84.100, 18.84.110, 18.88.030, 18.88.080,
22 18.88.090, 18.88.160, 18.88.175, 18.88.190, 18.88.200, 18.88.220,
23 18.88A.020, 18.88A.050, 18.88A.070, 18.88A.080, 18.88A.090, 18.88A.100,
24 18.89.020, 18.89.050, 18.89.060, 18.89.070, 18.89.080, 18.89.090,
25 18.89.100, 18.89.110, 18.89.120, 18.89.130, 18.89.140, 18.92.015,
26 18.92.035, 18.92.040, 18.92.047, 18.92.070, 18.92.100, 18.92.115,
27 18.92.120, 18.92.130, 18.92.140, 18.92.145, 18.104.040, 18.104.080,
28 18.104.110, 18.108.010, 18.108.020, 18.108.025, 18.108.040, 18.108.060,
29 18.108.070, 18.108.073, 18.108.085, 18.122.040, 18.122.060, 18.122.070,
30 18.122.080, 18.122.090, 18.122.120, 18.122.130, 18.122.140, 18.122.150,

1 18.130.060, 18.130.175, 18.135.020, 18.135.030, 18.135.050, 18.135.055,
2 18.135.065, 18.135.080, 18.138.010, 18.138.020, 18.138.030, 18.138.040,
3 18.138.050, 18.138.060, 18.138.070, 18.138.080, 18.138.090, 19.32.110,
4 26.33.300, 28A.210.030, 28A.210.090, 28A.210.110, 28B.104.060,
5 43.03.028, 43.20B.020, 43.20B.110, 43.59.030, 43.70.320, 43.83B.380,
6 43.99D.025, 43.99E.025, 69.30.010, 69.30.080, 70.05.053, 70.05.054,
7 70.05.055, 70.05.060, 70.05.070, 70.05.080, 70.05.090, 70.05.100,
8 70.05.130, 70.08.050, 70.12.015, 70.12.070, 70.22.020, 70.22.030,
9 70.22.040, 70.22.050, 70.22.060, 70.24.017, 70.24.100, 70.24.120,
10 70.24.130, 70.24.150, 70.24.400, 70.24.410, 70.30.081, 70.33.010,
11 70.40.020, 70.40.030, 70.40.150, 70.41.020, 70.41.130, 70.41.200,
12 70.41.230, 70.41.240, 70.47.060, 70.50.010, 70.54.040, 70.58.005,
13 70.58.107, 70.58.310, 70.58.320, 70.58.340, 70.62.210, 70.83.020,
14 70.83.030, 70.83.040, 70.83B.020, 70.90.110, 70.90.130, 70.90.210,
15 70.98.030, 70.104.010, 70.104.030, 70.104.040, 70.104.050, 70.104.055,
16 70.104.057, 70.104.060, 70.104.080, 70.104.090, 70.116.010, 70.116.030,
17 70.118.020, 70.118.040, 70.119.020, 70.119A.020, 70.119A.080,
18 70.121.020, 70.127.010, 70.142.020, 70.142.050, and 74.15.060;
19 reenacting and amending RCW 18.57A.040, 18.78.090, 18.130.190,
20 42.17.2401, and 43.43.735; and adding new sections to chapter 43.70
21 RCW.

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

23 **Sec. 1.** RCW 15.36.425 and 1989 c 354 s 20 are each amended to read
24 as follows:

25 The health authority or a physician authorized by him or her shall
26 examine and take careful morbidity history of every person connected
27 with a pasteurization plant, or about to be employed, whose work brings
28 him or her in contact with the production, handling, storage, or

1 transportation of milk, milk products, containers, or equipment. If
2 such examination or history suggests that such person may be a carrier
3 of or infected with the organisms of typhoid or paratyphoid fever or
4 any other communicable diseases likely to be transmitted through milk,
5 he or she shall secure appropriate specimens of body discharges and
6 cause them to be examined in a laboratory approved by him or her or by
7 the state department of (~~social and health services~~) health for such
8 examinations, and if the results justify such persons shall be barred
9 from such employment.

10 Such persons shall furnish such information, submit to such
11 physical examinations, and submit such laboratory specimens as the
12 health official may require for the purpose of determining freedom from
13 infection.

14 **Sec. 2.** RCW 16.70.010 and 1971 c 72 s 2 are each amended to read
15 as follows:

16 The incidence of disease communicated to human beings by contact
17 with pet animals has shown an increase in the past few years. The
18 danger to human beings from such pets infected with disease
19 communicable to humans has demonstrated the necessity for legislation
20 to authorize the secretary of the department of (~~social and health
21 services~~) health and the state board of health to take such action as
22 is necessary to control the sale, importation, movement, transfer, or
23 possession of such animals where it becomes necessary in order to
24 protect the public health and welfare.

25 **Sec. 3.** RCW 16.70.020 and 1971 c 72 s 2 are each amended to read
26 as follows:

27 The following words or phrases as used in this chapter shall have
28 the following meanings unless the context indicates otherwise:

1 (1) "Pet animals" means dogs (Canidae), cats (Felidae), monkeys and
2 other similar primates, turtles, psittacine birds, skunks, or any other
3 species of wild or domestic animals sold or retained for the purpose of
4 being kept as a household pet.

5 (2) "Secretary" means the secretary of the department of (~~social~~
6 ~~and health services~~) health or his or her designee.

7 (3) "Department" means the department of (~~social and health~~
8 ~~services~~) health.

9 (4) "Board" means the Washington state board of health.

10 (5) "Person" means an individual, group of individuals,
11 partnership, corporation, firm, or association.

12 (6) "Quarantine" means the placing and restraining of any pet
13 animal or animals by direction of the secretary, either within a
14 certain described and designated enclosure or area within this state,
15 or the restraining of any such pet animal or animals from entering this
16 state.

17 **Sec. 4.** RCW 18.06.010 and 1985 c 326 s 1 are each amended to read
18 as follows:

19 The following terms in this chapter shall have the meanings set
20 forth in this section unless the context clearly indicates otherwise:

21 (1) "Acupuncture" means a health care service based on a
22 traditional Oriental system of medical theory utilizing Oriental
23 diagnosis and treatment to promote health and treat organic or
24 functional disorders by treating specific acupuncture points or
25 meridians. Acupuncture includes but is not necessarily limited to the
26 following techniques:

27 (a) Use of acupuncture needles to stimulate acupuncture points and
28 meridians;

- 1 (b) Use of electrical, mechanical, or magnetic devices to stimulate
2 acupuncture points and meridians;
- 3 (c) Moxibustion;
- 4 (d) Acupressure;
- 5 (e) Cupping;
- 6 (f) Dermal friction technique (gwa hsa);
- 7 (g) Infra-red;
- 8 (h) Sonopuncture;
- 9 (i) Laserpuncture;
- 10 (j) Dietary advice based on traditional Chinese medical theory; and
- 11 (k) Point injection therapy (aquapuncture).

12 (2) "Acupuncturist" means a person certified under this chapter.

13 (3) "Department" means the department of (~~licensing~~) health.

14 (4) (~~"Director" means the director of licensing or the director's~~
15 ~~designee~~) "Secretary" means the secretary of health or the secretary's
16 designee.

17 **Sec. 5.** RCW 18.06.020 and 1985 c 326 s 2 are each amended to read
18 as follows:

19 (1) No one may hold themselves out to the public as an
20 acupuncturist or certified acupuncturist or any derivative thereof
21 which is intended to or is likely to lead the public to believe such a
22 person is an acupuncturist or certified acupuncturist unless certified
23 as provided for in this chapter.

24 (2) No one may use any configuration of letters after their name
25 (including Ac.) which indicates a degree or formal training in
26 acupuncture unless certified as provided for in this chapter.

27 (3) The (~~director~~) secretary may by rule proscribe or regulate
28 advertising and other forms of patient solicitation which are likely to

1 mislead or deceive the public as to whether someone is certified under
2 this chapter.

3 **Sec. 6.** RCW 18.06.030 and 1985 c 326 s 3 are each amended to read
4 as follows:

5 Any person certified as provided for in this chapter may practice
6 acupuncture irrespective of any other occupational licensing law. This
7 authorization also extends to:

8 (1) The practice of acupuncture by a person who is a regular
9 student in a school of acupuncture approved by the ~~((director))~~
10 secretary: PROVIDED, HOWEVER, That the performance of such services be
11 pursuant only to a regular course of instruction or assignments from
12 his or her instructor and that such services are performed only under
13 the direct supervision and control of a person certified pursuant to
14 this chapter or licensed under any other healing art whose scope of
15 practice includes acupuncture; and

16 (2) The practice of acupuncture by any person licensed or certified
17 to perform acupuncture in any other jurisdiction where such person is
18 doing so in the course of regular instruction of a school of
19 acupuncture approved by the ~~((director))~~ secretary or in an educational
20 seminar sponsored by a professional organization of acupuncture:
21 PROVIDED, That in the latter case, the practice is supervised directly
22 by a person certified pursuant to this chapter or licensed under any
23 other healing art whose scope of practice includes acupuncture.

24 **Sec. 7.** RCW 18.06.050 and 1987 c 447 s 15 are each amended to read
25 as follows:

26 Any person seeking to be examined shall present to the ~~((director))~~
27 secretary at least forty-five days before the commencement of the
28 examination:

1 (1) A written application on a form or forms provided by the
2 ((~~director~~)) secretary setting forth under affidavit such information
3 as the ((~~director~~)) secretary may require; and

4 (2) Proof that the candidate has:

5 (a) Successfully completed a course, approved by the ((~~director~~))
6 secretary, of didactic training in basic sciences and acupuncture over
7 a minimum period of two academic years. The training shall include
8 such subjects as anatomy, physiology, bacteriology, biochemistry,
9 pathology, hygiene, and a survey of western clinical sciences. The
10 basic science classes must be equivalent to those offered at the
11 collegiate level. However, if the applicant is a licensed chiropractor
12 under chapter 18.25 RCW or a naturopath licensed under chapter 18.36A
13 RCW, the requirements of this subsection relating to basic sciences may
14 be reduced by up to one year depending upon the extent of the
15 candidate's qualifications as determined under rules adopted by the
16 ((~~director~~)) secretary;

17 (b) Successfully completed a course, approved by the ((~~director~~))
18 secretary, of clinical training in acupuncture over a minimum period of
19 one academic year. The training shall include a minimum of: (i)
20 Twenty-nine quarter credits of supervised practice, consisting of at
21 least four hundred separate patient treatments involving a minimum of
22 one hundred different patients, and (ii) one hundred hours or nine
23 quarter credits of observation which shall include case presentation
24 and discussion.

25 **Sec. 8.** RCW 18.06.060 and 1985 c 326 s 6 are each amended to read
26 as follows:

27 The department shall consider for approval any school, program,
28 apprenticeship, or tutorial which meets the requirements outlined in
29 this chapter and provides the training required under RCW 18.06.050.

1 Clinical and didactic training may be approved as separate programs or
2 as a joint program. The process for approval shall be established by
3 the ((director)) secretary by rule.

4 **Sec. 9.** RCW 18.06.070 and 1985 c 326 s 7 are each amended to read
5 as follows:

6 No applicant may be permitted to take an examination under this
7 chapter until the ((director)) secretary has approved his or her
8 application and the applicant has paid an examination fee as prescribed
9 under RCW ((43.24.086)) 43.70.250. The examination fee shall accompany
10 the application.

11 **Sec. 10.** RCW 18.06.080 and 1985 c 326 s 8 are each amended to read
12 as follows:

13 (1) The ((director of licensing)) secretary is hereby authorized
14 and empowered to execute the provisions of this chapter and shall offer
15 examinations in acupuncture at least twice a year at such times and
16 places as the ((director)) secretary may select. The examination shall
17 be a written examination in English and may include a practical
18 examination.

19 (2) The ((director)) secretary shall develop or approve a licensure
20 examination in the subjects that the ((director)) secretary determines
21 are within the scope of and commensurate with the work performed by
22 certified acupuncturists and shall include but not necessarily be
23 limited to anatomy, physiology, bacteriology, biochemistry, pathology,
24 hygiene, and acupuncture. All application papers shall be deposited
25 with the ((director)) secretary and there retained for ((a-[at])) at
26 least one year, when they may be destroyed.

1 (3) If the examination is successfully passed, the ~~((director))~~
2 secretary shall confer on such candidate the title of Certified
3 Acupuncturist.

4 **Sec. 11.** RCW 18.06.110 and 1987 c 150 s 9 are each amended to read
5 as follows:

6 The uniform disciplinary act, chapter 18.130 RCW, governs
7 uncertified practice, the issuance and denial of certificates, and the
8 disciplining of certificate holders under this chapter. The
9 ~~((director))~~ secretary shall be the disciplining authority under this
10 chapter.

11 **Sec. 12.** RCW 18.06.120 and 1985 c 326 s 12 are each amended to
12 read as follows:

13 (1) Every person certified in acupuncture shall register with the
14 ~~((director))~~ secretary annually and pay an annual renewal registration
15 fee determined by the ~~((director))~~ secretary as provided in RCW
16 ~~((43.24.086))~~ 43.70.250 on or before the certificate holder's birth
17 anniversary date. The certificate of the person shall be renewed for
18 a period of one year or longer in the discretion of the ~~((director))~~
19 secretary.

20 (2) Any failure to register and pay the annual renewal registration
21 fee shall render the certificate invalid. The certificate shall be
22 reinstated upon: (a) Written application to the ~~((director))~~
23 secretary; (b) payment to the state of a penalty fee determined by the
24 ~~((director))~~ secretary as provided in RCW ~~((43.24.086))~~ 43.70.250; and
25 (c) payment to the state of all delinquent annual certificate renewal
26 fees.

27 (3) Any person who fails to renew his or her certification for a
28 period of three years shall not be entitled to renew such certification

1 under this section. Such person, in order to obtain a certification in
2 acupuncture in this state, shall file a new application under this
3 chapter, along with the required fee, and shall meet examination or
4 continuing education requirements as the ~~((director))~~ secretary, by
5 rule, provides.

6 (4) All fees collected under this section and RCW 18.06.060 shall
7 be credited to the health professions account as required under RCW
8 ~~((43.24.072))~~ 43.70.320.

9 **Sec. 13.** RCW 18.06.130 and 1985 c 326 s 13 are each amended to
10 read as follows:

11 The ~~((director))~~ secretary shall develop a form to be used by an
12 acupuncturist to inform the patient of the acupuncturist's scope of
13 practice and qualifications. All certificate holders shall bring the
14 form to the attention of the patients in whatever manner the
15 ~~((director))~~ secretary, by rule, provides.

16 **Sec. 14.** RCW 18.06.140 and 1985 c 326 s 14 are each amended to
17 read as follows:

18 Every certified acupuncturist shall develop a written plan for
19 consultation, emergency transfer, and referral to other health care
20 practitioners operating within the scope of their authorized practices.
21 The written plan shall be submitted with the initial application for
22 certification as well as annually thereafter with the certificate
23 renewal fee to the department. The department may withhold
24 certification or renewal of certification if the plan fails to meet the
25 standards contained in rules promulgated by the ~~((director))~~ secretary.

26 When the acupuncturist sees patients with potentially serious
27 disorders such as cardiac conditions, acute abdominal symptoms, and
28 such other conditions, the acupuncturist shall immediately request a

1 consultation or recent written diagnosis from a physician licensed
2 under chapter 18.71 or 18.57 RCW. In the event that the patient with
3 the disorder refuses to authorize such consultation or provide a recent
4 diagnosis from such physician, acupuncture treatment shall not be
5 continued.

6 **Sec. 15.** RCW 18.06.160 and 1985 c 326 s 16 are each amended to
7 read as follows:

8 The ~~((director))~~ secretary shall adopt rules in the manner provided
9 by chapter 34.05 RCW as are necessary to carry out the purposes of this
10 chapter.

11 **Sec. 16.** RCW 18.06.170 and 1985 c 326 s 17 are each amended to
12 read as follows:

13 (1) The acupuncture advisory committee is created. The committee
14 shall be composed of one physician licensed under chapter 18.71 or
15 18.57 RCW, three acupuncturists certified under this chapter, and one
16 public member, who does not have any financial interest in the
17 rendering of health services.

18 (2) The ~~((director))~~ secretary shall appoint members to staggered
19 terms so as to provide continuity in membership. Members shall serve
20 at the pleasure of the ~~((director))~~ secretary but may not serve more
21 than five years total. Members of the committee shall be reimbursed
22 for travel expenses as provided in RCW 43.03.050 and 43.03.060.

23 (3) Each member of the committee shall receive fifty dollars for
24 each day ~~((during which))~~ the member attends an official meeting of the
25 group or performs statutorily prescribed duties approved by the
26 ~~((director))~~ secretary.

1 (4) The committee shall meet only on the request of the
2 ((~~director~~)) secretary and consider only those matters referred to it
3 by the ((~~director~~)) secretary.

4 **Sec. 17.** RCW 18.06.180 and 1985 c 326 s 18 are each amended to
5 read as follows:

6 All persons registered as acupuncture assistants pursuant to
7 chapter 18.71A or 18.57A RCW on July 28, 1985, shall be certified under
8 this chapter by the ((~~director~~)) secretary without examination if they
9 otherwise would qualify for certification under this chapter and apply
10 for certification within one hundred twenty days of July 28, 1985.

11 **Sec. 18.** RCW 18.06.190 and 1985 c 326 s 19 are each amended to
12 read as follows:

13 The ((~~director~~)) secretary may certify a person without examination
14 if such person is licensed or certified as an acupuncturist in another
15 jurisdiction if, in the ((~~director's~~)) secretary's judgment, the
16 requirements of that jurisdiction are equivalent to or greater than
17 those of Washington state.

18 **Sec. 19.** RCW 18.19.020 and 1987 c 512 s 3 are each amended to read
19 as follows:

20 Unless the context clearly requires otherwise, the definitions in
21 this section apply throughout this chapter.

22 (1) "Certified marriage and family therapist" means a person
23 certified to practice marriage and family therapy pursuant to RCW
24 18.19.130.

25 (2) "Certified mental health counselor" means a person certified to
26 practice mental health counseling pursuant to RCW 18.19.120.

1 (3) "Certified social worker" means a person certified to practice
2 social work pursuant to RCW 18.19.110.

3 (4) "Client" means an individual who receives or participates in
4 counseling or group counseling.

5 (5) "Counseling" means employing any therapeutic techniques,
6 including but not limited to social work, mental health counseling,
7 marriage and family therapy, and hypnotherapy, for a fee that offer,
8 assist or attempt to assist an individual or individuals in the
9 amelioration or adjustment of mental, emotional, or behavioral
10 problems, and includes therapeutic techniques to achieve sensitivity
11 and awareness of self and others and the development of human
12 potential. For the purposes of this chapter, nothing may be construed
13 to imply that the practice of hypnotherapy is necessarily limited to
14 counseling.

15 (6) "Counselor" means an individual, practitioner, therapist, or
16 analyst who engages in the practice of counseling to the public for a
17 fee, including for the purposes of this chapter, hypnotherapists.

18 (7) "Department" means the department of (~~licensing~~) health.

19 (8) (~~"Director"~~) "Secretary" means the (~~director~~) secretary of
20 the department or the (~~director's~~) secretary's designee.

21 **Sec. 20.** RCW 18.19.030 and 1987 c 512 s 2 are each amended to read
22 as follows:

23 No person may, for a fee or as a part of his or her position as an
24 employee of a state agency, practice counseling without being
25 registered to practice by the department (~~of licensing~~) under this
26 chapter unless exempt under RCW 18.19.040. No person may represent
27 himself or herself as a certified social worker, certified mental
28 health counselor, or certified marriage and family therapist without

1 being so certified by the department (~~(of licensing)~~) under this
2 chapter.

3 **Sec. 21.** RCW 18.19.050 and 1987 c 512 s 5 are each amended to read
4 as follows:

5 (1) In addition to any other authority provided by law, the
6 (~~(director)~~) secretary has the following authority:

7 (a) To adopt rules, in accordance with chapter 34.05 RCW, necessary
8 to implement this chapter;

9 (b) To set all certification, registration, and renewal fees in
10 accordance with RCW (~~(43.24.086)~~) 43.70.250 and to collect and deposit
11 all such fees in the health professions account established under RCW
12 (~~(43.24.072)~~) 43.70.320;

13 (c) To establish forms and procedures necessary to administer this
14 chapter;

15 (d) To hire clerical, administrative, and investigative staff as
16 needed to implement this chapter;

17 (e) To issue a registration to any applicant who has met the
18 requirements for registration;

19 (f) To set educational, ethical, and professional standards of
20 practice for certification;

21 (g) To prepare and administer or cause to be prepared and
22 administered an examination for all qualified applicants for
23 certification;

24 (h) To establish criteria for evaluating the ability and
25 qualifications of persons applying for a certificate, including
26 standards for passing the examination and standards of qualification
27 for certification to practice;

28 (i) To evaluate and designate those schools from which graduation
29 will be accepted as proof of an applicant's eligibility to receive a

1 certificate and to establish standards and procedures for accepting
2 alternative training in lieu of such graduation;

3 (j) To issue a certificate to any applicant who has met the
4 education, training, and conduct requirements for certification;

5 (k) To set competence requirements for maintaining certification;
6 and

7 (l) To develop a dictionary of recognized professions and
8 occupations providing counseling services to the public included under
9 this chapter.

10 (2) The uniform disciplinary act, chapter 18.130 RCW, governs the
11 issuance and denial of certifications and registrations and the
12 discipline of certified practitioners and registrants under this
13 chapter. The ~~((director))~~ secretary shall be the disciplining
14 authority under this chapter. The absence of educational or training
15 requirements for counselors registered under this chapter or the
16 counselor's use of nontraditional nonabusive therapeutic techniques
17 shall not, in and of itself, give the ~~((director))~~ secretary authority
18 to unilaterally determine the training and competence or to define or
19 restrict the scope of practice of such individuals.

20 (3) The department shall publish and disseminate information in
21 order to educate the public about the responsibilities of counselors
22 and the rights and responsibilities of clients established under this
23 chapter. Solely for the purposes of administering this education
24 requirement, the ~~((director))~~ secretary shall assess an additional fee
25 for each registration and certification application and renewal, equal
26 to five percent of the fee. The revenue collected from the assessment
27 fee may be appropriated by the legislature for the department's use in
28 educating consumers pursuant to this section. The authority to charge
29 the assessment fee shall terminate on June 30, 1994.

1 **Sec. 22.** RCW 18.19.070 and 1987 c 512 s 7 are each amended to read
2 as follows:

3 (1) Within sixty days of July 26, 1987, the ((~~director~~)) secretary
4 shall have authority to appoint advisory committees to further the
5 purposes of this chapter. Each such committee shall be composed of
6 five members, one member initially appointed for a term of one year,
7 two for terms of two years, and two for terms of three years. No
8 person may serve as a member of the committee for more than two
9 consecutive terms.

10 The ((~~director~~)) secretary may remove any member of the advisory
11 committees for cause as specified by rule. In the case of a vacancy,
12 the ((~~director~~)) secretary shall appoint a person to serve for the
13 remainder of the unexpired term.

14 (2) The advisory committees shall each meet at the times and places
15 designated by the ((~~director~~)) secretary and shall hold meetings during
16 the year as necessary to provide advice to the ((~~director~~)) secretary.

17 Each member of an advisory committee shall be reimbursed for travel
18 expenses as authorized in RCW 43.03.050 and 43.03.060. In addition,
19 members of the committees shall be compensated in accordance with RCW
20 43.03.240 when engaged in the authorized business of their committee.

21 (3) Members of an advisory committee shall be residents of this
22 state. Each committee shall be composed of four individuals registered
23 or certified in the category designated by the committee title, and one
24 member who is a member of the public.

25 **Sec. 23.** RCW 18.19.080 and 1987 c 512 s 8 are each amended to read
26 as follows:

27 The ((~~director~~)) secretary shall keep an official record of all
28 proceedings, a part of which record shall consist of a register of all

1 applicants for registration or certification under this chapter, with
2 the result of each application.

3 **Sec. 24.** RCW 18.19.090 and 1987 c 512 s 9 are each amended to read
4 as follows:

5 The ~~((director))~~ secretary shall issue a registration to any
6 applicant who submits, on forms provided by the ~~((director))~~ secretary,
7 the applicant's name, address, occupational title, name and location of
8 business, and other information as determined by the ~~((director))~~
9 secretary, including information necessary to determine whether there
10 are grounds for denial of registration or issuance of a conditional
11 registration under this chapter or chapter 18.130 RCW. Applicants for
12 registration shall register as counselors or may register as
13 hypnotherapists if employing hypnosis as a modality. Applicants shall,
14 in addition, provide in their titles a description of their therapeutic
15 orientation, discipline, theory, or technique. Each applicant shall
16 pay a fee determined by the ~~((director))~~ secretary as provided in RCW
17 ~~((43.24.086))~~ 43.70.250, which shall accompany the application.

18 **Sec. 25.** RCW 18.19.100 and 1987 c 512 s 10 are each amended to
19 read as follows:

20 The ~~((director))~~ secretary shall establish by rule the procedural
21 requirements and fees for renewal of registrations. Failure to renew
22 shall invalidate the registration and all privileges granted by the
23 registration. Subsequent registration will require application and
24 payment of a fee as determined by the ~~((director))~~ secretary under RCW
25 ~~((43.24.086))~~ 43.70.250.

26 **Sec. 26.** RCW 18.19.110 and 1987 c 512 s 12 are each amended to
27 read as follows:

1 (1) The department shall issue a certified social worker
2 certificate to any applicant meeting the following requirements:

3 (a) A minimum of a master's degree from an accredited graduate
4 school of social work approved by the ~~((director))~~ secretary;

5 (b) A minimum of two years of post-master's degree social work
6 practice under the supervision of a social worker certified under this
7 chapter or a person deemed acceptable to the ~~((director))~~ secretary,
8 such experience consisting of at least thirty hours per week for two
9 years or at least twenty hours per week for three years; and

10 (c) Successful completion of the examination in RCW 18.19.150,
11 unless the applicant qualified under an exemption pursuant to
12 subsection (2) of this section or RCW 18.19.160.

13 Applicants shall be subject to the grounds for denial or issuance
14 of a conditional certificate in chapter 18.130 RCW.

15 (2) Except as provided in RCW 18.19.160, an applicant is exempt
16 from the examination provisions of this chapter under the following
17 conditions if application for exemption is made within twelve months
18 after July 26, 1987:

19 (a) The applicant shall establish to the satisfaction of the
20 ~~((director))~~ secretary that he or she has been engaged in the practice
21 of social work as defined in this chapter for two of the previous four
22 years; and

23 (b) The applicant has the following academic qualifications: (i)
24 A doctorate or master's degree in social work from an accredited
25 graduate school of social work or comparable and equivalent educational
26 attainment as determined by the ~~((director))~~ secretary in consultation
27 with the advisory committee; and (ii) two years of postgraduate social
28 work experience under the supervision of a social worker who qualifies
29 for certification under this chapter or under the supervision of any
30 other professional deemed appropriate by the ~~((director))~~ secretary.

1 (3) Certified social work practice is that aspect of counseling
2 that involves the professional application of social work values,
3 principles, and methods by individuals trained in accredited social
4 work graduate programs and requires knowledge of human development and
5 behavior, knowledge of social systems and social resources, an
6 adherence to the social work code of ethics, and knowledge of and
7 sensitivity to ethnic minority populations. It includes, but is not
8 limited to, evaluation, assessment, treatment of psychopathology,
9 consultation, psychotherapy and counseling, prevention and educational
10 services, administration, policy-making, research, and education
11 directed toward client services.

12 **Sec. 27.** RCW 18.19.120 and 1987 c 512 s 13 are each amended to
13 read as follows:

14 (1) The department shall issue a certified mental health counselor
15 certificate to any applicant meeting the following requirements:

16 (a) A master's or doctoral degree in mental health counseling or a
17 related field from an approved school, or completion of at least thirty
18 graduate semester hours or forty-five graduate quarter hours in the
19 field of mental health counseling or the substantial equivalent in both
20 subject content and extent of training;

21 (b) Postgraduate supervised mental health counseling practice that
22 meets standards established by the (~~director~~) secretary;

23 (c) Qualification by an examination, submission of all necessary
24 documents, and payment of required fees; and

25 (d) Twenty-four months of postgraduate professional experience
26 working in a mental health counseling setting that meets the
27 requirements established by the (~~director~~) secretary.

28 (2) No applicant may come before the (~~director~~) secretary for
29 examination without the initial educational and supervisory credentials

1 as required by this chapter, except that applicants completing a
2 master's or doctoral degree program in mental health counseling or a
3 related field from an approved graduate school before or within
4 eighteen months of July 26, 1987, may qualify for the examination.

5 (3) For one year beginning on July 26, 1987, a person may apply for
6 certification without examination. However, if the applicant's
7 credentials are not adequate to establish competence to the
8 ~~((director's))~~ secretary's satisfaction, the ~~((director))~~ secretary may
9 require an examination of the applicant during the initial
10 certification period. For the initial certification period, an
11 applicant shall:

12 (a) Submit a completed application as required by the ~~((director))~~
13 secretary, who may require that the statements on the application be
14 made under oath, accompanied by the application fee set by the
15 ~~((director))~~ secretary in accordance with RCW ~~((43.24.086))~~ 43.70.250;

16 (b) Have a master's or doctoral degree in counseling or a related
17 field from an approved school; and

18 (c) Have submitted a completed application as required by the
19 ~~((director))~~ secretary accompanied by the application fee set by the
20 ~~((director))~~ secretary and a request for waiver from the requirements
21 of (b) of this subsection, with documentation to show that the
22 applicant has alternative training and experience equivalent to formal
23 education and supervised experience required for certification.

24 (4) Certified mental health practice is that aspect of counseling
25 that involves the rendering to individuals, groups, organizations,
26 corporations, institutions, government agencies, or the general public
27 a mental health counseling service emphasizing a wellness model rather
28 than an illness model in the application of therapeutic principles,
29 methods, or procedures of mental health counseling to assist the client
30 in achieving effective personal, organizational, institutional, social,

1 educational, and vocational development and adjustment and to assist
2 the client in achieving independence and autonomy in the helping
3 relationship.

4 **Sec. 28.** RCW 18.19.130 and 1987 c 512 s 14 are each amended to
5 read as follows:

6 (1) The department shall issue a certified marriage and family
7 therapist certificate to any applicant meeting the following
8 requirements:

9 (a)(i) A master's or doctoral degree in marriage and family therapy
10 or its equivalent from an approved school that shows evidence of the
11 following course work: (A) Marriage and family systems, (B) marriage
12 and family therapy, (C) individual development, (D) assessment of
13 psychopathology, (E) human sexuality, (F) research methods, (G)
14 professional ethics and laws, and (H) a minimum of one year in the
15 practice of marriage and family therapy under the supervision of a
16 qualified marriage and family therapist;

17 (ii) Two years of postgraduate practice of marriage and family
18 therapy under the supervision of a qualified marriage and family
19 therapist; and

20 (iii) Passing scores on both written and oral examinations
21 administered by the department for marriage and family therapists; or

22 (b) In the alternative, an applicant completing a master's or
23 doctoral degree program in marriage and family therapy or its
24 equivalent from an approved graduate school before or within eighteen
25 months of July 26, 1987, may qualify for the examination.

26 (2) Except as provided in RCW 18.19.160, an applicant is exempt
27 from the examination provisions of this section under the following
28 conditions if application for exemption is made within twelve months
29 after July 26, 1987:

1 (a) The applicant shall establish to the satisfaction of the
2 (~~director~~) secretary that he or she has been engaged in the practice
3 of marriage and family therapy as defined in this chapter for two of
4 the previous four years; and

5 (b) The applicant has the following academic qualifications: (i)
6 A doctorate or master's degree in marriage and family therapy or its
7 equivalent from an approved graduate school; and (ii) two years of
8 postgraduate experience under the supervision of a marriage and family
9 therapist who qualifies for certification under this chapter or under
10 the supervision of any other professional deemed appropriate by the
11 (~~director~~) secretary.

12 (3) The practice of marriage and family therapy is that aspect of
13 counseling that involves the assessment and treatment of impaired
14 marriage or family relationships including, but not limited to,
15 premarital and postdivorce relationships and the enhancement of marital
16 and family relationships via use of educational, sociological, and
17 psychotherapeutic theories and techniques.

18 **Sec. 29.** RCW 18.19.140 and 1987 c 512 s 17 are each amended to
19 read as follows:

20 Applications for certification shall be submitted on forms provided
21 by the (~~director~~) secretary. The (~~director~~) secretary may require
22 any information and documentation which reasonably relates to the need
23 to determine whether the applicant meets the criteria for certification
24 provided for in this chapter and chapter 18.130 RCW. Each applicant
25 shall pay a fee determined by the (~~director~~) secretary as provided in
26 RCW (~~(43.24.086)~~) 43.70.250, which shall accompany the application.
27 The department shall not knowingly permit access to or use of its
28 mailing list of certificate holders for commercial purposes.

1 **Sec. 30.** RCW 18.19.150 and 1987 c 512 s 16 are each amended to
2 read as follows:

3 (1) The date and location of the examinations required under this
4 chapter shall be established by the ((~~director~~)) secretary. Applicants
5 who have been found by the ((~~director~~)) secretary to meet the other
6 requirements for certification will be scheduled for the next
7 examination following the filing of the application. However, the
8 applicant will not be scheduled for any examination taking place sooner
9 than sixty days after the application is filed.

10 (2) The ((~~director~~)) secretary shall examine each applicant, by
11 means determined most effective, on subjects appropriate to the scope
12 of practice. The examinations shall be limited to the purpose of
13 determining whether the applicant possesses the minimum skill and
14 knowledge necessary to practice competently.

15 (3) The examination papers, all grading thereon, and the grading of
16 any practical work shall be preserved for a period of not less than one
17 year after the ((~~director~~)) secretary has published the results. All
18 examinations shall be conducted by the ((~~director~~)) secretary by means
19 of fair and wholly impartial methods.

20 (4) Any applicant who fails to make the required grade in the first
21 examination is entitled to take up to three subsequent examinations as
22 the applicant desires upon the prepayment of a fee determined by the
23 ((~~director~~)) secretary as provided in RCW ((~~43.24.086~~)) 43.70.250 for
24 each subsequent examination. Upon failure of four examinations, the
25 ((~~director~~)) secretary may invalidate the original application and
26 require remedial education prior to admittance to future examinations.

27 (5) The ((~~director~~)) secretary may approve an examination prepared
28 or administered, or both, by a private testing agency or association of
29 licensing agencies for use by an applicant in meeting the licensing
30 requirement.

1 **Sec. 31.** RCW 18.19.160 and 1987 c 512 s 19 are each amended to
2 read as follows:

3 (1) Upon receiving a written application, evidence of qualification
4 and the required fee, the department shall issue a certificate for
5 certification without examination to an applicant who is currently
6 credentialed under the laws of another jurisdiction, if the
7 requirements of the other jurisdiction are substantially equal to the
8 requirements of this chapter.

9 (2) A person certified under this chapter who is or desires to be
10 temporarily retired from practice in this state shall send written
11 notice to the ((~~director~~)) secretary. Upon receipt of the notice, the
12 person shall be placed upon the nonpracticing list. While on the list,
13 the person is not required to pay the renewal fees and shall not engage
14 in any such practice. In order to resume practice, application for
15 renewal shall be made in the ordinary course with the renewal fee for
16 the current period. Persons in a nonpracticing status for a period
17 exceeding five years shall provide evidence of current knowledge or
18 skill, by examination, as the ((~~director~~)) secretary may require.

19 **Sec. 32.** RCW 18.19.170 and 1987 c 512 s 15 are each amended to
20 read as follows:

21 A certificate issued under this chapter shall be renewed as
22 determined by the ((~~director~~)) secretary who may establish rules
23 governing continuing competence requirements. An additional fee may be
24 set by the ((~~director~~)) secretary as a renewal requirement when
25 certification has lapsed due to failure to renew prior to the
26 expiration date.

27 **Sec. 33.** RCW 18.19.180 and 1987 c 512 s 11 are each amended to
28 read as follows:

1 An individual registered or certified under this chapter shall not
2 disclose the written acknowledgment of the disclosure statement
3 pursuant to RCW 18.19.060 nor any information acquired from persons
4 consulting the individual in a professional capacity when that
5 information was necessary to enable the individual to render
6 professional services to those persons except:

7 (1) With the written consent of that person or, in the case of
8 death or disability, the person's personal representative, other person
9 authorized to sue, or the beneficiary of an insurance policy on the
10 person's life, health, or physical condition;

11 (2) That a person registered or certified under this chapter is not
12 required to treat as confidential a communication that reveals the
13 contemplation or commission of a crime or harmful act;

14 (3) If the person is a minor, and the information acquired by the
15 person registered or certified under this chapter indicates that the
16 minor was the victim or subject of a crime, the person registered or
17 certified may testify fully upon any examination, trial, or other
18 proceeding in which the commission of the crime is the subject of the
19 inquiry;

20 (4) If the person waives the privilege by bringing charges against
21 the person registered or certified under this chapter;

22 (5) In response to a subpoena from a court of law or the
23 ~~((director))~~ secretary. The ~~((director))~~ secretary may subpoena only
24 records related to a complaint or report under chapter 18.130 RCW; or

25 (6) As required under chapter 26.44 RCW.

26 **Sec. 34.** RCW 18.20.020 and 1989 c 329 s 1 are each amended to read
27 as follows:

28 As used in this chapter:

1 (1) "Aged person" means a person of the age sixty-five years or
2 more, or a person of less than sixty-five years who by reason of
3 infirmity requires domiciliary care.

4 (2) "Boarding home" means any home or other institution, however
5 named, which is advertised, announced or maintained for the express or
6 implied purpose of providing board and domiciliary care to three or
7 more aged persons not related by blood or marriage to the operator. It
8 shall not include facilities certified as group training homes pursuant
9 to RCW 71A.22.040, nor any home, institution or section thereof which
10 is otherwise licensed and regulated under the provisions of state law
11 providing specifically for the licensing and regulation of such home,
12 institution or section thereof. Nor shall it include any independent
13 senior housing, independent living units in continuing care retirement
14 communities, or other similar living situations including those
15 subsidized by the department of housing and urban development.

16 (3) "Person" means any individual, firm, partnership, corporation,
17 company, association, or joint stock association, and the legal
18 successor thereof.

19 (4) "Secretary" means the secretary of (~~social and~~
20 ~~health services~~) health.

21 (5) "Department" means the state department of (~~social and health~~
22 ~~services~~) health.

23 (6) "Authorized department" means any city, county, city-county
24 health department or health district authorized by the secretary of
25 (~~social and health services~~) health to carry out the provisions of
26 this chapter.

27 **Sec. 35.** RCW 18.20.060 and 1989 c 175 s 60 are each amended to
28 read as follows:

1 The department or the department and authorized department jointly,
2 as the case may be, may deny, suspend, or revoke a license in any case
3 in which it finds there has been a failure or refusal to comply with
4 the requirements established under this chapter or the rules adopted
5 under it. ((RCW 43.20A.205)) Section 377 of this act governs notice of
6 a license denial, revocation, suspension, or modification and provides
7 the right to an adjudicative proceeding.

8 **Sec. 36.** RCW 18.25.006 and 1989 c 258 s 12 are each amended to
9 read as follows:

10 Unless the context clearly requires otherwise, the definitions in
11 this section apply throughout this chapter.

12 (1) "Department" means the department of ((licensing)) health.

13 (2) ((("Director")) Secretary) means the ((director)) secretary of
14 the department of ((licensing)) health or the ((director's))
15 secretary's designee.

16 (3) "Chiropractor" means an individual licensed under this chapter.

17 (4) "Board" means the Washington state board of chiropractic
18 examiners.

19 **Sec. 37.** RCW 18.25.017 and 1986 c 259 s 23 are each amended to
20 read as follows:

21 The board shall meet as soon as practicable after appointment, and
22 shall elect a chairman and a secretary from its members. Meetings
23 shall be held at least once a year at such place as the ((director of
24 licensing)) secretary shall determine, and at such other times and
25 places as he or she deems necessary.

26 The board may make such rules ((and regulations)), not inconsistent
27 with this chapter, as it deems necessary to carry out the provisions of
28 this chapter.

1 Each member shall be compensated in accordance with RCW 43.03.240
2 and shall be reimbursed for travel expenses in accordance with RCW
3 43.03.050 and 43.03.060, all to be paid out of the general fund on
4 vouchers approved by the ((director)) secretary, but not to exceed in
5 the aggregate the amount of fees collected as provided in this chapter.

6 **Sec. 38.** RCW 18.25.020 and 1989 c 258 s 3 are each amended to read
7 as follows:

8 (1) Any person not now licensed to practice chiropractic in this
9 state and who desires to practice chiropractic in this state, before it
10 shall be lawful for him or her to do so, shall make application
11 therefor to the ((director)) secretary, upon such form and in such
12 manner as may be adopted and directed by the ((director)) secretary.
13 Each applicant who matriculates to a chiropractic college after January
14 1, 1975, shall have completed not less than one-half of the
15 requirements for a baccalaureate degree at an accredited and approved
16 college or university and shall be a graduate of a chiropractic school
17 or college accredited and approved by the board of chiropractic
18 examiners and shall show satisfactory evidence of completion by each
19 applicant of a resident course of study of not less than four thousand
20 classroom hours of instruction in such school or college. Applications
21 shall be in writing and shall be signed by the applicant in his or her
22 own handwriting and shall be sworn to before some officer authorized to
23 administer oaths, and shall recite the history of the applicant as to
24 his or her educational advantages, his or her experience in matters
25 pertaining to a knowledge of the care of the sick, how long he or she
26 has studied chiropractic, under what teachers, what collateral
27 branches, if any, he or she has studied, the length of time he or she
28 has engaged in clinical practice; accompanying the same by reference
29 therein, with any proof thereof in the shape of diplomas, certificates,

1 and shall accompany said application with satisfactory evidence of good
2 character and reputation.

3 (2) There shall be paid to the (~~director~~) secretary by each
4 applicant for a license, a fee determined by the (~~director~~) secretary
5 as provided in RCW (~~43.24.086~~) 43.70.250 which shall accompany
6 application and a fee determined by the (~~director~~) secretary as
7 provided in RCW (~~43.24.086~~) 43.70.250, which shall be paid upon
8 issuance of license. Like fees shall be paid for any subsequent
9 examination and application.

10 **Sec. 39.** RCW 18.25.040 and 1985 c 7 s 15 are each amended to read
11 as follows:

12 Persons licensed to practice chiropractic under the laws of any
13 other state having equal requirements of this chapter, may, in the
14 discretion of the board of chiropractic examiners, and after
15 examination by the board in principles of chiropractic, x-ray, and
16 adjusting, as taught by chiropractic schools and colleges, be issued a
17 license to practice in this state without further examination, upon
18 payment of a fee determined by the (~~director~~) secretary as provided
19 in RCW (~~43.24.086~~) 43.70.250.

20 **Sec. 40.** RCW 18.25.070 and 1989 c 258 s 5 are each amended to read
21 as follows:

22 (1) Every person practicing chiropractic shall, as a prerequisite
23 to annual renewal of license, submit to the (~~director~~) secretary at
24 the time of application therefor, satisfactory proof showing attendance
25 of at least twenty-five hours during the preceding twelve-month period,
26 at one or more chiropractic symposiums which are recognized and
27 approved by the board of chiropractic examiners: PROVIDED, That the

1 board may, for good cause shown, waive said attendance. The following
2 guidelines for such symposiums shall apply:

3 (a) The board shall set criteria for the course content of
4 educational symposia concerning matters which are recognized by the
5 state of Washington chiropractic licensing laws; it shall be the
6 licensee's responsibility to determine whether the course content meets
7 these criteria;

8 (b) The board shall adopt standards for distribution of annual
9 continuing education credit requirements;

10 (c) Rules shall be adopted by the board for licensees practicing
11 and residing outside the state who shall meet all requirements
12 established by the board by rules and regulations.

13 (2) Every person practicing chiropractic within this state shall
14 pay on or before his or her birth anniversary date, after a license is
15 issued to him or her as herein provided, to said ((~~director~~)) secretary
16 a renewal license fee to be determined by the ((~~director~~)) secretary as
17 provided in RCW ((~~43.24.086~~)) 43.70.250. The ((~~director~~)) secretary
18 shall, thirty days or more before the birth anniversary date of each
19 chiropractor in the state, mail to that chiropractor a notice of the
20 fact that the renewal fee will be due on or before his or her birth
21 anniversary date. Nothing in this chapter shall be construed so as to
22 require that the receipts shall be recorded as original licenses are
23 required to be recorded.

24 The failure of any licensed chiropractor to pay his or her annual
25 license renewal fee within thirty days of license expiration shall work
26 a forfeiture of his or her license. It shall not be reinstated except
27 upon evidence that continuing educational requirements have been
28 fulfilled and the payment of a penalty to be determined by the
29 ((~~director~~)) secretary as provided in RCW ((~~43.24.086~~)) 43.70.250,
30 together with all annual license renewal fees delinquent at the time of

1 the forfeiture, and those for each year thereafter up to the time of
2 reinstatement. Should the licentiate allow his or her license to elapse
3 for more than three years, he or she may be reexamined as provided for
4 in RCW 18.25.040 at the discretion of the board.

5 **Sec. 41.** RCW 18.25.075 and 1989 c 258 s 14 are each amended to
6 read as follows:

7 (1) An individual may place his or her license on inactive status.
8 The holder of an inactive license shall not practice chiropractic in
9 this state without first activating the license.

10 (2) The inactive renewal fee shall be established by the
11 (~~director~~) secretary pursuant to RCW (~~43.24.086~~) 43.70.250. Failure
12 to renew an inactive license shall result in cancellation in the same
13 manner as an active license.

14 (3) An inactive license may be placed in an active status upon
15 compliance with the rules established by the board.

16 (4) The provisions relating to the denial, suspension, and
17 revocation of a license shall be applicable to an inactive license,
18 except that when proceedings to suspend or revoke an inactive license
19 have been initiated, the license shall remain inactive until the
20 proceedings have been completed.

21 **Sec. 42.** RCW 18.25.100 and 1919 c 5 s 16 are each amended to read
22 as follows:

23 It shall be the duty of the several prosecuting attorneys of this
24 state to prosecute all persons charged with the violation of any of the
25 provisions of this chapter. It shall be the duty of the (~~director of~~
26 ~~licensing~~) secretary to aid said attorneys of this state in the
27 enforcement of this chapter.

1 **Sec. 43.** RCW 18.26.020 and 1989 c 258 s 8 are each amended to read
2 as follows:

3 Terms used in this chapter shall have the meaning set forth in this
4 section unless the context clearly indicates otherwise:

5 (1) "Board" means the chiropractic disciplinary board;

6 (2) "License" means a certificate of license to practice
7 chiropractic in this state as provided for in chapter 18.25 RCW;

8 (3) "Members" means members of the chiropractic disciplinary board;

9 (4) "Department" means the department of (~~licensing~~) health;

10 (5) (~~"Director"~~) "Secretary" means the (~~director~~) secretary of
11 the department of (~~licensing~~) health or the (~~director's~~)
12 secretary's designee;

13 (6) "Chiropractor" means a person licensed under chapter 18.25 RCW.

14 **Sec. 44.** RCW 18.26.050 and 1979 c 158 s 21 are each amended to
15 read as follows:

16 Vacancies on the board shall be filled as provided for initially
17 for the position for which a vacancy exists. The vacancy shall be
18 filled within thirty days of the existence thereof and the (~~director~~
19 ~~of licensing~~) secretary shall be informed of the name and address of
20 the person named to fill the vacancy.

21 **Sec. 45.** RCW 18.26.070 and 1984 c 287 s 28 are each amended to
22 read as follows:

23 Members of the board may be compensated in accordance with RCW
24 43.03.240 and may be paid their travel expenses while engaged in the
25 business of the board in accordance with RCW 43.03.050 and 43.03.060,
26 with such reimbursement to be paid out of the general fund on vouchers
27 signed by the (~~director of licensing~~) secretary.

1 **Sec. 46.** RCW 18.29.021 and 1989 c 202 s 1 are each amended to read
2 as follows:

3 (1) The department shall issue a license to any applicant who, as
4 determined by the ~~((director))~~ secretary:

5 (a) Has successfully completed an educational program approved by
6 the ~~((director))~~ secretary. This educational program shall include
7 course work encompassing the subject areas within the scope of the
8 license to practice dental hygiene in the state of Washington;

9 (b) Has successfully completed an examination administered by the
10 dental hygiene examining committee; and

11 (c) Has not engaged in unprofessional conduct or is not unable to
12 practice with reasonable skill and safety as a result of a physical or
13 mental impairment.

14 (2) Applications for licensure shall be submitted on forms provided
15 by the department. The department may require any information and
16 documentation necessary to determine if the applicant meets the
17 criteria for licensure as provided in this chapter and chapter 18.130
18 RCW. Each applicant shall pay a fee determined by the ~~((director))~~
19 secretary as provided in RCW ~~((43.24.086))~~ 43.70.250. The fee shall be
20 submitted with the application.

21 **Sec. 47.** RCW 18.29.045 and 1989 c 202 s 29 are each amended to
22 read as follows:

23 An applicant holding a valid license and currently engaged in
24 practice in another state may be granted a license without examination
25 required by this chapter, on the payment of any required fees, if the
26 ~~((director))~~ secretary in consultation with the advisory committee
27 determines that the other state's licensing standards are substantively
28 equivalent to the standards in this state: PROVIDED, That the
29 ~~((director))~~ secretary in consultation with the advisory committee may

1 require the applicant to: (1) File with the ((~~director~~)) secretary
2 documentation certifying the applicant is licensed to practice in
3 another state; and (2) provide information as the ((~~director~~))
4 secretary deems necessary pertaining to the conditions and criteria of
5 the uniform disciplinary act, chapter 18.130 RCW and to demonstrate to
6 the ((~~director~~)) secretary a knowledge of Washington law pertaining to
7 the practice of dental hygiene.

8 **Sec. 48.** RCW 18.29.060 and 1989 c 202 s 12 are each amended to
9 read as follows:

10 Upon passing an examination and meeting the requirements as
11 provided in RCW 18.29.021, the ((~~director of licensing~~)) secretary of
12 health shall issue to the successful applicant a license as dental
13 hygienist. The license shall be displayed in a conspicuous place in
14 the operation room where such licensee shall practice.

15 **Sec. 49.** RCW 18.29.071 and 1989 c 202 s 2 are each amended to read
16 as follows:

17 The ((~~director~~)) secretary shall establish by rule the requirements
18 for renewal of licenses. The ((~~director~~)) secretary shall establish a
19 renewal and late renewal penalty fee as provided in RCW ((~~43.24.086~~))
20 43.70.250. Failure to renew invalidates the license and all privileges
21 granted by the license. The ((~~director~~)) secretary shall determine by
22 rule whether a license shall be canceled for failure to renew and shall
23 establish procedures and requirements for relicensure.

24 **Sec. 50.** RCW 18.29.100 and 1979 c 158 s 34 are each amended to
25 read as follows:

26 Any person who shall violate any provision of this chapter shall be
27 guilty of a misdemeanor. It shall be the duty of the prosecuting

1 attorney of each county to prosecute all cases involving a violation of
2 this chapter arising within his or her county. The attorney general
3 may assist in such prosecutions and shall appear at all hearings when
4 requested to do so by the (~~director of licensing~~) secretary of
5 health.

6 **Sec. 51.** RCW 18.29.110 and 1989 c 202 s 3 are each amended to read
7 as follows:

8 There shall be a dental hygiene examining committee consisting of
9 three practicing dental hygienists and one public member appointed by
10 the (~~director~~) secretary, to be known as the Washington dental
11 hygiene examining committee. Each dental hygiene member shall be
12 licensed and have been actively practicing dental hygiene for a period
13 of not less than five years immediately before appointment and shall
14 not be connected with any dental hygiene school. The public member
15 shall not be connected with any dental hygiene program or engaged in
16 any practice or business related to dental hygiene. Members of the
17 committee shall be appointed by the (~~director~~) secretary to prepare
18 and conduct examinations for dental hygiene licensure. Members shall
19 be appointed to serve for terms of three years from October 1 of the
20 year in which they are appointed. Terms of the members shall be
21 staggered. Each member shall hold office for the term of his or her
22 appointment and until his or her successor is appointed and qualified.
23 Any member of the committee may be removed by the (~~director~~)
24 secretary for neglect of duty, misconduct, malfeasance, or misfeasance
25 in office, after being given a written statement of the charges against
26 him or her and sufficient opportunity to be heard thereon. Members of
27 the committee shall be compensated in accordance with RCW 43.03.240 and
28 shall be reimbursed for travel expenses in accordance with RCW
29 43.03.050 and 43.03.060.

1 **Sec. 52.** RCW 18.29.120 and 1989 c 202 s 4 are each amended to read
2 as follows:

3 The (~~director~~) secretary in consultation with the Washington
4 dental hygiene examining committee shall:

5 (1) Adopt rules in accordance with chapter 34.05 RCW necessary to
6 prepare and conduct examinations for dental hygiene licensure;

7 (2) Require an applicant for licensure to pass an examination
8 consisting of written and practical tests upon such subjects and of
9 such scope as the committee determines;

10 (3) Set the standards for passage of the examination;

11 (4) Administer at least two examinations each calendar year in
12 conjunction with examinations for licensure of dentists under chapter
13 18.32 RCW. Additional examinations may be given as necessary; and

14 (5) Establish by rule the procedures for an appeal of an
15 examination failure.

16 **Sec. 53.** RCW 18.29.130 and 1989 c 202 s 5 are each amended to read
17 as follows:

18 In addition to any other authority provided by law, the
19 (~~director~~) secretary may:

20 (1) Adopt rules in accordance with chapter 34.05 RCW necessary to
21 implement this chapter;

22 (2) Establish forms necessary to administer this chapter;

23 (3) Issue a license to any applicant who has met the education and
24 examination requirements for licensure and deny a license to applicants
25 who do not meet the minimum qualifications for licensure. Proceedings
26 concerning the denial of licenses based on unprofessional conduct or
27 impaired practice shall be governed by the uniform disciplinary act,
28 chapter 18.130 RCW;

1 (4) Employ clerical, administrative, and investigative staff as
2 needed to implement and administer this chapter and hire individuals,
3 including those licensed under this chapter, to serve as examiners or
4 consultants as necessary to implement and administer this chapter;

5 (5) Maintain the official departmental record of all applicants and
6 licensees;

7 (6) Establish, by rule, the minimum education requirements for
8 licensure, including but not limited to approval of educational
9 programs; and

10 (7) Establish and implement by rule a continuing education program.

11 **Sec. 54.** RCW 18.29.140 and 1989 c 202 s 6 are each amended to read
12 as follows:

13 The ~~((director))~~ secretary shall establish by rule the standards
14 and procedures for approval of educational programs and may contract
15 with individuals or organizations having expertise in the profession or
16 in education to report to the ~~((director))~~ secretary information
17 necessary for the ~~((director))~~ secretary to evaluate the educational
18 programs. The ~~((director))~~ secretary may establish a fee for
19 educational program evaluation. The fee shall be set to defray the
20 administrative costs for evaluating the educational program, including,
21 but not limited to, costs for site evaluation.

22 **Sec. 55.** RCW 18.29.150 and 1989 c 202 s 7 are each amended to read
23 as follows:

24 (1) The ~~((director))~~ secretary shall establish the date and
25 location of the examination. Applicants who meet the education
26 requirements for licensure shall be scheduled for the next examination
27 following the filing of the application. The ~~((director))~~ secretary
28 shall establish by rule the examination application deadline.

1 (2) The examination shall contain subjects appropriate to the scope
2 of practice and on laws in the state of Washington regulating dental
3 hygiene practice.

4 (3) The committee shall establish by rule the requirements for a
5 reexamination if the applicant has failed the examination.

6 (4) The committee may approve an examination prepared or
7 administered by a private testing agency or association of licensing
8 authorities.

9 **Sec. 56.** RCW 18.29.160 and 1989 c 202 s 8 are each amended to read
10 as follows:

11 The (~~director~~) secretary, members of the committee, and
12 individuals acting on their behalf are immune from suit in any action,
13 civil or criminal, based on any acts performed in the course of their
14 duties.

15 **Sec. 57.** RCW 18.29.180 and 1989 c 202 s 10 are each amended to
16 read as follows:

17 The following practices, acts, and operations are excepted from the
18 operation of this chapter:

19 (1) The practice of dental hygiene in the discharge of official
20 duties by dental hygienists in the United States armed services, coast
21 guard, public health services, veterans' bureau, or bureau of Indian
22 affairs;

23 (2) Dental hygiene programs approved by the (~~director~~) secretary
24 and the practice of dental hygiene by students in dental hygiene
25 programs approved by the (~~director~~) secretary, when acting under the
26 direction and supervision of persons licensed under chapter 18.29 or
27 18.32 RCW acting as instructors.

1 **Sec. 58.** RCW 18.32.010 and 1935 c 112 s 1 are each amended to read
2 as follows:

3 Words used in the singular in this chapter may also be applied to
4 the plural of the persons and things; words importing the plural may be
5 applied to the singular; words importing the masculine gender may be
6 extended to females also; the term "board" used in this chapter shall
7 mean the Washington state board of dental examiners and the term
8 (~~"director"~~) "secretary" shall mean the (~~director of licensing~~)
9 secretary of health of the state of Washington.

10 **Sec. 59.** RCW 18.32.030 and 1989 c 202 s 13 are each amended to
11 read as follows:

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

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

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

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

1 (4) The practice of dentistry by licensed dentists of other states
2 or countries while appearing as clinicians at meetings of the
3 Washington state dental association, or component parts thereof, or at
4 meetings sanctioned by them, or other groups approved by the board of
5 dental examiners;

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

9 (6) The making, repairing, altering, or supplying of artificial
10 restorations, substitutions, appliances, or materials for the
11 correction of disease, loss, deformity, malposition, dislocation,
12 fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or
13 associated tissues or parts; providing the same are made, repaired,
14 altered, or supplied pursuant to the written instructions and order of
15 a licensed dentist which may be accompanied by casts, models, or
16 impressions furnished by the dentist, and the prescriptions shall be
17 retained and filed for a period of not less than three years and shall
18 be available to and subject to the examination of the ~~((director of~~
19 ~~licensing))~~ secretary or the ~~((director's))~~ secretary's authorized
20 representatives;

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

25 (8) A qualified and licensed physician and surgeon extracting teeth
26 or performing oral surgery pursuant to the scope of practice under
27 chapter 18.71 or 18.57 RCW;

28 (9) The performing of dental operations or services by persons not
29 licensed under this chapter when performed under the supervision of a
30 licensed dentist: PROVIDED HOWEVER, That such nonlicensed person shall

1 in no event perform the following dental operations or services unless
2 permitted to be performed by the person under this chapter or chapters
3 18.29, 18.57, 18.71, and 18.88 RCW:

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

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

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

12 (d) Any oral prophylaxis;

13 (e) The taking of any impressions of the teeth or jaw or the
14 relationships of the teeth or jaws, for the purpose of fabricating any
15 intra-oral restoration, appliance, or prosthesis.

16 **Sec. 60.** RCW 18.32.037 and 1989 c 202 s 15 are each amended to
17 read as follows:

18 The board shall designate one of its members as chairperson and one
19 as secretary, and it shall meet at least once in each year, and more
20 often if necessary, at the discretion of the (~~director~~) secretary or
21 board, and at such times and places as the (~~director~~) secretary or
22 the board deems proper. A majority of the members of the board
23 currently serving constitutes a quorum for the transaction of the
24 business of the board.

25 **Sec. 61.** RCW 18.32.040 and 1989 c 202 s 16 are each amended to
26 read as follows:

27 The board shall require that every applicant for a license to
28 practice dentistry shall:

1 (1) Present satisfactory evidence of graduation from a dental
2 college, school, or dental department of an institution approved by the
3 board;

4 (2) Submit, for the files of the board, a recent picture duly
5 identified and attested; and

6 (3) Pass an examination prepared or approved by and administered
7 under the direction of the board. The dentistry licensing examination
8 shall consist of practical and written tests upon such subjects and of
9 such scope as the board determines. The board may accept, in lieu of
10 all or part of a written examination, a certificate granted by a
11 national or regional testing organization approved by the board. The
12 board shall set the standards for passing the examination. The
13 (~~director of licensing~~) secretary shall keep on file the examination
14 papers and records of examination for at least one year. This file
15 shall be open for inspection by the applicant or the applicant's agent
16 unless the disclosure will compromise the examination process as
17 determined by the board or is exempted from disclosure under RCW
18 42.17.250 through 42.17.340.

19 **Sec. 62.** RCW 18.32.100 and 1989 c 202 s 18 are each amended to
20 read as follows:

21 The applicant for a dentistry license shall file an application on
22 a form furnished by the (~~director~~) secretary, stating the applicant's
23 name, age, place of residence, the name of the school or schools
24 attended by the applicant, the period of such attendance, the date of
25 the applicant's graduation, whether the applicant has ever been the
26 subject of any disciplinary action related to the practice of
27 dentistry, and shall include a statement of all of the applicant's
28 dental activities. This shall include any other information deemed
29 necessary by the board.

1 The application shall be signed by the applicant and sworn to by
2 the applicant before some person authorized to administer oaths, and
3 shall be accompanied by proof of the applicant's school attendance and
4 graduation.

5 **Sec. 63.** RCW 18.32.110 and 1989 c 202 s 19 are each amended to
6 read as follows:

7 ((~~Except as otherwise provided in RCW 18.32.210,~~) Each applicant
8 shall pay a fee determined by the ((~~director~~)) secretary as provided in
9 RCW ((~~43.24.086~~)) 43.70.250, which shall accompany the application.

10 **Sec. 64.** RCW 18.32.120 and 1989 c 202 s 20 are each amended to
11 read as follows:

12 When the application and the accompanying proof are found
13 satisfactory, the ((~~director~~)) secretary shall notify the applicant to
14 appear before the board at a time and place to be fixed by the board.

15 The examination papers, and all grading thereon, and the grading of
16 the practical work, shall be preserved for a period of not less than
17 one year after the board has made and published its decisions thereon.
18 All examinations shall be conducted by the board under fair and wholly
19 impartial methods.

20 Any applicant who fails to make the required grade by his or her
21 fourth examination may be reexamined only under rules adopted by the
22 board.

23 Applicants for examination or reexamination shall pay a fee as
24 determined by the ((~~director~~)) secretary as provided in RCW
25 ((~~43.24.086~~)) 43.70.250.

26 **Sec. 65.** RCW 18.32.160 and 1989 c 202 s 21 are each amended to
27 read as follows:

1 All licenses issued by the ((director)) secretary on behalf of the
2 board shall be signed by the ((director)) secretary or chairperson and
3 secretary of the board.

4 **Sec. 66.** RCW 18.32.170 and 1985 c 7 s 25 are each amended to read
5 as follows:

6 A fee determined by the ((director)) secretary as provided in RCW
7 ((43.24.086)) 43.70.250 shall be charged for every duplicate license
8 issued by the ((director)) secretary.

9 **Sec. 67.** RCW 18.32.180 and 1989 c 202 s 22 are each amended to
10 read as follows:

11 (1) Every person licensed to practice dentistry in this state shall
12 register with the ((director of licensing)) secretary, and pay a
13 renewal registration fee determined by the ((director)) secretary as
14 provided in RCW ((43.24.086)) 43.70.250. Any failure to register and
15 pay the renewal registration fee renders the license invalid, and the
16 practice of dentistry shall not be permitted. The license shall be
17 reinstated upon written application to the ((director)) secretary and
18 payment to the state of a penalty fee determined by the ((director))
19 secretary as provided in RCW ((43.24.086)) 43.70.250, together with all
20 delinquent license renewal fees.

21 (2) A person who fails to renew the license for a period of three
22 years may not renew the license under subsection (1) of this section.
23 In order to obtain a license to practice dentistry in this state, such
24 a person shall file an original application as provided for in this
25 chapter, along with the requisite fees. The board, in its sole
26 discretion, may permit the applicant to be licensed without
27 examination, and with or without conditions, if it is satisfied that

1 the applicant meets all the requirements for licensure in this state
2 and is competent to engage in the practice of dentistry.

3 **Sec. 68.** RCW 18.32.190 and 1981 c 277 s 7 are each amended to read
4 as follows:

5 Every person who engages in the practice of dentistry in this state
6 shall cause his or her license to be, at all times, displayed in a
7 conspicuous place, in his or her office wherein he or she shall
8 practice such profession, and shall further, whenever requested,
9 exhibit such license to any of the members of said board, or its
10 authorized agent, and to the ~~((director))~~ secretary or his or her
11 authorized agent. Every licensee shall notify the ~~((director))~~
12 secretary of the address or addresses, and of every change thereof,
13 where the licensee shall engage in the practice of dentistry.

14 **Sec. 69.** RCW 18.32.195 and 1985 c 111 s 1 are each amended to read
15 as follows:

16 The board may, without examination, issue a license to persons who
17 possess the qualifications set forth in this section.

18 (1) The board may, upon written request of the dean of the school
19 of dentistry of the University of Washington, issue a license to
20 practice dentistry in this state to persons who have been licensed or
21 otherwise authorized to practice dentistry in another state or country
22 and who have been accepted for employment by the school of dentistry as
23 full-time faculty members. For purposes of this section, this means
24 teaching members of the faculty of the school of dentistry of the
25 University of Washington who are so employed on a one hundred percent
26 of work time basis. Such license shall permit the holder thereof to
27 practice dentistry within the confines of the university facilities for
28 a period of one year while he or she is so employed as a full-time

1 faculty member by the school of dentistry of the University of
2 Washington. It shall terminate whenever the holder ceases to be such
3 a full-time faculty member. Such license shall permit the holder
4 thereof to practice dentistry only in connection with his or her duties
5 in employment with the school of dentistry of the University of
6 Washington. This limitation shall be stated on the license.

7 (2) The board may condition the granting of such license with terms
8 the board deems appropriate. All persons licensed under this section
9 shall be subject to the jurisdiction of the dental disciplinary board
10 to the same extent as other members of the dental profession, in
11 accordance with this chapter, and in addition the licensee may be
12 disciplined by the dental disciplinary board after a hearing has been
13 held in accordance with the provisions set forth in this chapter, and
14 determination by the dental disciplinary board that such licensee has
15 violated any of the restrictions set forth in this section.

16 (3) Persons applying for licensure pursuant to this section shall
17 pay the application fee determined by the (~~director~~) secretary and,
18 in the event the license applied for is issued, a license fee at the
19 rate provided for licenses generally. After review by the board of
20 dental examiners, licenses issued under this section may be renewed
21 annually if the licensee continues to be employed as a full-time
22 faculty member of the school of dentistry of the University of
23 Washington and otherwise meets the requirements of the provisions and
24 conditions deemed appropriate by the board of dental examiners. Any
25 person who obtains a license pursuant to this section may, without an
26 additional application fee, apply for licensure under this chapter, in
27 which case the applicant shall be subject to examination and the other
28 requirements of this chapter.

1 **Sec. 70.** RCW 18.32.220 and 1989 c 202 s 23 are each amended to
2 read as follows:

3 Anyone who is a licensed dentist in the state of Washington who
4 desires to change residence to another state or territory, shall, upon
5 application to the ~~((director))~~ secretary and payment of a fee as
6 determined by the ~~((director))~~ secretary under RCW ~~((43.24.086))~~
7 43.70.250, receive a certificate over the signature of the ~~((director))~~
8 secretary or ~~((the director's))~~ his or her designee, which shall attest
9 to the facts mentioned in this section, and giving the date upon which
10 the dentist was licensed.

11 **Sec. 71.** RCW 18.32.520 and 1989 c 202 s 25 are each amended to
12 read as follows:

13 Unless the context clearly requires otherwise, the definitions
14 contained in this section shall apply throughout RCW 18.32.510 through
15 18.32.755.

16 (1) "Board" means the dental disciplinary board created in RCW
17 18.32.560.

18 (2) "License" means a certificate or license to practice dentistry
19 in this state as provided for in this chapter.

20 (3) "Member" means member of the dental disciplinary board.

21 (4) "Secretary" means the secretary of the dental disciplinary
22 board.

23 (5) ~~(("Director" means the director of licensing))~~ "Secretary of
24 health" means the secretary of the department of health of the state of
25 Washington.

26 (6) "To practice dentistry" means to engage in the practice of
27 dentistry as defined in RCW 18.32.020.

1 **Sec. 72.** RCW 18.32.534 and 1989 c 125 s 1 are each amended to read
2 as follows:

3 (1) To implement an impaired dentist program as authorized by RCW
4 18.130.175, the dental disciplinary board shall enter into a contract
5 with a voluntary substance abuse monitoring program. The impaired
6 dentist program may include any or all of the following:

7 (a) Contracting with providers of treatment programs;

8 (b) Receiving and evaluating reports of suspected impairment from
9 any source;

10 (c) Intervening in cases of verified impairment;

11 (d) Referring impaired dentists to treatment programs;

12 (e) Monitoring the treatment and rehabilitation of impaired
13 dentists including those ordered by the board;

14 (f) Providing education, prevention of impairment, posttreatment
15 monitoring, and support of rehabilitated impaired dentists; and

16 (g) Performing other related activities as determined by the board.

17 (2) A contract entered into under subsection (1) of this section
18 shall be financed by a surcharge of up to fifteen dollars on each
19 license issuance or renewal to be collected by the department of
20 (~~licensing~~) health from every dentist licensed under chapter 18.32
21 RCW. These moneys shall be placed in the health professions account to
22 be used solely for the implementation of the impaired dentist program.

23 **Sec. 73.** RCW 18.32.745 and 1977 ex.s. c 5 s 31 are each amended to
24 read as follows:

25 No manager, proprietor, partnership, or association owning,
26 operating, or controlling any room, office, or dental parlors, where
27 dental work is done, provided, or contracted for, shall employ or
28 retain any unlicensed person or dentist as an operator; nor shall fail,
29 within ten days after demand made by the (~~director~~) secretary of

1 health, the state board of dental examiners, or the dental disciplinary
2 board in writing sent by certified mail, addressed to any such manager,
3 proprietor, partnership, or association at said room, office, or dental
4 parlor, to furnish the (~~director~~) secretary of health, the state
5 board of dental examiners, or the dental disciplinary board with the
6 names and addresses of all persons practicing or assisting in the
7 practice of dentistry in his or her place of business or under his or
8 her control, together with a sworn statement showing by what license or
9 authority said persons are practicing dentistry.

10 The sworn statement shall not be used as evidence in any subsequent
11 court proceedings, except in a prosecution for perjury connected with
12 its execution.

13 Any violation of the provisions of this section shall constitute
14 improper, unprofessional, and dishonorable conduct; it shall also
15 constitute grounds for injunction proceedings as provided by this
16 chapter and in addition shall constitute a gross misdemeanor, except
17 that the failure to furnish the information as may be requested in
18 accordance with this section shall constitute a misdemeanor.

19 **Sec. 74.** RCW 18.34.020 and 1979 c 158 s 37 are each amended to
20 read as follows:

21 The term (~~"director"~~) "secretary" wherever used in this chapter
22 shall mean the (~~director of licensing~~) secretary of health of the
23 state of Washington. The term "apprentice" wherever used in this
24 chapter shall mean a person who shall be designated an apprentice in
25 the records of the (~~director~~) secretary at the request of a
26 physician, registered optometrist or licensee hereunder, and who shall
27 thereafter receive from such physician, registered optometrist or
28 licensee hereunder training and direct supervision in the work of a
29 dispensing optician.

1 **Sec. 75.** RCW 18.34.030 and 1957 c 43 s 3 are each amended to read
2 as follows:

3 No licensee hereunder may have more than two apprentices in
4 training at one time: PROVIDED, That the licensee shall be responsible
5 for the acts of his or her apprentices in the performance of their work
6 in the apprenticeship program: PROVIDED FURTHER, That apprentices
7 shall complete their apprenticeship in six years and shall not work
8 longer as an apprentice unless the ((director)) secretary determines,
9 after a hearing, that the apprentice was prevented by causes beyond his
10 or her control from completing his or her apprenticeship and becoming
11 a licensee hereunder in six years.

12 **Sec. 76.** RCW 18.34.070 and 1985 c 7 s 29 are each amended to read
13 as follows:

14 Any applicant for a license shall be examined if he or she pays an
15 examination fee determined by the ((director)) secretary as provided in
16 RCW ((43.24.086)) 43.70.250 and certifies under oath that he or she:

- 17 (1) ((He)) Is eighteen years or more of age; and
- 18 (2) ((He)) Has graduated from an accredited high school; and
- 19 (3) ((He)) Is a citizen of the United States or has declared his or
20 her intention of becoming such citizen in accordance with law; and
- 21 (4) ((He)) Is of good moral character; and
- 22 (5) ((He)) Has either:
 - 23 (a) Had at least three years of apprenticeship training; or
 - 24 (b) Successfully completed a prescribed course in opticianry in a
25 college or university approved by the ((director)) secretary; or
 - 26 (c) Been principally engaged in practicing as a dispensing optician
27 not in the state of Washington for five years.

1 **Sec. 77.** RCW 18.34.080 and 1957 c 43 s 8 are each amended to read
2 as follows:

3 The examination shall determine whether the applicant has a
4 thorough knowledge of the principles governing the practice of a
5 dispensing optician which is hereby declared necessary for the
6 protection of the public health. The ~~((director))~~ secretary shall
7 license successful examinees and the license shall be conspicuously
8 displayed in the place of business of the licensee.

9 **Sec. 78.** RCW 18.34.110 and 1957 c 43 s 11 are each amended to read
10 as follows:

11 The ~~((director))~~ secretary shall issue a license without
12 examination to any person who makes application therefor within six
13 months after ~~((the effective date of this chapter))~~ June 12, 1957, pays
14 a fee of fifty dollars and certifies under oath that he or she is of
15 good moral character and has been actually and principally engaged in
16 the practice of a dispensing optician in the state of Washington for a
17 period of not less than six months immediately preceding ~~((the~~
18 ~~effective date of this chapter))~~ June 12, 1957.

19 **Sec. 79.** RCW 18.34.120 and 1984 c 279 s 52 are each amended to
20 read as follows:

21 Each licensee hereunder shall pay an annual renewal registration
22 fee determined by the ~~((director))~~ secretary as provided in RCW
23 ~~((43.24.086))~~ 43.70.250, on or before the first day of July of each
24 year, and thereupon the license of such person shall be renewed for a
25 period of one year. Any failure to pay the annual renewal registration
26 fee shall render the license invalid, but such license shall be
27 reinstated upon written application therefor to the ~~((director))~~
28 secretary and payment of a penalty determined by the ~~((director))~~

1 secretary as provided in RCW (~~(43.24.086)~~) 43.70.250, together with all
2 delinquent annual license renewal fees. In addition, the (~~(director of~~
3 ~~licensing)~~) secretary may adopt rules establishing mandatory continuing
4 education requirements to be met by persons applying for license
5 renewal.

6 **Sec. 80.** RCW 18.35.010 and 1983 c 39 s 1 are each amended to read
7 as follows:

8 As used in this chapter, unless the context requires otherwise:

9 (1) "Department" means the department of (~~(licensing)~~) health.

10 (2) "Council" means the council on hearing aids.

11 (3) "Hearing aid" means any wearable prosthetic instrument or
12 device designed for or represented as aiding, improving, compensating
13 for, or correcting defective human hearing and any parts, attachments,
14 or accessories of such an instrument or device, excluding batteries and
15 cords and ear molds.

16 (4) "Fitting and dispensing of hearing aids" means the sale, lease,
17 or rental or attempted sale, lease, or rental of hearing aids together
18 with the selection and adaptation of hearing aids and the use of those
19 tests and procedures essential to the performance of these functions.
20 It includes the taking of impressions for ear molds for these purposes.

21 (5) (~~("Director" means the director of licensing)~~) "Secretary"
22 means the secretary of health.

23 (6) "Establishment" means any facility engaged in the fitting and
24 dispensing of hearing aids.

25 **Sec. 81.** RCW 18.35.040 and 1989 c 198 s 2 are each amended to read
26 as follows:

27 An applicant for license shall be at least eighteen years of age
28 and shall pay a fee determined by the (~~(director)~~) secretary as

1 provided in RCW ((43.24.086)) 43.70.250. An applicant shall not be
2 issued a license under the provisions of this chapter unless the
3 applicant:

4 (1) Satisfactorily completes the examination required by this
5 chapter; or

6 (2) Holds a current, unsuspended, unrevoked license or certificate
7 from a state or jurisdiction with which the department has entered into
8 a reciprocal agreement, and shows evidence satisfactory to the
9 department that the applicant is licensed in good standing in the other
10 jurisdiction.

11 **Sec. 82.** RCW 18.35.060 and 1985 c 7 s 31 are each amended to read
12 as follows:

13 (1) The department shall issue a trainee license to any applicant
14 who has shown to the satisfaction of the department that:

15 (a) The applicant is at least eighteen years of age;

16 (b) If issued a trainee license, would be employed and directly
17 supervised in the fitting and dispensing of hearing aids by a person
18 licensed in good standing as a fitter-dispenser for at least one year
19 unless otherwise approved by the council; and

20 (c) Has paid an application fee determined by the ((director))
21 secretary as provided in RCW ((43.24.086)) 43.70.250, to the
22 department.

23 The provisions of RCW 18.35.030, 18.35.110, and 18.35.120 shall apply
24 to any person issued a trainee license. Pursuant to the provisions of
25 this section, a person issued a trainee license may engage in the
26 fitting and dispensing of hearing aids without having first passed the
27 examination provided under this chapter.

28 (2) The trainee license shall contain the name of the person
29 licensed under this chapter who is employing and supervising the

1 trainee and that person shall execute an acknowledgment of
2 responsibility for all acts of the trainee in connection with the
3 fitting and dispensing of hearing aids.

4 (3) A trainee may fit and dispense hearing aids, but only if the
5 trainee is under the direct supervision of a person licensed under this
6 chapter in a capacity other than as a trainee. Direct supervision by a
7 licensed fitter-dispenser shall be required whenever the trainee is
8 engaged in the fitting or dispensing of hearing aids during the
9 trainee's first three months of full-time employment. The council
10 shall develop and adopt guidelines on any additional supervision or
11 training it deems necessary.

12 (4) The trainee license shall expire one year from the date of its
13 issuance except that on recommendation of the council the license may
14 be reissued for one additional year only.

15 (5) No person licensed under this chapter may assume the
16 responsibility for more than two trainees at any one time, except that
17 the department may approve one additional trainee if none of the
18 trainees is within the initial ninety-day period of direct supervision
19 and the licensee demonstrates to the department's satisfaction that
20 adequate supervision will be provided for all trainees.

21 **Sec. 83.** RCW 18.35.080 and 1989 c 198 s 4 are each amended to read
22 as follows:

23 The department shall license each applicant, without
24 discrimination, who satisfactorily completes the required examination
25 and, upon payment of a fee determined by the (~~director~~) secretary as
26 provided in RCW (~~43.24.086~~) 43.70.250 to the department, shall issue
27 to the applicant a license. If a person does not apply for a license
28 within three years of the successful completion of the license
29 examination, reexamination is required for licensure. The license

1 shall be effective until the licensee's next birthday at which time it
2 is subject to renewal. Subsequent renewal dates shall coincide with
3 the licensee's birthday.

4 **Sec. 84.** RCW 18.35.090 and 1989 c 198 s 5 are each amended to read
5 as follows:

6 Each person who engages in the fitting and dispensing of hearing
7 aids shall as the department prescribes by rule, pay to the department
8 a fee established by the (~~director~~) secretary under RCW (~~43.24.086~~)
9 43.70.250 for a renewal of the license and shall keep the license
10 conspicuously posted in the place of business at all times. Any person
11 who fails to renew his or her license prior to the expiration date must
12 pay a penalty fee in addition to the renewal fee and satisfy the
13 requirements that may be set forth by rule promulgated by the
14 (~~director~~) secretary for reinstatement. The (~~director~~) secretary
15 may by rule establish mandatory continuing education requirements
16 and/or continued competency standards to be met by licensees as a
17 condition for license renewal.

18 **Sec. 85.** RCW 18.35.240 and 1989 c 198 s 10 are each amended to
19 read as follows:

20 (1) Every establishment engaged in the fitting and dispensing of
21 hearing aids shall file with the department a surety bond in the sum of
22 ten thousand dollars, running to the state of Washington, for the
23 benefit of any person injured or damaged as a result of any violation
24 by the establishment's employees or agents of any of the provisions of
25 this chapter or rules adopted by the (~~director~~) secretary.

26 (2) In lieu of the surety bond required by this section, the
27 establishment may file with the department a cash deposit or other
28 negotiable security acceptable to the department. All obligations and

1 remedies relating to surety bonds shall apply to deposits and security
2 filed in lieu of surety bonds.

3 (3) If a cash deposit is filed, the department shall deposit the
4 funds with the state treasurer. The cash or other negotiable security
5 deposited with the department shall be returned to the depositor one
6 year after the establishment has discontinued the fitting and
7 dispensing of hearing aids if no legal action has been instituted
8 against the establishment, its agents or employees, or the cash deposit
9 or other security. The establishment owners shall notify the
10 department if the establishment is sold or has discontinued the fitting
11 and dispensing of hearing aids in order that the cash deposit or other
12 security may be released at the end of one year from that date.

13 (4) A surety may file with the department notice of withdrawal of
14 the bond of the establishment. Upon filing a new bond, or upon the
15 expiration of sixty days after the filing of notice of withdrawal by
16 the surety, the liability of the former surety for all future acts of
17 the establishment terminates.

18 (5) Upon the filing with the department notice by a surety of
19 withdrawal of the surety on the bond of an establishment or upon the
20 cancellation by the department of the bond of a surety under this
21 section, the department shall immediately give notice to the
22 establishment by certified or registered mail with return receipt
23 requested addressed to the establishment's last place of business as
24 filed with the department.

25 (6) The department shall immediately cancel the bond given by a
26 surety company upon being advised that the surety company's license to
27 transact business in this state has been revoked.

28 **Sec. 86.** RCW 18.35.250 and 1989 c 198 s 11 are each amended to
29 read as follows:

1 (1) In addition to any other legal remedies, an action may be
2 brought in any court of competent jurisdiction upon the bond, cash
3 deposit, or security in lieu of a surety bond required by this chapter,
4 by any person having a claim against a licensee, agent, or
5 establishment for any violation of this chapter or any rule adopted
6 under this chapter. The aggregate liability of the surety to all
7 claimants shall in no event exceed the sum of the bond. Claims shall
8 be satisfied in the order of judgment rendered.

9 (2) An action upon the bond shall be commenced by serving and
10 filing the complaint within one year from the date of the cancellation
11 of the bond. An action upon a cash deposit or other security shall be
12 commenced by serving and filing the complaint within one year from the
13 date of notification to the department of the change in ownership of
14 the establishment or the discontinuation of the fitting and dispensing
15 of hearing aids by that establishment. Two copies of the complaint
16 shall be served by registered or certified mail, return receipt
17 requested, upon the department at the time the suit is started. The
18 service constitutes service on the surety. The ~~((director))~~ secretary
19 shall transmit one copy of the complaint to the surety within five
20 business days after the copy has been received.

21 (3) The ~~((director))~~ secretary shall maintain a record, available
22 for public inspection, of all suits commenced under this chapter under
23 surety bonds, or the cash or other security deposited in lieu of the
24 surety bond. In the event that any final judgment impairs the
25 liability of the surety upon a bond so furnished or the amount of the
26 deposit so that there is not in effect a bond undertaking or deposit in
27 the full amount prescribed in this section, the department shall
28 suspend the license until the bond undertaking or deposit in the
29 required amount, unimpaired by unsatisfied judgment claims, has been
30 furnished.

1 (4) If a judgment is entered against the deposit or security
2 required under this chapter, the department shall, upon receipt of a
3 certified copy of a final judgment, pay the judgment from the amount of
4 the deposit or security.

5 **Sec. 87.** RCW 18.36A.020 and 1987 c 447 s 4 are each amended to
6 read as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

9 (1) "Department" means the department of (~~licensing~~) health.

10 (2) (~~"Director" means the director of licensing or the director's~~
11 ~~designee~~) "Secretary" means the secretary of health or the secretary's
12 designee.

13 (3) "Naturopath" means an individual licensed under this chapter.

14 (4) "Committee" means the Washington state naturopathic practice
15 advisory committee.

16 (5) "Educational program" means a program preparing persons for the
17 practice of naturopathy.

18 (6) "Nutrition and food science" means the prevention and treatment
19 of disease or other human conditions through the use of foods, water,
20 herbs, roots, bark, or natural food elements.

21 (7) "Manual manipulation" or "mechanotherapy" means manipulation of
22 a part or the whole of the body by hand or by mechanical means.

23 (8) "Physical modalities" means use of physical, chemical,
24 electrical, and other noninvasive modalities including, but not limited
25 to heat, cold, air, light, water in any of its forms, sound, massage,
26 and therapeutic exercise.

27 (9) "Homeopathy" means a system of medicine based on the use of
28 infinitesimal doses of medicines capable of producing symptoms similar

1 to those of the disease treated, as listed in the homeopathic
2 pharmacopeia of the United States.

3 (10) "Medicines of mineral, animal, and botanical origin" means
4 medicines derived from animal organs, tissues, and oils, minerals, and
5 plants administered orally and topically, excluding legend drugs with
6 the following exceptions: Vitamins, minerals, whole gland thyroid, and
7 substances as exemplified in traditional botanical and herbal
8 pharmacopoeia, and nondrug contraceptive devices excluding interuterine
9 devices. The use of intermuscular injections are limited to vitamin B-
10 12 preparations and combinations when clinical and/or laboratory
11 evaluation has indicated vitamin B-12 deficiency. The use of controlled
12 substances is prohibited.

13 (11) "Hygiene and immunization" means the use of such preventative
14 techniques as personal hygiene, asepsis, public health, and
15 immunizations, to the extent allowed by rule (~~and regulation~~).

16 (12) "Minor office procedures" means care incident thereto of
17 superficial lacerations and abrasions, and the removal of foreign
18 bodies located in superficial structures, not to include the eye; and
19 the use of antiseptics and topical local anesthetics in connection
20 therewith.

21 (13) "Common diagnostic procedures" means the use of venipuncture
22 to withdraw blood, commonly used diagnostic modalities consistent with
23 naturopathic practice, health history taking, physical examination,
24 radiography, examination of body orifices excluding endoscopy, and
25 laboratory medicine which obtains samples of human tissue products,
26 including superficial scrapings but excluding procedures which would
27 require surgical incision.

28 (14) "Suggestion" means techniques including but not limited to
29 counseling, biofeedback, and hypnosis.

1 (15) "Radiography" means the ordering but not the interpretation of
2 radiographic diagnostic studies and the taking and interpretation of
3 standard radiographs.

4 **Sec. 88.** RCW 18.36A.030 and 1987 c 447 s 2 are each amended to
5 read as follows:

6 (1) No person may practice naturopathy or represent himself or
7 herself as a naturopath without first applying for and receiving a
8 license from the (~~director~~) secretary to practice naturopathy.

9 (2) A person represents himself or herself as a naturopath when
10 that person adopts or uses any title or any description of services
11 that incorporates one or more of the following terms or designations:
12 Naturopath or doctor of naturopathic medicine.

13 **Sec. 89.** RCW 18.36A.040 and 1988 c 246 s 1 are each amended to
14 read as follows:

15 Naturopathic medicine or naturopathy is the practice by naturopaths
16 of the art and science of the diagnosis, prevention, and treatment of
17 disorders of the body by stimulation or support, or both, of the
18 natural processes of the human body. A naturopath(~~s~~) is responsible
19 and accountable to the consumer for the quality of naturopathic care
20 rendered.

21 The practice of naturopathy includes manual manipulation
22 (mechanotherapy), the prescription, administration, dispensing, and
23 use, except for the treatment of malignancies or neoplastic disease, of
24 nutrition and food science, physical modalities, homeopathy, certain
25 medicines of mineral, animal, and botanical origin, hygiene and
26 immunization, common diagnostic procedures, and suggestion; however,
27 nothing in this chapter shall prohibit consultation and treatment of a
28 patient in concert with a practitioner licensed under chapter 18.57 or

1 18.71 RCW. No person licensed under this chapter may employ the term
2 "chiropractic" to describe any services provided by a naturopath under
3 this chapter.

4 ~~((The state health coordinating council shall study and make
5 recommendations on the qualifications of naturopaths in practicing
6 manual manipulation (mechanotherapy), including the minimum educational
7 standards comparable to the educational requirements of other health
8 professions, and verification of qualifications by examination of
9 applicants for naturopathic licensure. The report shall be presented to
10 the legislature by January 1, 1989.))~~

11 **Sec. 90.** RCW 18.36A.050 and 1987 c 447 s 5 are each amended to
12 read as follows:

13 Nothing in this chapter shall be construed to prohibit or restrict:

14 (1) The practice of a profession by individuals who are licensed,
15 certified, or registered under other laws of this state who are
16 performing services within
17 their authorized scope of practice;

18 (2) The practice of naturopathic medicine by an individual employed
19 by the government of the United States while the individual is engaged
20 in the performance of duties prescribed for him or her by the laws and
21 regulations of the United States;

22 (3) The practice of naturopathic medicine by students enrolled in
23 a school approved by the ~~((director))~~ secretary. The performance of
24 services shall be pursuant to a course of instruction or assignments
25 from an instructor and under the supervision of the instructor. The
26 instructor shall be a naturopath licensed pursuant to this chapter; or

27 (4) The practice of oriental medicine or oriental herbology, or the
28 rendering of other dietary or nutritional advice.

1 **Sec. 91.** RCW 18.36A.060 and 1987 c 447 s 6 are each amended to
2 read as follows:

3 (1) In addition to any other authority provided by law, the
4 (~~director~~) secretary may:

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

7 (b) Set all license, examination, and renewal fees in accordance
8 with RCW (~~43.24.086~~) 43.70.250;

9 (c) Establish forms and procedures necessary to administer this
10 chapter;

11 (d) Determine the minimum education and experience requirements for
12 licensure in conformance with RCW 18.36A.090, including but not limited
13 to approval of educational programs;

14 (e) Prepare and administer or approve the preparation and
15 administration of examinations for licensure;

16 (f) Issue a license to any applicant who has met the education,
17 training, and examination requirements for licensure and deny a license
18 to applicants who do not meet the minimum qualifications for licensure;
19 except that denial of licenses based on unprofessional conduct or
20 impaired practice shall be governed by the uniform disciplinary act,
21 chapter 18.130 RCW;

22 (g) Hire clerical, administrative, and investigative staff as
23 needed to implement and administer this chapter and to hire
24 individuals, including those licensed under this chapter, to serve as
25 examiners or consultants as necessary to implement and administer this
26 chapter;

27 (h) Maintain the official department record of all applicants and
28 licensees;

29 (i) Determine whether alternative methods of training are
30 equivalent to formal education, and establish forms, procedures, and

1 criteria for evaluation of an applicant's equivalent alternative
2 training to determine the applicant's eligibility to take the
3 examination;

4 (j) Establish by rule the procedures for an appeal of examination
5 failure;

6 (k) Conduct a hearing on an appeal of a denial of a license based
7 on the applicant's failure to meet the minimum qualifications for
8 licensure. The hearing shall be conducted pursuant to chapter 34.05
9 RCW; and

10 (l) Adopt rules implementing a continuing competency program.

11 (2) The uniform disciplinary act, chapter 18.130 RCW, governs
12 unlicensed practice, the issuance and denial of licenses and the
13 discipline of licensees under this chapter. The ~~((director))~~ secretary
14 shall be the disciplining authority under this chapter.

15 **Sec. 92.** RCW 18.36A.070 and 1987 c 447 s 7 are each amended to
16 read as follows:

17 (1) There is hereby created the Washington state naturopathic
18 advisory committee consisting of five members appointed by the
19 ~~((director))~~ secretary who shall advise the ~~((director))~~ secretary
20 concerning the administration of this chapter. Three members of the
21 initial committee shall be persons who would qualify for licensing
22 under this chapter. Their successors shall be naturopaths who are
23 licensed under this chapter. Two members of the committee shall be
24 individuals who are unaffiliated with the profession. For the initial
25 committee, one unaffiliated member and one naturopath shall serve four-
26 year terms, one unaffiliated member and one naturopath shall serve
27 three-year terms, and one naturopath shall serve a two-year term. The
28 term of office for committee members after the initial committee is
29 four years. Any committee member may be removed for just cause

1 including a finding of fact of unprofessional conduct, impaired
2 practice, or more than three unexcused absences. The ((director))
3 secretary may appoint a new member to fill any vacancy on the committee
4 for the remainder of the unexpired term.

5 No committee member may serve more than two consecutive terms,
6 whether full or partial.

7 (2) Committee members shall be compensated in accordance with RCW
8 43.03.240 and reimbursed for travel expenses in accordance with RCW
9 43.03.050 and 43.03.060.

10 (3) The committee may elect annually a chair and vice-chair to
11 direct the meetings of the committee. The committee shall meet at
12 least once each year, and may hold additional meetings as called by the
13 ((director)) secretary or the chair.

14 **Sec. 93.** RCW 18.36A.080 and 1987 c 447 s 8 are each amended to
15 read as follows:

16 The ((director)) secretary, members of the committee, or
17 individuals acting on their behalf, are immune from suit in any civil
18 action based on any act performed in the course of their duties.

19 **Sec. 94.** RCW 18.36A.090 and 1987 c 447 s 9 are each amended to
20 read as follows:

21 The department shall issue a license to any applicant who meets the
22 following requirements:

23 (1) Successful completion of an educational program approved by the
24 ((director)) secretary, the minimum standard of which shall be the
25 successful completion of a doctorate degree program in naturopathy
26 which includes a minimum of two hundred post-graduate hours in the
27 study of mechanotherapy from an approved educational program, or
28 successful completion of equivalent alternate training that meets the

1 criteria established by the ((~~director~~)) secretary. The requirement
2 for two hundred post-graduate hours in the study of mechanotherapy
3 shall expire June 30, 1989;

4 (2) Successful completion of any equivalent experience requirement
5 established by the ((~~director~~)) secretary;

6 (3) Successful completion of an examination administered or
7 approved by the ((~~director~~)) secretary;

8 (4) Good moral character; and

9 (5) Not having engaged in unprofessional conduct or being unable to
10 practice with reasonable skill and safety as a result of a physical or
11 mental impairment.

12 The ((~~director~~)) secretary shall establish what constitutes
13 adequate proof of meeting the above requirements. Any person holding
14 a valid license to practice drugless therapeutics under chapter 18.36
15 RCW upon January 1, 1988, shall be deemed licensed pursuant to this
16 chapter.

17 **Sec. 95.** RCW 18.36A.100 and 1987 c 447 s 10 are each amended to
18 read as follows:

19 The ((~~director~~)) secretary shall establish by rule the standards
20 for approval of educational programs and alternate training and may
21 contract with individuals or organizations having expertise in the
22 profession and/or in education to report to the ((~~director~~)) secretary
23 the information necessary for the ((~~director~~)) secretary to evaluate
24 the educational programs. The standards for approval shall be based on
25 the minimal competencies necessary for safe practice. The standards
26 and procedures for approval shall apply equally to educational programs
27 and equivalent alternate training within the United States and those in
28 foreign jurisdictions. The ((~~director~~)) secretary may establish a fee
29 for educational program evaluation. The fee shall be determined by the

1 administrative costs for the educational program evaluation, including,
2 but not limited to, costs for site evaluation.

3 **Sec. 96.** RCW 18.36A.110 and 1987 c 447 s 11 are each amended to
4 read as follows:

5 (1) The date and location of the examination shall be established
6 by the ((~~director~~)) secretary. Applicants who have been found to meet
7 the education and experience requirements for licensure shall be
8 scheduled for the next examination following the filing of the
9 application. The ((~~director~~)) secretary shall establish by rule the
10 examination application deadline.

11 (2) The examination shall contain subjects appropriate to the
12 standards of competency and scope of practice.

13 (3) The ((~~director~~)) secretary shall establish by rule the
14 requirements for a reexamination if the applicant has failed the
15 examination.

16 (4) The committee may recommend to the ((~~director~~)) secretary an
17 examination prepared or administered, or both, by a private testing
18 agency or association of licensing boards.

19 **Sec. 97.** RCW 18.36A.120 and 1987 c 447 s 12 are each amended to
20 read as follows:

21 The ((~~director~~)) secretary shall establish by rule the standards
22 for licensure of applicants licensed in another jurisdiction. However,
23 the standards for reciprocity of licensure shall not be less than
24 required for licensure in the state of Washington.

25 **Sec. 98.** RCW 18.36A.130 and 1987 c 447 s 13 are each amended to
26 read as follows:

1 Applications for licensure shall be submitted on forms provided by
2 the department. The department may require any information and
3 documentation needed to determine if the applicant meets the criteria
4 for licensure as provided in this chapter and chapter 18.130 RCW. Each
5 applicant shall pay a fee determined by the ~~((director))~~ secretary as
6 provided in RCW ~~((43.24.086))~~ 43.70.250. The fee shall be submitted
7 with the application.

8 **Sec. 99.** RCW 18.36A.140 and 1987 c 447 s 14 are each amended to
9 read as follows:

10 The ~~((director))~~ secretary shall establish by rule the requirements
11 for renewal of licenses. The ~~((director))~~ secretary shall establish a
12 renewal and late renewal penalty fee as provided in RCW ~~((43.24.086))~~
13 43.70.250. Failure to renew shall invalidate the license and all
14 privileges granted by the license. The ~~((director))~~ secretary shall
15 determine by rule whether a license shall be canceled for failure to
16 renew and shall establish procedures and prerequisites for relicensure.

17 **Sec. 100.** RCW 18.46.010 and 1985 c 213 s 8 are each amended to
18 read as follows:

19 (1) "Maternity home" means any home, place, hospital or institution
20 in which facilities are maintained for the care of four or more women,
21 not related by blood or marriage to the operator, during pregnancy or
22 during or within ten days after delivery: PROVIDED, HOWEVER, That this
23 chapter shall not apply to any hospital approved by the American
24 College of Surgeons, American Osteopathic Association or its successor.

25 (2) "Person" means any individual, firm, partnership, corporation,
26 company, association, or joint stock association, and the legal
27 successor thereof.

1 (3) "Department" means the state department of (~~social and health~~
2 ~~services~~) health.

3 **Sec. 101.** RCW 18.46.050 and 1989 c 175 s 63 are each amended to
4 read as follows:

5 The department may deny, suspend, or revoke a license in any case
6 in which it finds that there has been failure or refusal to comply with
7 the requirements established under this chapter or the rules adopted
8 under it.

9 (~~RCW 43.20A.205~~) Section 377 of this act governs notice of a
10 license denial, revocation, suspension, or modification and provides
11 the right to an adjudicative proceeding.

12 **Sec. 102.** RCW 18.50.005 and 1987 c 467 s 1 are each amended to
13 read as follows:

14 Unless the context clearly requires otherwise, the definitions in
15 this section apply throughout this chapter:

16 (1) "Department" means the department of (~~licensing~~) health.

17 (2) (~~"Director" means the director of licensing~~) "Secretary"
18 means the secretary of health.

19 (3) "Midwife" means a midwife licensed under this chapter.

20 (4) "Physician" means a physician licensed under chapter 18.57 or
21 18.71 RCW.

22 **Sec. 103.** RCW 18.50.010 and 1987 c 467 s 2 are each amended to
23 read as follows:

24 Any person shall be regarded as practicing midwifery within the
25 meaning of this chapter who shall render medical aid for a fee or
26 compensation to a woman during prenatal, intrapartum, and postpartum
27 stages or who shall advertise as a midwife by signs, printed cards, or

1 otherwise. Nothing shall be construed in this chapter to prohibit
2 gratuitous services. It shall be the duty of a midwife to consult with
3 a physician whenever there are significant deviations from normal in
4 either the mother or the infant.

5 ~~((A study shall be conducted by the department of licensing in
6 consultation with the department of social and health services and the
7 midwifery advisory committee to determine maternal and neonatal outcome
8 data by type of practitioner, including an analysis of births attended
9 by nonlicensed practitioners. The study shall also determine the role
10 of nonlicensed practitioners in the provision of maternity services in
11 the state of Washington. The results of the study shall be reported to
12 the legislature in January, 1988.))~~

13 **Sec. 104.** RCW 18.50.020 and 1917 c 160 s 1 are each amended to
14 read as follows:

15 Any person who shall practice midwifery in this state after July 1,
16 1917, shall first obtain from the ~~((director of licensing of the state
17 of Washington))~~ secretary a license so to do, and the said ~~((director))~~
18 secretary is authorized to grant such license after examination of the
19 applicant as hereinafter provided.

20 **Sec. 105.** RCW 18.50.034 and 1981 c 53 s 11 are each amended to
21 read as follows:

22 Nothing in this chapter shall be construed to apply to or interfere
23 in any way with the practice of midwifery by a person who is enrolled
24 in a program of midwifery approved and accredited by the ~~((director))~~
25 secretary: PROVIDED, That the performance of such services is only
26 pursuant to a regular course of instruction or assignment from the
27 student's instructor, and that such services are performed only under

1 the supervision and control of a person licensed in the state of
2 Washington to perform services encompassed under this chapter.

3 **Sec. 106.** RCW 18.50.040 and 1987 c 467 s 3 are each amended to
4 read as follows:

5 (1) Any person seeking to be examined shall present to the
6 (~~director~~) secretary, at least forty-five days before the
7 commencement of the examination, a written application on a form or
8 forms provided by the (~~director~~) secretary setting forth under
9 affidavit such information as the (~~director~~) secretary may require
10 and proof the candidate has received a high school degree or its
11 equivalent; that the candidate is twenty-one years of age or older;
12 that the candidate has received a certificate or diploma from a
13 midwifery program accredited by the (~~director~~) secretary and licensed
14 under chapter 28C.10 RCW, when applicable, or a certificate or diploma
15 in a foreign institution on midwifery of equal requirements conferring
16 the full right to practice midwifery in the country in which it was
17 issued. The diploma must bear the seal of the institution from which
18 the applicant was graduated. Foreign candidates must present with the
19 application a translation of the foreign certificate or diploma made by
20 and under the seal of the consulate of the country in which the
21 certificate or diploma was issued.

22 (2) The candidate shall meet the following conditions:

23 (a) Obtaining a minimum period of midwifery training for at least
24 three years including the study of the basic nursing skills that the
25 department shall prescribe by rule. However, if the applicant is a
26 registered nurse under chapter 18.88 RCW, a licensed practical nurse
27 under chapter 18.78 RCW, or has had previous nursing education or
28 practical midwifery experience, the required period of training may be
29 reduced depending upon the extent of the candidate's qualifications as

1 determined under rules adopted by the department. In no case shall the
2 training be reduced to a period of less than two years.

3 (b) Meeting minimum educational requirements which shall include
4 studying obstetrics; neonatal pediatrics; basic sciences; female
5 reproductive anatomy and physiology; behavioral sciences; childbirth
6 education; community care; obstetrical pharmacology; epidemiology;
7 gynecology; family planning; genetics; embryology; neonatology; the
8 medical and legal aspects of midwifery; nutrition during pregnancy and
9 lactation; breast feeding; nursing skills, including but not limited to
10 injections, administering intravenous fluids, catheterization, and
11 aseptic technique; and such other requirements prescribed by rule.

12 (c) For a student midwife during training, undertaking the care of
13 not less than fifty women in each of the prenatal, intrapartum, and
14 early postpartum periods, but the same women need not be seen through
15 all three periods. A student midwife may be issued a permit upon the
16 satisfactory completion of the requirements in (a), (b), and (c) of
17 this subsection and the satisfactory completion of the licensure
18 examination required by RCW 18.50.060. The permit permits the student
19 midwife to practice under the supervision of a midwife licensed under
20 this chapter, a physician or a certified nurse-midwife licensed under
21 the authority of chapter 18.88 RCW. The permit shall expire within one
22 year of issuance and may be extended as provided by rule.

23 (d) Observing an additional fifty women in the intrapartum period
24 before the candidate qualifies for a license.

25 (3) Notwithstanding subsections (1) and (2) of this section, the
26 department shall adopt rules to provide credit toward the educational
27 requirements for licensure before July 1, 1988, of nonlicensed
28 midwives, including rules to provide:

29 (a) Credit toward licensure for documented deliveries;

30 (b) The substitution of relevant experience for classroom time; and

1 (c) That experienced lay midwives may sit for the licensing
2 examination without completing the required coursework.

3 The training required under this section shall include training in
4 either hospitals or alternative birth settings or both with particular
5 emphasis on learning the ability to differentiate between low-risk and
6 high-risk pregnancies.

7 **Sec. 107.** RCW 18.50.045 and 1981 c 53 s 7 are each amended to read
8 as follows:

9 The ~~((director))~~ secretary shall promulgate standards by rule under
10 chapter 34.05 RCW for accrediting midwifery educational programs. The
11 standards shall cover the provision of adequate clinical and didactic
12 instruction in all subjects and noncurriculum matters under this
13 section including, but not limited to, staffing and teacher
14 qualifications. In developing the standards, the ~~((director))~~
15 secretary shall be advised by and receive the recommendations of the
16 midwifery advisory committee.

17 **Sec. 108.** RCW 18.50.050 and 1985 c 7 s 48 are each amended to read
18 as follows:

19 If the application is approved and the candidate shall have
20 deposited an examination fee determined by the ~~((director))~~ secretary
21 as provided in RCW ~~((43.24.086))~~ 43.70.250 with the ~~((director))~~
22 secretary, the candidate shall be admitted to the examination, and in
23 case of failure to pass the examination, may be reexamined at any
24 regular examination within one year without the payment of an
25 additional fee, said fee to be retained by the ~~((director))~~ secretary
26 after failure to pass the second examination.

1 **Sec. 109.** RCW 18.50.060 and 1987 c 467 s 4 are each amended to
2 read as follows:

3 (1) The ((~~director of licensing~~)) secretary is hereby authorized
4 and empowered to execute the provisions of this chapter and shall offer
5 examinations in midwifery at least twice a year at such times and
6 places as the ((~~director~~)) secretary may select. The examinations
7 shall be written and shall be in the English language.

8 (2) The ((~~director~~)) secretary, with the assistance of the
9 midwifery advisory committee, shall develop or approve a licensure
10 examination in the subjects that the ((~~director~~)) secretary determines
11 are within the scope of and commensurate with the work performed by a
12 licensed midwife. The examination shall be sufficient to test the
13 scientific and practical fitness of candidates to practice midwifery.
14 All application papers shall be deposited with the ((~~director~~))
15 secretary and there retained for at least one year, when they may be
16 destroyed.

17 (3) If the examination is satisfactorily completed, the
18 ((~~director~~)) secretary shall issue to such candidate a license
19 entitling the candidate to practice midwifery in the state of
20 Washington.

21 **Sec. 110.** RCW 18.50.102 and 1985 c 7 s 49 are each amended to read
22 as follows:

23 Every person licensed to practice midwifery shall register with the
24 ((~~director of licensing~~)) secretary annually and pay an annual renewal
25 registration fee determined by the ((~~director~~)) secretary as provided
26 in RCW ((~~43.24.086~~)) 43.70.250 on or before the licensee's birth
27 anniversary date. The license of the person shall be renewed for a
28 period of one year. Any failure to register and pay the annual renewal
29 registration fee shall render the license invalid. The license shall

1 be reinstated upon written application to the ((~~director~~)) secretary,
2 payment to the state of a penalty fee determined by the ((~~director~~))
3 secretary as provided in RCW ((~~43.24.086~~)) 43.70.250, and payment to
4 the state of all delinquent annual license renewal fees. Any person
5 who fails to renew his or her license for a period of three years shall
6 not be entitled to renew such license under this section. Such person,
7 in order to obtain a license to practice midwifery in this state, shall
8 file a new application under this chapter, along with the required fee.
9 The ((~~director~~)) secretary, in the ((~~director's~~)) secretary's
10 discretion, may permit the applicant to be licensed without examination
11 if satisfied that the applicant meets all the requirements for
12 licensure in this state and is competent to engage in the practice of
13 midwifery.

14 **Sec. 111.** RCW 18.50.105 and 1981 c 53 s 12 are each amended to
15 read as follows:

16 The ((~~director~~)) secretary, with the advice of the midwifery
17 advisory committee, shall develop a form to be used by a midwife to
18 inform the patient of the qualifications of a licensed midwife.

19 **Sec. 112.** RCW 18.50.115 and 1987 c 467 s 6 are each amended to
20 read as follows:

21 A midwife licensed under this chapter may obtain and administer
22 prophylactic ophthalmic medication, postpartum oxytocic, vitamin K, Rho
23 immune globulin (human), and local anesthetic and may administer such
24 other drugs or medications as prescribed by a physician. A pharmacist
25 who dispenses such drugs to a licensed midwife shall not be liable for
26 any adverse reactions caused by any method of use by the midwife.

27 The ((~~director~~)) secretary, after consultation with representatives
28 of the midwife advisory committee, the board of pharmacy, and the board

1 of medical examiners, may issue regulations which authorize licensed
2 midwives to purchase and use legend drugs and devices in addition to
3 the drugs authorized in this chapter.

4 **Sec. 113.** RCW 18.50.135 and 1981 c 53 s 15 are each amended to
5 read as follows:

6 The (~~director~~) secretary shall promulgate rules under chapter
7 34.05 RCW as are necessary to carry out the purposes of this chapter.

8 **Sec. 114.** RCW 18.50.140 and 1987 c 467 s 5 are each amended to
9 read as follows:

10 The midwifery advisory committee is created.

11 The committee shall be composed of one physician who is a
12 practicing obstetrician; one practicing physician; one certified nurse
13 midwife licensed under chapter 18.88 RCW; three midwives licensed under
14 this chapter; and one public member, who shall have no financial
15 interest in the rendering of health services. The committee may seek
16 other consultants as appropriate, including persons trained in
17 childbirth education and perinatology or neonatology.

18 The members are appointed by the (~~director~~) secretary and serve
19 at the pleasure of the (~~director~~) secretary but may not serve more
20 than five years consecutively. The terms of office shall be staggered.
21 Members of the committee shall be reimbursed for travel expenses as
22 provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended.

23 **Sec. 115.** RCW 18.50.150 and 1981 c 53 s 4 are each amended to read
24 as follows:

25 The midwifery advisory committee shall advise and make
26 recommendations to the (~~director~~) secretary on issues including, but
27 not limited to, continuing education, mandatory reexamination, and peer

1 review. The (~~director~~) secretary shall transmit the recommendations
2 to the social and health services committee of the senate and the human
3 services committee of the house of representatives on an annual basis.

4 **Sec. 116.** RCW 18.52.020 and 1979 c 158 s 44 are each amended to
5 read as follows:

6 When used in this chapter, unless the context otherwise clearly
7 requires:

8 (1) "Board" means the state board of examiners for the licensing of
9 nursing home administrators representative of the professions and
10 institutions concerned with the care of the chronically ill and infirm
11 aged patients.

12 (2) (~~("Director" means the director of licensing)~~) "Secretary"
13 means the secretary of health.

14 (3) "Nursing home" means any facility or portion thereof licensed
15 under state law as a nursing home.

16 (4) "Nursing home administrator" means an individual in active
17 administrative charge of nursing homes as defined herein, whether or
18 not having an ownership interest in such homes, and although functions
19 and duties may be shared with or delegated to other persons: PROVIDED
20 HOWEVER, That nothing in this definition or this chapter shall be
21 construed to prevent any person, so long as he or she is otherwise
22 qualified, from obtaining and maintaining a license even though he or
23 she has not administered or does not continue to administer a nursing
24 home.

25 **Sec. 117.** RCW 18.52.060 and 1984 c 287 s 40 are each amended to
26 read as follows:

27 The board shall elect from its membership a chairman, vice
28 chairman, and secretary-treasurer, and shall adopt rules (~~and~~

1 ~~regulations~~) to govern its proceedings. The chairman or four board
2 members by signed written request may call board meetings upon
3 reasonable written notice to each member. Each member shall be
4 compensated in accordance with RCW 43.03.240 and shall be reimbursed
5 for travel expenses as provided in RCW 43.03.050 and 43.03.060. A
6 full-time or part-time executive secretary for the board may be
7 employed by the ~~((director))~~ secretary through the department of
8 ~~((licensing))~~ health, and the ~~((director))~~ secretary through the
9 department of ~~((licensing))~~ health shall provide the executive
10 secretary and the board with such secretarial, administrative, and
11 other assistance as may be required to carry out the purposes of this
12 chapter. Employment of an executive secretary shall be subject to
13 confirmation by the board. The position of executive secretary shall
14 be exempt from the requirements of chapter 41.06 RCW.

15 **Sec. 118.** RCW 18.52.070 and 1984 c 279 s 65 are each amended to
16 read as follows:

17 Upon the ~~((director's))~~ secretary's receipt of an application and
18 examination fee determined by the ~~((director))~~ secretary as provided in
19 RCW ~~((43.24.086))~~ 43.70.250, and completed application forms provided
20 by the ~~((director))~~ secretary, a nursing home administrator's license
21 shall be issued to any person who:

22 (1) Is at least twenty-one years of age and of good moral
23 character.

24 (2) Has presented evidence satisfactory to the board of practical
25 experience, education, and training which, when evaluated according to
26 criteria developed by the board, is equivalent to two years of
27 experience in the operation of a nursing home: PROVIDED, That after
28 January 1, 1980, no license shall be issued to any applicant unless
29 such applicant has either successfully completed at least two years of

1 formal education beyond the high school level or holds an associate
2 degree from a recognized institution of higher learning: PROVIDED
3 FURTHER, That the educational degree required by this subsection may be
4 waived for individuals who present evidence satisfactory to the board
5 of sufficient practical experience.

6 (3) Has passed an examination administered by the board which shall
7 be designed to test the candidate's competence to administer a nursing
8 home on the basis of the candidate's formal instruction and training or
9 actual experience: PROVIDED HOWEVER, That nothing in this chapter or
10 the rules (~~and regulations thereunder~~) under this chapter shall be
11 construed to require an applicant for a license or provisional license
12 as a nursing home administrator who is certified by any well
13 established and generally recognized church or religious denomination
14 which teaches reliance on spiritual means alone for healing as having
15 been approved to administer institutions certified by such church or
16 denomination for the care and treatment of the sick in accordance with
17 its teachings, to demonstrate proficiency in any medical techniques or
18 to meet any medical educational qualifications or medical standards not
19 in accord with the remedial care and treatment provided in such
20 institutions: PROVIDED FURTHER, That any such individual shall
21 demonstrate in the process of application for the examination his or
22 her membership in such church or religious denomination and his or her
23 license shall indicate the limited extent of his or her authority to
24 act as an administrator.

25 (4) The initial administrator members of the board shall be
26 selected and appointed by the governor to meet the requirements of
27 subsection (1) of this section and of RCW 18.52.040 and 18.52.050. The
28 three nonadministrator members of the first board shall administer to
29 the initial administrator members an appropriate examination, and the
30 initial administrator members shall thereafter be issued their licenses

1 under this chapter as nursing home administrators. The three
2 nonadministrator members of the first board may exercise the powers of
3 the board to carry out licensing of the initial administrator members,
4 regardless of the normal quorum or procedural requirements for board
5 action. The licensing of the initial administrator members of the
6 first board shall be carried out within thirty days after appointment
7 of the board, and in all events prior to April 1, 1970.

8 **Sec. 119.** RCW 18.52.100 and 1987 c 150 s 33 are each amended to
9 read as follows:

10 The board with the assistance of the (~~director~~) secretary for
11 administrative matters shall have the duty and responsibility within
12 the limits provided in this chapter:

13 (1) To develop standards which must be met by individuals in order
14 to receive a license as a nursing home administrator, which standards
15 shall include criteria to evaluate the practical experience, education,
16 and training of applicants for licenses to determine that applicants
17 have the equivalent of two years of experience in the operation of a
18 nursing home. The standards and criteria shall be designed to insure
19 that nursing home administrators will be individuals who are of good
20 character and are otherwise suitable, and who, by training or
21 experience in the field of institutional administration, are qualified
22 to serve as nursing home administrators as provided in this chapter.

23 (2) To develop appropriate techniques, including examinations and
24 investigations to the extent necessary to determine whether an
25 individual meets such standards for licensing.

26 (3) To develop, administer, and supervise an administrator-in-
27 training program for applicants for licenses who are otherwise
28 qualified but do not have the equivalent of two years experience in the
29 operation of a nursing home at the time of application. Such program

1 shall provide for supervision of each administrator-in-training by
2 licensed nursing home administrators as preceptors. The board shall
3 have the authority to do all acts necessary for the implementation of
4 such a program, including, but not limited to, conducting education and
5 training programs, establishing standards of qualification for
6 preceptors, establishing criteria for creating and evaluating
7 individual programs, and monitoring such programs to assure compliance
8 with rules and regulations adopted by the board.

9 (4) To issue licenses to individuals determined by the board, after
10 the application of such techniques, to meet such standards and to order
11 the ((~~director~~)) secretary to deny licenses to individuals who do not
12 meet such standards or who are in violation of this chapter or chapter
13 18.130 RCW.

14 (5) To conduct a continuing study and investigation of the
15 licensing of administrators of nursing homes within the state with a
16 view to the improvement of the standards imposed for the licensing of
17 new administrators and of procedures and methods for the enforcement of
18 such standards with respect to administrators of nursing homes who are
19 to be licensed.

20 (6) To encourage qualified educational institutions and other
21 qualified organizations to establish, provide, and conduct and continue
22 such training and instruction courses and programs as will enable all
23 otherwise qualified individuals to attain the qualifications necessary
24 to meet the standards for licensing nursing home administrators.

25 (7) To establish and carry out procedures, if required, designed to
26 insure that individuals licensed as nursing home administrators will,
27 during any period that they serve as such, comply with the requirements
28 and standards for licensing set forth in this chapter.

29 (8) To establish appropriate procedures for the issuance in unusual
30 circumstances and without examination of temporary license permits as

1 nursing home administrators. Such permits may be issued and renewed by
2 the ~~((director))~~ secretary pursuant to rules ~~((and regulations))~~ which
3 shall be established by the board. Such permits and renewals shall be
4 subject to confirmation or rescission by order of the board upon review
5 at the next board meeting. Any such permit or renewal thereof shall in
6 all events expire six months from the date issued. Persons receiving
7 such permits need not have passed the required examination but shall
8 meet the other requirements of this chapter, except RCW 18.52.070(2).
9 After hearing before the board and upon order of the board the board
10 may take appropriate disciplinary action for the reasons provided in
11 this chapter or chapter 18.130 RCW.

12 (9) To advise the relevant state agencies regarding receipt and
13 administration of such federal funds as are made available to carry out
14 the educational purposes of this chapter.

15 (10) To advise the ~~((director))~~ secretary regarding the application
16 forms used by the ~~((director))~~ secretary under this chapter.

17 (11) To issue rules ~~((and regulations))~~ which are necessary to
18 carry out the functions of the board specifically assigned to it by
19 this chapter.

20 **Sec. 120.** RCW 18.52.110 and 1984 c 279 s 69 are each amended to
21 read as follows:

22 (1) Every holder of a nursing home administrator's license shall
23 reregister it annually with the ~~((director))~~ secretary on dates
24 specified by the ~~((director))~~ secretary by making application for
25 reregistration on forms provided by the ~~((director))~~ secretary. Such
26 reregistration shall be granted automatically upon receipt of a fee
27 determined by the ~~((director))~~ secretary as provided in RCW
28 ~~((43.24.086))~~ 43.70.250. In the event that any license is not
29 reregistered within thirty days after the date for reregistration

1 specified by the ~~((director))~~ secretary, the ~~((director))~~ secretary
2 shall, in accordance with rules prescribed by the board, give notice to
3 the license holder, and may thereafter in accordance with rules
4 prescribed by the board charge up to double the normal reregistration
5 fee. In the event that the license of an individual is not
6 reregistered within two years from the most recent date for
7 reregistration it shall lapse and such individual must again apply for
8 licensing and meet all requirements of this chapter for a new
9 applicant. The board may prescribe rules for maintenance of a license
10 at a reduced fee for temporary or permanent withdrawal or retirement
11 from the active practice of nursing home administration.

12 (2) A condition of reregistration shall be the presentation of
13 proof by the applicant that he or she has attended the number of
14 classroom hours of approved educational programs, classes, seminars, or
15 proceedings set by the board. The board shall have the power to
16 approve programs, classes, seminars, or proceedings offered in this
17 state or elsewhere by any accredited institution of higher learning or
18 any national or local group or society if such programs, classes,
19 seminars, or proceedings are reasonably related to the administration
20 of nursing homes. The board shall establish rules ~~((and regulations))~~
21 providing that the applicant for reregistration may present such proofs
22 yearly, or may obtain the cumulative number of required hours over a
23 three year period and present such proofs over periods of three years.
24 In no event shall the number of classroom hours required for any time
25 period exceed the number of such board approved classroom hours
26 reasonably available over such time period on an adult or continuing
27 education basis to nonmatriculating participants in this state.

28 (3) An individual may obtain and reregister a license under this
29 chapter although he or she does not actively engage in nursing home

1 administration. The licensee shall meet requirements set by the board
2 to ensure the individual's continued competency.

3 **Sec. 121.** RCW 18.52.130 and 1985 c 7 s 50 are each amended to read
4 as follows:

5 Upon receipt of an application fee determined by the ((director))
6 secretary as provided in RCW ((43.24.086)) 43.70.250 and an annual
7 license fee, the ((director)) secretary may issue a nursing home
8 administrator's license, without examination, to any person who holds
9 a current license as a nursing home administrator from another
10 jurisdiction: PROVIDED, That the board finds that the standards for
11 licensing in such other jurisdiction are at least the substantial
12 equivalent of those prevailing in this state, and that the applicant is
13 otherwise qualified. In the event that there is developed a nationally
14 recognized standard for the licensing of nursing home administrators
15 which is in fact utilized in licensing procedures on a reasonably
16 uniform basis the board may by rule or regulation provide for granting
17 reciprocal licensing on a showing of compliance with such standard.

18 **Sec. 122.** RCW 18.52A.020 and 1989 c 300 s 13 are each amended to
19 read as follows:

20 Unless the context requires otherwise, the definitions in this
21 section apply throughout this chapter.

22 (1) "Nursing assistant" means a person registered or certified
23 under chapter 18.88A RCW who, under the direction and supervision of a
24 registered nurse or licensed practical nurse, assists in the care of
25 patients in a facility licensed under chapter 18.51 RCW, a wing of a
26 hospital licensed under chapter 70.41 RCW if the wing is certified to
27 provide nursing home care under Title XVIII or Title XIX of the social

1 security act, or any nursing care facility operated under the direction
2 of the department of veterans affairs.

3 (2) "Department" means the department (~~(of social and health~~
4 ~~services)) health.~~

5 (3) "Nursing home" means a facility licensed under chapter 18.51
6 RCW, a wing of a hospital licensed under chapter 70.41 RCW if the wing
7 is certified to provide nursing home care under Title XVIII or Title
8 XIX of the social security act, or any nursing care facility operated
9 under the direction of the department of veterans affairs.

10 (4) "Board" means the state board of nursing.

11 **Sec. 123.** RCW 18.52A.030 and 1989 c 300 s 1 are each amended to
12 read as follows:

13 (1) Any nursing assistant employed by a nursing home, who has
14 satisfactorily completed a nursing assistant training program under
15 this chapter, shall, upon application, be issued a verification of
16 completion by the program provider.

17 (2) All nursing assistants employed by a nursing home shall be
18 required to be registered with the department (~~(of licensing))~~ and to
19 show evidence of satisfactory completion of a nursing assistant
20 training program, or that they are enrolled in and are progressing
21 satisfactorily towards completion of a training program under standards
22 promulgated by the board, which program must be completed within four
23 months of employment. A nursing home may employ a person not currently
24 enrolled if the employer within twenty days enrolls the person in an
25 approved training program: PROVIDED, That a nursing home shall not
26 assign an assistant to provide resident care until the assistant has
27 demonstrated skills necessary to perform assigned duties and
28 responsibilities competently. All persons enrolled in a training

1 program must satisfactorily complete the program within four months
2 from the date of initial employment.

3 (3) Compliance with this section shall be a condition of licensure
4 of nursing homes under chapter 18.51 RCW. Beginning January 1, 1986,
5 compliance with this section shall be a condition of licensure of
6 hospitals licensed under chapter 70.41 RCW with a wing certified to
7 provide nursing home care under Title XVIII or Title XIX of the social
8 security act. Any health provider of skilled nursing facility care or
9 intermediate care facility care shall meet the requirements of this
10 section.

11 **Sec. 124.** RCW 18.52B.050 and 1988 c 267 s 5 are each amended to
12 read as follows:

13 Nothing in this chapter may be construed to prohibit or restrict:

14 (1) The practice by an individual licensed, certified, or
15 registered under the laws of this state and performing services within
16 their authorized scope of practice;

17 (2) The practice by an individual employed by the government of the
18 United States while engaged in the performance of duties prescribed by
19 the laws of the United States;

20 (3) The practice by a person who is a regular student in an
21 educational program approved by the (~~director~~) secretary, and whose
22 performance of services is pursuant to a regular course of instruction
23 or assignments from an instructor and under the general supervision of
24 the instructor.

25 **Sec. 125.** RCW 18.52B.080 and 1988 c 267 s 8 are each amended to
26 read as follows:

27 The (~~director~~) secretary shall keep an official record of all
28 proceedings. A part of the record shall consist of a register of all

1 applicants for credentialing under this chapter and the results of each
2 application.

3 **Sec. 126.** RCW 18.52B.110 and 1988 c 267 s 11 are each amended to
4 read as follows:

5 The board, in consultation with the board of practical nursing,
6 shall establish by rule the standards and procedures for approval of
7 educational programs and alternative training. The ~~((director))~~
8 secretary may use or contract with individuals or organizations having
9 expertise in the profession or in education to assist in the
10 evaluations. The board shall establish by rule the standards and
11 procedures for revocation of approval of education programs. The
12 standards and procedures set shall apply equally to educational
13 programs and training in the United States and in foreign
14 jurisdictions. The ~~((director))~~ secretary may establish a fee for
15 educational program evaluations.

16 **Sec. 127.** RCW 18.52B.120 and 1988 c 267 s 14 are each amended to
17 read as follows:

18 Applications for certification shall be submitted on forms provided
19 by the ~~((director))~~ secretary. The ~~((director))~~ secretary may require
20 any information and documentation that reasonably relates to the need
21 to determine whether the applicant meets the criteria for credentialing
22 provided for in this chapter and chapter 18.130 RCW. Each applicant
23 shall pay a fee determined by the ~~((director))~~ secretary under RCW
24 ~~((43.24.086))~~ 43.70.250. The fee shall accompany the application.

25 **Sec. 128.** RCW 18.52B.150 and 1988 c 267 s 16 are each amended to
26 read as follows:

1 An applicant holding a credential in another state may be certified
2 by endorsement to practice in this state without examination if the
3 ((director)) secretary determines that the other state's credentialing
4 standards are substantially equivalent to the standards in this state.

5 **Sec. 129.** RCW 18.52B.160 and 1988 c 267 s 17 are each amended to
6 read as follows:

7 The ((director)) secretary shall establish by rule the procedural
8 requirements and fees for renewal of a registration or certificate.
9 Failure to renew shall invalidate the credential and all privileges
10 granted by the credential. If a certificate has lapsed for a period
11 longer than three years, the person shall demonstrate competence to the
12 satisfaction of the board by taking continuing education courses, or
13 meeting other standards determined by the board.

14 **Sec. 130.** RCW 18.52C.020 and 1988 c 243 s 2 are each amended to
15 read as follows:

16 Unless the context clearly requires otherwise, the definitions in
17 this section apply throughout this chapter.

18 (1) (~~("Director" means the director of the department of~~
19 ~~licensing))~~ "Secretary" means the secretary of the department of
20 health.

21 (2) "Health care facility" means a nursing home, hospital, hospice
22 care facility, home health care agency, hospice agency, or other entity
23 for the delivery of health care services.

24 (3) "Nursing home" means any nursing home facility licensed
25 pursuant to chapter 18.52 RCW.

26 (4) "Nursing pool" means any person engaged in the business of
27 providing, procuring, or referring health care personnel for temporary
28 employment in health care facilities, such as licensed nurses or

1 practical nurses, and nursing assistants. "Nursing pool" does not
2 include an individual who only engages in providing his or her own
3 services.

4 (5) "Person" includes an individual, firm, corporation,
5 partnership, or association.

6 **Sec. 131.** RCW 18.52C.030 and 1988 c 243 s 3 are each amended to
7 read as follows:

8 A person who operates a nursing pool shall register the pool with
9 the ((~~director~~)) secretary. Each separate location of the business of
10 a nursing pool shall have a separate registration.

11 The ((~~director~~)) secretary, by rule, shall establish forms and
12 procedures for the processing of nursing pool registration
13 applications, including the payment of registration fees pursuant to
14 RCW ((~~43.24.086~~)) 43.70.250. An application for a nursing pool
15 registration shall include at least the following information:

16 (1) The names and addresses of the owner or owners of the nursing
17 pool; and

18 (2) If the owner is a corporation, copies of its articles of
19 incorporation and current bylaws, together with the names and addresses
20 of its officers and directors.

21 A registration issued by the ((~~director~~)) secretary in accordance
22 with this section shall remain effective for a period of one year from
23 the date of its issuance unless the registration is revoked or
24 suspended pursuant to RCW 18.52C.040(4), or unless the nursing pool is
25 sold or ownership or management is transferred, in which case the
26 registration of the nursing pool shall be voided and the new owner or
27 operator shall apply for a new registration.

1 **Sec. 132.** RCW 18.52C.040 and 1988 c 243 s 4 are each amended to
2 read as follows:

3 (1) The nursing pool shall document that each temporary employee or
4 referred independent contractor provided or referred to health care
5 facilities currently meets the minimum state credentialing
6 requirements.

7 (2) The nursing pool shall not require, as a condition of
8 employment or referral, that employees or independent contractors of
9 the nursing pool recruit new employees or independent contractors for
10 the nursing pool from among the permanent employees of the health care
11 facility to which the nursing pool employee or independent contractor
12 has been assigned or referred.

13 (3) The nursing pool shall carry professional and general liability
14 insurance to insure against any loss or damage occurring, whether
15 professional or otherwise, as the result of the negligence of its
16 employees, agents or independent contractors for acts committed in the
17 course of their employment with the nursing pool: PROVIDED, That a
18 nursing pool that only refers self-employed, independent contractors to
19 health care facilities shall carry professional and general liability
20 insurance to cover its own liability as a nursing pool which refers
21 self-employed, independent contractors to health care facilities: AND
22 PROVIDED FURTHER, That it shall require, as a condition of referral,
23 that self-employed, independent contractors carry professional and
24 general liability insurance to insure against loss or damage resulting
25 from their own acts committed in the course of their own employment by
26 a health care facility.

27 (4) The uniform disciplinary act, chapter 18.130 RCW, shall govern
28 the issuance and denial of registration and the discipline of persons
29 registered under this chapter. The ((director)) secretary shall be the
30 disciplinary authority under this chapter.

1 **Sec. 133.** RCW 18.53.021 and 1987 c 150 s 38 are each amended to
2 read as follows:

3 It is a violation of RCW 18.130.190 for any person to practice
4 optometry in this state without first obtaining a license from the
5 (~~director of licensing~~) secretary of health.

6 **Sec. 134.** RCW 18.53.050 and 1985 c 7 s 51 are each amended to read
7 as follows:

8 Every registered optometrist shall annually or on the date
9 specified by the (~~director~~) secretary pay to the state treasurer a
10 renewal fee, to be determined by the (~~director~~) secretary as provided
11 in RCW (~~43.24.086~~) 43.70.250, and failure to pay such fee within the
12 prescribed time shall cause the suspension of his or her certificate.

13 **Sec. 135.** RCW 18.53.060 and 1975 1st ex.s. c 69 s 4 are each
14 amended to read as follows:

15 From and after January 1, 1940, in order to be eligible for
16 examination for registration, a person shall be a citizen of the United
17 States of America, who shall have a preliminary education of or equal
18 to four years in a state accredited high school and has completed a
19 full attendance course in a regularly chartered school of optometry
20 maintaining a standard which is deemed sufficient and satisfactory by
21 the optometry board, who is a person of good moral character, who is
22 not afflicted with any contagious or infectious disease, who has a
23 visual acuity in at least one eye, of a standard known as 20/40 under
24 correction: PROVIDED, That from and after January 1, 1975, in order to
25 be eligible for examination for a license, a person shall have the
26 following qualifications:

27 (1) Be a graduate of a state accredited high school or its
28 equivalent;

1 (2) Have a diploma or other certificate of completion from an
2 accredited college of optometry or school of optometry, maintaining a
3 standard which is deemed sufficient and satisfactory by the optometry
4 board, conferring its degree of doctor of optometry or its equivalent,
5 maintaining a course of four scholastic years in addition to
6 preprofessional college level studies, and teaching substantially all
7 of the following subjects: General anatomy, anatomy of the eyes,
8 physiology, physics, chemistry, pharmacology, biology, bacteriology,
9 general pathology, ocular pathology, ocular neurology, ocular myology,
10 psychology, physiological optics, optometrical mechanics, clinical
11 optometry, visual field charting and orthoptics, general laws of optics
12 and refraction and use of the ophthalmoscope, retinoscope and other
13 clinical instruments necessary in the practice of optometry;

14 (3) Be of good moral character; and

15 (4) Have no contagious or infectious disease.

16 Such person shall file an application for an examination and
17 license with said board at any time thirty days prior to the time fixed
18 for such examination, or at a later date if approved by the board, and
19 such application must be on forms approved by the board, and properly
20 attested, and if found to be in accordance with the provisions of this
21 chapter shall entitle the applicant upon payment of the proper fee, to
22 take the examination prescribed by the board. Such examination shall
23 not be out of keeping with the established teachings and adopted
24 textbooks of the recognized schools of optometry, and shall be confined
25 to such subjects and practices as are recognized as essential to the
26 practice of optometry. All candidates without discrimination, who
27 shall successfully pass the prescribed examination, shall be registered
28 by the board and shall, upon payment of the proper fee, be issued a
29 license. The optometry board, at its discretion, may waive all or a
30 portion of the written examination for any applicant who has

1 satisfactorily passed the examination given by the National Board of
2 Examiners in Optometry. Any license to practice optometry in this
3 state issued by the (~~director~~) secretary, and which shall be in full
4 force and effect at the time of passage of this 1975 amendatory act,
5 shall be continued.

6 **Sec. 136.** RCW 18.53.070 and 1985 c 7 s 52 are each amended to read
7 as follows:

8 The fees for application for examination and for issuing a
9 certificate of registration shall be determined by the (~~director~~)
10 secretary as provided in RCW (~~43.24.086~~) 43.70.250, which shall be
11 paid to the (~~director~~) secretary as he or she shall prescribe.

12 **Sec. 137.** RCW 18.53.100 and 1986 c 259 s 81 are each amended to
13 read as follows:

14 The following constitutes grounds for disciplinary action under
15 chapter 18.130 RCW:

16 (1) Any form of fraud or deceit used in securing a license; or

17 (2) Any unprofessional conduct, of a nature likely to deceive or
18 defraud the public; or

19 (3) The employing either directly or indirectly of any person or
20 persons commonly known as "cappers" or "steerers" to obtain business;
21 or

22 (4) To employ any person to solicit from house to house, or to
23 personally solicit from house to house; or

24 (5) Advertisement in any way in which untruthful, improbable or
25 impossible statements are made regarding treatments, cures or values;
26 or

27 (6) The use of the term "eye specialist" in connection with the
28 name of such optometrist; or

1 (7) Inability to demonstrate, in a manner satisfactory to the
2 ((director)) secretary or the board of optometry, their practical
3 ability to perform any function set forth in RCW 18.53.010 which they
4 utilize in their practice.

5 **Sec. 138.** RCW 18.53.140 and 1989 c 36 s 2 are each amended to read
6 as follows:

7 It shall be unlawful for any person:

8 (1) To sell or barter, or offer to sell or barter any license
9 issued by the ((director)) secretary; or

10 (2) To purchase or procure by barter any license with the intent to
11 use the same as evidence of the holder's qualification to practice
12 optometry; or

13 (3) To alter with fraudulent intent in any material regard such
14 license; or

15 (4) To use or attempt to use any such license which has been
16 purchased, fraudulently issued, counterfeited or materially altered as
17 a valid license; or

18 (5) To practice optometry under a false or assumed name, or as a
19 representative or agent of any person, firm or corporation with which
20 the licensee has no connection: PROVIDED, Nothing in this chapter nor
21 in the optometry law shall make it unlawful for any lawfully licensed
22 optometrist or association of lawfully licensed optometrists to
23 practice optometry under the name of any lawfully licensed optometrist
24 who may transfer by inheritance or otherwise the right to use such
25 name; or

26 (6) To practice optometry in this state either for ((himself)) him
27 or herself or any other individual, corporation, partnership, group,
28 public or private entity, or any member of the licensed healing arts

1 without having at the time of so doing a valid license issued by the
2 (~~director of licensing~~) secretary of health; or

3 (7) To in any manner barter or give away as premiums either on his
4 own account or as agent or representative for any other purpose, firm
5 or corporation, any eyeglasses, spectacles, lenses or frames; or

6 (8) To use drugs in the practice of optometry, except those
7 topically applied for diagnostic or therapeutic purposes; or

8 (9) To use advertising whether printed, radio, display, or of any
9 other nature, which is misleading or inaccurate in any material
10 particular, nor shall any such person in any way misrepresent any goods
11 or services (including but without limitation, its use, trademark,
12 grade, quality, size, origin, substance, character, nature, finish,
13 material, content, or preparation) or credit terms, values, policies,
14 services, or the nature or form of the business conducted; or

15 (10) To advertise the "free examination of eyes," "free
16 consultation," "consultation without obligation," "free advice," or any
17 words or phrases of similar import which convey the impression to the
18 public that eyes are examined free or of a character tending to deceive
19 or mislead the public, or in the nature of "bait advertising;" or

20 (11) To use an advertisement of a frame or mounting which is not
21 truthful in describing the frame or mounting and all its component
22 parts. Or advertise a frame or mounting at a price, unless it shall be
23 depicted in the advertisement without lenses inserted, and in addition
24 the advertisement must contain a statement immediately following, or
25 adjacent to the advertised price, that the price is for frame or
26 mounting only, and does not include lenses, eye examination and
27 professional services, which statement shall appear in type as large as
28 that used for the price, or advertise lenses or complete glasses, viz.:
29 frame or mounting with lenses included, at a price either alone or in
30 conjunction with professional services; or

1 (12) To use advertising, whether printed, radio, display, or of any
2 other nature, which inaccurately lays claim to a policy or continuing
3 practice of generally underselling competitors; or

4 (13) To use advertising, whether printed, radio, display or of any
5 other nature which refers inaccurately in any material particular to
6 any competitors or their goods, prices, values, credit terms, policies
7 or services; or

8 (14) To use advertising whether printed, radio, display, or of any
9 other nature, which states any definite amount of money as "down
10 payment" and any definite amount of money as a subsequent payment, be
11 it daily, weekly, monthly, or at the end of any period of time.

12 **Sec. 139.** RCW 18.54.050 and 1989 c 175 s 65 are each amended to
13 read as follows:

14 The board must meet at least once yearly or more frequently upon
15 call of the chairman or the (~~director of licensing~~) secretary of
16 health at such times and places as the chairman or the (~~director of~~
17 ~~licensing~~) secretary of health may designate by giving three days'
18 notice or as otherwise required by RCW 42.30.075.

19 **Sec. 140.** RCW 18.54.070 and 1986 c 259 s 84 are each amended to
20 read as follows:

21 The board has the following powers and duties:

22 (1) The board shall prepare the necessary lists of examination
23 questions, conduct examinations, either written or oral or partly
24 written and partly oral, and shall certify to the (~~director of~~
25 ~~licensing~~) secretary of health all lists, signed by all members
26 conducting the examination, of all applicants for licenses who have
27 successfully passed the examination and a separate list of all
28 applicants for licenses who have failed to pass the examination,

1 together with a copy of all examination questions used, and the written
2 answers to questions on written examinations submitted by each of the
3 applicants.

4 (2) The board shall adopt rules and regulations to promote safety,
5 protection and the welfare of the public, to carry out the purposes of
6 this chapter, to aid the board in the performance of its powers and
7 duties, and to govern the practice of optometry.

8 **Sec. 141.** RCW 18.54.140 and 1983 c 168 s 9 are each amended to
9 read as follows:

10 Notwithstanding any other provisions of law, rule or regulation,
11 the board may draw from the health professions account on vouchers
12 approved by the (~~director of licensing~~) secretary of health, so much
13 money as is necessary to carry into effect, to administer, and to
14 enforce the provisions of this chapter.

15 **Sec. 142.** RCW 18.55.020 and 1980 c 101 s 2 are each amended to
16 read as follows:

17 The terms defined in this section shall have the meaning ascribed
18 to them wherever appearing in this chapter, unless a different meaning
19 is specifically used to such term in such statute.

20 (1) (~~("Director" means the director of licensing)~~) "Secretary"
21 means the secretary of health.

22 (2) "Ocularist" means a person who designs, fabricates, and fits
23 ocular prosthetic appliances. An ocularist is authorized to perform
24 the necessary procedures to provide an ocular prosthetic service for
25 the patient in the ocularist's office or laboratory on prescription of
26 a physician. The ocularist is authorized to make judgment on the
27 needed care, replacement, and use of an ocular prosthetic appliance.

1 The ocularist is authorized to design, fabricate, and fit human
2 prosthetics in the following categories:

3 (a) Stock and custom prosthetic eyes;

4 (b) Stock and custom therapeutic scleral shells;

5 (c) Stock and custom therapeutic painted iris shells;

6 (d) External orbital and facial prosthetics; and

7 (e) Ocular conformers: PROVIDED, That nothing herein shall be
8 construed to allow the fitting or fabricating of contact lenses.

9 (3) "Apprentice" means a person designated an apprentice in the
10 records of the ~~((director))~~ secretary at the request of a licensed
11 ocularist, and who shall thereafter receive from such licensee training
12 and direct supervision in the work of an ocularist.

13 **Sec. 143.** RCW 18.55.030 and 1980 c 101 s 3 are each amended to
14 read as follows:

15 Upon receipt of an application for a license and the license fee as
16 determined by the ~~((director))~~ secretary, the ~~((director))~~ secretary
17 shall issue a license if the applicant meets the requirements
18 established under this chapter. The license, unless suspended or
19 revoked, shall be renewed annually. All licenses issued under the
20 provisions of this chapter shall expire on the 1st day of July.

21 **Sec. 144.** RCW 18.55.040 and 1985 c 7 s 53 are each amended to read
22 as follows:

23 (1) No applicant for a license shall be registered under this
24 chapter until the applicant pays an examination fee as shall be
25 determined by the ~~((director))~~ secretary as provided in RCW
26 ~~((43.24.086))~~ 43.70.250, and certifies under oath that the applicant:

27 (a) Is eighteen years or more of age;

28 (b) Has graduated from high school;

1 (c) Is of good moral character; and

2 (d) Has either:

3 (i) Had at least five years of apprenticeship training under a
4 licensed ocularist in the state of Washington; or

5 (ii) Successfully completed a prescribed course in ocularist
6 training programs in a college, teaching facility, or university
7 approved by the ~~((director))~~ secretary; or

8 (iii) Been principally engaged in practicing as an ocularist
9 outside the state of Washington for eight years and shall have been
10 employed by a licensed ocularist or physician for one year in the state
11 of Washington; and

12 (iv) Successfully passes with a grade of at least seventy-five
13 percent, an examination, conducted by the ~~((director))~~ secretary, which
14 shall determine whether the applicant has a thorough knowledge of the
15 principles governing the practice of an ocularist.

16 (2) The ~~((director))~~ secretary shall issue a license without
17 examination to any person who makes application therefor within six
18 months after June 12, 1980, pays a fee as determined by the
19 ~~((director))~~ secretary, and certifies under oath that the applicant has
20 been actually and principally engaged in the practice of an ocularist
21 in the state of Washington for a period of not less than five years
22 immediately preceding June 12, 1980.

23 (3) Any person who on June 12, 1980 (a) is employed as apprentice
24 by a person who is principally engaged in the practice of an ocularist,
25 (b) registers with the ~~((director))~~ secretary prior to one hundred
26 twenty days after June 12, 1980, and (c) furnishes the ~~((director))~~
27 secretary a statement, under oath, and certified as correct by the
28 employer, as to the length of time of such employment shall be given
29 credit for such period towards compliance with the requirement for five
30 years' apprenticeship.

1 **Sec. 145.** RCW 18.55.050 and 1985 c 7 s 54 are each amended to read
2 as follows:

3 Every licensee under this chapter shall pay an annual renewal
4 registration fee determined by the (~~director~~) secretary, as provided
5 by RCW (~~(43.24.086)~~) 43.70.250, on or before the 1st day of July of
6 each year, and thereupon the license of such person shall be renewed
7 for a period of one year. An application for renewal shall be on the
8 form provided by the (~~director~~) secretary and shall be filed with the
9 department of (~~licensing~~) health not less than ten days prior to its
10 expiration. Each application for renewal shall be accompanied by a
11 license fee as shall be determined by the (~~director~~) secretary. Any
12 license not renewed as provided in this section shall render the
13 license invalid but such licensee shall be reinstated upon written
14 application therefore to the (~~director~~) secretary and payment of a
15 renewal fee to the (~~director~~) secretary as provided in RCW
16 (~~(43.24.086)~~) 43.70.250, together with all delinquent annual renewal
17 license fees.

18 **Sec. 146.** RCW 18.55.060 and 1980 c 101 s 5 are each amended to
19 read as follows:

20 (1) No licensee under this chapter may have more than two
21 apprentices in training at one time.

22 (2) The licensee shall be responsible for the acts of the
23 apprentices in the performance of their work in the apprenticeship
24 program.

25 (3) Apprentices shall complete their apprenticeship in eight years
26 and shall not work longer as an apprentice unless the (~~director~~)
27 secretary determines, after a hearing, that the apprentice was
28 prevented by causes beyond his or her control from completing the
29 apprenticeship and becoming a licensee hereunder in eight years.

1 **Sec. 147.** RCW 18.57.001 and 1979 c 117 s 1 are each amended to
2 read as follows:

3 As used in this chapter:

4 (1) "Board" means the Washington state board of osteopathic
5 medicine and surgery;

6 (2) "Department" means the department of (~~licensing~~) health;

7 (3) (~~("Director" means the director of licensing)~~) "Secretary"
8 means the secretary of health; and

9 (4) "Osteopathic medicine and surgery" means the use of any and all
10 methods in the treatment of disease, injuries, deformities, and all
11 other physical and mental conditions in and of human beings, including
12 the use of osteopathic manipulative therapy. The term means the same
13 as "osteopathy and surgery".

14 **Sec. 148.** RCW 18.57.020 and 1979 c 117 s 11 are each amended to
15 read as follows:

16 A license shall be issued by the (~~director~~) secretary authorizing
17 the holder thereof to practice osteopathy or osteopathic medicine and
18 surgery, including the use of internal medicine and drugs, and shall be
19 the only type of license issued. All licenses to practice osteopathy
20 or osteopathic medicine and surgery, including the use of internal
21 medicine and drugs, heretofore issued shall remain in full force and
22 effect: PROVIDED, That a license to practice osteopathy and surgery
23 shall be deemed to be the same as a license to practice osteopathic
24 medicine and surgery, and the former license may be exchanged for the
25 latter license at the option of the license holder.

26 In order to procure a license to practice osteopathic medicine and
27 surgery, the applicant must file with the board satisfactory
28 testimonials of good moral character and a diploma issued by some
29 legally chartered school of osteopathic medicine and surgery, approved

1 by the board, or satisfactory evidence of having possessed such
2 diploma, and he or she must file with such diploma an application sworn
3 to before some person authorized to administer oaths, and attested by
4 the hand and seal of such officer, if he or she have a seal, stating
5 that he or she is the person named in said diploma, that he or she is
6 the lawful holder thereof, and that the same was procured in the
7 regular course of instruction and examination, without fraud or
8 misrepresentation. The said application shall be made upon a form
9 prepared by the (~~director~~) secretary, with the approval of the board,
10 and it shall contain such information concerning said osteopathic
11 medical instruction and the preliminary education of the applicant as
12 the board may by rule provide. Applicants who have failed to meet the
13 requirements must be rejected.

14 An applicant for a license to practice osteopathic medicine and
15 surgery must furnish evidence satisfactory to the board that he or she
16 has served for not less than one year as intern or resident in a
17 training program acceptable to the board.

18 In addition, the applicant may be required to furnish evidence
19 satisfactory to the board that he or she is physically and mentally
20 capable of safely carrying on the practice of osteopathic medicine and
21 surgery. The board may require any applicant to submit to such
22 examination or examinations as it deems necessary to determine an
23 applicant's physical and/or mental capability to safely practice
24 osteopathic medicine and surgery. The applicant must also show that he
25 or she has not been guilty of any conduct which would constitute
26 grounds for denial, suspension, or revocation of such license under the
27 laws of the state of Washington.

28 Nothing in this section shall be construed as prohibiting the board
29 from requiring such additional information from applicants as it deems
30 necessary.

1 Nothing in this chapter shall be construed to require any applicant
2 for licensure, or any licensee, as a requisite of retaining or renewing
3 licensure under this chapter, to be a member of any political and/or
4 professional organization.

5 **Sec. 149.** RCW 18.57.050 and 1985 c 7 s 55 are each amended to read
6 as follows:

7 Each applicant on making application shall pay the ~~((director))~~
8 secretary a fee determined by the ~~((director))~~ secretary as provided in
9 RCW ~~((43.24.086))~~ 43.70.250 which shall be paid to the state treasurer
10 by said ~~((director))~~ secretary and used to defray the expenses and
11 compensation of said ~~((director))~~ secretary. In case the applicant's
12 credentials are insufficient, or in case he does not desire to take the
13 examination, the sum of fifteen dollars shall be returned. All persons
14 licensed to practice osteopathy or osteopathic medicine and surgery
15 within this state who are engaged in active practice shall pay on or
16 before the first day of May of each year to the ~~((director))~~ secretary
17 a renewal license fee determined by the ~~((director))~~ secretary as
18 provided in RCW ~~((43.24.086))~~ 43.70.250. The board may establish rules
19 ~~((and—regulations))~~ governing mandatory continuing education
20 requirements which shall be met by physicians applying for renewal of
21 licenses. Licenses not so renewed will not be valid. The ~~((director))~~
22 secretary shall thirty days or more before May 1st of each year mail to
23 all active practitioners of osteopathy or osteopathic medicine and
24 surgery in this state at their last known address a notice of the fact
25 that the renewal fee will be due on or before the first of May. Nothing
26 in this chapter shall be construed so as to require that the receipt
27 shall be recorded as original licenses are required to be recorded.

1 **Sec. 150.** RCW 18.57.080 and 1979 c 117 s 13 are each amended to
2 read as follows:

3 Applicants for a license must be personally examined by the board
4 as to their qualifications. The examination shall be conducted in the
5 English language, shall be practical in character and designed to
6 discover the applicant's fitness to practice osteopathic medicine and
7 surgery, and shall be in whole or in part in writing on the following
8 fundamental subjects, to wit: Anatomy, histology, gynecology,
9 pathology, bacteriology, chemistry, toxicology, physiology, obstetrics,
10 general diagnosis, hygiene, principles and practice of osteopathic
11 medicine, surgery, and the management of surgical cases (including
12 anesthetics) and any other subjects that the board shall deem
13 advisable. The examination papers shall form a part of the records of
14 the (~~director~~) secretary and shall be kept on file by the board for
15 a period of one year after examination. In said examination the
16 applicant shall be known and designated by number only, and the name
17 attached to the number shall be kept secret until final action by the
18 board on such application.

19 **Sec. 151.** RCW 18.57.130 and 1985 c 7 s 56 are each amended to read
20 as follows:

21 Any person who meets the requirements of RCW 18.57.020 as now or
22 hereafter amended and has been examined and licensed to practice
23 osteopathic medicine and surgery by a state board of examiners of
24 another state or the duly constituted authorities of another state
25 authorized to issue licenses to practice osteopathic medicine and
26 surgery upon examination, shall upon approval of the board be entitled
27 to receive a license to practice osteopathic medicine and surgery in
28 this state upon the payment of a fee determined by the (~~director~~)
29 secretary as provided in RCW (~~43.24.086~~) 43.70.250 to the state

1 treasurer and filing a copy of his or her license in such other state,
2 duly certified by the authorities granting the license to be a full,
3 true, and correct copy thereof, and certifying also that the standard
4 of requirements adopted by such authorities as provided by the law of
5 such state is equal to that provided for by the provisions of this
6 chapter: PROVIDED, That no license shall issue without examination to
7 any person who has previously failed in an examination held in this
8 state: PROVIDED, FURTHER, That all licenses herein mentioned may be
9 revoked for unprofessional conduct, in the same manner and upon the
10 same grounds as if issued under this chapter: PROVIDED, FURTHER, That
11 no one shall be permitted to practice surgery under this chapter who
12 has not a license to practice osteopathic medicine and surgery.

13 **Sec. 152.** RCW 18.57A.040 and 1986 c 7 s 57 and 1985 c 259 s 96 are
14 each reenacted and amended to read as follows:

15 No osteopathic physician practicing in this state shall utilize the
16 services of an osteopathic physician's assistant without the approval
17 of the board.

18 Any osteopathic physician licensed in this state may apply to the
19 board for permission to use the services of an osteopathic physician's
20 assistant. The application shall be accompanied by a fee determined by
21 the (~~director~~) secretary as provided in RCW (~~(43.24.086)~~) 43.70.250,
22 shall detail the manner and extent to which the physician's assistant
23 would be used and supervised, shall detail the education, training, and
24 experience of the osteopathic physician's assistant and shall provide
25 such other information in such form as the board may require.

26 The board may approve or reject such applications. In addition,
27 the board may modify the proposed utilization of the osteopathic
28 physician's assistant, and approve the application as modified. No
29 such approval shall extend for more than one year, but approval once

1 granted may be renewed annually upon payment of a fee determined by the
2 (~~director~~) secretary as provided in RCW (~~43.24.086~~) 43.70.250.
3 Whenever it appears to the board that an osteopathic physician's
4 assistant is being utilized in a manner inconsistent with the approval
5 granted, the board may withdraw such approval. In the event a hearing
6 is requested upon the rejection of an application, or upon the
7 withdrawal of an approval, a hearing shall be conducted in accordance
8 with chapter 34.05 RCW.

9 **Sec. 153.** RCW 18.59.020 and 1984 c 9 s 3 are each amended to read
10 as follows:

11 Unless the context clearly requires otherwise, the definitions in
12 this section apply throughout this chapter.

13 (1) "Board" means the board of occupational therapy practice.

14 (2) "Occupational therapy" is the scientifically based use of
15 purposeful activity with individuals who are limited by physical injury
16 or illness, psychosocial dysfunction, developmental or learning
17 disabilities, or the aging process in order to maximize independence,
18 prevent disability, and maintain health. The practice encompasses
19 evaluation, treatment, and consultation. Specific occupational therapy
20 services include but are not limited to: Using specifically designed
21 activities and exercises to enhance neurodevelopmental, cognitive,
22 perceptual motor, sensory integrative, and psychomotor functioning;
23 administering and interpreting tests such as manual muscle and sensory
24 integration; teaching daily living skills; developing prevocational
25 skills and play and avocational capabilities; designing, fabricating,
26 or applying selected orthotic and prosthetic devices or selected
27 adaptive equipment; and adapting environments for the handicapped.
28 These services are provided individually, in groups, or through social
29 systems.

1 (3) "Occupational therapist" means a person licensed to practice
2 occupational therapy under this chapter.

3 (4) "Occupational therapy assistant" means a person licensed to
4 assist in the practice of occupational therapy under the supervision or
5 with the regular consultation of an occupational therapist.

6 (5) "Occupational therapy aide" means a person who is trained to
7 perform specific occupational therapy techniques under professional
8 supervision as defined by the board but who does not perform activities
9 that require advanced training in the sciences or practices involved in
10 the profession of occupational therapy.

11 (6) "Person" means any individual, partnership, unincorporated
12 organization, or corporate body, except that only an individual may be
13 licensed under this chapter.

14 (7) "Department" means the department of (~~licensing~~) health.

15 (8) (~~("Director" means the director of licensing)~~) "Secretary"
16 means the secretary of health.

17 **Sec. 154.** RCW 18.59.080 and 1984 c 9 s 9 are each amended to read
18 as follows:

19 The (~~director~~) secretary shall issue a license to a person who
20 meets the licensing requirements of this chapter upon payment of the
21 prescribed license fee. The license shall be posted in a conspicuous
22 location at the person's work site.

23 **Sec. 155.** RCW 18.59.090 and 1990 c 13 s 1 are each amended to read
24 as follows:

25 (1) Licenses under this chapter shall be renewed at the time and in
26 the manner determined by the (~~director~~) secretary and with the
27 payment of a renewal fee. The board shall establish requirements for
28 license renewal which provide evidence of continued competency. The

1 ((~~director~~)) secretary may provide for the late renewal of a license
2 upon the payment of a late fee in accordance with its rules which may
3 include additional continuing education or examination requirements.

4 (2) A suspended license is subject to expiration and may be renewed
5 as provided in this section, but the renewal does not entitle the
6 licensee, while the license remains suspended and until it is
7 reinstated, to engage in the licensed activity, or in any other conduct
8 or activity in violation of the order or judgment by which the license
9 was suspended. If a license revoked on disciplinary grounds is
10 reinstated, the licensee, as a condition of reinstatement, shall pay
11 the renewal fee and any applicable late fee.

12 (3) Any occupational therapist or occupational therapy assistant
13 licensed under this chapter not practicing occupational therapy or
14 providing services may place his or her license in an inactive status.
15 The ((~~director~~)) secretary may prescribe requirements for maintaining
16 an inactive status and converting from an inactive or active status.

17 **Sec. 156.** RCW 18.59.110 and 1985 c 7 s 58 are each amended to read
18 as follows:

19 The ((~~director~~)) secretary shall prescribe and publish fees in
20 amounts determined by the ((~~director~~)) secretary as provided in RCW
21 ((~~43.24.086~~)) 43.70.250 for the following purposes:

- 22 (1) Application for examination;
- 23 (2) Initial license fee;
- 24 (3) Renewal of license fee;
- 25 (4) Late renewal fee; and
- 26 (5) Limited permit fee.

27 The fees shall be set in such an amount as to reimburse the state,
28 to the extent feasible, for the cost of the services rendered.

1 **Sec. 157.** RCW 18.59.150 and 1984 c 9 s 15 are each amended to read
2 as follows:

3 The ((director)) secretary shall provide such administrative and
4 investigative staff as are necessary for the board to carry out its
5 duties under this chapter.

6 **Sec. 158.** RCW 18.71.010 and 1988 c 104 s 1 are each amended to
7 read as follows:

8 The following terms used in this chapter shall have the meanings
9 set forth in this section unless the context clearly indicates
10 otherwise:

11 (1) "Board" means the board of medical examiners.

12 (2) ((~~"Director" means the director of licensing~~)) "Secretary"
13 means the secretary of health.

14 (3) "Resident physician" means an individual who has graduated from
15 a school of medicine which meets the requirements set forth in RCW
16 18.71.055 and is serving a period of postgraduate clinical medical
17 training sponsored by a college or university in this state or by a
18 hospital accredited by this state. For purposes of this chapter, the
19 term shall include individuals designated as intern or medical fellow.

20 (4) "Emergency medical care" or "emergency medical service" has the
21 same meaning as in chapter 18.73 RCW.

22 **Sec. 159.** RCW 18.71.015 and 1990 c 196 s 11 are each amended to
23 read as follows:

24 There is hereby created a board of medical examiners consisting of
25 six individuals licensed to practice medicine in the state of
26 Washington, one individual who is licensed as a physician assistant
27 under chapter 18.71A RCW, and two individuals who are not physicians,
28 to be known as the Washington state board of medical examiners.

1 The board shall be appointed by the governor. On expiration of the
2 term of any member, the governor shall appoint for a period of five
3 years an individual of similar qualifications to take the place of such
4 member. Each member shall hold office until the expiration of the term
5 for which such member is appointed or until a successor shall have been
6 appointed and shall have qualified.

7 Each member of the board shall be a citizen of the United States,
8 must be an actual resident of this state, and, if a physician, must
9 have been licensed to practice medicine in this state for at least five
10 years.

11 The board shall meet as soon as practicable after appointment and
12 elect a chair and a vice-chair from its members. Meetings shall be
13 held at least four times a year and at such place as the board shall
14 determine and at such other times and places as the board deems
15 necessary. A majority of the board members serving shall constitute a
16 quorum for the transaction of board business.

17 It shall require the affirmative vote of a majority of a quorum of
18 the board to carry any motion or resolution, to adopt any rule, to pass
19 any measure, or to authorize or deny the issuance of any certificate.

20 Each member of the board shall be compensated in accordance with
21 RCW 43.03.240 and in addition thereto shall be reimbursed for travel
22 expenses incurred in carrying out the duties of the board in accordance
23 with RCW 43.03.050 and 43.03.060. Any such expenses shall be paid from
24 funds appropriated to the department of health.

25 Any member of the board may be removed by the governor for neglect
26 of duty, misconduct, or malfeasance or misfeasance in office.

27 Vacancies in the membership of the board shall be filled for the
28 unexpired term by appointment by the governor.

1 **Sec. 160.** RCW 18.71.040 and 1985 c 322 s 1 are each amended to
2 read as follows:

3 Every applicant for a certificate to practice medicine and surgery
4 shall pay a fee determined by the (~~director~~) secretary as provided in
5 RCW (~~(43.24.086)~~) 43.70.250.

6 **Sec. 161.** RCW 18.71.050 and 1986 c 259 s 109 are each amended to
7 read as follows:

8 (1) Each applicant who has graduated from a school of medicine
9 located in any state, territory or possession of the United States, the
10 District of Columbia, or the Dominion of Canada, shall file an
11 application for licensure with the board on a form prepared by the
12 (~~director~~) secretary with the approval of the board. Each applicant
13 shall furnish proof satisfactory to the board of the following:

14 (a) That the applicant has attended and graduated from a school of
15 medicine approved by the board;

16 (b) That the applicant has completed two years of postgraduate
17 medical training in a program acceptable to the board, provided that
18 applicants graduating before July 28, 1985, may complete only one year
19 of postgraduate medical training;

20 (c) That the applicant is of good moral character; and

21 (d) That the applicant is physically and mentally capable of safely
22 carrying on the practice of medicine. The board may require any
23 applicant to submit to such examination or examinations as it deems
24 necessary to determine an applicant's physical and/or mental capability
25 to safely practice medicine.

26 (2) Nothing in this section shall be construed as prohibiting the
27 board from requiring such additional information from applicants as it
28 deems necessary. The issuance and denial of licenses are subject to
29 chapter 18.130 RCW, the uniform disciplinary act.

1 **Sec. 162.** RCW 18.71.051 and 1975 1st ex.s. c 171 s 16 are each
2 amended to read as follows:

3 Applicants for licensure to practice medicine who have graduated
4 from a school of medicine located outside of the states, territories
5 and possessions of the United States, the District of Columbia, or the
6 Dominion of Canada, shall file an application for licensure with the
7 board on a form prepared by the ~~((director))~~ secretary with the
8 approval of the board. Each applicant shall furnish proof satisfactory
9 to the board of the following:

10 (1) That he or she has completed in a school of medicine a resident
11 course of professional instruction equivalent to that required in this
12 chapter for applicants generally;

13 (2) That he or she meets all the requirements which must be met by
14 graduates of the United States and Canadian school of medicine except
15 that he or she need not have graduated from a school of medicine
16 approved by the board;

17 (3) That he or she has satisfactorily passed the examination given
18 by the educational council for foreign medical graduates or has met the
19 requirements in lieu thereof as set forth in rules and regulations
20 adopted by the board;

21 (4) That he or she has the ability to read, write, speak,
22 understand, and be understood in the English language.

23 **Sec. 163.** RCW 18.71.080 and 1985 c 322 s 4 are each amended to
24 read as follows:

25 Every person licensed to practice medicine in this state shall
26 register with the ~~((director of licensing))~~ secretary of health
27 annually, and pay an annual renewal registration fee determined by the
28 ~~((director))~~ secretary as provided in RCW ~~((43.24.086))~~ 43.70.250. The
29 board may establish rules ~~((and regulations))~~ governing mandatory

1 continuing education requirements which shall be met by physicians
2 applying for renewal of licenses. Any failure to register and pay the
3 annual renewal registration fee shall render the license invalid, but
4 such license shall be reinstated upon written application therefor to
5 the ((director)) secretary, and payment to the state of a penalty fee
6 determined by the ((director)) secretary as provided in RCW
7 ((43.24.086)) 43.70.250, together with all delinquent annual license
8 renewal fees: PROVIDED, HOWEVER, That any person who fails to renew
9 the license for a period of three years, shall in no event be entitled
10 to renew the license under this section. Such a person in order to
11 obtain a license to practice medicine in this state, shall file an
12 original application as provided for in this chapter, along with the
13 requisite fee therefor. The board, in its sole discretion, may permit
14 such applicant to be licensed without examination if it is satisfied
15 that such applicant meets all the requirements for licensure in this
16 state, and is competent to engage in the practice of medicine.

17 **Sec. 164.** RCW 18.71.095 and 1990 c 160 s 1 are each amended to
18 read as follows:

19 The board may, without examination, issue a limited license to
20 persons who possess the qualifications set forth herein:

21 (1) The board may, upon the written request of the secretary of the
22 department of social and health services or the secretary of
23 corrections, issue a limited license to practice medicine in this state
24 to persons who have been accepted for employment by the department of
25 social and health services or the department of corrections as
26 physicians; who are licensed to practice medicine in another state of
27 the United States or in the country of Canada or any province or
28 territory thereof; and who meet all of the qualifications for licensure
29 set forth in RCW 18.71.050.

1 Such license shall permit the holder thereof to practice medicine
2 only in connection with patients, residents, or inmates of the state
3 institutions under the control and supervision of the secretary of the
4 department of social and health services or the department of
5 corrections.

6 (2) The board may issue a limited license to practice medicine in
7 this state to persons who have been accepted for employment by a county
8 or city health department as physicians; who are licensed to practice
9 medicine in another state of the United States or in the country of
10 Canada or any province or territory thereof; and who meet all of the
11 qualifications for licensure set forth in RCW 18.71.050.

12 Such license shall permit the holder thereof to practice medicine
13 only in connection with his or her duties in employment with the city
14 or county health department.

15 (3) Upon receipt of a completed application showing that the
16 applicant meets all of the requirements for licensure set forth in RCW
17 18.71.050 except for completion of two years of postgraduate medical
18 training, and that the applicant has been appointed as a resident
19 physician in a program of postgraduate clinical training in this state
20 approved by the board, the board may issue a limited license to a
21 resident physician. Such license shall permit the resident physician
22 to practice medicine only in connection with his or her duties as a
23 resident physician and shall not authorize the physician to engage in
24 any other form of practice. Each resident physician shall practice
25 medicine only under the supervision and control of a physician licensed
26 in this state, but such supervision and control shall not be construed
27 to necessarily require the personal presence of the supervising
28 physician at the place where services are rendered.

29 (4)(a) Upon nomination by the dean of the school of medicine at the
30 University of Washington or the chief executive officer of a hospital

1 or other appropriate health care facility licensed in the state of
2 Washington, the board may issue a limited license to a physician
3 applicant invited to serve as a teaching-research member of the
4 institution's instructional staff if the sponsoring institution and the
5 applicant give evidence that he or she has graduated from a recognized
6 medical school and has been licensed or otherwise privileged to
7 practice medicine at his or her location of origin. Such license shall
8 permit the recipient to practice medicine only within the confines of
9 the instructional program specified in the application and shall
10 terminate whenever the holder ceases to be involved in that program, or
11 at the end of one year, whichever is earlier. Upon request of the
12 applicant and the institutional authority, the license may be renewed
13 for no more than a total of two years.

14 (b) Upon nomination by the dean of the school of medicine of the
15 University of Washington or the chief executive officer of any hospital
16 or appropriate health care facility licensed in the state of
17 Washington, the board may issue a limited license to an applicant
18 selected by the sponsoring institution to be enrolled in one of its
19 designated departmental or divisional fellowship programs provided that
20 the applicant shall have graduated from a recognized medical school and
21 has been granted a license or other appropriate certificate to practice
22 medicine in the location of the applicant's origin. Such license shall
23 permit the holder only to practice medicine within the confines of the
24 fellowship program to which he or she has been appointed and, upon the
25 request of the applicant and the sponsoring institution, the license
26 may be renewed by the board for no more than a total of two years.

27 All persons licensed under this section shall be subject to the
28 jurisdiction of the medical disciplinary board to the same extent as
29 other members of the medical profession, in accordance with chapters
30 18.72 and 18.130 RCW.

1 Persons applying for licensure pursuant to this section shall pay
2 an application fee determined by the (~~director~~) secretary as provided
3 in RCW (~~43.24.086~~) 43.70.250 and, in the event the license applied
4 for is issued, a license fee at the rate provided for renewals of
5 licenses generally. Licenses issued hereunder may be renewed annually
6 pursuant to the provisions of RCW 18.71.080. Any person who obtains a
7 limited license pursuant to this section may, without an additional
8 application fee, apply for licensure under this chapter, but shall
9 submit a new application form and comply with all other licensing
10 requirements of this chapter.

11 **Sec. 165.** RCW 18.71.200 and 1986 c 259 s 111 are each amended to
12 read as follows:

13 (1) As used in this chapter, a "physician's trained mobile
14 intravenous therapy technician" means a person who:

15 (a) Has successfully completed an emergency medical technician
16 course as described in chapter 18.73 RCW;

17 (b) Is trained under the supervision of an approved medical program
18 director to administer intravenous solutions under written or oral
19 authorization of an approved licensed physician; and

20 (c) Has been examined and certified as a physician's trained mobile
21 intravenous therapy technician by the University of Washington's school
22 of medicine or the department of (~~social and health services~~) health;

23 (2) As used in this chapter, a "physician's trained mobile airway
24 management technician" means a person who:

25 (a) Has successfully completed an emergency medical technician
26 course as described in chapter 18.73 RCW;

27 (b) Is trained under the supervision of an approved medical program
28 director to perform endotracheal airway management and other authorized

1 aids to ventilation under written or oral authorization of an approved
2 licensed physician; and

3 (c) Has been examined and certified as a physician's trained mobile
4 airway management technician by the University of Washington's school
5 of medicine or the department of (~~social and health services~~) health;
6 and

7 (3) As used in this chapter, a "physician's trained mobile
8 intensive care paramedic" means a person who:

9 (a) Has successfully completed an emergency medical technician
10 course as described in chapter 18.73 RCW;

11 (b) Is trained under the supervision of an approved medical program
12 director:

13 (i) To carry out all phases of advanced cardiac life support;

14 (ii) To administer drugs under written or oral authorization of an
15 approved licensed physician; and

16 (iii) To administer intravenous solutions under written or oral
17 authorization of an approved licensed physician; and

18 (iv) To perform endotracheal airway management and other authorized
19 aids to ventilation; and

20 (c) Has been examined and certified as a physician's trained mobile
21 intensive care paramedic by the University of Washington's school of
22 medicine or by the department of (~~social and health services~~) health.

23 **Sec. 166.** RCW 18.72.100 and 1984 c 287 s 45 are each amended to
24 read as follows:

25 Members of the board shall be compensated in accordance with RCW
26 43.03.240 and shall be repaid their travel expenses while engaged in
27 business of the board in accordance with RCW 43.03.050 and 43.03.060.
28 Such compensation and reimbursement for expenses shall be paid out of

1 the general fund on vouchers approved by the (~~director of licensing~~)
2 secretary of health.

3 **Sec. 167.** RCW 18.72.120 and 1955 c 202 s 12 are each amended to
4 read as follows:

5 The first board shall be organized in this manner: Within ten days
6 after the effective date of this chapter the (~~director of licenses~~)
7 secretary of health shall appoint five holders of licenses to practice
8 medicine and surgery in this state to serve as members of a temporary
9 commission which shall, within ninety days thereafter, organize and
10 hold the election to name the first members of the medical disciplinary
11 board. The temporary commission shall adopt such rules (~~and~~
12 ~~regulations~~) as it deems necessary to govern the holding of the first
13 election. After the election is completed and the first members of the
14 board have qualified and taken office, the temporary commission shall
15 be abolished and all of its records shall be turned over to the board.

16 **Sec. 168.** RCW 18.72.155 and 1979 ex.s. c 111 s 6 are each amended
17 to read as follows:

18 The (~~director~~) secretary of the department of (~~licensing~~)
19 health shall appoint, from a list of three names supplied by the board,
20 an executive secretary who shall act to carry out the provisions of
21 this chapter. The (~~director~~) secretary shall also employ such
22 additional staff including administrative assistants, investigators,
23 and clerical staff as are required to enable the board to accomplish
24 its duties and responsibilities. The executive secretary shall be
25 exempt from the provisions of the civil service law, chapter 41.06 RCW,
26 as now or hereafter amended.

1 **Sec. 169.** RCW 18.72.306 and 1989 c 119 s 2 are each amended to
2 read as follows:

3 (1) The board shall enter into a contract with the committee to
4 implement an impaired physician program. The impaired physician
5 program may include any or all of the following:

6 (a) Contracting with providers of treatment programs;

7 (b) Receiving and evaluating reports of suspected impairment from
8 any source;

9 (c) Intervening in cases of verified impairment;

10 (d) Referring impaired physicians to treatment programs;

11 (e) Monitoring the treatment and rehabilitation of impaired
12 physicians including those ordered by the board;

13 (f) Providing post-treatment monitoring and support of
14 rehabilitative impaired physicians;

15 (g) Performing such other activities as agreed upon by the board
16 and the committee; and

17 (h) Providing prevention and education services.

18 (2) A contract entered into under subsection (1) of this section
19 shall be financed by a surcharge of up to twenty-five dollars on each
20 license renewal or issuance of a new license to be collected by the
21 department of (~~licensing~~) health from every physician and surgeon
22 licensed under chapter 18.71 RCW in addition to other license fees and
23 the medical discipline assessment fee established under RCW 18.72.380.
24 These moneys shall be placed in the health professions account to be
25 used solely for the implementation of the impaired physician program.

26 **Sec. 170.** RCW 18.72.380 and 1985 c 7 s 62 are each amended to read
27 as follows:

28 There is hereby levied to be collected by the department of
29 (~~licensing~~) health from every physician and surgeon licensed pursuant

1 to chapter 18.71 RCW an annual medical disciplinary assessment equal to
2 the license renewal fee established under RCW (~~(43.24.086)~~) 43.70.250.
3 The assessment levied pursuant to this subsection is in addition to any
4 license renewal fee established under RCW (~~(43.24.086)~~) 43.70.250.

5 **Sec. 171.** RCW 18.72.400 and 1983 c 71 s 3 are each amended to read
6 as follows:

7 The (~~(director of licensing)~~) secretary of health shall allocate
8 all appropriated funds to accomplish the purposes of this chapter.

9 **Sec. 172.** RCW 18.74.010 and 1988 c 185 s 1 are each amended to
10 read as follows:

11 Unless the context otherwise requires, the definitions in this
12 section apply throughout this chapter.

13 (1) "Board" means the board of physical therapy created by RCW
14 18.74.020.

15 (2) "Department" means the department of (~~(licensing)~~) health.

16 (3) (~~("Director" means the director of licensing)~~) "Secretary"
17 means the secretary of health.

18 (4) "Physical therapy" means the treatment of any bodily or mental
19 condition of any person by the use of the physical, chemical, and other
20 properties of heat, cold, air, light, water, electricity, sound,
21 massage, and therapeutic exercise, which includes posture and
22 rehabilitation procedures; the performance of tests and measurements of
23 neuromuscular function as an aid to the diagnosis or treatment of any
24 human condition; performance of treatments on the basis of test
25 findings after consultation with and periodic review by an authorized
26 health care practitioner except as provided in RCW 18.74.012 until June
27 30, 1991; supervision of selective forms of treatment by trained
28 supportive personnel; and provision of consultative services for

1 health, education, and community agencies. The use of Roentgen rays
2 and radium for diagnostic and therapeutic purposes, the use of
3 electricity for surgical purposes, including cauterization, and the use
4 of spinal manipulation or manipulative mobilization of the spine and
5 its immediate articulations, are not included under the term "physical
6 therapy" as used in this chapter.

7 (5) "Physical therapist" means a person who practices physical
8 therapy as defined in this chapter but does not include massage
9 operators as defined in RCW 18.108.010.

10 (6) ~~((Words importing the masculine gender may be applied to~~
11 ~~females.~~

12 ~~(7))~~ "Authorized health care practitioner" means and includes
13 licensed physicians, osteopathic physicians, chiropractors,
14 naturopaths, podiatrists, and dentists: PROVIDED, HOWEVER, That nothing
15 herein shall be construed as altering the scope of practice of such
16 practitioners as defined in their respective licensure laws.

17 **Sec. 173.** RCW 18.74.010 and 1990 c 297 s 17 are each amended to
18 read as follows:

19 Unless the context otherwise requires, the definitions in this
20 section apply throughout this chapter.

21 (1) "Board" means the board of physical therapy created by RCW
22 18.74.020.

23 (2) "Department" means the department of ~~((licensing))~~ health.

24 (3) ~~(("Director" means the director of licensing))~~ "Secretary"
25 means the secretary of health.

26 (4) "Physical therapy" means the treatment of any bodily or mental
27 condition of any person by the use of the physical, chemical, and other
28 properties of heat, cold, air, light, water, electricity, sound,
29 massage, and therapeutic exercise, which includes posture and

1 rehabilitation procedures; the performance of tests and measurements of
2 neuromuscular function as an aid to the diagnosis or treatment of any
3 human condition; performance of treatments on the basis of test
4 findings after consultation with and periodic review by an authorized
5 health care practitioner; supervision of selective forms of treatment
6 by trained supportive personnel; and provision of consultative services
7 for health, education, and community agencies. The use of Roentgen
8 rays and radium for diagnostic and therapeutic purposes, the use of
9 electricity for surgical purposes, including cauterization, and the use
10 of spinal manipulation or manipulative mobilization of the spine and
11 its immediate articulations, are not included under the term "physical
12 therapy" as used in this chapter.

13 (5) "Physical therapist" means a person who practices physical
14 therapy as defined in this chapter but does not include massage
15 operators as defined in RCW 18.108.010.

16 (6) ~~((Words importing the masculine gender may be applied to
17 females.~~

18 (7)) "Authorized health care practitioner" means and includes
19 licensed physicians, osteopathic physicians, chiropractors,
20 naturopaths, podiatrists, and dentists: PROVIDED, HOWEVER, That
21 nothing herein shall be construed as altering the scope of practice of
22 such practitioners as defined in their respective licensure laws.

23 **Sec. 174.** RCW 18.74.020 and 1984 c 287 s 46 are each amended to
24 read as follows:

25 The state board of physical therapy is hereby created. The board
26 shall consist of five members who shall be appointed by the governor.
27 Of the initial appointments, two shall be appointed for a term of two
28 years, two for a term of three years, and one for a term of four years.
29 Thereafter, all appointments shall be for terms of four years. Four

1 members of the board shall be physical therapists licensed under this
2 chapter and residing in this state, shall have not less than five
3 years' experience in the practice of physical therapy, and shall be
4 actively engaged in practice within two years of appointment. The
5 fifth member shall be appointed from the public at large, shall have an
6 interest in the rights of consumers of health services, and shall not
7 be or have been a member of any other licensing board, a licensee of
8 any health occupation board, an employee of any health facility nor
9 derive his or her primary livelihood from the provision of health
10 services at any level of responsibility. In the event that a member of
11 the board for any reason cannot complete his or her term of office,
12 another appointment shall be made by the governor in accordance with
13 the procedure stated above to fill the remainder of the term. No
14 member may serve for more than two successive four-year terms.

15 The (~~director of licensing~~) secretary of health shall furnish
16 such secretarial, clerical and other assistance as the board may
17 require. Each member of the board shall, in addition to travel
18 expenses in accordance with RCW 43.03.050 and 43.03.060, be compensated
19 in accordance with RCW 43.03.240.

20 **Sec. 175.** RCW 18.74.023 and 1986 c 259 s 124 are each amended to
21 read as follows:

22 The board has the following powers and duties:

23 (1) To administer examinations to applicants for a license under
24 this chapter.

25 (2) To pass upon the qualifications of applicants for a license and
26 to certify to the (~~director~~) secretary duly qualified applicants.

27 (3) To make such rules not inconsistent with the laws of this state
28 as may be deemed necessary or proper to carry out the purposes of this
29 chapter.

1 (4) To establish and administer requirements for continuing
2 professional education as may be necessary or proper to ensure the
3 public health and safety and which may be a prerequisite to granting
4 and renewing a license under this chapter.

5 (5) To keep an official record of all its proceedings, which record
6 shall be evidence of all proceedings of the board which are set forth
7 therein.

8 (6) To adopt rules not inconsistent with the laws of this state,
9 when it deems appropriate, in response to questions put to it by
10 professional health associations, physical therapists, and consumers in
11 this state concerning the authority of physical therapists to perform
12 particular acts.

13 **Sec. 176.** RCW 18.74.035 and 1983 c 116 s 7 are each amended to
14 read as follows:

15 All qualified applicants for a license as a physical therapist
16 shall be examined by the board at such time and place as the board may
17 determine. The examination shall embrace the following subjects: The
18 applied sciences of anatomy, neuroanatomy, kinesiology, physiology,
19 pathology, psychology, physics; physical therapy, as defined in this
20 chapter, applied to medicine, neurology, orthopedics, pediatrics,
21 psychiatry, surgery; medical ethics; technical procedures in the
22 practice of physical therapy as defined in this chapter; and such other
23 subjects as the board may deem useful to test the applicant's fitness
24 to practice physical therapy, but not including the adjustment or
25 manipulation of the spine or use of a thrusting force as mobilization.
26 Examinations shall be held within the state at least once a year, at
27 such time and place as the board shall determine. An applicant who
28 fails an examination may apply for reexamination upon payment of a
29 reexamination fee determined by the (~~director~~) secretary.

1 **Sec. 177.** RCW 18.74.040 and 1983 c 116 s 8 are each amended to
2 read as follows:

3 The ~~((director of licensing))~~ secretary of health shall license as
4 a physical therapist, and shall furnish a license to each applicant who
5 successfully passes the examination for licensure as a physical
6 therapist.

7 **Sec. 178.** RCW 18.74.050 and 1985 c 7 s 63 are each amended to read
8 as follows:

9 The ~~((director))~~ secretary shall furnish a license upon the
10 authority of the board to any person who applies and who has qualified
11 under the provisions of this chapter. At the time of applying, the
12 applicant shall pay to the state treasurer a fee determined by the
13 ~~((director))~~ secretary as provided in RCW ~~((43.24.086, provided))~~
14 43.70.250. No person registered or licensed on July 24, 1983, as a
15 physical therapist shall be required to pay an additional fee for a
16 license under this chapter.

17 **Sec. 179.** RCW 18.74.060 and 1985 c 7 s 64 are each amended to read
18 as follows:

19 Upon the recommendation of the board, the ~~((director))~~ secretary
20 shall license as a physical therapist and shall furnish a license to
21 any person who is a physical therapist registered or licensed under the
22 laws of another state or territory, or the District of Columbia, if the
23 qualifications for such registration or license required of the
24 applicant were substantially equal to the requirements under this
25 chapter. At the time of making application, the applicant shall pay to
26 the state treasurer a fee determined by the ~~((director))~~ secretary as
27 provided in RCW ~~((43.24.086))~~ 43.70.250.

1 **Sec. 180.** RCW 18.74.070 and 1983 c 116 s 12 are each amended to
2 read as follows:

3 Every licensed physical therapist shall apply to the ~~((director))~~
4 secretary for a renewal of the license and pay to the state treasurer
5 a fee determined by the ~~((director))~~ secretary as provided in RCW
6 ~~((43.24.085 as now or hereafter amended))~~ 43.70.250. The license of a
7 physical therapist who fails to renew the license within thirty days of
8 the date set by the ~~((director))~~ secretary for renewal shall
9 automatically lapse. Within three years from the date of lapse and
10 upon the recommendation of the board, the ~~((director))~~ secretary may
11 revive a lapsed license upon the payment of all past unpaid renewal
12 fees and a penalty fee to be determined by the ~~((director))~~ secretary.
13 The board may require reexamination of an applicant whose license has
14 lapsed for more than three years and who has not continuously engaged
15 in lawful practice in another state or territory, or waive
16 reexamination in favor of evidence of continuing education satisfactory
17 to the board.

18 **Sec. 181.** RCW 18.74.090 and 1987 c 150 s 48 are each amended to
19 read as follows:

20 A person who is not licensed with the ~~((director of licensing))~~
21 secretary of health as a physical therapist under the requirements of
22 this chapter shall not represent ~~((himself))~~ him or herself as being so
23 licensed and shall not use in connection with his or her name the words
24 or letters "P.T.", "R.P.T.", "L.P.T.", "physical therapy",
25 "physiotherapy", "physical therapist" or "physiotherapist", or any
26 other letters, words, signs, numbers, or insignia indicating or
27 implying that he or she is a physical therapist. No person may
28 practice physical therapy without first having a valid license. Nothing
29 in this chapter prohibits any person licensed in this state under any

1 other act from engaging in the practice for which he or she is
2 licensed. It shall be the duty of the prosecuting attorney of each
3 county to prosecute all cases involving a violation of this chapter
4 arising within his or her county. The attorney general may assist in
5 such prosecution and shall appear at all hearings when requested to do
6 so by the board.

7 **Sec. 182.** RCW 18.74.095 and 1983 c 116 s 19 are each amended to
8 read as follows:

9 If any person violates the provisions of this chapter, the attorney
10 general, prosecuting attorney, the ~~((director))~~ secretary, the board,
11 or any citizen of the same county, may maintain an action in the name
12 of the state to enjoin such person from practicing or holding himself
13 or herself out as practicing physical therapy. The injunction shall
14 not relieve criminal prosecution but the remedy by injunction shall be
15 in addition to the liability of such offender for criminal prosecution
16 and the suspension or revocation of his or her license.

17 **Sec. 183.** RCW 18.74.120 and 1983 c 116 s 21 are each amended to
18 read as follows:

19 The ~~((director of licensing))~~ secretary of health shall keep a
20 record of proceedings under this chapter and a register of all persons
21 licensed under it. The register shall show the name of every living
22 licensed physical therapist, his or her last known place of residence,
23 and the date and number of his or her license as a physical therapist.

24 **Sec. 184.** RCW 18.76.020 and 1987 c 214 s 19 are each amended to
25 read as follows:

26 Unless the context clearly requires otherwise, the definitions in
27 this section apply throughout this chapter:

1 (1) "Department" means the department of (~~social and health~~
2 ~~services~~) health.

3 (2) "Poison information center medical director" means a person
4 who: (a) Is licensed to practice medicine and surgery under chapter
5 18.71 RCW or osteopathy and surgery under chapter 18.57 RCW; (b) is
6 certified by the secretary under standards adopted under RCW 18.76.050;
7 and (c) provides services enumerated under RCW 18.76.030 and 18.76.040,
8 and is responsible for supervision of poison information specialists.

9 (3) "Poison information specialist" means a person who provides
10 services enumerated under RCW 18.76.030 and 18.76.040 under the
11 supervision of a poison information center medical director and is
12 certified by the secretary under standards adopted under RCW 18.76.050.

13 (4) "Secretary" means the secretary of (~~social and health~~
14 ~~services~~) health.

15 **Sec. 185.** RCW 18.78.010 and 1983 c 55 s 2 are each amended to read
16 as follows:

17 Unless a different meaning is plainly required by the context, the
18 following words and phrases as hereinafter used in this chapter shall
19 have the following meanings:

20 (1) "Board" shall mean "Washington state board of practical
21 nursing."

22 (2) "Curriculum" means the theoretical and practical studies which
23 must be taught in order for students to meet the minimum standards of
24 competency as determined by the board.

25 (3) (~~"Director" shall mean "director of licensing."~~) "Secretary"
26 means the secretary of health.

27 (4) "Licensed practical nurse," abbreviated "L.P.N.," means a
28 person licensed by the board to practice practical nursing.

1 (5) "Licensed practical nurse practice" shall mean the performance
2 of services requiring the knowledge, skill, and judgment necessary for
3 carrying out selected aspects of the designated nursing regimen under
4 the direction of a licensed physician and surgeon, dentist, osteopathic
5 physician and surgeon, or podiatrist or at the direction and under the
6 supervision of a registered nurse.

7 (6) "Supervision" shall mean the critical evaluation of acts
8 performed with authority to take corrective action, but shall not be
9 construed so as to require direct and bodily presence.

10 **Sec. 186.** RCW 18.78.050 and 1988 c 211 s 4 are each amended to
11 read as follows:

12 The board shall conduct examinations for all applicants for
13 licensure under this chapter and shall certify qualified applicants to
14 the department of (~~(licensing)~~) health for licensing. The board shall
15 also determine and formulate what constitutes the curriculum for an
16 approved practical nursing program preparing persons for licensure
17 under this chapter. The board shall establish criteria for licensure
18 by endorsement.

19 The board may adopt rules or issue advisory opinions in response to
20 questions from professional health associations, health care
21 practitioners, and consumers in this state concerning licensed
22 practical nurse practice. The board shall establish criteria for proof
23 of reasonable currency of knowledge and skill as a basis for safe
24 practice after three years inactive or lapsed status.

25 The board shall adopt such rules as are necessary to fulfill the
26 purposes of this chapter pursuant to chapter 34.05 RCW.

27 **Sec. 187.** RCW 18.78.060 and 1988 c 212 s 1 are each amended to
28 read as follows:

1 An applicant for a license to practice nursing as a licensed
2 practical nurse shall submit to the board written evidence, on a form
3 provided by the board, verified under oath, that the applicant:

4 (1) Is at least eighteen years of age;

5 (2) Is of good moral character;

6 (3) Is of good physical and mental health;

7 (4) Has completed at least a tenth grade course or its equivalent,
8 as determined by the board;

9 (5) Has completed an approved program of not less than nine months
10 for the education of practical nurses, or its equivalent, as determined
11 by the board.

12 To be licensed as a practical nurse, each applicant shall be
13 required to pass an examination in such subjects as the board may
14 determine within the scope of and commensurate with the work to be
15 performed by a licensed practical nurse. Upon approval by the board,
16 the department shall issue an interim permit authorizing the applicant
17 to practice nursing as authorized under this chapter pending
18 notification of the results of the first licensing examination
19 following verification of satisfactory completion of an approved
20 program of practical nursing. Any applicant failing to pass such an
21 examination may apply for reexamination. If the applicant fails the
22 examination, the interim permit expires upon notification and is not
23 renewable. Upon passing such examination as determined by the board,
24 the ((director)) secretary shall issue to the applicant a license to
25 practice as a licensed practical nurse, providing the license fee is
26 paid by the applicant and the applicant meets all other requirements of
27 the board.

28 **Sec. 188.** RCW 18.78.080 and 1985 c 7 s 65 are each amended to read
29 as follows:

1 All applicants applying for a license to practice as a licensed
2 practical nurse with or without examination, as provided in this
3 chapter, shall pay a license fee determined by the ((director))
4 secretary as provided in RCW ((43.24.086)) 43.70.250 to the department
5 of ((licensing)) health: PROVIDED, HOWEVER, That the applicant
6 applying for a reexamination shall pay a fee determined by the
7 ((director)) secretary as provided in RCW ((43.24.086)) 43.70.250.

8 **Sec. 189.** RCW 18.78.090 and 1986 c 7 s 66 and 1985 c 259 s 131 are
9 each reenacted and amended to read as follows:

10 Every licensed practical nurse in this state shall renew the
11 license with the department of ((licensing)) health and shall pay a fee
12 determined by the ((director)) secretary as provided in RCW
13 ((43.24.086)) 43.70.250. Any failure to register and pay the renewal
14 registration fee shall render the license invalid, but such license
15 shall be reinstated upon written application therefor and upon payment
16 to the state of a penalty fee determined by the ((director)) secretary
17 as provided in RCW ((43.24.086)) 43.70.250.

18 **Sec. 190.** RCW 18.78.100 and 1983 c 55 s 11 are each amended to
19 read as follows:

20 After consultation with the board, the ((director)) secretary shall
21 appoint an executive secretary of the board to carry out the provisions
22 of this chapter who shall have the following qualifications:

- 23 (1) Be a registered nurse in the state of Washington;
- 24 (2) Be the holder of a baccalaureate degree from an accredited
25 four-year institution of higher education;
- 26 (3) Have not less than five years' experience in the field of
27 nursing; and
- 28 (4) Have not less than two years' experience in nursing education.

1 **Sec. 191.** RCW 18.78.110 and 1983 c 55 s 12 are each amended to
2 read as follows:

3 The ((director)) secretary shall fix the compensation and provide
4 for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as
5 now existing or hereafter amended for the executive secretary of the
6 board and shall provide such clerical assistance as ((said director))
7 the secretary may deem necessary.

8 **Sec. 192.** RCW 18.78.225 and 1988 c 211 s 12 are each amended to
9 read as follows:

10 An individual may place his or her license on inactive status with
11 proper notification to the department. The holder of an inactive
12 license shall not practice practical nursing in this state. The
13 inactive renewal fee shall be established by the ((director)) secretary
14 pursuant to RCW ((43.24.086)) 43.70.250. Failure to renew an inactive
15 license shall result in cancellation in the same manner as an active
16 license. An inactive license may be placed in an active status upon
17 compliance with the rules established by the board.

18 The provisions relating to the denial, suspension, and revocation
19 of a license shall be applicable to an inactive or lapsed license.
20 When proceedings to suspend or revoke an inactive license have been
21 initiated, the license shall not be reinstated until the proceedings
22 have been completed.

23 **Sec. 193.** RCW 18.83.010 and 1984 c 279 s 75 are each amended to
24 read as follows:

25 When used in this chapter:

26 (1) The "practice of psychology" means the application of
27 established principles of learning, motivation, perception, thinking
28 and emotional relationships to problems of evaluation, group relations

1 and behavior adjustment, including but not limited to: (a) counseling
2 and guidance; (b) use of psychotherapeutic techniques with clients who
3 have adjustment problems in the family, at school, at work or in
4 interpersonal relationships; (c) measuring and testing of personality,
5 intelligence, aptitudes, emotions, public opinion, attitudes and
6 skills.

7 This definition does not include the teaching of principles of
8 psychology for accredited educational institutions, or the conduct of
9 research in problems of human or animal behavior.

10 Nothing in this definition shall be construed as permitting the
11 administration or prescribing of drugs or in any way infringing upon
12 the practice of medicine and surgery as defined in chapter 18.71 RCW.

13 (2) (~~"Director" means director of licensing~~) "Secretary" means
14 the secretary of health.

15 (3) "Board" means the examining board of psychology.

16 (4) "Committee" means the disciplinary committee established by the
17 board.

18 (5) "Department" means the department of (~~licensing~~) health.

19 **Sec. 194.** RCW 18.83.025 and 1984 c 279 s 87 are each amended to
20 read as follows:

21 The (~~director~~) secretary has the following authority:

22 (1) To hire such investigative, administrative, and clerical staff
23 as necessary for the enforcement of this chapter;

24 (2) To establish fees to be paid for witnesses, expert witnesses,
25 and consultants used in any investigation, hearing, or proceeding, and
26 to reimburse the individuals for services provided.

27 **Sec. 195.** RCW 18.83.045 and 1984 c 279 s 77 are each amended to
28 read as follows:

1 The board shall meet at least once each year and at such other
2 times as the board deems appropriate to properly discharge its duties.
3 All meetings shall be held in Olympia, Washington, or such other places
4 as may be designated by the ((~~director~~)) secretary. Five members of
5 the board shall constitute a quorum, except that oral examinations may
6 be conducted with only three psychologist members.

7 **Sec. 196.** RCW 18.83.050 and 1986 c 27 s 3 are each amended to read
8 as follows:

9 (1) The board shall adopt such rules as it deems necessary to carry
10 out its functions.

11 (2) The board shall examine the qualifications of applicants for
12 licensing under this chapter, to determine which applicants are
13 eligible for licensing under this chapter and shall forward to the
14 ((~~director~~)) secretary the names of applicants so eligible.

15 (3) The board shall administer examinations to qualified applicants
16 on at least an annual basis. The board shall determine the subject
17 matter and scope of the examinations and shall require both written and
18 oral examinations of each applicant, except as provided in RCW
19 18.83.170. The board may allow applicants to take the written
20 examination upon the granting of their doctoral degree before
21 completion of their internship for supervised experience.

22 (4) The board shall keep a complete record of its own proceedings,
23 of the questions given in examinations, of the names and qualifications
24 of all applicants, and the names and addresses of all licensed
25 psychologists. The examination paper of such applicant shall be kept
26 on file for a period of at least one year after examination.

27 (5) The board shall, by rule, adopt a code of ethics for
28 psychologists which is designed to protect the public interest.

1 (6) The board shall create a disciplinary committee within the
2 board for the purposes of hearing, examining, and ruling on complaints
3 and evidence of unethical conduct or practices brought by the public,
4 other psychologists, organizations, corporations, public or private
5 agencies, or officers, agencies, or instrumentalities of state, county,
6 or local governments.

7 (7) The board may require that persons licensed under this chapter
8 as psychologists obtain and maintain professional liability insurance
9 in amounts determined by the board to be practicable and reasonably
10 available.

11 **Sec. 197.** RCW 18.83.060 and 1984 c 279 s 79 are each amended to
12 read as follows:

13 Each applicant for a license shall file with the ~~((director))~~
14 secretary an application duly verified, in such form and setting forth
15 such information as the board shall prescribe. An application fee
16 determined by the ~~((director))~~ secretary as provided in RCW
17 ~~((43.24.086))~~ 43.70.250 shall accompany each application.

18 **Sec. 198.** RCW 18.83.072 and 1984 c 279 s 81 are each amended to
19 read as follows:

20 (1) Examination of applicants shall be held in Olympia, Washington,
21 or at such other place as designated by the ~~((director))~~ secretary, at
22 least annually at such times as the board may determine.

23 (2) Any applicant shall have the right to discuss with the board
24 his or her performance on the examination.

25 (3) Any applicant who fails to make a passing grade on the
26 examination may be allowed to retake the examination. Any applicant
27 who fails the examination a second time must obtain special permission
28 from the board to take the examination again.

1 (4) The reexamination fee shall be the same as the application fee
2 set forth in RCW 18.83.060.

3 **Sec. 199.** RCW 18.83.080 and 1986 c 27 s 4 are each amended to read
4 as follows:

5 Upon forwarding to the ~~((director))~~ secretary by the board of the
6 name of each applicant entitled to a license under this chapter, the
7 ~~((director))~~ secretary shall promptly issue to such applicant a license
8 authorizing such applicant to use the title "psychologist" for a period
9 of one year. Said license shall be in such form as the ~~((director))~~
10 secretary shall determine. Each licensed psychologist shall keep his
11 or her license displayed in a conspicuous place in his or her principal
12 place of business.

13 **Sec. 200.** RCW 18.83.090 and 1984 c 279 s 83 are each amended to
14 read as follows:

15 The board shall establish rules governing mandatory continuing
16 education requirements which shall be met by any psychologist applying
17 for a license renewal. Each licensed psychologist shall pay to the
18 health professions account, created in RCW ~~((43.24.072))~~ 43.70.320,
19 annually, at such time as determined by the board, an annual license
20 renewal fee determined by the ~~((director))~~ secretary under RCW
21 ~~((43.24.086))~~ 43.70.250. Upon receipt of the fee, the ~~((director))~~
22 secretary shall issue a certificate of renewal in such form as the
23 ~~((director))~~ secretary shall determine.

24 **Sec. 201.** RCW 18.83.105 and 1985 c 7 s 67 are each amended to read
25 as follows:

26 The board may issue certificates of qualification with appropriate
27 title to applicants who meet all the licensing requirements except the

1 possession of the degree of Doctor of Philosophy or its equivalent in
2 psychology from an accredited educational institution. These
3 certificates of qualification certify that the holder has been examined
4 by the board and is deemed competent to perform certain functions
5 within the practice of psychology under the periodic direct supervision
6 of a psychologist licensed by the board. Such functions will be
7 specified on the certificate issued by the board. Such applicant shall
8 pay to the board of examiners a fee determined by the ((director))
9 secretary as provided in RCW ((43.24.086)) 43.70.250 for certification
10 in a single area of qualification and a fee for amendment of the
11 certificate to include each additional area of qualification. Upon
12 petition by a holder the board of examiners may grant authority to
13 function without immediate supervision.

14 **Sec. 202.** RCW 18.83.170 and 1984 c 279 s 92 are each amended to
15 read as follows:

16 Upon application accompanied by a fee determined by the
17 ((director)) secretary as provided in RCW ((43.24.086)) 43.70.250, the
18 board may grant a license, without written examination, to any
19 applicant who has not previously failed any examination held by the
20 board of psychology of the state of Washington and furnishes evidence
21 satisfactory to the board that the applicant:

22 (1) Holds a doctoral degree with primary emphasis on psychology
23 from an accredited college or university; and

24 (2) Is licensed or certified to practice psychology in another
25 state or country in which the requirements for such licensing or
26 certification are, in the judgment of the board, essentially equivalent
27 to those required by this chapter and the rules and regulations of the
28 board. Such individuals must have been licensed or certified in
29 another state for a period of at least two years; or

1 (3) Is a diplomate in good standing of the American Board of
2 Examiners in Professional Psychology.

3 **Sec. 203.** RCW 18.83.190 and 1986 c 27 s 8 are each amended to read
4 as follows:

5 If any person represents himself or herself to be a psychologist,
6 unless the person is exempt from the provisions of this chapter,
7 without possessing a valid license, certificated qualification, or a
8 temporary permit to do so, or if he or she violates any of the
9 provisions of this chapter, any prosecuting attorney, the ~~((director))~~
10 secretary, or any citizen of the same county may maintain an action in
11 the name of the state to enjoin such person from representing himself
12 or herself as a psychologist. The injunction shall not relieve the
13 person from criminal prosecution, but the remedy by injunction shall be
14 in addition to the liability of such offender to criminal prosecution
15 and to suspension or revocation of his or her license.

16 **Sec. 204.** RCW 18.84.020 and 1987 c 412 s 3 are each amended to
17 read as follows:

18 Unless the context clearly requires otherwise, the definitions in
19 this section apply throughout this chapter.

20 (1) "Department" means the department of ~~((licensing))~~ health.

21 (2) ~~(("Director" means the director of licensing))~~ "Secretary"
22 means the secretary of health.

23 (3) "Licensed practitioner" means a physician or osteopathic
24 physician licensed under chapter 18.71 or 18.57 RCW, respectively; a
25 registered nurse licensed under chapter 18.88 RCW; or a podiatrist
26 licensed under chapter 18.22 RCW.

1 (4) "Radiologic technologist" means an individual certified under
2 this chapter, other than a licensed practitioner, who practices
3 radiologic technology as a:

4 (a) Diagnostic radiologic technologist, who is a person who
5 actually handles x-ray equipment in the process of applying radiation
6 on a human being for diagnostic purposes under the supervision of a
7 licensed practitioner; or

8 (b) Therapeutic radiologic technologist, who is a person who uses
9 radiation-generating equipment for therapeutic purposes on human
10 subjects at the direction of a licensed practitioner; or

11 (c) Nuclear medicine technologist, who is a person who prepares
12 radiopharmaceuticals and administers them to human beings for
13 diagnostic and therapeutic purposes and who performs in vivo and in
14 vitro detection and measurement of radioactivity for medical purposes
15 under the supervision of a licensed practitioner.

16 (5) "Advisory committee" means the Washington state radiologic
17 technology advisory committee.

18 (6) "Approved school of radiologic technology" means a school of
19 radiologic technology approved by the council on medical education of
20 the American medical association or a school found to maintain the
21 equivalent of such a course of study as determined by the department.
22 Such school may be operated by a medical or educational institution,
23 and for the purpose of providing the requisite clinical experience,
24 shall be affiliated with one or more general hospitals.

25 (7) "Radiologic technology" means the use of ionizing radiation
26 upon a human being for diagnostic or therapeutic purposes.

27 (8) "Radiologist" means a physician certified by the American board
28 of radiology or the American osteopathic board of radiology.

1 **Sec. 205.** RCW 18.84.040 and 1987 c 412 s 5 are each amended to
2 read as follows:

3 (1) In addition to any other authority provided by law, the
4 (~~director~~) secretary may in consultation with the advisory committee:

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

7 (b) Set all certification and renewal fees in accordance with RCW
8 (~~43.24.086~~) 43.70.250;

9 (c) Establish forms and procedures necessary to administer this
10 chapter;

11 (d) Evaluate and designate those schools from which graduation will
12 be accepted as proof of an applicant's eligibility to receive a
13 certificate;

14 (e) Determine whether alternative methods of training are
15 equivalent to formal education, and to establish forms, procedures, and
16 criteria for evaluation of an applicant's alternative training to
17 determine the applicant's eligibility to receive a certificate;

18 (f) Issue a certificate to any applicant who has met the education,
19 training, and conduct requirements for certification; and

20 (g) Hire clerical, administrative, and investigative staff as
21 needed to implement this chapter.

22 (2) The uniform disciplinary act, chapter 18.130 RCW, governs the
23 issuance and denial of certifications, uncertified practice and the
24 discipline of certificants under this chapter. The (~~director~~)
25 secretary shall be the disciplining authority under this chapter.

26 **Sec. 206.** RCW 18.84.050 and 1987 c 412 s 6 are each amended to
27 read as follows:

28 The (~~director~~) secretary shall keep an official record of all
29 proceedings, a part of which record shall consist of a register of all

1 applicants for certification under this chapter, with the result of
2 each application.

3 **Sec. 207.** RCW 18.84.060 and 1987 c 412 s 7 are each amended to
4 read as follows:

5 (1) There is created a state radiologic technology advisory
6 committee consisting of seven members appointed by the (~~director~~)
7 secretary who shall advise the (~~director~~) secretary concerning the
8 administration of this chapter. Three members of the committee shall
9 be radiologic technologists who are certified under this chapter,
10 except for the initial members of the committee, and who have been
11 engaged in the practice of radiologic technology for at least five
12 years. Two members shall be radiologists. Two members of the
13 committee shall be individuals who are unaffiliated with the profession
14 representing the public. The term of office for committee members is
15 four years. The terms of the first committee members, however, shall
16 be staggered to ensure an orderly succession of new committee members
17 thereafter. Any committee member may be removed for just cause. The
18 (~~director~~) secretary may appoint a new member to fill any vacancy on
19 the committee for the remainder of the unexpired term. No committee
20 member may serve more than two consecutive terms whether full or
21 partial.

22 (2) Committee members shall be compensated in accordance with RCW
23 43.03.220 and reimbursed for travel expenses under RCW 43.03.050 and
24 43.03.060.

25 (3) The committee shall elect a chair and vice-chair annually to
26 direct the meetings of the committee. The committee shall meet at
27 least once each year, and may hold additional meetings as called by the
28 (~~director~~) secretary or the chair. Four members of the committee
29 shall constitute a quorum.

1 **Sec. 208.** RCW 18.84.070 and 1987 c 412 s 8 are each amended to
2 read as follows:

3 The ~~((director))~~ secretary, members of the committee, or
4 individuals acting on their behalf are immune from suit in any civil
5 action based on any certification or disciplinary proceedings or other
6 official acts performed in the course of their duties.

7 **Sec. 209.** RCW 18.84.080 and 1987 c 412 s 9 are each amended to
8 read as follows:

9 (1) The ~~((director))~~ secretary shall issue a certificate to any
10 applicant who demonstrates to the ~~((director's))~~ secretary's
11 satisfaction, that the following requirements have been met:

12 (a) Graduation from an approved school or successful completion of
13 alternate training that meets the criteria established by the
14 ~~((director))~~ secretary; and

15 (b) Good moral character.

16 (2) Applicants shall be subject to the grounds for denial or
17 issuance of a conditional license under chapter 18.130 RCW.

18 (3) The ~~((director))~~ secretary shall establish by rule what
19 constitutes adequate proof of meeting the requirements for
20 certification and for designation of certification in a particular
21 field of radiologic technology.

22 **Sec. 210.** RCW 18.84.090 and 1987 c 412 s 10 are each amended to
23 read as follows:

24 The ~~((director))~~ secretary, in consultation with the advisory
25 committee, shall establish by rule the standards and procedures for
26 approval of schools and alternate training, and may contract with
27 individuals or organizations having expertise in the profession or in
28 education to assist in evaluating those applying for approval. The

1 standards and procedures set shall apply equally to schools and
2 training within the United States and those in foreign jurisdictions.

3 **Sec. 211.** RCW 18.84.100 and 1987 c 412 s 11 are each amended to
4 read as follows:

5 Applications for certification must be submitted on forms provided
6 by the ~~((director))~~ secretary. The ~~((director))~~ secretary may require
7 any information and documentation that reasonably relates to the
8 determination of whether the applicant meets the requirements for
9 certification provided for in this chapter and chapter 18.130 RCW.
10 Each applicant shall pay a fee determined by the ~~((director))~~ secretary
11 as provided in RCW ~~((43.24.086))~~ 43.70.250 which shall accompany the
12 application.

13 **Sec. 212.** RCW 18.84.110 and 1987 c 412 s 12 are each amended to
14 read as follows:

15 The ~~((director))~~ secretary, in consultation with the advisory
16 committee, shall establish by rule the requirements and fees for
17 renewal of certificates. Failure to renew invalidates the certificate
18 and all privileges granted by the certificate. In the event a
19 certificate has lapsed for a period longer than three years, the
20 certificant shall demonstrate competence to the satisfaction of the
21 ~~((director))~~ secretary by continuing education or under the other
22 standards determined by the ~~((director))~~ secretary.

23 **Sec. 213.** RCW 18.88.030 and 1989 c 114 s 1 are each amended to
24 read as follows:

25 Whenever used in this chapter, terms defined in this section shall
26 have the meanings herein specified unless the context clearly indicates
27 otherwise.

1 The practice of nursing means the performance of acts requiring
2 substantial specialized knowledge, judgment and skill based upon the
3 principles of the biological, physiological, behavioral and
4 sociological sciences in either:

5 (1) The observation, assessment, diagnosis, care or counsel, and
6 health teaching of the ill, injured or infirm, or in the maintenance of
7 health or prevention of illness of others.

8 (2) The performance of such additional acts requiring education and
9 training and which are recognized jointly by the medical and nursing
10 professions as proper to be performed by nurses licensed under this
11 chapter and which shall be authorized by the board of nursing through
12 its rules and regulations.

13 (3) The administration, supervision, delegation and evaluation of
14 nursing practice: PROVIDED, HOWEVER, That nothing herein shall affect
15 the authority of any hospital, hospital district, medical clinic or
16 office, concerning its administration and supervision.

17 (4) The teaching of nursing.

18 (5) The executing of medical regimen as prescribed by a licensed
19 physician, osteopathic physician, dentist, or podiatrist.

20 Nothing in this chapter shall be construed as prohibiting any
21 person from practicing any profession for which a license shall have
22 been issued under the laws of this state or specifically authorized by
23 any other law of the state of Washington.

24 This chapter shall not be construed as prohibiting the nursing care
25 of the sick, without compensation, by any unlicensed person who does
26 not hold herself or himself out to be a registered nurse, and further,
27 this chapter shall not be construed as prohibiting the practice of
28 practical nursing by any practical nurse, with or without compensation
29 in either homes or hospitals.

30 The word "board" means the Washington state board of nursing.

1 The term "department" means the department of (~~licensing~~) health.

2 The word "diagnosis", in the context of nursing practice, means the
3 identification of, and discrimination between, the person's physical
4 and psycho-social signs and symptoms which are essential to effective
5 execution and management of the nursing care regimen.

6 The term "diploma" means written official verification of
7 completion of an approved nursing education program.

8 The term (~~"director" means the director of licensing or the~~
9 ~~director's designee~~) "secretary" means the secretary of health or the
10 secretary's designee.

11 The terms "nurse" or "nursing" wherever they occur in this chapter,
12 unless otherwise specified, for the purposes of this chapter shall mean
13 a registered nurse or registered nursing.

14 **Sec. 214.** RCW 18.88.080 and 1988 c 211 s 8 are each amended to
15 read as follows:

16 The board may adopt such rules (~~and regulations~~) not inconsistent
17 with the law, as may be necessary to enable it to carry into effect the
18 provisions of this chapter. The board shall approve curricula and
19 shall establish criteria for minimum standards for schools preparing
20 persons for licensure under this chapter. It shall keep a record of
21 all its proceedings and make such reports to the governor as may be
22 required. The board shall define by (~~regulation~~) rules what
23 constitutes specialized and advanced levels of nursing practice as
24 recognized by the medical and nursing professions. The board may adopt
25 (~~regulations~~) rules or issue advisory opinions in response to
26 questions put to it by professional health associations, nursing
27 practitioners, and consumers in this state concerning the authority of
28 various categories of nursing practitioners to perform particular acts.

1 The board shall approve such schools of nursing as meet the
2 requirements of this chapter and the board, and the board shall approve
3 establishment of basic nursing education programs and shall establish
4 criteria as to the need for and the size of a program and the type of
5 program and the geographical location. The board shall establish
6 criteria for proof of reasonable currency of knowledge and skill as a
7 basis for safe practice after three years inactive or lapsed status.
8 The board shall establish criteria for licensure by endorsement. The
9 board shall examine all applications for registration under this
10 chapter, and shall certify to the ((director)) secretary for licensing
11 duly qualified applicants.

12 The department shall furnish to the board such secretarial,
13 clerical and other assistance as may be necessary to effectively
14 administer the provisions of this chapter. Each member of the board
15 shall, in addition to travel expenses in accordance with RCW 43.03.050
16 and 43.03.060 while away from home, be compensated in accordance with
17 RCW 43.03.240.

18 **Sec. 215.** RCW 18.88.090 and 1975-'76 2nd ex.s. c 34 s 51 are each
19 amended to read as follows:

20 The ((director)) secretary shall appoint, after consultation with
21 the board, an executive secretary who shall act to carry out the
22 provisions of this chapter. The ((director)) secretary shall also
23 employ such assistants licensed under the provisions of this chapter as
24 shall be necessary to carry out the provisions of this chapter. The
25 ((director)) secretary shall fix the compensation and provide for
26 travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now
27 existing or hereafter amended for such appointee and all such
28 employees.

1 **Sec. 216.** RCW 18.88.160 and 1985 c 7 s 68 are each amended to read
2 as follows:

3 Each applicant for a license to practice as a registered nurse or
4 a specialized or advanced registered nurse shall pay a fee determined
5 by the ~~((director))~~ secretary as provided in RCW ~~((43.24.086))~~
6 43.70.250 to the state treasurer.

7 **Sec. 217.** RCW 18.88.175 and 1988 c 211 s 13 are each amended to
8 read as follows:

9 Upon approval by the board and following verification of
10 satisfactory completion of an advanced formal education, the department
11 of ~~((licensing))~~ health shall issue an interim permit authorizing the
12 applicant to practice specialized and advanced nursing practice pending
13 notification of the results of the first certification examination. If
14 the applicant passes the examination, the department shall grant
15 advanced registered nurse practitioner status. If the applicant fails
16 the examination, the interim permit shall expire upon notification and
17 is not renewable. The holder of the interim permit is subject to
18 chapter 18.130 RCW.

19 **Sec. 218.** RCW 18.88.190 and 1988 c 211 s 9 are each amended to
20 read as follows:

21 Every license issued under the provisions of this chapter, whether
22 in an active or inactive status, shall be renewed, except as
23 hereinafter provided. At least thirty days prior to expiration, the
24 ~~((director))~~ secretary shall mail a notice for renewal of license to
25 every person licensed for the current licensing period. The applicant
26 shall return the notice to the department with a renewal fee determined
27 by the ~~((director))~~ secretary as provided in RCW ~~((43.24.086))~~
28 43.70.250 before the expiration date. Upon receipt of the notice and

1 appropriate fee, the department shall issue to the applicant a license
2 which shall render the holder thereof a legal practitioner of nursing
3 in either active or inactive status for the period stated on the
4 license.

5 **Sec. 219.** RCW 18.88.200 and 1988 c 211 s 10 are each amended to
6 read as follows:

7 Any licensee who allows his or her license to lapse by failing to
8 renew the license, shall upon application for renewal pay a penalty
9 determined by the ~~((director))~~ secretary as provided in RCW
10 ~~((43.24.086))~~ 43.70.250. If the applicant fails to renew the license
11 before the end of the current licensing period, the license shall be
12 issued for the next licensing period by the department upon written
13 application and fee determined by the ~~((director))~~ secretary as
14 provided in RCW ~~((43.24.086))~~ 43.70.250. Persons on lapsed status for
15 three or more years must provide evidence of knowledge and skill of
16 current practice as required by the board.

17 **Sec. 220.** RCW 18.88.220 and 1988 c 211 s 11 are each amended to
18 read as follows:

19 A person licensed under the provisions of this chapter desiring to
20 retire temporarily from the practice of nursing in this state shall
21 send a written notice to the ~~((director))~~ secretary.

22 Upon receipt of such notice the name of such person shall be placed
23 on inactive status. While remaining on this status the person shall
24 not practice nursing in the state as provided in this chapter. When
25 such person desires to resume practice, application for renewal of
26 license shall be made to the board and renewal fee payable to the state
27 treasurer. Persons on inactive status for three years or more must

1 provide evidence of knowledge and skill of current practice as required
2 by the board or as hereinafter in this chapter provided.

3 **Sec. 221.** RCW 18.88A.020 and 1989 c 300 s 4 are each amended to
4 read as follows:

5 Unless the context clearly requires otherwise, the definitions in
6 this section apply throughout this chapter.

7 (1) "Department" means the department of (~~licensing~~) health.

8 (2) (~~"Director" means the director of licensing or the director's~~
9 ~~designee~~) "Secretary" means the secretary of health or the secretary's
10 designee.

11 (3) "Board" means the Washington state board of nursing.

12 (4) "Nursing assistant--certified" means an individual certified
13 under this chapter.

14 (5) "Nursing assistant--registered" means an individual registered
15 under this chapter.

16 (6) "Committee" means the Washington state nursing assistant
17 advisory committee.

18 (7) "Certification program" means an educational program approved
19 by the superintendent of public instruction or the state board for
20 community college education in consultation with the board, and offered
21 by or under the administration of an accredited educational
22 institution, either at a school site or a health care facility site.
23 A program shall be offered at or near a health care facility site only
24 if the health care facility can provide adequate classroom and clinical
25 facilities.

26 (8) "Health care facility" means a nursing home, hospital, hospice
27 care facility, home health care agency, hospice agency, or other entity
28 for delivery of health care services.

1 **Sec. 222.** RCW 18.88A.050 and 1989 c 300 s 7 are each amended to
2 read as follows:

3 In addition to any other authority provided by law, the
4 (~~director~~) secretary has the authority to:

5 (1) Set all certification, registration, and renewal fees in
6 accordance with RCW (~~43.24.086~~) 43.70.250 and to collect and deposit
7 all such fees in the health professions account established under RCW
8 (~~43.24.072~~) 43.70.320;

9 (2) Establish forms and procedures necessary to administer this
10 chapter;

11 (3) Hire clerical, administrative, and investigative staff as
12 needed to implement this chapter;

13 (4) Issue a registration to any applicant who has met the
14 requirements for registration;

15 (5) After January 1, 1990, issue a certificate to any applicant who
16 has met the education, training, and conduct requirements for
17 certification;

18 (6) Maintain the official record for the department of all
19 applicants and persons with registrations and certificates;

20 (7) Conduct a hearing on an appeal of a denial of a registration or
21 a certificate based on the applicant's failure to meet the minimum
22 qualifications for certification. The hearing shall be conducted under
23 chapter 34.05 RCW;

24 (8) Issue subpoenas, statements of charges, statements of intent to
25 deny certification, and orders and to delegate in writing to a designee
26 the authority to issue subpoenas, statements of charges, and statements
27 of intent to deny certification.

28 The uniform disciplinary act, chapter 18.130 RCW, governs
29 unregistered or uncertified practice, issuance of certificates and
30 registration, and the discipline of persons registered or with

1 certificates under this chapter. The ((director)) secretary shall be
2 the disciplinary authority under this chapter.

3 **Sec. 223.** RCW 18.88A.070 and 1989 c 300 s 9 are each amended to
4 read as follows:

5 (1) The ((director)) secretary has the authority to appoint an
6 advisory committee to the state board of nursing and the department to
7 further the purposes of this chapter. The committee shall be composed
8 of ten members, two members initially appointed for a term of one year,
9 three for a term of two years, and four for a term of three years.
10 Subsequent appointments shall be for terms of three years. No person
11 may serve as a member of the committee for more than two consecutive
12 terms. The committee shall consist of: A nursing assistant certified
13 under this chapter, a representative of nursing homes, a representative
14 of the office of the superintendent of public instruction, a
15 representative of the state board of community college education, a
16 representative of the department of social and health services
17 responsible for aging and adult services in nursing homes, a consumer
18 of nursing assistant services who shall not be or have been a member of
19 any other licensing board or committee; nor a licensee of any health
20 occupation board, an employee of any health care facility, nor derive
21 primary livelihood from the provision of health services at any level
22 of responsibility, a representative of an acute care hospital, a
23 representative of home health care, and one member who is a licensed
24 (registered) nurse and one member who is a licensed practical nurse.

25 (2) The ((director)) secretary may remove any member of the
26 advisory committee for cause as specified by rule. In the case of a
27 vacancy, the ((director)) secretary shall appoint a person to serve for
28 the remainder of the unexpired term.

1 (3) The advisory committee shall meet at the times and places
2 designated by the ((director)) secretary or the board and shall hold
3 meetings during the year as necessary to provide advice to the
4 ((director)) secretary.

5 **Sec. 224.** RCW 18.88A.080 and 1989 c 300 s 10 are each amended to
6 read as follows:

7 (1) The ((director)) secretary shall issue a registration to any
8 applicant who submits, on forms provided by the ((director)) secretary,
9 the applicant's name, address, and other information as determined by
10 the ((director)) secretary, including information necessary to
11 determine whether there are grounds for denial of registration or
12 issuance of a conditional registration under this chapter or chapter
13 18.130 RCW.

14 (2) After January 1, 1990, the ((director)) secretary shall issue
15 a certificate to any applicant who demonstrates to the ((director's))
16 secretary's satisfaction that the following requirements have been met:

17 (a) Completion of an educational program approved by the board or
18 successful completion of alternate training meeting established
19 criteria approved by the board;

20 (b) Successful completion of an approved examination; and

21 (c) Successful completion of any experience requirement established
22 by the board.

23 (3) In addition, applicants shall be subject to the grounds for
24 denial of registration or certificate under chapter 18.130 RCW.

25 **Sec. 225.** RCW 18.88A.090 and 1989 c 300 s 11 are each amended to
26 read as follows:

27 (1) The date and location of examinations shall be established by
28 the ((director)) secretary. Applicants who have been found by the

1 ((~~director~~)) secretary to meet the requirements for certification shall
2 be scheduled for the next examination following the filing of the
3 application. The ((~~director~~)) secretary shall establish by rule the
4 examination application deadline.

5 (2) The board shall examine each applicant, by a written or oral
6 and a manual component of competency evaluation. Examinations shall be
7 limited to the purpose of determining whether the applicant possesses
8 the minimum skill and knowledge necessary to practice competently.

9 (3) The examination papers, all grading of the papers, and the
10 grading of skills demonstration shall be preserved for a period of not
11 less than one year after the board has made and published the
12 decisions. All examinations shall be conducted under fair and wholly
13 impartial methods.

14 (4) Any applicant failing to make the required grade in the first
15 examination may take up to three subsequent examinations as the
16 applicant desires upon prepaying a fee determined by the ((~~director~~))
17 secretary under RCW ((~~43.24.086~~)) 43.70.250 for each subsequent
18 examination. Upon failing four examinations, the ((~~director~~))
19 secretary may invalidate the original application and require such
20 remedial education before the person may take future examinations.

21 (5) The board may approve an examination prepared or administered
22 by a private testing agency or association of licensing agencies for
23 use by an applicant in meeting the credentialing requirements.

24 **Sec. 226.** RCW 18.88A.100 and 1989 c 300 s 12 are each amended to
25 read as follows:

26 The ((~~director~~)) secretary shall waive the competency examination
27 and certify a person authorized to practice within the state of
28 Washington if the board determines that the person meets commonly
29 accepted standards of education and experience for the nursing

1 assistants. This section applies only to those individuals who file an
2 application for waiver within one year of the establishment of the
3 authorized practice on January 1, 1990.

4 **Sec. 227.** RCW 18.89.020 and 1987 c 415 s 2 are each amended to
5 read as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

8 (1) "Advisory committee" means the Washington state advisory
9 respiratory care committee.

10 (2) "Department" means the department of (~~licensing~~) health.

11 (3) (~~"Director" means the director of licensing or the director's~~
12 ~~designee~~) "Secretary" means the secretary of health or the secretary's
13 designee.

14 (4) "Respiratory care practitioner" means an individual certified
15 under this chapter.

16 (5) "Physician" means an individual licensed under chapter 18.57 or
17 18.71 RCW.

18 (6) "Rural hospital" means a hospital located anywhere in the state
19 except the following areas:

20 (a) The entire counties of Snohomish (including Camano Island),
21 King, Kitsap, Pierce, Thurston, Clark, and Spokane;

22 (b) Areas within a twenty-mile radius of an urban area with a
23 population exceeding thirty thousand persons; and

24 (c) Those cities or city-clusters located in rural counties but
25 which for all practical purposes are urban. These areas are
26 Bellingham, Aberdeen-Hoquiam, Longview-Kelso, Wenatchee, Yakima,
27 Sunnyside, Richland-Kennewick-Pasco, and Walla.

1 **Sec. 228.** RCW 18.89.050 and 1987 c 415 s 6 are each amended to
2 read as follows:

3 (1) In addition to any other authority provided by law, the
4 (~~director~~) secretary, in consultation with the advisory committee,
5 may:

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

8 (b) Set all certification, examination, and renewal fees in
9 accordance with RCW (~~43.24.086~~) 43.70.250;

10 (c) Establish forms and procedures necessary to administer this
11 chapter;

12 (d) Issue a certificate to any applicant who has met the education,
13 training, and examination requirements for certification;

14 (e) Hire clerical, administrative, and investigative staff as
15 needed to implement this chapter and hire individuals certified under
16 this chapter to serve as examiners for any practical examinations;

17 (f) Approve those schools from which graduation will be accepted as
18 proof of an applicant's eligibility to take the certification
19 examination;

20 (g) Prepare, grade, and administer, or determine the nature of, and
21 supervise the grading and administration of, examinations for
22 applicants for certification;

23 (h) Determine whether alternative methods of training are
24 equivalent to formal education and establish forms, procedures, and
25 criteria for evaluation of an applicant's alternative training to
26 determine the applicant's eligibility to take the examination;

27 (i) Determine which states have legal credentialing requirements
28 equivalent to those of this state and issue certificates to individuals
29 legally credentialed in those states without examination; and

1 (j) Define and approve any experience requirement for
2 certification.

3 (2) The provisions of chapter 18.130 RCW shall govern the issuance
4 and denial of certificates, uncertified practice, and the disciplining
5 of persons certified under this chapter. The ((director)) secretary
6 shall be the disciplining authority under this chapter.

7 **Sec. 229.** RCW 18.89.060 and 1987 c 415 s 7 are each amended to
8 read as follows:

9 The ((director)) secretary shall keep an official record of all
10 proceedings, a part of which record shall consist of a register of all
11 applicants for certification under this chapter, with the result of
12 each application.

13 **Sec. 230.** RCW 18.89.070 and 1987 c 415 s 8 are each amended to
14 read as follows:

15 (1) There is created a state respiratory care advisory committee
16 consisting of five members appointed by the ((director)) secretary.
17 Three members of the advisory committee shall be respiratory care
18 practitioners who are certified under this chapter. The initial
19 members, however, may be appointed to the advisory committee if they
20 meet all the requirements for certification under this chapter and have
21 been engaged in the practice of respiratory care for at least five
22 years. One member of the advisory committee shall be an individual
23 representing the public who is unaffiliated with the profession. One
24 member of the advisory committee shall be a physician, who is a
25 pulmonary specialist. Each member shall hold office for a term of four
26 years, except that any member appointed to fill a vacancy occurring
27 prior to the expiration of the term for which his or her predecessor
28 was appointed shall be appointed for the remainder of such term and the

1 terms of office of the members first taking office shall expire, as
2 designated at the time of appointment, one at the end of the first
3 year, one at the end of the second year, one at the end of the third
4 year, and two at the end of the fourth year after the date of
5 appointment. Thereafter all appointments shall be for four years. Any
6 advisory committee member may be removed for just cause. The
7 ((~~director~~)) secretary may appoint a new member to fill any vacancy on
8 the advisory committee for the remainder of the unexpired term. No
9 advisory committee member may serve more than two consecutive terms,
10 whether full or partial.

11 (2) Advisory committee members shall be entitled to be compensated
12 in accordance with RCW 43.03.240, and to be reimbursed for travel
13 expenses under RCW 43.03.050 and 43.03.060.

14 (3) The advisory committee shall have the authority to elect
15 annually a chairperson and vice-chairperson to direct the meetings of
16 the advisory committee. The advisory committee shall meet at least
17 once each year, and may hold additional meetings as called by the
18 ((~~director~~)) secretary or the chairperson. Three members of the
19 advisory committee constitute a quorum.

20 **Sec. 231.** RCW 18.89.080 and 1987 c 415 s 9 are each amended to
21 read as follows:

22 The ((~~director~~)) secretary, members of the advisory committee, or
23 individuals acting on their behalf are immune from suit in any civil
24 action based on any certification or disciplinary proceedings, or other
25 official acts performed in the course of their duties.

26 **Sec. 232.** RCW 18.89.090 and 1987 c 415 s 10 are each amended to
27 read as follows:

1 The ((~~director~~)) secretary shall issue a certificate to any
2 applicant who demonstrates to the ((~~director's~~)) secretary's
3 satisfaction that the following requirements have been met:

4 (1) Graduation from a school approved by the ((~~director~~)) secretary
5 or successful completion of alternate training which meets the criteria
6 established by the ((~~director~~)) secretary;

7 (2) Successful completion of an examination administered or
8 approved by the ((~~director~~)) secretary;

9 (3) Successful completion of any experience requirement established
10 by the ((~~director~~)) secretary;

11 (4) Good moral character.

12 In addition, applicants shall be subject to the grounds for denial
13 or issuance of a conditional certificate under chapter 18.130 RCW.

14 A person who meets the qualifications to be admitted to the
15 examination for certification as a respiratory care practitioner may
16 practice as a respiratory care practitioner under the supervision of a
17 respiratory care practitioner certified under this chapter between the
18 date of filing an application for certification and the announcement of
19 the results of the next succeeding examination for certification if
20 that person applies for and takes the first examination for which he or
21 she is eligible.

22 The ((~~director~~)) secretary shall establish by rule what constitutes
23 adequate proof of meeting the criteria.

24 **Sec. 233.** RCW 18.89.100 and 1987 c 415 s 11 are each amended to
25 read as follows:

26 The ((~~director~~)) secretary shall approve only those persons who
27 have achieved the minimum level of competency as defined by the
28 ((~~director~~)) secretary. The ((~~director~~)) secretary shall establish by
29 rule the standards and procedures for approval of alternate training

1 and shall have the authority to contract with individuals or
2 organizations having expertise in the profession, or in education, to
3 assist in evaluating those applying for approval. The standards and
4 procedures set shall apply equally to schools and training within the
5 United States and those in foreign jurisdictions.

6 **Sec. 234.** RCW 18.89.110 and 1987 c 415 s 12 are each amended to
7 read as follows:

8 (1) The date and location of the examination shall be established
9 by the ~~((director))~~ secretary. Applicants who have been found by the
10 ~~((director))~~ secretary to meet the other requirements for certification
11 shall be scheduled for the next examination following the filing of the
12 application. However, the applicant shall not be scheduled for any
13 examination taking place sooner than sixty days after the application
14 is filed.

15 (2) The ~~((director))~~ secretary shall examine each applicant, by
16 means determined most effective, on subjects appropriate to the scope
17 of practice. Such examinations shall be limited to the purpose of
18 determining whether the applicant possesses the minimum skill and
19 knowledge necessary to practice competently, and shall meet generally
20 accepted standards of fairness and validity for certification
21 examinations.

22 (3) All examinations shall be conducted by the ~~((director))~~
23 secretary, and all grading of the examinations shall be under fair and
24 wholly impartial methods.

25 (4) Any applicant who fails to make the required grade in the first
26 examination is entitled to take up to three subsequent examinations,
27 upon the prepayment of a fee determined by the ~~((director))~~ secretary
28 as provided in RCW ~~((43.24.086))~~ 43.70.250 for each subsequent
29 examination. Upon failure of four examinations, the ~~((director))~~

1 secretary may invalidate the original application and require such
2 remedial education as is deemed necessary.

3 (5) The (~~director~~) secretary may approve an examination prepared
4 and administered by a private testing agency or association of
5 credentialing boards for use by an applicant in meeting the
6 certification requirement.

7 **Sec. 235.** RCW 18.89.120 and 1987 c 415 s 13 are each amended to
8 read as follows:

9 Applications for certification shall be submitted on forms provided
10 by the (~~director~~) secretary. The (~~director~~) secretary may require
11 any information and documentation which reasonably relates to the need
12 to determine whether the applicant meets the criteria for certification
13 provided in this chapter and chapter 18.130 RCW. All applications
14 shall be accompanied by a fee determined by the (~~director~~) secretary
15 under RCW (~~43.24.086~~) 43.70.250.

16 **Sec. 236.** RCW 18.89.130 and 1987 c 415 s 14 are each amended to
17 read as follows:

18 (1) The (~~director~~) secretary shall waive the examination and
19 grant a certificate to a person engaged in the profession of
20 respiratory care in this state on July 26, 1987, if the (~~director~~)
21 secretary determines the person meets commonly accepted standards of
22 education and experience for the profession and has previously achieved
23 an acceptable grade on an approved examination administered by a
24 private testing agency or respiratory care association as established
25 by rule of the (~~director~~) secretary.

26 (2) If an individual is engaged in the practice of respiratory care
27 on July 26, 1987, but has not achieved an acceptable grade on an
28 approved examination administered by a private testing agency, the

1 individual may apply to the ((~~director~~)) secretary for examination.
2 This section shall only apply to those individuals who file an
3 application within one year of July 26, 1987.

4 **Sec. 237.** RCW 18.89.140 and 1987 c 415 s 15 are each amended to
5 read as follows:

6 The ((~~director~~)) secretary shall establish by rule the requirements
7 and fees for renewal of certificates. Failure to renew shall invalidate
8 the certificate and all privileges granted by the certificate. In the
9 event a certificate has lapsed for a period longer than three years,
10 the certified respiratory care practitioner shall demonstrate
11 competence to the satisfaction of the ((~~director~~)) secretary by
12 continuing education or under the other standards determined by the
13 ((~~director~~)) secretary.

14 **Sec. 238.** RCW 18.92.015 and 1983 c 102 s 1 are each amended to
15 read as follows:

16 The term "board" used in this chapter shall mean the Washington
17 state veterinary board of governors; and the term ((~~"director"~~))
18 "secretary" shall mean the ((~~director of licensing~~)) secretary of
19 health of the state of Washington. "Animal technician" shall mean a
20 person who has successfully completed an examination administered by
21 the board and who has either successfully completed a post high school
22 course approved by the board in the care and treatment of animals, or
23 a person who has had five years practical experience acceptable to the
24 board with a licensed veterinarian.

25 **Sec. 239.** RCW 18.92.035 and 1941 c 71 s 9 are each amended to read
26 as follows:

1 The board shall certify to the ((~~director~~)) secretary the names of
2 all applicants who have successfully passed an examination and are
3 entitled to a license to practice veterinary medicine, surgery and
4 dentistry. The ((~~director~~)) secretary shall thereupon issue a license
5 to practice veterinary medicine, surgery and dentistry to such
6 applicant.

7 **Sec. 240.** RCW 18.92.040 and 1984 c 287 s 51 are each amended to
8 read as follows:

9 Each member of the board shall be compensated in accordance with
10 RCW ((~~43.03.240~~)) 43.70.250 and shall be reimbursed for travel expenses
11 in accordance with RCW 43.03.050 and 43.03.060. No expense may be
12 incurred by members of the board except in connection with board
13 meetings without prior approval of the ((~~director~~)) secretary.

14 **Sec. 241.** RCW 18.92.047 and 1989 c 125 s 2 are each amended to
15 read as follows:

16 (1) To implement an impaired veterinarian program as authorized by
17 RCW 18.130.175, the veterinary board of governors shall enter into a
18 contract with a voluntary substance abuse monitoring program. The
19 impaired veterinarian program may include any or all of the following:

20 (a) Contracting with providers of treatment programs;

21 (b) Receiving and evaluating reports of suspected impairment from
22 any source;

23 (c) Intervening in cases of verified impairment;

24 (d) Referring impaired veterinarians to treatment programs;

25 (e) Monitoring the treatment and rehabilitation of impaired
26 veterinarians including those ordered by the board;

27 (f) Providing education, prevention of impairment, posttreatment
28 monitoring, and support of rehabilitated impaired veterinarians; and

1 (g) Performing other related activities as determined by the board.

2 (2) A contract entered into under subsection (1) of this section
3 shall be financed by a surcharge of up to twenty-five dollars on each
4 license issuance or renewal of a new license to be collected by the
5 department of (~~licensing~~) health from every veterinarian licensed
6 under chapter 18.92 RCW. These moneys shall be placed in the health
7 professions account to be used solely for the implementation of the
8 impaired veterinarian program.

9 **Sec. 242.** RCW 18.92.070 and 1986 c 259 s 141 are each amended to
10 read as follows:

11 No person, unless registered or licensed to practice veterinary
12 medicine, surgery, and dentistry in this state at the time this chapter
13 shall become operative, shall begin the practice of veterinary
14 medicine, surgery and dentistry without first applying for and
15 obtaining a license for such purpose from the (~~director~~) secretary.
16 In order to procure a license to practice veterinary medicine, surgery,
17 and dentistry in the state of Washington, the applicant for such
18 license shall file his or her application at least sixty days prior to
19 date of examination upon a form furnished by the (~~director~~ of
20 ~~licensing~~) secretary of health, which, in addition to the fee provided
21 by this chapter, shall be accompanied by satisfactory evidence that he
22 or she is at least eighteen years of age and of good moral character,
23 and by official transcripts or other evidence of graduation from a
24 veterinary college satisfactory to and approved by the board. Said
25 application shall be signed by the applicant and sworn to by him or her
26 before some person authorized to administer oaths. When such
27 application and the accompanying evidence are found satisfactory, the
28 (~~director~~) secretary shall notify the applicant to appear before the
29 board for the next examination. In addition, applicants shall be

1 subject to grounds for denial or issuance of a conditional license
2 under chapter 18.130 RCW.

3 Nothing in this chapter shall preclude the board from permitting a
4 person who has completed a portion of his or her educational program as
5 determined by the board, in a veterinary college recognized by the
6 board, to take the examination or any part thereof prior to satisfying
7 the requirements for application for a license: PROVIDED HOWEVER, That
8 no license shall be issued to such applicant until such requirements
9 are satisfied.

10 **Sec. 243.** RCW 18.92.100 and 1967 ex.s. c 50 s 6 are each amended
11 to read as follows:

12 Examinations for license to practice veterinary medicine, surgery
13 and dentistry shall be held at least once each year at such times and
14 places as the ((director)) secretary may authorize and direct. Said
15 examination, which shall be conducted in the English language shall be,
16 in whole or in part, in writing on the following subjects: Veterinary
17 anatomy, surgery, obstetrics, pathology, chemistry, hygiene, veterinary
18 diagnosis, materia medica, therapeutics, parasitology, physiology,
19 sanitary medicine, and such other subjects which are ordinarily
20 included in the curricula of veterinary colleges, as the board may
21 prescribe. All examinees shall be tested by written examination,
22 supplemented by such oral interviews and practical demonstrations as
23 the board deems necessary. The board may accept the examinee's results
24 on the National Board of Veterinary Examiners in lieu of the written
25 portion of the state examination.

26 **Sec. 244.** RCW 18.92.115 and 1985 c 7 s 71 are each amended to read
27 as follows:

1 Any applicant who shall fail to secure the required grade in his
2 first examination may take the next regular veterinary examination.
3 The fee for reexamination shall be determined by the ~~((director))~~
4 secretary as provided in RCW ~~((43.24.086))~~ 43.70.250.

5 **Sec. 245.** RCW 18.92.120 and 1986 c 259 s 142 are each amended to
6 read as follows:

7 Any person who shall make application for examination, as provided
8 by RCW 18.92.070, and who has not previously failed to pass the
9 veterinary examination, and whose application is found satisfactory by
10 the ~~((director))~~ secretary, may be given a temporary certificate to
11 practice veterinary medicine, surgery and dentistry valid only until
12 the results of the next examination for licenses are available. In
13 addition, applicants shall be subject to the grounds for denial or
14 issuance of a conditional license under chapter 18.130 RCW. No more
15 than one temporary certificate may be issued to any applicant. Such
16 permittee shall be employed by a licensed veterinary practitioner or by
17 the state of Washington.

18 **Sec. 246.** RCW 18.92.130 and 1959 c 92 s 10 are each amended to
19 read as follows:

20 Any person who has been lawfully licensed to practice veterinary
21 medicine, surgery, and dentistry in another state or territory which
22 has and maintains a standard for the practice of veterinary medicine,
23 surgery and dentistry which is substantially the same as that
24 maintained in this state, and who has been lawfully and continuously
25 engaged in the practice of veterinary medicine, surgery and dentistry
26 for two years or more immediately before filing his or her application
27 to practice in this state and who shall submit to the ~~((director))~~
28 secretary a duly attested certificate from the examining board of the

1 state or territory in which he or she is registered, certifying to the
2 fact of his or her registration and of his or her being a person of
3 good moral character and of professional attainments, may upon the
4 payment of the fee as provided herein, be granted a license to practice
5 veterinary medicine, surgery and dentistry in this state, without being
6 required to take an examination: PROVIDED, HOWEVER, That no license
7 shall be issued to any applicant, unless the state or territory from
8 which such certificate has been granted to such applicant shall have
9 extended a like privilege to engage in the practice of veterinary
10 medicine, surgery and dentistry within its own borders to veterinarians
11 heretofore and hereafter licensed by this state, and removing to such
12 other state: AND PROVIDED FURTHER, That the ((~~director of licensing~~))
13 secretary of health shall have power to enter into reciprocal relations
14 with other states whose requirements are substantially the same as
15 those provided herein. The board shall make recommendations to the
16 ((~~director~~)) secretary upon all requests for reciprocity.

17 **Sec. 247.** RCW 18.92.140 and 1985 c 7 s 72 are each amended to read
18 as follows:

19 Each person now qualified to practice veterinary medicine, surgery
20 and dentistry or registered as an animal technician in this state or
21 who shall hereafter be licensed or registered to engage in such
22 practice, shall register with the ((~~director of licensing~~)) secretary
23 of health annually or on the date prescribed by the ((~~director~~))
24 secretary and pay the renewal registration fee set by the ((~~director~~))
25 secretary as provided in RCW ((~~43.24.086~~)) 43.70.250. A person who
26 fails to renew a license or certificate prior to its expiration shall
27 be subject to a late renewal fee equal to one-third of the regular
28 renewal fee set by the ((~~director~~)) secretary.

1 **Sec. 248.** RCW 18.92.145 and 1985 c 7 s 73 are each amended to read
2 as follows:

3 The (~~director~~) secretary shall determine the fees, as provided in
4 RCW (~~43.24.086~~) 43.70.250, for the issuance, renewal, or
5 administration of the following licenses, certificates of registration,
6 permits, duplicate licenses, renewals, or examination:

7 (1) For a license to practice veterinary medicine, surgery, and
8 dentistry issued upon an examination given by the examining board;

9 (2) For a license to practice veterinary medicine, surgery, and
10 dentistry issued upon the basis of a license issued in another state;

11 (3) For a certificate of registration as an animal technician;

12 (4) For a temporary permit to practice veterinary medicine,
13 surgery, and dentistry. The temporary permit fee shall be accompanied
14 by the full amount of the examination fee.

15 **Sec. 249.** RCW 18.104.040 and 1971 ex.s. c 212 s 4 are each amended
16 to read as follows:

17 The department shall have the power:

18 (1) To issue, deny, suspend or revoke licenses pursuant to the
19 provisions of this chapter;

20 (2) To enter upon lands for the purpose of inspecting any water
21 well, drilled or being drilled, at all reasonable times;

22 (3) To call upon or receive professional or technical advice from
23 any public agency or any person;

24 (4) To make such rules (~~and regulations~~) governing licensing
25 hereunder and water well construction as may be appropriate to carry
26 out the purposes of this chapter. Without limiting the generality of
27 the foregoing, the department may in cooperation with the department of
28 (~~social and health services~~) health make rules (~~and regulations~~)
29 regarding:

1 (a) Standards for the construction and maintenance of water wells
2 and their casings;

3 (b) Methods of sealing artesian wells and water wells to be
4 abandoned or which may contaminate other water resources;

5 (c) Methods of artificial recharge of ground water bodies and of
6 construction of wells which insure separation of individual water
7 bearing formations;

8 (d) The manner of conducting and the content of examinations
9 required to be taken by applicants for license hereunder;

10 (e) Reporting requirements of water well contractors;

11 (f) Limitations on water well construction in areas identified by
12 the department as requiring intensive control of withdrawals in the
13 interests of sound management of the ground water resource.

14 **Sec. 250.** RCW 18.104.080 and 1971 ex.s. c 212 s 8 are each amended
15 to read as follows:

16 The examination, which is made a prerequisite for obtaining a
17 license hereunder, shall be prepared to test knowledge and
18 understanding of the following subjects:

19 (1) Washington ground water laws as they relate to well
20 construction;

21 (2) Sanitary standards for water well drilling and construction of
22 water wells;

23 (3) Types of water well construction;

24 (4) Drilling tools and equipment;

25 (5) Underground geology as it relates to water well construction;
26 and

27 (6) Rules (~~and regulations~~) of the department and the department
28 of (~~social and health services~~) health relating to water well
29 construction.

1 Examinations shall be held at such times and places as may be
2 determined by the department but not later than thirty days after an
3 applicant has filed a completed application with the department. The
4 department shall make a determination of the applicant's qualifications
5 for a license within ten days after the examination.

6 **Sec. 251.** RCW 18.104.110 and 1971 ex.s. c 212 s 11 are each
7 amended to read as follows:

8 In cases other than those relating to the failure of a licensee to
9 renew a license, any license issued hereunder may be suspended or
10 revoked by the director for any of the following reasons:

- 11 (1) For fraud or deception in obtaining the license;
- 12 (2) For fraud or deception in reporting under RCW 18.104.050;
- 13 (3) For violating the provisions of this chapter, or of any lawful
14 rule or regulation of the department or the department of (~~social and~~
15 ~~health services~~) health.

16 No license shall be suspended for more than six months. No person
17 whose license is revoked shall be eligible to apply for a license for
18 one year from the effective date of the final order of revocation.

19 **Sec. 252.** RCW 18.108.010 and 1987 c 443 s 2 are each amended to
20 read as follows:

21 In this chapter, unless the context otherwise requires, the
22 following meanings shall apply:

- 23 (1) "Board" means the Washington state board of massage.
- 24 (2) "Massage" and "massage therapy" mean a health care service
25 involving the external manipulation or pressure of soft tissue for
26 therapeutic purposes. Massage therapy includes massage techniques such
27 as methods of effleurage, petrissage, tapotement, tapping,
28 compressions, vibration, friction, nerve stokes, and Swedish gymnastics

1 or movements either by manual means, as they relate to massage, with or
2 without the aids of superficial heat, cold, water, lubricants, or
3 salts. Massage therapy does not include diagnosis or attempts to
4 adjust or manipulate any articulations of the body or spine or
5 mobilization of these articulations by the use of a thrusting force.

6 (3) "Massage practitioner" means an individual licensed under this
7 chapter.

8 (4) (~~("Director" means the director of licensing or the director's~~
9 ~~designee))~~ "Secretary" means the secretary of health or the secretary's
10 designee.

11 (5) Massage business means the operation of a business where
12 massages are given.

13 **Sec. 253.** RCW 18.108.020 and 1987 c 443 s 9 are each amended to
14 read as follows:

15 The Washington state board of massage is hereby created. The board
16 shall consist of four members who shall be appointed by the governor
17 for a term of four years each. Members shall be residents of this
18 state and shall have not less than three years experience in the
19 practice of massage immediately preceding their appointment and shall
20 be licensed under this chapter and actively engaged in the practice of
21 massage during their incumbency.

22 In addition to the members specified in this section, the governor
23 shall appoint a consumer member of the board, who shall serve for a
24 term of four years. The consumer member of the board shall be an
25 individual who does not derive his or her livelihood by providing
26 health care services or massage therapy and is not a licensed health
27 professional. The consumer member shall not be an employee of the
28 state nor a present or former member of another licensing board.

1 In the event that a member cannot complete his or her term of
2 office, another appointment shall be made by the governor in accordance
3 with the procedures stated in this section to fill the remainder of the
4 term. No member may serve more than two successive terms whether full
5 or partial. The governor may remove any member of the board for
6 neglect of duty, incompetence, or unprofessional or disorderly conduct
7 as determined under chapter 18.130 RCW.

8 Each member of the board shall be compensated in accordance with
9 RCW 43.03.240. Members shall be reimbursed for travel expenses
10 incurred in the actual performance of their duties, as provided in RCW
11 43.03.050 and 43.03.060.

12 The board may annually elect a chairperson to direct the meetings
13 of the board. The board shall meet as called by the chairperson or the
14 (~~director~~) secretary. Three members of the board shall constitute a
15 quorum of the board.

16 **Sec. 254.** RCW 18.108.025 and 1987 c 443 s 10 are each amended to
17 read as follows:

18 In addition to any other authority provided by law, the board may:

19 (1) Adopt rules in accordance with chapter 34.05 RCW necessary to
20 implement this chapter, subject to the approval of the (~~director~~)
21 secretary;

22 (2) Define, evaluate, approve, and designate those schools,
23 programs, and apprenticeship programs including all current and
24 proposed curriculum, faculty, and health, sanitation, and facility
25 standards from which graduation will be accepted as proof of an
26 applicant's eligibility to take the licensing examination;

27 (3) Review approved schools and programs periodically;

28 (4) Prepare, grade, administer, and supervise the grading and
29 administration of, examinations for applicants for licensure; and

1 (5) Determine which states have educational and licensing
2 requirements equivalent to those of this state.

3 The board shall establish by rule the standards and procedures for
4 approving courses of study and may contract with individuals or
5 organizations having expertise in the profession or in education to
6 assist in evaluating courses of study. The standards and procedures
7 set shall apply equally to schools and training within the United
8 States of America and those in foreign jurisdictions.

9 **Sec. 255.** RCW 18.108.040 and 1987 c 443 s 4 are each amended to
10 read as follows:

11 It shall be unlawful to advertise the practice of massage using the
12 term massage or any other term that implies a massage technique or
13 method in any public or private publication or communication by a
14 person not licensed by the ((director)) secretary as a massage
15 practitioner. Any person who holds a license to practice as a massage
16 practitioner in this state may use the title "licensed massage
17 practitioner" and the abbreviation "L.M.P.". No other persons may
18 assume such title or use such abbreviation or any other word, letters,
19 signs, or figures to indicate that the person using the title is a
20 licensed massage practitioner.

21 **Sec. 256.** RCW 18.108.060 and 1987 c 443 s 6 are each amended to
22 read as follows:

23 All licenses issued under the provisions of this chapter, unless
24 otherwise provided shall expire on the annual anniversary date of the
25 individual's date of birth.

26 The ((director)) secretary shall prorate the licensing fee for
27 massage practitioner based on one-twelfth of the annual license fee for
28 each full calendar month between the issue date and the next

1 anniversary of the applicant's birth date, a date used as the
2 expiration date of such license.

3 Every applicant for a license shall pay an examination fee
4 determined by the ~~((director))~~ secretary as provided in RCW
5 ~~((43.24.086))~~ 43.70.250, which fee shall accompany their application.
6 Applications for licensure shall be submitted on forms provided by the
7 ~~((director))~~ secretary.

8 Applicants granted a license under this chapter shall pay to the
9 ~~((director))~~ secretary a license fee determined by the ~~((director))~~
10 secretary as provided in RCW ~~((43.24.086))~~ 43.70.250, prior to the
11 issuance of their license, and an annual renewal fee determined by the
12 ~~((director))~~ secretary as provided in RCW ~~((43.24.086))~~ 43.70.250.
13 Failure to renew shall invalidate the license and all privileges
14 granted to the licensee, but such license may be reinstated upon
15 written application to the ~~((director))~~ secretary and payment to the
16 state of all delinquent fees and penalties as determined by the
17 ~~((director))~~ secretary. In the event a license has lapsed for a period
18 longer than three years, the licensee shall demonstrate competence to
19 the satisfaction of the ~~((director))~~ secretary by proof of continuing
20 education or other standard determined by the ~~((director))~~ secretary
21 with the advice of the board.

22 **Sec. 257.** RCW 18.108.070 and 1987 c 443 s 7 are each amended to
23 read as follows:

24 The ~~((director))~~ secretary shall issue a massage practitioner's
25 license to an applicant who demonstrates to the ~~((director's))~~
26 secretary's satisfaction that the following requirements have been met:

27 (1) Effective June 1, 1988, successful completion of a course of
28 study in an approved massage program or approved apprenticeship
29 program;

1 (2) Successful completion of an examination administered or
2 approved by the board; and

3 (3) Be eighteen years of age or older.

4 In addition, applicants shall be subject to the grounds for denial
5 or issuance of a conditional license under chapter 18.130 RCW.

6 The ~~((director))~~ secretary may require any information and
7 documentation that reasonably relates to the need to determine whether
8 the applicant meets the criteria for licensure provided for in this
9 chapter and chapter 18.130 RCW. The ~~((director))~~ secretary shall
10 establish by rule what constitutes adequate proof of meeting the
11 criteria. The board shall give an appropriate alternate form of
12 examination for persons who cannot read or speak English to determine
13 equivalent competency.

14 **Sec. 258.** RCW 18.108.073 and 1987 c 443 s 8 are each amended to
15 read as follows:

16 (1) The date and location of the examination shall be established
17 by the ~~((director))~~ secretary. Applicants who demonstrate to the
18 ~~((director's))~~ secretary's satisfaction that the following requirements
19 have been met shall be scheduled for the next examination following the
20 filing of the application:

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

23 (b) Effective June 1, 1988, successful completion of an
24 apprenticeship program established by the board; and

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

26 In addition, completed and approved applications shall be received
27 sixty days before the scheduled examination.

28 (2) The board or its designee shall examine each applicant in a
29 written and practical examination determined most effective on subjects

1 appropriate to the massage scope of practice. The subjects may include
2 anatomy, kinesiology, physiology, pathology, principles of human
3 behavior, massage theory and practice, hydrotherapy, hygiene, first
4 aid, Washington law pertaining to the practice of massage, and such
5 other subjects as the board may deem useful to test applicant's fitness
6 to practice massage therapy. Such examinations shall be limited in
7 purpose to determining whether the applicant possesses the minimum
8 skill and knowledge necessary to practice competently.

9 (3) The examination papers, all grading of examinations, and the
10 grading of any practical work, shall be preserved for a period of not
11 less than one year after the board has made and published decisions
12 thereupon. All examinations shall be conducted by the board under fair
13 and impartial methods as determined by the ~~((director))~~ secretary.

14 (4) An applicant who fails to make the required grade in the first
15 examination is entitled to take up to two additional examinations upon
16 the payment of a fee for each subsequent examination determined by the
17 ~~((director))~~ secretary as provided in RCW ~~((43.24.086))~~ 43.70.250.
18 Upon failure of three examinations, the ~~((director))~~ secretary may
19 invalidate the original application and require such remedial education
20 as is required by the board before admission to future examinations.

21 (5) The board may approve an examination prepared or administered,
22 or both, by a private testing agency or association of licensing boards
23 for use by an applicant in meeting the licensing requirement.

24 **Sec. 259.** RCW 18.108.085 and 1987 c 443 s 11 are each amended to
25 read as follows:

26 (1) In addition to any other authority provided by law, the
27 ~~((director))~~ secretary may:

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

1 (b) Set all license, examination, and renewal fees in accordance
2 with RCW ((43.24.086)) 43.70.250;

3 (c) Establish forms and procedures necessary to administer this
4 chapter;

5 (d) Issue a license to any applicant who has met the education,
6 training, and examination requirements for licensure; and

7 (e) Hire clerical, administrative, and investigative staff as
8 necessary to implement this chapter, and hire individuals licensed
9 under this chapter to serve as examiners for any practical
10 examinations.

11 (2) The uniform disciplinary act, chapter 18.130 RCW, governs the
12 issuance and denial of licenses and the disciplining of persons under
13 this chapter. The ((director)) secretary shall be the disciplining
14 authority under this chapter.

15 (3) The ((director)) secretary shall keep an official record of all
16 proceedings under this chapter, a part of which record shall consist of
17 a register of all applicants for licensure under this chapter, with the
18 result of each application.

19 **Sec. 260.** RCW 18.122.040 and 1987 c 150 s 64 are each amended to
20 read as follows:

21 Nothing in this chapter shall be construed to prohibit or restrict:

22 (1) The practice by an individual licensed, certified, or
23 registered under the laws of this state and performing services within
24 the authorized scope of practice;

25 (2) The practice by an individual employed by the government of the
26 United States while engaged in the performance of duties prescribed by
27 the laws of the United States;

28 (3) The practice by a person who is a regular student in an
29 educational program approved by the ((director)) secretary, and whose

1 performance of services is pursuant to a regular course of instruction
2 or assignments from an instructor and under the general supervision of
3 the instructor.

4 **Sec. 261.** RCW 18.122.060 and 1987 c 150 s 66 are each amended to
5 read as follows:

6 The ((~~director~~)) secretary shall keep an official record of all
7 proceedings. A part of the record shall consist of a register of all
8 applicants for credentialing under this chapter and the results of each
9 application.

10 **Sec. 262.** RCW 18.122.070 and 1987 c 150 s 67 are each amended to
11 read as follows:

12 (1) The ((~~director~~)) secretary has the authority to appoint
13 advisory committees to further the purposes of this chapter. Each such
14 committee shall be composed of five members, one member initially
15 appointed for a term of one year, two for a term of two years, and two
16 for a term of three years. Subsequent appointments shall be for terms
17 of three years. No person may serve as a member of the committee for
18 more than two consecutive terms. Members of an advisory committee
19 shall be residents of this state. Each committee shall be composed of
20 three individuals registered, certified, or licensed in the category
21 designated, and two members who represent the public at large and are
22 unaffiliated directly or indirectly with the profession being
23 credentialed.

24 (2) The ((~~director~~)) secretary may remove any member of the
25 advisory committees for cause as specified by rule. In the case of a
26 vacancy, the ((~~director~~)) secretary shall appoint a person to serve for
27 the remainder of the unexpired term.

1 (3) The advisory committees shall each meet at the times and places
2 designated by the ((~~director~~)) secretary and shall hold meetings during
3 the year as necessary to provide advice to the director. The committee
4 may elect a chair and a vice chair. A majority of the members
5 currently serving shall constitute a quorum.

6 (4) Each member of an advisory committee shall be reimbursed for
7 travel expenses as authorized in RCW 43.03.050 and 43.03.060. In
8 addition, members of the committees shall be compensated in accordance
9 with RCW 43.03.240 when engaged in the authorized business of their
10 committees.

11 (5) The ((~~director~~)) secretary, members of advisory committees, or
12 individuals acting on their behalf are immune from suit in any action,
13 civil or criminal, based on any credentialing or disciplinary
14 proceedings or other official acts performed in the course of their
15 duties.

16 **Sec. 263.** RCW 18.122.080 and 1987 c 150 s 68 are each amended to
17 read as follows:

18 (1) The ((~~director~~)) secretary shall issue a license or
19 certificate, as appropriate, to any applicant who demonstrates to the
20 ((~~director's~~)) secretary's satisfaction that the following requirements
21 have been met:

22 (a) Graduation from an educational program approved by the
23 ((~~director~~)) secretary or successful completion of alternate training
24 meeting established criteria;

25 (b) Successful completion of an approved examination; and

26 (c) Successful completion of any experience requirement established
27 by the ((~~director~~)) secretary.

28 (2) The ((~~director~~)) secretary shall establish by rule what
29 constitutes adequate proof of meeting the criteria.

1 (3) In addition, applicants shall be subject to the grounds for
2 denial of a license or certificate or issuance of a conditional license
3 or certificate under chapter 18.130 RCW.

4 (4) The ((~~director~~)) secretary shall issue a registration to any
5 applicant who completes an application which identifies the name and
6 address of the applicant, the registration being requested, and
7 information required by the ((~~director~~)) secretary necessary to
8 establish whether there are grounds for denial of a registration or
9 issuance of a conditional registration under chapter 18.130 RCW.

10 **Sec. 264.** RCW 18.122.090 and 1987 c 150 s 69 are each amended to
11 read as follows:

12 The ((~~director~~)) secretary shall establish by rule the standards
13 and procedures for approval of educational programs and alternative
14 training. The ((~~director~~)) secretary may utilize or contract with
15 individuals or organizations having expertise in the profession or in
16 education to assist in the evaluations. The ((~~director~~)) secretary
17 shall establish by rule the standards and procedures for revocation of
18 approval of education programs. The standards and procedures set shall
19 apply equally to educational programs and training in the United States
20 and in foreign jurisdictions. The ((~~director~~)) secretary may establish
21 a fee for educational program evaluations.

22 **Sec. 265.** RCW 18.122.120 and 1987 c 150 s 72 are each amended to
23 read as follows:

24 The ((~~director~~)) secretary shall waive the examination and
25 credential a person authorized to practice within the state of
26 Washington if the ((~~director~~)) secretary determines that the person
27 meets commonly accepted standards of education and experience for the
28 profession. This section applies only to those individuals who file an

1 application for waiver within one year of the establishment of the
2 authorized practice.

3 **Sec. 266.** RCW 18.122.130 and 1987 c 150 s 73 are each amended to
4 read as follows:

5 An applicant holding a credential in another state may be
6 credentialed to practice in this state without examination if the
7 ~~((director))~~ secretary determines that the other state's credentialing
8 standards are substantially equivalent to the standards in this state.

9 **Sec. 267.** RCW 18.122.140 and 1987 c 150 s 74 are each amended to
10 read as follows:

11 The ~~((director))~~ secretary shall establish by rule the procedural
12 requirements and fees for renewal of a credential. Failure to renew
13 shall invalidate the credential and all privileges granted by the
14 credential. If a license or certificate has lapsed for a period longer
15 than three years, the person shall demonstrate competence to the
16 satisfaction of the ~~((director))~~ secretary by taking continuing
17 education courses, or meeting other standards determined by the
18 ~~((director))~~ secretary.

19 **Sec. 268.** RCW 18.122.150 and 1987 c 150 s 75 are each amended to
20 read as follows:

21 The uniform disciplinary act, chapter 18.130 RCW, shall govern the
22 issuance and denial of credentials, unauthorized practice, and the
23 discipline of persons credentialed under this chapter. The
24 ~~((director))~~ secretary shall be the disciplining authority under this
25 chapter.

1 **Sec. 269.** RCW 18.130.060 and 1989 c 175 s 68 are each amended to
2 read as follows:

3 In addition to the authority specified in RCW 18.130.050, the
4 (~~director~~) secretary has the following additional authority:

5 (1) To employ such investigative, administrative, and clerical
6 staff as necessary for the enforcement of this chapter;

7 (2) Upon the request of a board, to appoint not more than three pro
8 tem members for the purpose of participating as members of one or more
9 committees of the board in connection with proceedings specifically
10 identified in the request. Individuals so appointed must meet the same
11 minimum qualifications as regular members of the board. While serving
12 as board members pro tem, persons so appointed have all the powers,
13 duties, and immunities, and are entitled to the emoluments, including
14 travel expenses in accordance with RCW 43.03.050 and 43.03.060, of
15 regular members of the board. The chairperson of a committee shall be
16 a regular member of the board appointed by the board chairperson.
17 Committees have authority to act as directed by the board with respect
18 to all matters concerning the review, investigation, and adjudication
19 of all complaints, allegations, charges, and matters subject to the
20 jurisdiction of the board. The authority to act through committees
21 does not restrict the authority of the board to act as a single body at
22 any phase of proceedings within the board's jurisdiction. Board
23 committees may make interim orders and issue final decisions with
24 respect to matters and cases delegated to the committee by the board.
25 Final decisions may be appealed as provided in chapter 34.05 RCW, the
26 Administrative Procedure Act;

27 (3) To establish fees to be paid for witnesses, expert witnesses,
28 and consultants used in any investigation and to establish fees to
29 witnesses in any agency adjudicative proceeding as authorized by RCW
30 34.05.446;

1 (4) To conduct investigations and practice reviews at the direction
2 of the disciplining authority and to issue subpoenas, administer oaths,
3 and take depositions in the course of conducting those investigations
4 and practice reviews at the direction of the disciplining authority.

5 **Sec. 270.** RCW 18.130.175 and 1988 c 247 s 2 are each amended to
6 read as follows:

7 (1) In lieu of disciplinary action under RCW 18.130.160 and if the
8 disciplining authority determines that the unprofessional conduct may
9 be the result of substance abuse, the disciplining authority may refer
10 the license holder to a voluntary substance abuse monitoring program
11 approved by the disciplining authority.

12 The cost of the treatment shall be the responsibility of the
13 license holder, but the responsibility does not preclude payment by an
14 employer, existing insurance coverage, or other sources. Primary
15 alcoholism or drug treatment shall be provided by approved treatment
16 facilities under RCW 70.96A.020(2) (~~or 69.54.030~~): PROVIDED, That
17 nothing shall prohibit the disciplining authority from approving
18 additional services and programs as an adjunct to primary alcoholism or
19 drug treatment. The disciplining authority may also approve the use of
20 out-of-state programs. Referral of the license holder to the program
21 shall be done only with the consent of the license holder. Referral to
22 the program may also include probationary conditions for a designated
23 period of time. If the license holder does not consent to be referred
24 to the program or does not successfully complete the program, the
25 disciplining authority may take appropriate action under RCW
26 18.130.160.

27 (2) In addition to approving substance abuse monitoring programs
28 that may receive referrals from the disciplining authority, the
29 disciplining authority may establish by rule requirements for

1 participation of license holders who are not being investigated or
2 monitored by the disciplining authority for substance abuse. License
3 holders voluntarily participating in the approved programs without
4 being referred by the disciplining authority shall not be subject to
5 disciplinary action under RCW 18.130.160 for their substance abuse, and
6 shall not have their participation made known to the disciplining
7 authority, if they meet the requirements of this section and the
8 program in which they are participating.

9 (3) The license holder shall sign a waiver allowing the program to
10 release information to the disciplining authority if the licensee does
11 not comply with the requirements of this section or is unable to
12 practice with reasonable skill or safety. The substance abuse program
13 shall report to the disciplining authority any license holder who fails
14 to comply with the requirements of this section or the program or who,
15 in the opinion of the program, is unable to practice with reasonable
16 skill or safety. License holders shall report to the disciplining
17 authority if they fail to comply with this section or do not complete
18 the program's requirements. License holders may, upon the agreement of
19 the program and disciplining authority, reenter the program if they
20 have previously failed to comply with this section.

21 (4) The treatment and pretreatment records of license holders
22 referred to or voluntarily participating in approved programs shall be
23 confidential, shall be exempt from RCW 42.17.250 through 42.17.450, and
24 shall not be subject to discovery by subpoena or admissible as evidence
25 except for monitoring records reported to the disciplining authority
26 for cause as defined in subsection (3) of this section. Monitoring
27 records relating to license holders referred to the program by the
28 disciplining authority or relating to license holders reported to the
29 disciplining authority by the program for cause, shall be released to
30 the disciplining authority at the request of the disciplining

1 authority. Records held by the disciplining authority under this
2 section shall be exempt from RCW 42.17.250 through 42.17.450 and shall
3 not be subject to discovery by subpoena except by the license holder.

4 (5) "Substance abuse," as used in this section, means the
5 impairment, as determined by the disciplining authority, of a license
6 holder's professional services by an addiction to, a dependency on, or
7 the use of alcohol, legend drugs, or controlled substances.

8 (6) This section does not affect an employer's right or ability to
9 make employment-related decisions regarding a license holder. This
10 section does not restrict the authority of the disciplining authority
11 to take disciplinary action for any other unprofessional conduct.

12 (7) A person who, in good faith, reports information or takes
13 action in connection with this section is immune from civil liability
14 for reporting information or taking the action.

15 (a) The immunity from civil liability provided by this section
16 shall be liberally construed to accomplish the purposes of this section
17 and the persons entitled to immunity shall include:

18 (i) An approved monitoring treatment program;

19 (ii) The professional association operating the program;

20 (iii) Members, employees, or agents of the program or association;

21 (iv) Persons reporting a license holder as being impaired or
22 providing information about the license holder's impairment; and

23 (v) Professionals supervising or monitoring the course of the
24 impaired license holder's treatment or rehabilitation.

25 (b) The immunity provided in this section is in addition to any
26 other immunity provided by law.

27 (8) In addition to health care professionals governed by this
28 chapter, this section also applies to pharmacists under chapter 18.64
29 RCW and pharmacy assistants under chapter 18.64A RCW. For that
30 purpose, the board of pharmacy shall be deemed to be the disciplining

1 authority and the substance abuse monitoring program shall be in lieu
2 of disciplinary action under RCW 18.64.160 or 18.64A.050. The board of
3 pharmacy shall adjust license fees to offset the costs of this program.

4 **Sec. 271.** RCW 18.130.190 and 1989 c 175 s 71 and 1989 c 373 s 20
5 are each reenacted and amended to read as follows:

6 (1) The ~~((director))~~ secretary shall investigate complaints
7 concerning practice by unlicensed persons of a profession or business
8 for which a license is required by the chapters specified in RCW
9 18.130.040. In the investigation of the complaints, the ~~((director))~~
10 secretary shall have the same authority as provided the ~~((director))~~
11 secretary under RCW 18.130.050. The ~~((director))~~ secretary shall issue
12 a cease and desist order to a person after notice and hearing and upon
13 a determination that the person has violated this subsection. If the
14 ~~((director))~~ secretary makes a written finding of fact that the public
15 interest will be irreparably harmed by delay in issuing an order, the
16 ~~((director))~~ secretary may issue a temporary cease and desist order.
17 The cease and desist order shall not relieve the person so practicing
18 or operating a business without a license from criminal prosecution
19 therefor, but the remedy of a cease and desist order shall be in
20 addition to any criminal liability. The cease and desist order is
21 conclusive proof of unlicensed practice and may be enforced under RCW
22 7.21.060. This method of enforcement of the cease and desist order may
23 be used in addition to, or as an alternative to, any provisions for
24 enforcement of agency orders set out in chapter 34.05 RCW.

25 (2) The attorney general, a county prosecuting attorney, the
26 ~~((director))~~ secretary, a board, or any person may in accordance with
27 the laws of this state governing injunctions, maintain an action in the
28 name of this state to enjoin any person practicing a profession or
29 business for which a license is required by the chapters specified in

1 RCW 18.130.040 without a license from engaging in such practice or
2 operating such business until the required license is secured.
3 However, the injunction shall not relieve the person so practicing or
4 operating a business without a license from criminal prosecution
5 therefor, but the remedy by injunction shall be in addition to any
6 criminal liability.

7 (3) Unlicensed practice of a profession or operating a business for
8 which a license is required by the chapters specified in RCW
9 18.130.040, unless otherwise exempted by law, constitutes a gross
10 misdemeanor. All fees, fines, forfeitures, and penalties collected or
11 assessed by a court because of a violation of this section shall be
12 remitted to the health professions account.

13 **Sec. 272.** RCW 18.135.020 and 1986 c 115 s 2 are each amended to
14 read as follows:

15 As used in this chapter:

16 (1) (~~("Director" means the director of licensing)~~) "Secretary"
17 means the secretary of health.

18 (2) "Health care assistant" means an unlicensed person who assists
19 a licensed health care practitioner in providing health care to
20 patients pursuant to this chapter.

21 (3) "Health care practitioner" means:

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

23 (b) An osteopathic physician or surgeon licensed under chapter
24 18.57 RCW; or

25 (c) Acting within the scope of their respective licensures, a
26 podiatrist licensed under chapter 18.22 RCW or a registered nurse
27 licensed under chapter 18.88 RCW.

28 (4) "Supervision" means supervision of procedures permitted
29 pursuant to this chapter by a health care practitioner who is

1 physically present and is immediately available in the facility during
2 the administration of injections, as defined in this chapter, but need
3 not be present during procedures to withdraw blood.

4 (5) "Health care facility" means any hospital, hospice care center,
5 licensed or certified health care facility, health maintenance
6 organization regulated under chapter 48.46 RCW, federally qualified
7 health maintenance organization, renal dialysis center or facility
8 federally approved under 42 C.F.R. 405.2100, blood bank federally
9 licensed under 21 C.F.R. 607, or clinical laboratory certified under 20
10 C.F.R. 405.1301-16.

11 (6) "Delegation" means direct authorization granted by a licensed
12 health care practitioner to a health care assistant to perform the
13 functions authorized in this chapter which fall within the scope of
14 practice of the delegator and which are not within the scope of
15 practice of the delegatee.

16 **Sec. 273.** RCW 18.135.030 and 1986 c 216 s 2 are each amended to
17 read as follows:

18 The ~~((director))~~ secretary, or the ~~((director's))~~ secretary's
19 designee, with the advice of designees of the board of medical
20 examiners, the board of osteopathic medicine and surgery, the podiatry
21 board, and the board of nursing, shall adopt rules necessary to
22 administer, implement, and enforce this chapter and establish the
23 minimum requirements necessary for a health care facility or health
24 care practitioner to certify a health care assistant capable of
25 performing the functions authorized in this chapter. The rules shall
26 establish minimum requirements for each and every category of health
27 care assistant. Said rules shall be adopted after fair consideration
28 of input from representatives of each category. These requirements

1 shall ensure that the public health and welfare are protected and shall
2 include, but not be limited to, the following factors:

3 (1) The education and occupational qualifications for the health
4 care assistant category;

5 (2) The work experience for the health care assistant category;

6 (3) The instruction and training provided for the health care
7 assistant category; and

8 (4) The types of drugs or diagnostic agents which may be
9 administered by injection by health care assistants working in a
10 hospital or nursing home. The rules established pursuant to this
11 subsection shall not prohibit health care assistants working in a
12 health care facility other than a nursing home or hospital from
13 performing the functions authorized under this chapter.

14 **Sec. 274.** RCW 18.135.050 and 1984 c 281 s 5 are each amended to
15 read as follows:

16 (1) Any health care facility may certify a health care assistant to
17 perform the functions authorized in this chapter in that health care
18 facility; and any health care practitioner may certify a health care
19 assistant capable of performing such services in any health care
20 facility, or in his or her office, under a health care practitioner's
21 supervision. Before certifying the health care assistant, the health
22 care facility or health care practitioner shall verify that the health
23 care assistant has met the minimum requirements established by the
24 (~~director~~) secretary under this chapter. These requirements shall
25 not prevent the certifying entity from imposing such additional
26 standards as the certifying entity considers appropriate. The health
27 care facility or health care practitioner shall provide the licensing
28 authority with a certified roster of health care assistants who are
29 certified.

1 (2) Certification of a health care assistant shall be effective for
2 a period of two years. Recertification is required at the end of this
3 period. Requirements for recertification shall be established by rule.

4 **Sec. 275.** RCW 18.135.055 and 1985 c 117 s 1 are each amended to
5 read as follows:

6 The health care facility or health care practitioner registering an
7 initial or continuing certification pursuant to the provisions of this
8 chapter shall pay a fee determined by the ~~((director))~~ secretary as
9 provided in RCW ~~((43.24.086))~~ 43.70.250.

10 All fees collected under this section shall be credited to the
11 health professions account as required in RCW ~~((43.24.072))~~ 43.70.320.

12 **Sec. 276.** RCW 18.135.065 and 1986 c 216 s 4 are each amended to
13 read as follows:

14 (1) Each delegator, as defined under RCW 18.135.020(6) shall
15 maintain a list of specific medications, diagnostic agents, and the
16 route of administration of each that he or she has authorized for
17 injection. Both the delegator and delegatee shall sign the above list,
18 indicating the date of each signature. The signed list shall be
19 forwarded to the ~~((director))~~ secretary of the department of
20 ~~((licensing))~~ health and shall be available for review.

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

26 **Sec. 277.** RCW 18.135.080 and 1984 c 281 s 8 are each amended to
27 read as follows:

1 The (~~director or the director's~~) secretary or the secretary's
2 designee shall decertify a health care assistant based on a finding
3 that the assistant has obtained certification through misrepresentation
4 or concealment of a material fact or has engaged in unsafe or negligent
5 practices.

6 **Sec. 278.** RCW 18.138.010 and 1988 c 277 s 1 are each amended to
7 read as follows:

8 (1) "Dietetics" is the integration and application of scientific
9 principles of food, nutrition, biochemistry, physiology, management,
10 and behavioral and social sciences in counseling people to achieve and
11 maintain health. Unique functions of dietetics include, but are not
12 limited to:

13 (a) Assessing individual and community food practices and
14 nutritional status using anthropometric, biochemical, clinical,
15 dietary, and demographic data for clinical, research, and program
16 planning purposes;

17 (b) Establishing priorities, goals, and objectives that meet
18 nutritional needs and are consistent with available resources and
19 constraints;

20 (c) Providing nutrition counseling and education as components of
21 preventive, curative, and restorative health care;

22 (d) Developing, implementing, managing, and evaluating nutrition
23 care systems; and

24 (e) Evaluating, making changes in, and maintaining appropriate
25 standards of quality in food and nutrition care services.

26 (2) "General nutrition services" means the counseling and/or
27 educating of groups or individuals in the selection of food to meet
28 normal nutritional needs for health maintenance, which includes, but is
29 not restricted to:

1 (a) Assessing the nutritional needs of individuals and groups by
2 planning, organizing, coordinating, and evaluating the nutrition
3 components of community health care services;

4 (b) Supervising, administering, or teaching normal nutrition in
5 colleges, universities, clinics, group care homes, nursing homes,
6 hospitals, private industry, and group meetings.

7 (3) "Certified dietitian" means any person certified to practice
8 dietetics under this chapter.

9 (4) "Certified nutritionist" means any person certified to provide
10 general nutrition services under this chapter.

11 (5) "Department" means the department of (~~licensing~~) health.

12 (6) (~~"Director" means the director of licensing or the director's~~
13 ~~designee~~) "Secretary" means the secretary of health or the secretary's
14 designee.

15 **Sec. 279.** RCW 18.138.020 and 1988 c 277 s 2 are each amended to
16 read as follows:

17 (1) No persons shall represent themselves as certified dietitians
18 or certified nutritionists unless certified as provided for in this
19 chapter.

20 (2) Persons represent themselves as certified dietitians or
21 certified nutritionists when any title or any description of services
22 is used which incorporates one or more of the following items or
23 designations: "Certified dietitian," "certified dietician," "certified
24 nutritionist," "D.," "C.D.," or "C.N."

25 (3) The (~~director~~) secretary may by rule proscribe or regulate
26 advertising and other forms of patient solicitation which are likely to
27 mislead or deceive the public as to whether someone is certified under
28 this chapter.

1 **Sec. 280.** RCW 18.138.030 and 1988 c 277 s 3 are each amended to
2 read as follows:

3 (1) An applicant applying for certification as a certified
4 dietitian or certified nutritionist shall file a written application on
5 a form or forms provided by the ((~~director~~)) secretary setting forth
6 under affidavit such information as the ((~~director~~)) secretary may
7 require, and proof that the candidate has met qualifications set forth
8 below in subsection (2) or (3) of this section.

9 (2) Any person seeking certification as a "certified dietitian"
10 shall meet the following qualifications:

11 (a) Be eighteen years of age or older;

12 (b) Has satisfactorily completed a major course of study in human
13 nutrition, foods and nutrition, dietetics, or food systems management,
14 and has received a baccalaureate or higher degree from a college or
15 university accredited by the Western association of schools and
16 colleges or a similar accreditation agency or colleges and universities
17 approved by the ((~~director~~)) secretary in rule;

18 (c) Demonstrates evidence of having successfully completed a
19 planned continuous preprofessional experience in dietetic practice of
20 not less than nine hundred hours under the supervision of a certified
21 dietitian or a registered dietitian or demonstrates completion of a
22 coordinated undergraduate program in dietetics, both of which meet the
23 training criteria established by the ((~~director~~)) secretary;

24 (d) Has satisfactorily completed an examination for dietitians
25 administered by a public or private agency or institution recognized by
26 the ((~~director~~)) secretary as qualified to administer the examination;
27 and

28 (e) Has satisfactorily completed courses of continuing education as
29 currently established by the ((~~director~~)) secretary.

1 (3) An individual may be certified as a certified dietician if he
2 or she provides evidence of meeting criteria for registration on June
3 9, 1988, by the commission on dietetic registration.

4 (4) Any person seeking certification as a "certified nutritionist"
5 shall meet the following qualifications:

6 (a) Possess the qualifications required to be a certified
7 dietitian; or

8 (b) Has received a master's degree or doctorate degree in one of
9 the following subject areas: Human nutrition, nutrition education,
10 foods and nutrition, or public health nutrition from a college or
11 university accredited by the Western association of schools and
12 colleges or a similar accrediting agency or colleges and universities
13 approved by the ((director)) secretary in rule.

14 **Sec. 281.** RCW 18.138.040 and 1988 c 277 s 4 are each amended to
15 read as follows:

16 (1) If the applicant meets the qualifications as outlined in RCW
17 18.138.030(2), the ((director)) secretary shall confer on such
18 candidates the title certified dietitian.

19 (2) If the applicant meets the qualifications as outlined in RCW
20 18.138.030(4), the ((director)) secretary shall confer on such
21 candidates the title certified nutritionist.

22 (3) The application fee in an amount determined by the ((director))
23 secretary shall accompany the application for certification as a
24 certified dietitian or certified nutritionist.

25 **Sec. 282.** RCW 18.138.050 and 1988 c 277 s 6 are each amended to
26 read as follows:

27 The ((director)) secretary may certify a person applying for the
28 title "certified dietitian" without examination if such person is

1 licensed or certified as a dietitian in another jurisdiction and if, in
2 the ((director's)) secretary's judgment, the requirements of that
3 jurisdiction are equivalent to or greater than those of Washington
4 state.

5 **Sec. 283.** RCW 18.138.060 and 1988 c 277 s 7 are each amended to
6 read as follows:

7 (1) Every person certified as a certified dietitian or certified
8 nutritionist shall pay a renewal registration fee determined by the
9 ((director)) secretary as provided in RCW ((43.24.086)) 43.70.250. The
10 certificate of the person shall be renewed for a period of one year or
11 longer at the discretion of the ((director)) secretary.

12 (2) Any failure to register and pay the annual renewal registration
13 fee shall render the certificate invalid. The certificate shall be
14 reinstated upon: (a) Written application to the ((director))
15 secretary; (b) payment to the state of a penalty fee determined by the
16 ((director)) secretary; and (c) payment to the state of all delinquent
17 annual certificate renewal fees.

18 (3) Any person who fails to renew his or her certification for a
19 period of three years shall not be entitled to renew such certification
20 under this section. Such person, in order to obtain a certification as
21 a certified dietitian or certified nutritionist in this state, shall
22 file a new application under this chapter, along with the required fee,
23 and shall meet all requirements as the ((director)) secretary provides.

24 (4) All fees collected under this section shall be credited to the
25 health professions account as required.

26 **Sec. 284.** RCW 18.138.070 and 1988 c 277 s 10 are each amended to
27 read as follows:

1 In addition to any other authority provided by law, the
2 (~~director~~) secretary may:

3 (1) Adopt rules in accordance with chapter 34.05 RCW necessary to
4 implement this chapter;

5 (2) Establish forms necessary to administer this chapter;

6 (3) Issue a certificate to an applicant who has met the
7 requirements for certification and deny a certificate to an applicant
8 who does not meet the minimum qualifications;

9 (4) Hire clerical, administrative, and investigative staff as
10 needed to implement and administer this chapter and hire individuals,
11 including those certified under this chapter, to serve as consultants
12 as necessary to implement and administer this chapter;

13 (5) Maintain the official departmental record of all applicants and
14 certificate holders;

15 (6) Conduct a hearing, pursuant to chapter 34.05 RCW, on an appeal
16 of a denial of certification based on the applicant's failure to meet
17 the minimum qualifications for certification;

18 (7) Investigate alleged violations of this chapter and consumer
19 complaints involving the practice of persons representing themselves as
20 certified dietitians or certified nutritionists;

21 (8) Issue subpoenas, statements of charges, statements of intent to
22 deny certifications, and orders and delegate in writing to a designee
23 the authority to issue subpoenas, statements of charges, and statements
24 on intent to deny certifications;

25 (9) Conduct disciplinary proceedings, impose sanctions, and assess
26 fines for violations of this chapter or any rules adopted under it in
27 accordance with chapter 34.05 RCW;

28 (10) Set all certification, renewal, and late renewal fees in
29 accordance with RCW (~~43.24.086~~) 43.70.250; and

1 (11) Set certification expiration dates and renewal periods for all
2 certifications under this chapter.

3 **Sec. 285.** RCW 18.138.080 and 1988 c 277 s 8 are each amended to
4 read as follows:

5 (1) There is created a state advisory committee consisting of five
6 members appointed by the (~~director~~) secretary who shall advise the
7 (~~director~~) secretary concerning the administration of this chapter.
8 Two members of the committee shall be certified dietitians who have
9 been engaged in the practice of dietetics for at least five years
10 immediately preceding their appointments. Two members of the committee
11 shall be certified nutritionists who have been engaged in the provision
12 of general nutrition services for at least five years preceding their
13 appointments. These committee members shall at all times be certified
14 under this chapter, except for the initial members of the committee,
15 who shall fulfill the requirements for certification under this
16 chapter. The remaining member of the committee shall be a member of
17 the public with an interest in the rights of consumers of health
18 services, but who does not have any financial interest in the rendering
19 of health services.

20 (2) The term of office for committee members is four years. The
21 terms of the first committee members however, shall be staggered to
22 ensure an orderly succession of new committee members thereafter.
23 Terms of office shall expire on December 31. Any committee member may
24 be removed for just cause. The (~~director~~) secretary may appoint a
25 new member to fill any vacancy on the committee for the remainder of
26 the unexpired term. No committee member may serve more than two
27 consecutive terms whether full or partial.

1 (3) Committee members shall be entitled to be compensated in
2 accordance with RCW 43.03.240 and to be reimbursed for travel expenses
3 under RCW 43.03.050 and 43.03.060.

4 (4) The committee shall have the authority to annually elect a
5 chairperson and vice-chairperson to direct the meetings of the
6 committee. The committee shall meet at least once each year, and may
7 hold additional meetings as called by the (~~director~~) secretary or the
8 chairperson. Three members of the committee shall constitute a quorum
9 of the committee.

10 **Sec. 286.** RCW 18.138.090 and 1988 c 277 s 5 are each amended to
11 read as follows:

12 The uniform disciplinary act, chapter 18.130 RCW, governs the
13 issuance and denial of certificates, unauthorized practices, and the
14 disciplining of certificate holders under this chapter. The
15 (~~director~~) secretary shall be the disciplining authority under this
16 chapter.

17 **Sec. 287.** RCW 19.32.110 and 1985 c 213 s 11 are each amended to
18 read as follows:

19 (1) No person afflicted with any contagious or infectious disease
20 shall work or be permitted to work in or about any refrigerated locker,
21 nor in the handling, dealing nor processing of any human food in
22 connection therewith.

23 (2) No person shall work or be permitted to work in or about any
24 refrigerated locker in the handling, processing or dealing in any human
25 food or any ingredient thereof without holding a certificate from a
26 physician, duly accredited for that purpose by the department of
27 (~~social and health services~~) health, certifying that such person has
28 been examined and found free from any contagious or infectious disease.

1 The department of (~~social and health services~~) health may fix a
2 maximum fee, not exceeding two dollars which may be charged by a
3 physician for such examination. Such certificate shall be effective
4 for a period of six months and thereafter must be renewed following
5 proper physical examination as aforesaid. Where such certificate is
6 required and provided under municipal ordinance upon examination deemed
7 adequate by the department, certificates issued thereunder shall be
8 sufficient under this chapter.

9 (3) Any such certificate shall be revoked by the department of
10 (~~social and health services~~) health at any time the holder thereof is
11 found, after proper physical examination, to be afflicted with any
12 communicable or infectious disease. Refusal of any person employed in
13 such premises to submit to proper and reasonable physical examination
14 upon written demand by the department of (~~social and health services~~)
15 health or of the director of agriculture shall be cause for revocation
16 of that person's health certificate.

17 **Sec. 288.** RCW 26.33.300 and 1990 c 146 s 5 are each amended to
18 read as follows:

19 The department of health shall be a depository for statistical data
20 concerning adoption. It shall furnish to the clerk of each county a
21 data card which shall be completed and filed with the clerk on behalf
22 of each petitioner. The clerk shall forward the completed cards to the
23 department of health which shall compile the data and publish reports
24 summarizing the data. A birth certificate shall not be issued showing
25 the petitioner as the parent of any child adopted in the state of
26 Washington until a data card has been completed and filed.

27 **Sec. 289.** RCW 28A.210.030 and 1990 c 33 s 188 are each amended to
28 read as follows:

1 The person or persons completing the screening prescribed in RCW
2 28A.210.020 shall promptly prepare a record of the screening of each
3 child found to have, or suspected of having, reduced visual and/or
4 auditory acuity in need of attention, including the special education
5 services provided by RCW 28A.155.010 through 28A.155.100, and send
6 copies of such records and recommendations to the parents or guardians
7 of such children and shall deliver the original records to the
8 appropriate school official who shall preserve such records and forward
9 to the superintendent of public instruction and the secretary of
10 (~~social and health services~~) health visual and auditory data as
11 requested by such officials.

12 **Sec. 290.** RCW 28A.210.090 and 1990 c 33 s 193 are each amended to
13 read as follows:

14 Any child shall be exempt in whole or in part from the immunization
15 measures required by RCW 28A.210.060 through 28A.210.170 upon the
16 presentation of any one or more of the following, on a form prescribed
17 by the department of (~~social and health services~~) health:

18 (1) A written certification signed by any physician licensed to
19 practice medicine pursuant to chapter 18.71 or 18.57 RCW that a
20 particular vaccine required by rule of the state board of health is, in
21 his or her judgment, not advisable for the child: PROVIDED, That when
22 it is determined that this particular vaccine is no longer
23 contraindicated, the child will be required to have the vaccine;

24 (2) A written certification signed by any parent or legal guardian
25 of the child or any adult in loco parentis to the child that the
26 religious beliefs of the signator are contrary to the required
27 immunization measures; and

28 (3) A written certification signed by any parent or legal guardian
29 of the child or any adult in loco parentis to the child that the

1 signator has either a philosophical or personal objection to the
2 immunization of the child.

3 **Sec. 291.** RCW 28A.210.110 and 1990 c 33 s 195 are each amended to
4 read as follows:

5 A child's proof of immunization or certification of exemption shall
6 be presented to the chief administrator of the public or private school
7 or day care center or to his or her designee for that purpose. The
8 chief administrator shall:

9 (1) Retain such records pertaining to each child at the school or
10 day care center for at least the period the child is enrolled in the
11 school or attends such center;

12 (2) Retain a record at the school or day care center of the name,
13 address, and date of exclusion of each child excluded from school or
14 the center pursuant to RCW 28A.210.120 for not less than three years
15 following the date of a child's exclusion;

16 (3) File a written annual report with the department of (~~social~~
17 ~~and health services~~) health on the immunization status of students or
18 children attending the day care center at a time and on forms
19 prescribed by the department of (~~social and health services~~) health;
20 and

21 (4) Allow agents of state and local health departments access to
22 the records retained in accordance with this section during business
23 hours for the purposes of inspection and copying.

24 **Sec. 292.** RCW 28B.104.060 and 1988 c 242 s 6 are each amended to
25 read as follows:

26 (1) Participants in the conditional scholarship program incur an
27 obligation to repay the conditional scholarship, with interest, unless
28 they serve for five years in nurse shortage areas of the state of

1 Washington. Nurse shortage areas may include geographical areas as a
2 result of maldistribution, or specialty areas of nursing such as
3 gerontology, critical care, or coronary care.

4 (2) The terms of the repayment, including deferral of the interest,
5 shall be consistent with the terms of the federal guaranteed loan
6 program.

7 (3) The period for repayment shall be five years, with payments
8 accruing quarterly commencing nine months from the date the participant
9 completes or discontinues the course of study.

10 (4) The entire principal and interest of each payment shall be
11 forgiven for each payment period in which the participant serves in a
12 nurse shortage area, as determined by the state health (~~coordinating~~
13 ~~council~~) department, until the entire repayment obligation is
14 satisfied or the borrower ceases to so serve. Should the participant
15 cease to serve in this state before the participant's repayment
16 obligation is completed, payments on the unsatisfied portion of the
17 principal and interest shall begin the next payment period and continue
18 until the remainder of the participant's repayment obligation is
19 satisfied.

20 (5) The board is responsible for collection of repayments made
21 under this section and shall exercise due diligence in such collection,
22 maintaining all necessary records to ensure that maximum repayments are
23 made. Collection and servicing of repayments under this section shall
24 be pursued using the full extent of the law, including wage garnishment
25 if necessary, and shall be performed by entities approved for such
26 servicing by the Washington student loan guaranty association or its
27 successor agency. The board is responsible to forgive all or parts of
28 such repayments under the criteria established in this section and
29 shall maintain all necessary records of forgiven payments.

1 (6) Receipts from the payment of principal or interest or any other
2 subsidies to which the board as administrator is entitled, which are
3 paid by or on behalf of participants under this section, shall be
4 deposited with the higher education coordinating board and shall be
5 used to cover the costs of granting the conditional scholarships,
6 maintaining necessary records, and making collections under subsection
7 (5) of this section. The board shall maintain accurate records of
8 these costs, and all receipts beyond those necessary to pay such costs
9 shall be used to grant conditional scholarships to eligible students.

10 **Sec. 293.** RCW 42.17.2401 and 1989 1st ex.s. c 158 s 2 and 1989 c
11 279 s 22 are each reenacted and amended to read as follows:

12 For the purposes of RCW 42.17.240, the term "executive state
13 officer" includes:

14 (1) The chief administrative law judge, the director of
15 agriculture, the administrator of the Washington basic health plan, the
16 director of the department of services for the blind, the director of
17 the state system of community colleges, the director of community
18 development, the secretary of corrections, the director of ecology, the
19 commissioner of employment security, the chairman of the energy
20 facility site evaluation council, the director of the energy office,
21 the secretary of the state finance committee, the director of financial
22 management, the director of fisheries, the executive secretary of the
23 forest practices appeals board, the director of the gambling
24 commission, the director of general administration, the secretary of
25 health, the administrator of the Washington state health care
26 authority, the executive secretary of the health care facilities
27 authority, the executive secretary of the higher education facilities
28 authority, the director of the higher education personnel board, the
29 executive secretary of the horse racing commission, the executive

1 secretary of the human rights commission, the executive secretary of
2 the indeterminate sentence review board, the director of the department
3 of information services, the director of the interagency committee for
4 outdoor recreation, the executive director of the state investment
5 board, the director of labor and industries, the director of licensing,
6 the director of the lottery commission, the director of the office of
7 minority and women's business enterprises, the director of parks and
8 recreation, the director of personnel, the executive director of the
9 public disclosure commission, the director of retirement systems, the
10 director of revenue, the secretary of social and health services, the
11 chief of the Washington state patrol, the executive secretary of the
12 board of tax appeals, the director of trade and economic development,
13 the secretary of transportation, the secretary of the utilities and
14 transportation commission, the director of veterans affairs, the
15 director of wildlife, the president of each of the regional and state
16 universities and the president of The Evergreen State College, each
17 district and each campus president of each state community college;

18 (2) Each professional staff member of the office of the governor;

19 (3) Each professional staff member of the legislature; and

20 (4) Central Washington University board of trustees, board of
21 trustees of each community college, each member of the state board for
22 community college education, state convention and trade center board of
23 directors, committee for deferred compensation, Eastern Washington
24 University board of trustees, Washington economic development finance
25 authority, The Evergreen State College board of trustees, forest
26 practices appeals board, forest practices board, gambling commission,
27 Washington health care facilities authority, (~~state—health~~
28 ~~coordinating—council~~) higher education coordinating board, higher
29 education facilities authority, higher education personnel board, horse
30 racing commission, (~~hospital—commission~~) state housing finance

1 commission, human rights commission, indeterminate sentence review
2 board, board of industrial insurance appeals, information services
3 board, interagency committee for outdoor recreation, state investment
4 board, liquor control board, lottery commission, oil and gas
5 conservation committee, Pacific Northwest electric power and
6 conservation planning council, parks and recreation commission,
7 personnel appeals board, personnel board, pollution control hearings
8 board, public disclosure commission, public pension commission,
9 shorelines hearing board, state employees' benefits board, board of tax
10 appeals, transportation commission, University of Washington board of
11 regents, utilities and transportation commission, Washington public
12 power supply system executive board, Washington State University board
13 of regents, Western Washington University board of trustees, and
14 wildlife commission.

15 **Sec. 294.** RCW 43.03.028 and 1988 c 167 s 9 are each amended to
16 read as follows:

17 (1) There is hereby created a state committee on agency officials'
18 salaries to consist of seven members, or their designees, as follows:
19 The president of the University of Puget Sound; the chairperson of the
20 council of presidents of the state's four-year institutions of higher
21 education; the chairperson of the State Personnel Board; the president
22 of the Association of Washington Business; the president of the Pacific
23 Northwest Personnel Managers' Association; the president of the
24 Washington State Bar Association; and the president of the Washington
25 State Labor Council. If any of the titles or positions mentioned in
26 this subsection are changed or abolished, any person occupying an
27 equivalent or like position shall be qualified for appointment by the
28 governor to membership upon the committee.

1 (2) The committee shall study the duties and salaries of the
2 directors of the several departments and the members of the several
3 boards and commissions of state government, who are subject to
4 appointment by the governor or whose salaries are fixed by the
5 governor, and of the chief executive officers of the following agencies
6 of state government:

7 The arts commission; the human rights commission; the board of
8 accountancy; the board of pharmacy; the capitol historical association
9 and museum; the eastern Washington historical society; the Washington
10 state historical society; the interagency committee for outdoor
11 recreation; the criminal justice training commission; the department of
12 personnel; the state finance committee; the state library; the traffic
13 safety commission; the horse racing commission; the advisory council on
14 vocational education; the public disclosure commission; (~~the hospital~~
15 ~~commission;~~) the state conservation commission; the commission on
16 Hispanic affairs; the commission on Asian-American affairs; the state
17 board for volunteer (~~firemen~~) fire fighters; the transportation
18 improvement board; the public employees relations commission; the
19 forest practices appeals board; and the energy facilities site
20 evaluation council.

21 The committee shall report to the governor or the chairperson of
22 the appropriate salary fixing authority at least once in each fiscal
23 biennium on such date as the governor may designate, but not later than
24 seventy-five days prior to the convening of each regular session of the
25 legislature during an odd-numbered year, its recommendations for the
26 salaries to be fixed for each position.

27 (3) Committee members shall be reimbursed by the department of
28 personnel for travel expenses under RCW 43.03.050 and 43.03.060.

1 **Sec. 295.** RCW 43.20B.020 and 1981 1st ex.s. c 6 s 25 are each
2 amended to read as follows:

3 The department ~~((is))~~ of social and health services and the
4 department of health are authorized to charge fees for services
5 provided ~~((by the department))~~ unless otherwise prohibited by law. The
6 fees may be sufficient to cover the full cost of the service provided
7 if practical or may be charged on an ability-to-pay basis if practical.
8 This section does not supersede other statutory authority enabling the
9 assessment of fees by the departments. Whenever the department of
10 social and health services is authorized by law to collect total or
11 partial reimbursement for the cost of its providing care of or
12 exercising custody over any person, the department shall collect the
13 reimbursement to the extent practical.

14 **Sec. 296.** RCW 43.20B.110 and 1989 1st ex.s. c 9 s 216 are each
15 amended to read as follows:

16 (1) The secretary shall charge fees to the licensee for obtaining
17 a license. The secretary may waive the fees when, in the discretion of
18 the secretary, the fees would not be in the best interest of public
19 health and safety, or when the fees would be to the financial
20 disadvantage of the state.

21 (2) Fees charged shall be based on, but shall not exceed, the cost
22 to the department for the licensure of the activity or class of
23 activities and may include costs of necessary inspection.

24 (3) Department of social and health services advisory committees
25 may review fees established by the secretary for licenses and comment
26 upon the appropriateness of the level of such fees.

27 (4) ~~((For))~~ Fees associated with the licensing or regulation of
28 health professions or health facilities administered by the department
29 of health, shall be in accordance with RCW 43.70.110 and 43.70.250.

1 **Sec. 297.** RCW 43.43.735 and 1989 c 334 s 9 are each reenacted and
2 amended to read as follows:

3 (1) It shall be the duty of the sheriff or director of public
4 safety of every county, and the chief of police of every city or town,
5 and of every chief officer of other law enforcement agencies duly
6 operating within this state, to cause the photographing and
7 fingerprinting of all adults and juveniles lawfully arrested for the
8 commission of any criminal offense constituting a felony or gross
9 misdemeanor. (a) When such juveniles are brought directly to a
10 juvenile detention facility, the juvenile court administrator is also
11 authorized, but not required, to cause the photographing,
12 fingerprinting, and record transmittal to the appropriate law
13 enforcement agency; and (b) a further exception may be made when the
14 arrest is for a violation punishable as a gross misdemeanor and the
15 arrested person is not taken into custody.

16 (2) It shall be the right, but not the duty, of the sheriff or
17 director of public safety of every county, and the chief of police of
18 every city or town, and every chief officer of other law enforcement
19 agencies operating within this state to photograph and record the
20 fingerprints of all adults lawfully arrested, all persons who are the
21 subject of dependency record information, or all persons who are the
22 subject of protection proceeding record information.

23 (3) Such sheriffs, directors of public safety, chiefs of police,
24 and other chief law enforcement officers, may record, in addition to
25 photographs and fingerprints, the palmprints, soleprints, toeprints, or
26 any other identification data of all persons whose photograph and
27 fingerprints are required or allowed to be taken under this section,
28 all persons who are the subject of dependency record information, or
29 all persons who are the subject of protection proceeding record
30 information, when in the discretion of such law enforcement officers it

1 is necessary for proper identification of the arrested person or the
2 investigation of the crime with which he is charged.

3 (4) It shall be the duty of the department of (~~licensing~~) health
4 or the court having jurisdiction over the dependency action and
5 protection proceedings under chapter 74.34 RCW to cause the
6 fingerprinting of all persons who are the subject of a disciplinary
7 board final decision, dependency record information, protection
8 proceeding record information, or to obtain other necessary identifying
9 information, as specified by the section in rules adopted under chapter
10 34.05 RCW to carry out the provisions of this subsection.

11 (5) The court having jurisdiction over the dependency or protection
12 proceeding action may obtain and record, in addition to fingerprints,
13 the photographs, palmprints, soleprints, toeprints, or any other
14 identification data of all persons who are the subject of dependency
15 record information or protection proceeding record information, when in
16 the discretion of the court it is necessary for proper identification
17 of the person.

18 **Sec. 298.** RCW 43.59.030 and 1982 c 30 s 1 are each amended to read
19 as follows:

20 The governor shall be assisted in his duties and responsibilities
21 by the Washington state traffic safety commission. The Washington
22 traffic safety commission shall be composed of the governor as
23 chairman, the superintendent of public instruction, the director of
24 licensing, the secretary of transportation, the chief of the state
25 patrol, the secretary of health, the secretary of social and health
26 services, a representative of the association of Washington cities to
27 be appointed by the governor, a member of the association of counties
28 to be appointed by the governor, and a representative of the judiciary

1 to be appointed by the governor. Appointments to any vacancies among
2 appointee members shall be as in the case of original appointment.

3 The governor may designate an employee of the governor's office to
4 act on behalf of the governor during the absence of the governor at one
5 or more of the meetings of the commission. The vote of the designee
6 shall have the same effect as if cast by the governor if the
7 designation is in writing and is presented to the person presiding at
8 the meetings included within the designation.

9 The governor may designate a member to preside during the
10 governor's absence.

11 **Sec. 299.** RCW 43.70.320 and 1985 c 57 s 29 are each amended to
12 read as follows:

13 There is created in the state treasury an account to be known as
14 the health professions account. All fees received by the department
15 for health professions licenses, registration, certifications,
16 renewals, or examinations shall be forwarded to the state treasurer who
17 shall credit such moneys to the health professions account. All
18 expenses incurred in carrying out the health professions licensing
19 activities of the department shall be paid from the account as
20 authorized by legislative appropriation. Any residue in the account
21 shall be accumulated and shall not revert to the general fund at the
22 end of the biennium. All earnings of investments of balances in the
23 health professions account shall be credited to the general fund.

24 The ((director)) secretary shall biennially prepare a budget
25 request based on the anticipated costs of administering the health
26 professions licensing activities of the department which shall include
27 the estimated income from health professions fees.

1 **Sec. 300.** RCW 43.83B.380 and 1977 ex.s. c 1 s 17 are each amended
2 to read as follows:

3 There is hereby appropriated to the department of (~~social and~~
4 ~~health services~~) health the sum of nine million seven hundred thirty-
5 seven thousand dollars, or so much thereof as may be necessary, for the
6 biennium ending June 30, 1977, from the general fund--state and local
7 improvements revolving account--water supply facilities for the
8 purposes authorized in RCW 43.83B.300 through 43.83B.345 and 43.83B.210
9 as now or hereafter amended relating to the emergency water conditions
10 arising from the drought forecast for the summer and fall of 1977
11 affecting municipal and industrial water supply distribution
12 facilities. Prior to the expenditure of funds for projects approved by
13 the department, the department shall file a listing of the approved
14 projects with the senate ways and means committee and the house
15 appropriations committee.

16 (2) There is hereby appropriated to the department of (~~social and~~
17 ~~health services~~) health the sum of five million three hundred twenty-
18 seven thousand dollars, or so much thereof as may be necessary, for the
19 biennium ending June 30, 1977, from the general fund--state and local
20 improvements revolving account--water supply facilities to be expended
21 for municipal and industrial water supply and distribution facility
22 projects for which applications are in progress on March 25, 1977 and
23 have arisen from the drought forecast for the summer and fall of 1977.
24 Prior to the expenditure of funds for projects approved by the
25 department, the department shall file a listing of the approved
26 projects with the senate ways and means committee and the house
27 appropriations committee.

28 The municipal and industrial water supply and distribution
29 facilities receiving funds from the appropriations contained in this
30 section shall comply with the eligible costs criteria, health and

1 design standards, and contract performance requirements of the
2 municipal and industrial funding program under chapter 43.83B RCW. All
3 projects shall be evaluated by applying the said chapter's evaluation
4 and prioritization criteria to insure that only projects related to
5 water shortage problems receive funding. The projects funded shall be
6 limited to those projects providing interties with adjacent utilities,
7 an expanded source of supply, conservation projects which will conserve
8 or maximize efficiency of the existing supply, or a new source of
9 supply. No obligation to provide a grant for a project authorized
10 under this section shall be incurred after June 30, 1977.

11 **Sec. 301.** RCW 43.99D.025 and 1979 ex.s. c 258 s 4 are each amended
12 to read as follows:

13 The proceeds from the sale of the bonds deposited in the state and
14 local improvements revolving account--water supply facilities of the
15 general fund under the terms of this chapter shall be administered by
16 the state department of (~~social and health services~~) health subject
17 to legislative appropriation. The department may use or permit the use
18 of any funds derived from the sale of bonds authorized under this
19 chapter to accomplish the purpose for which the bonds are issued by
20 direct expenditures and by grants or loans to public bodies, including
21 grants to public bodies as matching funds in any case where federal,
22 local, or other funds are made available on a matching basis for
23 improvements within the purposes of this chapter.

24 **Sec. 302.** RCW 43.99E.025 and 1979 ex.s. c 234 s 4 are each amended
25 to read as follows:

26 The proceeds from the sale of the bonds deposited in the state and
27 local improvements revolving account--water supply facilities of the

1 general fund under the terms of this chapter shall be divided into two
2 shares as follows:

3 (1) Seventy-five million dollars, or so much thereof as may be
4 required, shall be used for domestic, municipal, and industrial water
5 supply facilities; and

6 (2) Fifty million dollars, or so much thereof as may be required,
7 shall be used for water supply facilities for agricultural use alone or
8 in combination with fishery, recreational, or other beneficial uses of
9 water.

10 The share of seventy-five million dollars shall be administered by
11 the department of (~~social and health services~~) health and the share
12 of fifty million dollars shall be administered by the department of
13 ecology, subject to legislative appropriation. The administering
14 departments may use or permit the use of any funds derived from the
15 sale of bonds authorized under this chapter to accomplish the purpose
16 for the issuance of the bonds by direct expenditures and by grants or
17 loans to public bodies, including grants to public bodies as matching
18 funds in any case where federal, local, or other funds are made
19 available on a matching basis for improvements within the purposes of
20 this chapter.

21 **Sec. 303.** RCW 69.30.010 and 1989 c 200 s 1 are each amended to
22 read as follows:

23 When used in this chapter, the following terms shall have the
24 following meanings:

25 (1) "Shellfish" means all varieties of fresh and frozen oysters,
26 mussels, and clams, either shucked or in the shell, and any fresh or
27 frozen edible products thereof.

1 (2) "Sale" means to sell, offer for sale, barter, trade, deliver,
2 consign, hold for sale, consignment, barter, trade, or delivery, and/or
3 possess with intent to sell or dispose of in any commercial manner.

4 (3) "Shellfish growing areas" means the lands and waters in and
5 upon which shellfish are grown for harvesting in commercial quantity or
6 for sale for human consumption.

7 (4) "Establishment" means the buildings, together with the
8 necessary equipment and appurtenances, used for the storage, culling,
9 shucking, packing and/or shipping of shellfish in commercial quantity
10 or for sale for human consumption.

11 (5) "Person" means any individual, partnership, firm, company,
12 corporation, association, or the authorized agents of any such
13 entities.

14 (6) "Department" means the state department of (~~social and health~~
15 ~~services~~) health.

16 (7) "Secretary" means the secretary of (~~social and health~~
17 ~~services~~) health or his or her authorized representatives.

18 (8) "Commercial quantity" means any quantity exceeding: (a) Forty
19 pounds of mussels; (b) one hundred oysters; (c) fourteen horseclams;
20 (d) six geoducks; or (e) fifty pounds of hard or soft shell clams.

21 **Sec. 304.** RCW 69.30.080 and 1989 c 175 s 125 are each amended to
22 read as follows:

23 The department may deny, revoke, suspend, or modify a certificate
24 of approval, license, or other necessary departmental approval in any
25 case in which it determines there has been a failure or refusal to
26 comply with this chapter or rules adopted under it. (~~RCW 43.20A.205~~)
27 Section 377 of this act governs notice of a license denial, revocation,
28 suspension, or modification and provides the right to an adjudicative
29 proceeding.

1 **Sec. 305.** RCW 70.05.053 and 1983 1st ex.s. c 39 s 3 are each
2 amended to read as follows:

3 A person holding a license required by RCW 70.05.050 but not
4 meeting any of the requirements for qualification prescribed by RCW
5 70.05.051 may be appointed by the board or official responsible for
6 appointing the local health officer under RCW 70.05.050 as a
7 provisionally qualified local health officer for a maximum period of
8 three years upon the following conditions and in accordance with the
9 following procedures:

10 (1) He or she shall participate in an in-service orientation to the
11 field of public health as provided in RCW 70.05.054, and

12 (2) He or she shall satisfy the secretary of (~~social and health~~
13 ~~services~~) health pursuant to the periodic interviews prescribed by RCW
14 70.05.055 that he or she has successfully completed such in-service
15 orientation and is conducting such program of good health practices as
16 may be required by the jurisdictional area concerned.

17 **Sec. 306.** RCW 70.05.054 and 1979 c 141 s 77 are each amended to
18 read as follows:

19 The secretary of (~~social and health services~~) health shall
20 provide an in-service public health orientation program for the benefit
21 of provisionally qualified local health officers.

22 Such program shall consist of--

23 (1) A three months course in public health training conducted by
24 the secretary either in the state department of (~~social and health~~
25 ~~services~~) health, in a county and/or city health department, in a
26 local health district, or in an institution of higher education; or

27 (2) An on-the-job, self-training program pursuant to a standardized
28 syllabus setting forth the major duties of a local health officer
29 including the techniques and practices of public health principles

1 expected of qualified local health officers: PROVIDED, That each
2 provisionally qualified local health officer may choose which type of
3 training he or she shall pursue.

4 **Sec. 307.** RCW 70.05.055 and 1979 c 141 s 78 are each amended to
5 read as follows:

6 Each year, on a date which shall be as near as possible to the
7 anniversary date of appointment as provisional local health officer,
8 the secretary of (~~social and health services~~) health or his or her
9 designee shall personally visit such provisional officer's office for
10 a personal review and discussion of the activity, plans, and study
11 being carried on relative to the provisional officer's jurisdictional
12 area: PROVIDED, That the third such interview shall occur three months
13 prior to the end of the three year provisional term. A standardized
14 checklist shall be used for all such interviews, but such checklist
15 shall not constitute a grading sheet or evaluation form for use in the
16 ultimate decision of qualification of the provisional appointee as a
17 public health officer.

18 Copies of the results of each interview shall be supplied to the
19 provisional officer within two weeks following each such interview.

20 Following the third such interview, the secretary (~~of social and~~
21 ~~health services~~) shall evaluate the provisional local health officer's
22 in-service performance and shall notify such officer by certified mail
23 of his or her decision whether or not to qualify such officer as a
24 local public health officer. Such notice shall be mailed at least
25 sixty days prior to the third anniversary date of provisional
26 appointment. Failure to so mail such notice shall constitute a
27 decision that such provisional officer is qualified.

1 **Sec. 308.** RCW 70.05.060 and 1984 c 25 s 6 are each amended to read
2 as follows:

3 Each local board of health shall have supervision over all matters
4 pertaining to the preservation of the life and health of the people
5 within its jurisdiction and shall:

6 (1) Enforce through the local health officer or the administrative
7 officer appointed under RCW 70.05.040, if any, the public health
8 statutes of the state and rules (~~and regulations~~) promulgated by the
9 state board of health and the secretary of (~~social and health~~
10 ~~services~~) health;

11 (2) Supervise the maintenance of all health and sanitary measures
12 for the protection of the public health within its jurisdiction;

13 (3) Enact such local rules and regulations as are necessary in
14 order to preserve, promote and improve the public health and provide
15 for the enforcement thereof;

16 (4) Provide for the control and prevention of any dangerous,
17 contagious or infectious disease within the jurisdiction of the local
18 health department;

19 (5) Provide for the prevention, control and abatement of nuisances
20 detrimental to the public health;

21 (6) Make such reports to the state board of health through the
22 local health officer or the administrative officer as the state board
23 of health may require; and

24 (7) Establish fee schedules for issuing or renewing licenses or
25 permits or for such other services as are authorized by the law and the
26 rules (~~and regulations~~) of the state board of health: PROVIDED, That
27 such fees for services shall not exceed the actual cost of providing
28 any such services.

1 **Sec. 309.** RCW 70.05.070 and 1990 c 133 s 10 are each amended to
2 read as follows:

3 The local health officer, acting under the direction of the local
4 board of health or under direction of the administrative officer
5 appointed under RCW 70.05.040, if any, shall:

6 (1) Enforce the public health statutes of the state, rules (~~and~~
7 ~~regulations~~) of the state board of health and the secretary of
8 (~~social and health services~~) health, and all local health rules,
9 regulations and ordinances within his or her jurisdiction including
10 imposition of penalties authorized under RCW 70.119A.030 and filing of
11 actions authorized by RCW 43.70.190;

12 (2) Take such action as is necessary to maintain health and
13 sanitation supervision over the territory within his or her
14 jurisdiction;

15 (3) Control and prevent the spread of any dangerous, contagious or
16 infectious diseases that may occur within his or her jurisdiction;

17 (4) Inform the public as to the causes, nature, and prevention of
18 disease and disability and the preservation, promotion and improvement
19 of health within his or her jurisdiction;

20 (5) Prevent, control or abate nuisances which are detrimental to
21 the public health;

22 (6) Attend all conferences called by the secretary of (~~social and~~
23 ~~health services~~) health or his or her authorized representative;

24 (7) Collect such fees as are established by the state board of
25 health or the local board of health for the issuance or renewal of
26 licenses or permits or such other fees as may be authorized by law or
27 by the rules (~~and regulations~~) of the state board of health;

28 (8) Inspect, as necessary, expansion or modification of existing
29 public water systems, and the construction of new public water systems,

1 to assure that the expansion, modification, or construction conforms to
2 system design and plans;

3 (9) Take such measures as he or she deems necessary in order to
4 promote the public health, to participate in the establishment of
5 health educational or training activities, and to authorize the
6 attendance of employees of the local health department or individuals
7 engaged in community health programs related to or part of the programs
8 of the local health department.

9 **Sec. 310.** RCW 70.05.080 and 1983 1st ex.s. c 39 s 4 are each
10 amended to read as follows:

11 If the local board of health or other official responsible for
12 appointing a local health officer under RCW 70.05.050 refuses or
13 neglects to appoint a local health officer after a vacancy exists, the
14 secretary of (~~social and health services~~) health may appoint a local
15 health officer and fix the compensation. The local health officer so
16 appointed shall have the same duties, powers and authority as though
17 appointed under RCW 70.05.050. Such local health officer shall serve
18 until a qualified individual is appointed according to the procedures
19 set forth in RCW 70.05.050. The board or official responsible for
20 appointing the local health officer under RCW 70.05.050 shall also be
21 authorized to appoint an acting health officer to serve whenever the
22 health officer is absent or incapacitated and unable to fulfill his or
23 her responsibilities under the provisions of chapter 70.05 RCW and RCW
24 70.46.020 through 70.46.090.

25 **Sec. 311.** RCW 70.05.090 and 1979 c 141 s 82 are each amended to
26 read as follows:

27 Whenever any physician shall attend any person sick with any
28 dangerous contagious or infectious disease, or with any diseases

1 required by the state board of health to be reported, he or she shall,
2 within twenty-four hours, give notice thereof to the local health
3 officer within whose jurisdiction such sick person may then be or to
4 the state department of (~~social and health services~~) health in
5 Olympia.

6 **Sec. 312.** RCW 70.05.100 and 1979 c 141 s 83 are each amended to
7 read as follows:

8 In case of the question arising as to whether or not any person is
9 affected or is sick with a dangerous, contagious or infectious disease,
10 the opinion of the local health officer shall prevail until the state
11 department of (~~social and health services~~) health can be notified,
12 and then the opinion of the executive officer of the state department
13 of (~~social and health services~~) health, or any physician he or she
14 may appoint to examine such case, shall be final.

15 **Sec. 313.** RCW 70.05.130 and 1979 c 141 s 84 are each amended to
16 read as follows:

17 All expenses incurred by the state, health district, or county in
18 carrying out the provisions of chapter 70.05 RCW and RCW 70.46.020
19 through 70.46.090 or any other public health law, or the rules (~~and~~
20 ~~regulations~~) of the state department of (~~social and health services~~)
21 health enacted under such laws, shall be paid by the county or city by
22 which or in behalf of which such expenses shall have been incurred and
23 such expenses shall constitute a claim against the general fund as
24 provided herein.

25 **Sec. 314.** RCW 70.08.050 and 1979 c 141 s 85 are each amended to
26 read as follows:

1 Nothing in this chapter shall prohibit the director of public
2 health as provided herein from acting as health officer for any other
3 city or town within the county, nor from acting as health officer in
4 any adjoining county or any city or town within such county having a
5 contract or agreement as provided in RCW 70.08.090: PROVIDED, HOWEVER,
6 That before being appointed health officer for such adjoining county,
7 the secretary of ((~~social and health services~~)) health shall first give
8 his or her approval thereto.

9 **Sec. 315.** RCW 70.12.015 and 1979 c 141 s 86 are each amended to
10 read as follows:

11 The secretary of ((~~social and health services~~)) health is hereby
12 authorized to apportion and expend such sums as he or she shall deem
13 necessary for public health work in the counties of the state, from the
14 appropriations made to the state department of ((~~social and health~~
15 ~~services~~)) health for county public health work.

16 **Sec. 316.** RCW 70.12.070 and 1979 c 141 s 87 are each amended to
17 read as follows:

18 The public health pool fund shall be subject to audit by the
19 division of departmental audits and shall be subject to check by the
20 state department of ((~~social and health services~~)) health.

21 **Sec. 317.** RCW 70.22.020 and 1979 c 141 s 88 are each amended to
22 read as follows:

23 The secretary of ((~~social and health services~~)) health is hereby
24 authorized and empowered to make or cause to be made such inspections,
25 investigations, studies and determinations as he or she may from time
26 to time deem advisable in order to ascertain the effect of mosquitoes
27 as a health hazard, and, to the extent to which funds are available, to

1 provide for the control or elimination thereof in any or all parts of
2 the state.

3 **Sec. 318.** RCW 70.22.030 and 1979 c 141 s 89 are each amended to
4 read as follows:

5 The secretary of (~~social and health services~~) health shall
6 coordinate plans for mosquito control work which may be projected by
7 any county, city or town, municipal corporation, taxing district, state
8 department or agency, federal government agency, or any person, group
9 or organization, and arrange for cooperation between any such
10 districts, departments, agencies, persons, groups or organizations.

11 **Sec. 319.** RCW 70.22.040 and 1979 c 141 s 90 are each amended to
12 read as follows:

13 The secretary of (~~social and health services~~) health is
14 authorized and empowered to receive funds from any county, city or
15 town, municipal corporation, taxing district, the federal government,
16 or any person, group or organization to carry out the purpose of this
17 chapter. In connection therewith the secretary is authorized and
18 empowered to contract with any such county, city, or town, municipal
19 corporation, taxing district, the federal government, person, group or
20 organization with respect to the construction and maintenance of
21 facilities and other work for the purpose of effecting mosquito control
22 or elimination, and any such county, city or town, municipal
23 corporation, or taxing district obligated to carry out the provisions
24 of any such contract entered into with the secretary (~~of social and~~
25 ~~health services~~) is authorized, empowered and directed to appropriate,
26 and if necessary, to levy taxes for and pay over such funds as its
27 contract with the secretary may from time to time require.

1 **Sec. 320.** RCW 70.22.050 and 1989 c 11 s 25 are each amended to
2 read as follows:

3 To carry out the purpose of this chapter, the secretary of (~~social~~
4 ~~and health services~~) health may:

5 (1) Abate as nuisances breeding places for mosquitoes as defined in
6 RCW 17.28.170;

7 (2) Acquire by gift, devise, bequest, lease, or purchase, real and
8 personal property necessary or convenient for carrying out the purpose
9 of this chapter;

10 (3) Make contracts, employ engineers, health officers, sanitarians,
11 physicians, laboratory personnel, attorneys, and other technical or
12 professional assistants;

13 (4) Publish information or literature; and

14 (5) Do any and all other things necessary to carry out the purpose
15 of this chapter: PROVIDED, That no program shall be permitted nor any
16 action taken in pursuance thereof which may be injurious to the life or
17 health of game or fish.

18 **Sec. 321.** RCW 70.22.060 and 1979 c 141 s 92 are each amended to
19 read as follows:

20 Each state department, agency, and political subdivision shall
21 cooperate with the secretary of (~~social and health services~~) health
22 in carrying out the purposes of this chapter.

23 **Sec. 322.** RCW 70.24.017 and 1988 c 206 s 101 are each amended to
24 read as follows:

25 Unless the context clearly requires otherwise, the definitions in
26 this section apply throughout this chapter:

1 (1) "Acquired immunodeficiency syndrome" or "AIDS" means the
2 clinical syndrome of HIV-related illness as defined by the board of
3 health by rule.

4 (2) "Board" means the state board of health.

5 (3) "Department" means the department of (~~social and health~~
6 ~~services~~) health, or any successor department with jurisdiction over
7 public health matters.

8 (4) "Health care provider" means any person who is a member of a
9 profession under RCW 18.130.040 or other person providing medical,
10 nursing, psychological, or other health care services regulated by the
11 department of (~~licensing or the department of social and health~~
12 ~~services~~) health.

13 (5) "Health care facility" means a hospital, nursing home,
14 neuropsychiatric or mental health facility, home health agency,
15 hospice, child care agency, adult family home, group care facility,
16 family foster home, clinic, blood bank, blood center, sperm bank,
17 laboratory, or other social service or health care institution
18 regulated or operated by the department of (~~social and health~~
19 ~~services~~) health.

20 (6) "HIV-related condition" means any medical condition resulting
21 from infection with HIV including, but not limited to, seropositivity
22 for HIV.

23 (7) "Human immunodeficiency virus" or "HIV" means all HIV and HIV-
24 related viruses which damage the cellular branch of the human immune or
25 neurological systems and leave the infected person immunodeficient or
26 neurologically impaired.

27 (8) "Test for a sexually transmitted disease" means a test approved
28 by the board by rule.

1 (9) "Legal guardian" means a person appointed by a court to assume
2 legal authority for another who has been found incompetent or, in the
3 case of a minor, a person who has legal custody of the child.

4 (10) "Local public health officer" means the officer directing the
5 county health department or his or her designee who has been given the
6 responsibility and authority to protect the health of the public within
7 his or her jurisdiction.

8 (11) "Person" includes any natural person, partnership,
9 association, joint venture, trust, public or private corporation, or
10 health facility.

11 (12) "Release of test results" means a written authorization for
12 disclosure of any sexually transmitted disease test result which is
13 signed, dated, and which specifies to whom disclosure is authorized and
14 the time period during which the release is to be effective.

15 (13) "Sexually transmitted disease" means a bacterial, viral,
16 fungal, or parasitic disease, determined by the board by rule to be
17 sexually transmitted, to be a threat to the public health and welfare,
18 and to be a disease for which a legitimate public interest will be
19 served by providing for regulation and treatment. The board shall
20 designate chancroid, gonorrhoea, granuloma inguinale, lymphogranuloma
21 venereum, genital herpes simplex, chlamydia, nongonococcal urethritis
22 (NGU), trachomitis, genital human papilloma virus infection, syphilis,
23 acquired immunodeficiency syndrome (AIDS), and human immunodeficiency
24 virus (HIV) infection as sexually transmitted diseases, and shall
25 consider the recommendations and classifications of the centers for
26 disease control and other nationally recognized medical authorities in
27 designating other diseases as sexually transmitted.

28 (14) "State public health officer" means the secretary of (~~social~~
29 ~~and health services~~) health or an officer appointed by the secretary.

1 **Sec. 323.** RCW 70.24.100 and 1979 c 141 s 95 are each amended to
2 read as follows:

3 A standard serological test shall be a laboratory test for syphilis
4 approved by the secretary of (~~social and health services~~) health and
5 shall be performed either by a laboratory approved by the secretary of
6 (~~social and health services~~) health for the performance of the
7 particular serological test used or by the state department of (~~social
8 and health services~~) health, on request of the physician free of
9 charge.

10 **Sec. 324.** RCW 70.24.120 and 1988 c 206 s 913 are each amended to
11 read as follows:

12 Sexually transmitted disease case investigators, upon specific
13 authorization from a physician, are hereby authorized to perform
14 venipuncture or skin puncture on a person for the sole purpose of
15 withdrawing blood for use in sexually transmitted disease tests.

16 The term "sexually transmitted disease case investigator" shall
17 mean only those persons who:

18 (1) Are employed by public health authorities; and

19 (2) Have been trained by a physician in proper procedures to be
20 employed when withdrawing blood in accordance with training
21 requirements established by the department of (~~social and health
22 services~~) health; and

23 (3) Possess a statement signed by the instructing physician that
24 the training required by subsection (2) of this section has been
25 successfully completed.

26 The term "physician" means any person licensed under the provisions
27 of chapters 18.57 or 18.71 RCW.

1 **Sec. 325.** RCW 70.24.130 and 1988 c 206 s 915 are each amended to
2 read as follows:

3 The board shall adopt such rules as are necessary to implement and
4 enforce this chapter. Rules may also be adopted by the department of
5 (~~social and health services or the department of licensing~~) health
6 for the purposes of this chapter. The rules may include procedures for
7 taking appropriate action, in addition to any other penalty under this
8 chapter, with regard to health care facilities or health care providers
9 which violate this chapter or the rules adopted under this chapter.
10 The rules shall prescribe stringent safeguards to protect the
11 confidentiality of the persons and records subject to this chapter.
12 The procedures set forth in chapter 34.05 RCW apply to the
13 administration of this chapter, except that in case of conflict between
14 chapter 34.05 RCW and this chapter, the provisions of this chapter
15 shall control.

16 **Sec. 326.** RCW 70.24.150 and 1988 c 206 s 918 are each amended to
17 read as follows:

18 Members of the state board of health and local boards of health,
19 public health officers, and employees of the department of (~~social and~~
20 ~~health services~~) health and local health departments are immune from
21 civil action for damages arising out of the good faith performance of
22 their duties as prescribed by this chapter, unless such performance
23 constitutes gross negligence.

24 **Sec. 327.** RCW 70.24.400 and 1988 c 206 s 801 are each amended to
25 read as follows:

26 The department shall establish a state-wide system of regional
27 acquired immunodeficiency syndrome (AIDS) service networks as follows:

1 (1) The secretary of (~~social and health services~~) health shall
2 direct that all state or federal funds, excluding those from federal
3 Title XIX for services or other activities authorized in this chapter,
4 shall be allocated to the office on AIDS established in RCW 70.24.250.
5 The secretary shall further direct that all funds for services and
6 activities specified in subsection (3) of this section shall be
7 provided to lead counties through contractual agreements based on plans
8 developed as provided in subsection (2) of this section, unless
9 direction of such funds is explicitly prohibited by federal law,
10 federal regulation, or federal policy. The department shall deny
11 funding allocations to lead counties only if the denial is based upon
12 documented incidents of nonfeasance, misfeasance, or malfeasance.
13 However, the department shall give written notice and thirty days for
14 corrective action in incidents of misfeasance or nonfeasance
15 before funding may be denied. The department shall designate six AIDS
16 service network regions encompassing the state. In doing so, the
17 department shall use the boundaries of the regional structures in place
18 for the community services administration on January 1, 1988.

19 (2) The department shall request that a lead county within each
20 region, which shall be the county with the largest population, prepare,
21 through a cooperative effort of local health departments within the
22 region, a regional organizational and service plan, which meets the
23 requirements set forth in subsection (3) of this section. Efforts
24 should be made to use existing plans, where appropriate. The plan
25 should place emphasis on contracting with existing hospitals, major
26 voluntary organizations, or health care organizations within a region
27 that have in the past provided quality services similar to those
28 mentioned in subsection (3) of this section and that have demonstrated
29 an interest in providing any of the components listed in subsection (3)
30 of this section. If any of the counties within a region do not

1 participate, it shall be the lead county's responsibility to develop
2 the part of the plan for the nonparticipating county or counties. If
3 all of the counties within a region do not participate, the department
4 shall assume the responsibility.

5 (3) The regional AIDS service network plan shall include the
6 following components:

7 (a) A designated single administrative or coordinating agency;

8 (b) A complement of services to include:

9 (i) Voluntary and anonymous counseling and testing;

10 (ii) Mandatory testing and/or counseling services for certain
11 individuals, as required by law;

12 (iii) Notification of sexual partners of infected persons, as
13 required by law;

14 (iv) Education for the general public, health professionals, and
15 high-risk groups;

16 (v) Intervention strategies to reduce the incidence of HIV
17 infection among high-risk groups, possibly including needle
18 sterilization and methadone maintenance;

19 (vi) Related community outreach services for runaway youth;

20 (vii) Case management;

21 (viii) Strategies for the development of volunteer networks;

22 (ix) Strategies for the coordination of related agencies within the
23 network; and

24 (x) Other necessary information, including needs particular to the
25 region;

26 (c) A service delivery model that includes:

27 (i) Case management services; and

28 (ii) A community-based continuum-of-care model encompassing both
29 medical, mental health, and social services with the goal of

1 maintaining persons with AIDS in a home-like setting, to the extent
2 possible, in the least-expensive manner; and

3 (d) Budget, caseload, and staffing projections.

4 (4) Efforts shall be made by both the counties and the department
5 to use existing service delivery systems, where possible, in developing
6 the networks.

7 (5) The University of Washington health science program, in
8 cooperation with the office on AIDS may, within available resources,
9 establish a center for AIDS education, which shall be linked to the
10 networks. The center for AIDS education is not intended to engage in
11 state-funded research related to HIV infection, AIDS, or HIV-related
12 conditions. Its duties shall include providing the office on AIDS with
13 the appropriate educational materials necessary to carry out that
14 office's duties.

15 (6) The department shall implement this section, consistent with
16 available funds, by October 1, 1988, by establishing six regional AIDS
17 service networks whose combined jurisdictions shall include the entire
18 state.

19 (a) Until June 30, 1991, available funding for each regional AIDS
20 service network shall be allocated as follows:

21 (i) Seventy-five percent of the amount provided for regional AIDS
22 service networks shall be allocated per capita based on the number of
23 persons residing within each region, but in no case less than one
24 hundred fifty thousand dollars for each regional AIDS service network
25 per fiscal year. This amount shall be expended for testing,
26 counseling, education, case management, notification of sexual partners
27 of infected persons, planning, coordination, and other services
28 required by law, except for those enumerated in (ii) of this
29 subsection.

1 (ii) Twenty-five percent of the amount provided for regional AIDS
2 service networks shall be allocated for intervention strategies
3 specifically addressing groups that are at a high risk of being
4 infected with the human immunodeficiency virus. The allocation shall
5 be made by the office on AIDS based on documented need as specified in
6 regional AIDS network plans.

7 (b) After June 30, 1991, the funding shall be allocated as provided
8 by law. By December 15, 1990, the department shall report to the
9 appropriate committees of the legislature on proposed methods of
10 funding regional AIDS service networks.

11 (7) The regional AIDS service networks shall be the official state
12 regional agencies for AIDS information education and coordination of
13 services. The state public health officer, as designated by the
14 secretary of (~~social and health services~~) health, shall make adequate
15 efforts to publicize the existence and functions of the networks.

16 (8) If the department is not able to establish a network by an
17 agreement solely with counties, it may contract with nonprofit agencies
18 for any or all of the designated network responsibilities.

19 (9) The department, in establishing the networks, shall study
20 mechanisms that could lead to reduced costs and/or increased access to
21 services. The methods shall include capitation.

22 (10) The department shall reflect in its departmental biennial
23 budget request the funds necessary to implement this section.

24 (11) The department shall submit an implementation plan to the
25 appropriate committees of the legislature by July 1, 1988.

26 (12) The use of appropriate materials may be authorized by regional
27 AIDS service networks in the prevention or control of HIV infection.

28 **Sec. 328.** RCW 70.24.410 and 1988 c 206 s 803 are each amended to
29 read as follows:

1 To assist the secretary of (~~social and health services~~) health in
2 the development and implementation of AIDS programs, the governor shall
3 appoint an AIDS advisory committee. Among its duties shall be a review
4 of insurance problems as related to persons with AIDS. The committee
5 shall terminate on June 30, 1991.

6 **Sec. 329.** RCW 70.30.081 and 1972 ex.s. c 143 s 4 are each amended
7 to read as follows:

8 All hospitals established or maintained for the treatment of
9 persons suffering from tuberculosis shall be subject to annual
10 inspection, or more frequently if required by federal law, by agents of
11 the department of (~~social and health services~~) health, and the
12 medical director shall admit such agents into every part of the
13 facility and its buildings, and give them access on demand to all
14 records, reports, books, papers, and accounts pertaining to the
15 facility.

16 **Sec. 330.** RCW 70.33.010 and 1983 c 3 s 171 are each amended to
17 read as follows:

18 The following words and phrases shall have the designated meanings
19 in this chapter and RCW 70.32.010, 70.32.050, and 70.32.060 unless the
20 context clearly indicated otherwise:

21 (1) "Department" means the department of (~~social and health~~
22 ~~services~~) health;

23 (2) "Secretary" means the secretary of the department of (~~social~~
24 ~~and health services~~) health or his or her designee;

25 (3) "Tuberculosis hospital" and "tuberculosis hospital facility"
26 refer to hospitals for the care of persons suffering from tuberculosis;

1 (4) "Tuberculosis control" refers to the procedures administered in
2 the counties for the control and prevention of tuberculosis, but does
3 not include hospitalization.

4 **Sec. 331.** RCW 70.40.020 and 1979 c 141 s 96 are each amended to
5 read as follows:

6 As used in this chapter:

7 (1) "Secretary" means the secretary of the state department of
8 (~~social and health services~~) health;

9 (2) "The federal act" means Title VI of the public health service
10 act, as amended, or as hereafter amended by congress;

11 (3) "The surgeon general" means the surgeon general of the public
12 health service of the United States;

13 (4) "Hospital" includes public health centers and general,
14 tuberculosis, mental, chronic disease, and other types of hospitals,
15 and related facilities, such as laboratories, outpatient departments,
16 nurses' home and training facilities, and central service facilities
17 operated in connection with hospitals;

18 (5) "Public health center" means a publicly owned facility for the
19 provision of public health services, including related facilities such
20 as laboratories, clinics, and administrative offices operated in
21 connection with public health centers;

22 (6) "Nonprofit hospital" and "nonprofit medical facility" means any
23 hospital or medical facility owned and operated by a corporation or
24 association, no part of the net earnings of which inures, or may
25 lawfully inure, to the benefit of any private shareholder or
26 individual;

27 (7) "Medical facilities" means diagnostic or diagnostic and
28 treatment centers, rehabilitation facilities and nursing homes as those
29 terms are defined in the federal act.

1 **Sec. 332.** RCW 70.40.030 and 1979 c 141 s 97 are each amended to
2 read as follows:

3 There is hereby established in the state department of (~~social and~~
4 ~~health services~~) health a "section of hospital and medical facility
5 survey and construction" which shall be administered by a full time
6 salaried head under the supervision and direction of the secretary.
7 The state department of (~~social and and health services~~) health,
8 through such section, shall constitute the sole agency of the state for
9 the purpose of:

10 (1) Making an inventory of existing hospitals and medical
11 facilities, surveying the need for construction of hospitals and
12 medical facilities, and developing a program of hospital and medical
13 facility construction; and

14 (2) Developing and administering a state plan for the construction
15 of public and other nonprofit hospitals and medical facilities as
16 provided in this chapter.

17 **Sec. 333.** RCW 70.40.150 and 1973 c 106 s 31 are each amended to
18 read as follows:

19 The secretary is hereby authorized to receive federal funds in
20 behalf of, and transmit them to, such applicants or to approve
21 applicants for federal funds and authorize the payment of such funds
22 directly to such applicants as may be allowed by federal law. To
23 achieve that end there is hereby established, separate and apart from
24 all public moneys and funds of this state, a trust fund to be known as
25 the "hospital and medical facility construction fund", of which the
26 state treasurer shall ex officio be custodian. Moneys received from
27 the federal government for construction projects approved by the
28 surgeon general shall be deposited to the credit of this fund, shall be
29 used solely for payments due applicants for work performed, or

1 purchases made, in carrying out approved projects. Vouchers covering
2 all payments from the hospital and medical facility construction fund
3 shall be prepared by the department of (~~social and health services~~)
4 health and shall bear the signature of the secretary or his or her duly
5 authorized agent for such purpose, and warrants therefor shall be
6 signed by the state treasurer.

7 **Sec. 334.** RCW 70.41.020 and 1985 c 213 s 16 are each amended to
8 read as follows:

9 Unless the context clearly indicates otherwise, the following
10 terms, whenever used in this chapter, shall be deemed to have the
11 following meanings:

12 (1) "Department" means the Washington state department of (~~social
13 and health services~~) health;

14 (2) "Hospital" means any institution, place, building, or agency
15 which provides accommodations, facilities and services over a
16 continuous period of twenty-four hours or more, for observation,
17 diagnosis, or care, of two or more individuals not related to the
18 operator who are suffering from illness, injury, deformity, or
19 abnormality, or from any other condition for which obstetrical,
20 medical, or surgical services would be appropriate for care or
21 diagnosis. "Hospital" as used in this chapter does not include hotels,
22 or similar places furnishing only food and lodging, or simply
23 domiciliary care; nor does it include clinics, or physician's offices
24 where patients are not regularly kept as bed patients for twenty-four
25 hours or more; nor does it include nursing homes, as defined and which
26 come within the scope of chapter 18.51 RCW; nor does it include
27 maternity homes, which come within the scope of chapter 18.46 RCW; nor
28 does it include psychiatric hospitals, which come within the scope of
29 chapter 71.12 RCW; nor any other hospital, or institution specifically

1 intended for use in the diagnosis and care of those suffering from
2 mental illness, mental retardation, convulsive disorders, or other
3 abnormal mental condition. Furthermore, nothing in this chapter or the
4 rules ((and regulations)) adopted pursuant thereto shall be construed
5 as authorizing the supervision, regulation, or control of the remedial
6 care or treatment of residents or patients in any hospital conducted
7 for those who rely primarily upon treatment by prayer or spiritual
8 means in accordance with the creed or tenets of any well recognized
9 church or religious denominations;

10 (3) "Person" means any individual, firm, partnership, corporation,
11 company, association, or joint stock association, and the legal
12 successor thereof.

13 **Sec. 335.** RCW 70.41.130 and 1989 c 175 s 128 are each amended to
14 read as follows:

15 The department is authorized to deny, suspend, revoke, or modify a
16 license or provisional license in any case in which it finds that there
17 has been a failure or refusal to comply with the requirements of this
18 chapter or the standards or rules adopted under this chapter. ((RCW
19 43.20A.205)) Section 377 of this act governs notice of a license
20 denial, revocation, suspension, or modification and provides the right
21 to an adjudicative proceeding.

22 **Sec. 336.** RCW 70.41.200 and 1987 c 269 s 5 are each amended to
23 read as follows:

24 (1) Every hospital shall maintain a coordinated program for the
25 identification and prevention of medical malpractice. The program
26 shall include at least the following:

27 (a) The establishment of a quality assurance committee with the
28 responsibility to review the services rendered in the hospital in order

1 to improve the quality of medical care of patients and to prevent
2 medical malpractice. The committee shall oversee and coordinate the
3 medical malpractice prevention program and shall insure that
4 information gathered pursuant to the program is used to review and to
5 revise hospital policies and procedures. At least one member of the
6 committee shall be a member of the governing board of the hospital who
7 is not otherwise affiliated with the hospital in an employment or
8 contractual capacity;

9 (b) A medical staff privileges sanction procedure through which
10 credentials, physical and mental capacity, and competence in delivering
11 health care services are periodically reviewed as part of an evaluation
12 of staff privileges;

13 (c) The periodic review of the credentials, physical and mental
14 capacity, and competence in delivering health care services of all
15 persons who are employed or associated with the hospital;

16 (d) A procedure for the prompt resolution of grievances by patients
17 or their representatives related to accidents, injuries, treatment, and
18 other events that may result in claims of medical malpractice;

19 (e) The maintenance and continuous collection of information
20 concerning the hospital's experience with negative health care outcomes
21 and incidents injurious to patients, patient grievances, professional
22 liability premiums, settlements, awards, costs incurred by the hospital
23 for patient injury prevention, and safety improvement activities;

24 (f) The maintenance of relevant and appropriate information
25 gathered pursuant to (a) through (e) of this subsection concerning
26 individual physicians within the physician's personnel or credential
27 file maintained by the hospital;

28 (g) Education programs dealing with patient safety, injury
29 prevention, staff responsibility to report professional misconduct, the
30 legal aspects of patient care, improved communication with patients,

1 and causes of malpractice claims for staff personnel engaged in patient
2 care activities; and

3 (h) Policies to ensure compliance with the reporting requirements
4 of this section.

5 (2) Any person who, in substantial good faith, provides information
6 to further the purposes of the medical malpractice prevention program
7 or who, in substantial good faith, participates on the quality
8 assurance committee shall not be subject to an action for civil damages
9 or other relief as a result of such activity.

10 (3) Information and documents, including complaints and incident
11 reports, created, collected, and maintained about health care providers
12 arising out of the matters that are under review or have been evaluated
13 by a review committee conducting quality assurance reviews are not
14 subject to discovery or introduction into evidence in any civil action,
15 and no person who was in attendance at a meeting of such committee or
16 board shall be permitted or required to testify in any civil action as
17 to the content of such proceedings. This subsection does not preclude:

18 (a) In any civil action, the testimony of any person concerning the
19 facts which form the basis for the institution of such proceedings of
20 which the person had personal knowledge acquired independently of such
21 proceedings; (b) in any civil action by a health care provider
22 regarding the restriction or revocation of that individual's clinical
23 or staff privileges, introduction into evidence information collected
24 and maintained by quality assurance committees regarding such health
25 care provider; (c) in any civil action, disclosure of the fact that
26 staff privileges were terminated or restricted, including the specific
27 restrictions imposed, if any; or (d) in any civil action, discovery and
28 introduction into evidence of the patient's medical records required by
29 regulation of the department of (~~social and health services~~) health
30 to be made regarding the care and treatment received.

1 (4) The department of (~~social and health services~~) health shall
2 adopt such rules as are deemed appropriate to effectuate the purposes
3 of this section.

4 (5) The medical disciplinary board or the board of osteopathic
5 medicine and surgery, as appropriate, may review and audit the records
6 of committee decisions in which a physician's privileges are terminated
7 or restricted. Each hospital shall produce and make accessible to the
8 board the appropriate records and otherwise facilitate the review and
9 audit. Information so gained shall not be subject to the discovery
10 process and confidentiality shall be respected as required by
11 subsection (3) of this section. Failure of a hospital to comply with
12 this subsection is punishable by a civil penalty not to exceed two
13 hundred fifty dollars.

14 (6) Violation of this section shall not be considered negligence
15 per se.

16 **Sec. 337.** RCW 70.41.230 and 1987 c 269 s 6 are each amended to
17 read as follows:

18 (1) Prior to granting or renewing clinical privileges or
19 association of any physician or hiring a physician, a hospital or
20 facility approved pursuant to this chapter shall request from the
21 physician and the physician shall provide the following information:

22 (a) The name of any hospital or facility with or at which the
23 physician had or has any association, employment, privileges, or
24 practice;

25 (b) If such association, employment, privilege, or practice was
26 discontinued, the reasons for its discontinuation;

27 (c) Any pending professional medical misconduct proceedings or any
28 pending medical malpractice actions in this state or another state, the
29 substance of the allegations in the proceedings or actions, and any

1 additional information concerning the proceedings or actions as the
2 physician deems appropriate;

3 (d) The substance of the findings in the actions or proceedings and
4 any additional information concerning the actions or proceedings as the
5 physician deems appropriate;

6 (e) A waiver by the physician of any confidentiality provisions
7 concerning the information required to be provided to hospitals
8 pursuant to this subsection; and

9 (f) A verification by the physician that the information provided
10 by the physician is accurate and complete.

11 (2) Prior to granting privileges or association to any physician or
12 hiring a physician, a hospital or facility approved pursuant to this
13 chapter shall request from any hospital with or at which the physician
14 had or has privileges, was associated, or was employed, the following
15 information concerning the physician:

16 (a) Any pending professional medical misconduct proceedings or any
17 pending medical malpractice actions, in this state or another state;

18 (b) Any judgment or settlement of a medical malpractice action and
19 any finding of professional misconduct in this state or another state
20 by a licensing or disciplinary board; and

21 (c) Any information required to be reported by hospitals pursuant
22 to RCW 18.72.265.

23 (3) The medical disciplinary board shall be advised within thirty
24 days of the name of any physician denied staff privileges, association,
25 or employment on the basis of adverse findings under subsection (1) of
26 this section.

27 (4) A hospital or facility that receives a request for information
28 from another hospital or facility pursuant to subsections (1) and (2)
29 of this section shall provide such information concerning the physician
30 in question to the extent such information is known to the hospital or

1 facility receiving such a request, including the reasons for
2 suspension, termination, or curtailment of employment or privileges at
3 the hospital or facility. A hospital, facility, or other person
4 providing such information in good faith is not liable in any civil
5 action for the release of such information.

6 (5) Information and documents, including complaints and incident
7 reports, created, collected, and maintained about health care providers
8 arising out of the matters that are under review or have been evaluated
9 by a review committee conducting quality assurance reviews are not
10 subject to discovery or introduction into evidence in any civil action,
11 and no person who was in attendance at a meeting of such committee or
12 board shall be permitted or required to testify in any civil action as
13 to the content of such proceedings. This subsection does not preclude:
14 (a) In any civil action, the testimony of any person concerning the
15 facts which form the basis for the institution of such proceedings of
16 which the person had personal knowledge acquired independently of such
17 proceedings; (b) in any civil action by a health care provider
18 regarding the restriction or revocation of that individual's clinical
19 or staff privileges, introduction into evidence information collected
20 and maintained by quality assurance committees regarding such health
21 care provider; (c) in any civil action, disclosure of the fact that
22 staff privileges were terminated or restricted, including the specific
23 restrictions imposed, if any; or (d) in any civil action, discovery and
24 introduction into evidence of the patient's medical records required by
25 regulation of the department of (~~social and health services~~) health
26 to be made regarding the care and treatment received.

27 (6) Hospitals shall be granted access to information held by the
28 medical disciplinary board and the board of osteopathic medicine and
29 surgery pertinent to decisions of the hospital regarding credentialing
30 and recredentialing of practitioners.

1 (7) Violation of this section shall not be considered negligence
2 per se.

3 **Sec. 338.** RCW 70.41.240 and 1988 c 207 s 3 are each amended to
4 read as follows:

5 The department of (~~social and health services~~) health shall
6 compile and make available to the public information regarding medicare
7 health care facility certification options available to hospitals
8 licensed under this title that desire to convert to nonhospital health
9 care facilities. The information provided shall include standards and
10 requirements for certification and procedures for acquiring
11 certification.

12 **Sec. 339.** RCW 70.47.060 and 1987 1st ex.s. c 5 s 8 are each
13 amended to read as follows:

14 The administrator has the following powers and duties:

15 (1) To design and from time to time revise a schedule of covered
16 basic health care services, including physician services, inpatient and
17 outpatient hospital services, and other services that may be necessary
18 for basic health care, which enrollees in any participating managed
19 health care system under the Washington basic health plan shall be
20 entitled to receive in return for premium payments to the plan. The
21 schedule of services shall emphasize proven preventive and primary
22 health care, shall include all services necessary for prenatal,
23 postnatal, and well-child care, and shall include a separate schedule
24 of basic health care services for children, eighteen years of age and
25 younger, for those enrollees who choose to secure basic coverage
26 through the plan only for their dependent children. In designing and
27 revising the schedule of services, the administrator shall consider the
28 guidelines for assessing health services under the mandated benefits

1 act of 1984, RCW 48.42.080, and such other factors as the administrator
2 deems appropriate.

3 (2) To design and implement a structure of periodic premiums due
4 the administrator from enrollees that is based upon gross family
5 income, giving appropriate consideration to family size as well as the
6 ages of all family members. The enrollment of children shall not
7 require the enrollment of their parent or parents who are eligible for
8 the plan.

9 (3) To design and implement a structure of nominal copayments due
10 a managed health care system from enrollees. The structure shall
11 discourage inappropriate enrollee utilization of health care services,
12 but shall not be so costly to enrollees as to constitute a barrier to
13 appropriate utilization of necessary health care services.

14 (4) To design and implement, in concert with a sufficient number of
15 potential providers in a discrete area, an enrollee financial
16 participation structure, separate from that otherwise established under
17 this chapter, that has the following characteristics:

18 (a) Nominal premiums that are based upon ability to pay, but not
19 set at a level that would discourage enrollment;

20 (b) A modified fee-for-services payment schedule for providers;

21 (c) Coinsurance rates that are established based on specific
22 service and procedure costs and the enrollee's ability to pay for the
23 care. However, coinsurance rates for families with incomes below one
24 hundred twenty percent of the federal poverty level shall be nominal.
25 No coinsurance shall be required for specific proven prevention
26 programs, such as prenatal care. The coinsurance rate levels shall not
27 have a measurable negative effect upon the enrollee's health status;
28 and

29 (d) A case management system that fosters a provider-enrollee
30 relationship whereby, in an effort to control cost, maintain or improve

1 the health status of the enrollee, and maximize patient involvement in
2 her or his health care decision-making process, every effort is made by
3 the provider to inform the enrollee of the cost of the specific
4 services and procedures and related health benefits.

5 The potential financial liability of the plan to any such providers
6 shall not exceed in the aggregate an amount greater than that which
7 might otherwise have been incurred by the plan on the basis of the
8 number of enrollees multiplied by the average of the prepaid capitated
9 rates negotiated with participating managed health care systems under
10 RCW 70.47.100 and reduced by any sums charged enrollees on the basis of
11 the coinsurance rates that are established under this subsection.

12 (5) To limit enrollment of persons who qualify for subsidies so as
13 to prevent an overexpenditure of appropriations for such purposes.
14 Whenever the administrator finds that there is danger of such an
15 overexpenditure, the administrator shall close enrollment until the
16 administrator finds the danger no longer exists.

17 (6) To adopt a schedule for the orderly development of the delivery
18 of services and availability of the plan to residents of the state,
19 subject to the limitations contained in RCW 70.47.080.

20 In the selection of any area of the state for the initial operation
21 of the plan, the administrator shall take into account the levels and
22 rates of unemployment in different areas of the state, the need to
23 provide basic health care coverage to a population reasonably
24 representative of the portion of the state's population that lacks such
25 coverage, and the need for geographic, demographic, and economic
26 diversity.

27 Before July 1, 1988, the administrator shall endeavor to secure
28 participation contracts with managed health care systems in discrete
29 geographic areas within at least five congressional districts.

1 (7) To solicit and accept applications from managed health care
2 systems, as defined in this chapter, for inclusion as eligible basic
3 health care providers under the plan. The administrator shall endeavor
4 to assure that covered basic health care services are available to any
5 enrollee of the plan from among a selection of two or more
6 participating managed health care systems. In adopting any rules or
7 procedures applicable to managed health care systems and in its
8 dealings with such systems, the administrator shall consider and make
9 suitable allowance for the need for health care services and the
10 differences in local availability of health care resources, along with
11 other resources, within and among the several areas of the state.

12 (8) To receive periodic premiums from enrollees, deposit them in
13 the basic health plan operating account, keep records of enrollee
14 status, and authorize periodic payments to managed health care systems
15 on the basis of the number of enrollees participating in the respective
16 managed health care systems.

17 (9) To accept applications from individuals residing in areas
18 served by the plan, on behalf of themselves and their spouses and
19 dependent children, for enrollment in the Washington basic health plan,
20 to establish appropriate minimum-enrollment periods for enrollees as
21 may be necessary, and to determine, upon application and at least
22 annually thereafter, or at the request of any enrollee, eligibility due
23 to current gross family income for sliding scale premiums. An enrollee
24 who remains current in payment of the sliding-scale premium, as
25 determined under subsection (2) of this section, and whose gross family
26 income has risen above twice the federal poverty level, may continue
27 enrollment unless and until the enrollee's gross family income has
28 remained above twice the poverty level for six consecutive months, by
29 making payment at the unsubsidized rate required for the managed health
30 care system in which he or she may be enrolled. No subsidy may be paid

1 with respect to any enrollee whose current gross family income exceeds
2 twice the federal poverty level or, subject to RCW 70.47.110, who is a
3 recipient of medical assistance or medical care services under chapter
4 74.09 RCW. If a number of enrollees drop their enrollment for no
5 apparent good cause, the administrator may establish appropriate rules
6 or requirements that are applicable to such individuals before they
7 will be allowed to re-enroll in the plan.

8 (10) To require that prospective enrollees who may be eligible for
9 categorically needy medical coverage under RCW 74.09.510 or whose
10 income does not exceed the medically needy income level under RCW
11 74.09.700 apply for such coverage, but the administrator shall enroll
12 the individuals in the plan pending the determination of eligibility
13 under chapter 74.09 RCW.

14 (11) To determine the rate to be paid to each participating managed
15 health care system in return for the provision of covered basic health
16 care services to enrollees in the system. Although the schedule of
17 covered basic health care services will be the same for similar
18 enrollees, the rates negotiated with participating managed health care
19 systems may vary among the systems. In negotiating rates with
20 participating systems, the administrator shall consider the
21 characteristics of the populations served by the respective systems,
22 economic circumstances of the local area, the need to conserve the
23 resources of the basic health plan trust account, and other factors the
24 administrator finds relevant.

25 (12) To monitor the provision of covered services to enrollees by
26 participating managed health care systems in order to assure enrollee
27 access to good quality basic health care, to require periodic data
28 reports concerning the utilization of health care services rendered to
29 enrollees in order to provide adequate information for evaluation, and
30 to inspect the books and records of participating managed health care

1 systems to assure compliance with the purposes of this chapter. In
2 requiring reports from participating managed health care systems,
3 including data on services rendered enrollees, the administrator shall
4 endeavor to minimize costs, both to the managed health care systems and
5 to the administrator. The administrator shall coordinate any such
6 reporting requirements with other state agencies, such as the insurance
7 commissioner and the ((hospital commission)) department of health, to
8 minimize duplication of effort.

9 (13) To monitor the access that state residents have to adequate
10 and necessary health care services, determine the extent of any unmet
11 needs for such services or lack of access that may exist from time to
12 time, and make such reports and recommendations to the legislature as
13 the administrator deems appropriate.

14 (14) To evaluate the effects this chapter has on private employer-
15 based health care coverage and to take appropriate measures consistent
16 with state and federal statutes that will discourage the reduction of
17 such coverage in the state.

18 (15) To develop a program of proven preventive health measures and
19 to integrate it into the plan wherever possible and consistent with
20 this chapter.

21 (16) To provide, consistent with available resources, technical
22 assistance for rural health activities that endeavor to develop needed
23 health care services in rural parts of the state.

24 **Sec. 340.** RCW 70.50.010 and 1979 c 141 s 108 are each amended to
25 read as follows:

26 The secretary of ((social and health services)) health shall
27 appoint and employ an otologist skilled in diagnosis of diseases of the
28 ear and defects in hearing, especially for school children with an

1 impaired sense of hearing, and shall fix the salary of such otologist
2 in a sum not exceeding the salary of the secretary.

3 **Sec. 341.** RCW 70.54.040 and 1979 c 141 s 109 are each amended to
4 read as follows:

5 The commissioners of any county or the mayor of any city may call
6 upon the secretary of (~~social and health services~~) health for advice
7 relative to improving sanitary conditions or disposing of garbage and
8 sewage or obtaining a pure water supply, and when so called upon the
9 secretary (~~of social and health services~~) shall either personally or
10 by an assistant make a careful examination into the conditions existing
11 and shall make a full report containing his or her advice (~~thereon~~)
12 to the county or city making such request.

13 **Sec. 342.** RCW 70.58.005 and 1987 c 223 s 1 are each amended to
14 read as follows:

15 Unless the context clearly requires otherwise, the definitions in
16 this section apply throughout this chapter.

17 (1) "Department" means the department of (~~social and health~~
18 ~~services~~) health.

19 (2) "Vital records" means records of birth, death, fetal death,
20 marriage, dissolution, annulment, and legal separation, as maintained
21 under the supervision of the state registrar of vital statistics.

22 **Sec. 343.** RCW 70.58.107 and 1988 c 40 s 1 are each amended to read
23 as follows:

24 The department of (~~social and health services~~) health shall
25 charge a fee of eleven dollars for certified copies of records and for
26 copies or information provided for research, statistical, or
27 administrative purposes, and eight dollars for a search of the files or

1 records when no copy is made. The department shall prescribe by
2 regulation fees to be paid for preparing sealed files and for opening
3 sealed files.

4 No fee may be demanded or required for furnishing certified copies
5 of a birth, death, fetal death, marriage, divorce, annulment, or legal
6 separation record for use in connection with a claim for compensation
7 or pension pending before the veterans administration.

8 The ((state)) department ((of social and health services)) shall
9 keep a true and correct account of all fees received and turn the fees
10 over to the state treasurer on a weekly basis.

11 Local registrars shall charge the same fees as the state as
12 hereinabove provided and as prescribed by department regulation, except
13 that local registrars shall charge eleven dollars for the first copy of
14 a death certificate and six dollars for each additional copy of the
15 same death certificate when the additional copies are ordered at the
16 same time as the first copy. All such fees collected, except for three
17 dollars of each fee for the issuance of a certified copy, shall be paid
18 to the jurisdictional health department.

19 All local registrars in cities and counties shall keep a true and
20 correct account of all fees received under this section for the
21 issuance of certified copies and shall turn three dollars of the fee
22 over to the state treasurer on or before the first day of January,
23 April, July, and October.

24 Three dollars of each fee imposed for the issuance of certified
25 copies, except for copies suitable for display issued under RCW
26 70.58.085, at both the state and local levels shall be held by the
27 state treasurer in the death investigations account established by RCW
28 43.79.445.

1 **Sec. 344.** RCW 70.58.310 and 1979 c 141 s 110 are each amended to
2 read as follows:

3 The secretary of (~~social and health services, through the state~~
4 ~~registrar of vital statistics,~~) health shall establish and maintain a
5 registry for handicapped children.

6 **Sec. 345.** RCW 70.58.320 and 1984 c 156 s 1 are each amended to
7 read as follows:

8 Whenever the attending physician discovers that a newborn child has
9 a sentinel defect, and whenever a physician discovers upon treating a
10 child under the age of fourteen years that such child has a partial or
11 complete disability or a condition which may lead to partial or
12 complete disability, such fact shall be reported to the local registrar
13 and to the parents, or legal guardians of the child, upon a form to be
14 provided by the secretary of (~~social and health services~~) health. No
15 report shall be required if the disabling condition has been previously
16 reported or the condition is not one required to be reported by the
17 secretary (~~of social and health services~~). Sentinel defects shall be
18 reported at the same time as birth certificates are required to be
19 filed. Each physician shall make a report as to disabling conditions
20 within thirty days after discovery thereof. If a child with sentinel
21 birth defects is born outside the hospital, the person filling out the
22 birth certificate shall make a report to the department.

23 The forms to be provided by the secretary (~~of social and health~~
24 ~~services~~) for this purpose shall require such information as the
25 secretary deems necessary to carry out the purpose of RCW 70.58.300
26 through 70.58.350.

27 **Sec. 346.** RCW 70.58.340 and 1979 c 141 s 112 are each amended to
28 read as follows:

1 The secretary of (~~social and health services~~) health and any
2 local health officer is authorized to cooperate with and to promote the
3 aid of any medical, health, nursing, welfare, or other private groups
4 or organizations, and with any state agency or political subdivision to
5 furnish statistical data in furtherance of the purpose of RCW 70.58.300
6 through 70.58.350. The secretary or any local health officer may
7 accept contributions or gifts in cash or otherwise from any person,
8 group, or governmental agency to further the purpose of RCW 70.58.300
9 through 70.58.350.

10 **Sec. 347.** RCW 70.62.210 and 1971 ex.s. c 239 s 2 are each amended
11 to read as follows:

12 The following terms whenever used or referred to in this chapter
13 shall have the following respective meanings for the purposes of this
14 chapter, except in those instances where the context clearly indicates
15 otherwise:

16 (1) The term "transient accommodation" shall mean any facility such
17 as a hotel, motel, condominium, resort, or any other facility or place
18 offering three or more lodging units to travelers and transient guests.

19 (2) The term "person" shall mean any individual, firm, partnership,
20 corporation, company, association or joint stock association, and the
21 legal successor thereof.

22 (3) The term "secretary" shall mean the secretary of the Washington
23 state department of (~~social and health services~~) health and any duly
24 authorized representative thereof.

25 (4) The term "board" shall mean the Washington state board of
26 health.

27 (5) The term "department" shall mean the Washington state
28 department of (~~social and health services~~) health.

1 (6) The term "lodging unit" shall mean one self-contained unit
2 designated by number, letter or some other method of identification.

3 **Sec. 348.** RCW 70.83.020 and 1975-'76 2nd ex.s. c 27 s 1 are each
4 amended to read as follows:

5 It shall be the duty of the department of (~~social and health~~
6 ~~services~~) health to require screening tests of all newborn infants
7 before they are discharged from the hospital for the detection of
8 phenylketonuria and other heritable or metabolic disorders leading to
9 mental retardation or physical defects as defined by the state board of
10 health: PROVIDED, That no such tests shall be given to any newborn
11 infant whose parents or guardian object thereto on the grounds that
12 such tests conflict with their religious tenets and practices.

13 **Sec. 349.** RCW 70.83.030 and 1979 c 141 s 113 are each amended to
14 read as follows:

15 Laboratories, attending physicians, hospital administrators, or
16 other persons performing or requesting the performance of tests for
17 phenylketonuria shall report to the department of (~~social and health~~
18 ~~services~~) health all positive tests. The state board of health by
19 rule (~~and regulation~~) shall, when it deems appropriate, require that
20 positive tests for other heritable and metabolic disorders covered by
21 this chapter be reported to the state department of (~~social and health~~
22 ~~services~~) health by such persons or agencies requesting or performing
23 such tests.

24 **Sec. 350.** RCW 70.83.040 and 1979 c 141 s 114 are each amended to
25 read as follows:

26 When notified of positive screening tests, the state department of
27 (~~social and health services~~) health shall offer the use of its

1 services and facilities, designed to prevent mental retardation or
2 physical defects in such children, to the attending physician, or the
3 parents of the newborn child if no attending physician can be
4 identified.

5 The services and facilities of the ((state)) department ((of social
6 and health services)), and other state and local agencies cooperating
7 with the department ((of social and health services)) in carrying out
8 programs of detection and prevention of mental retardation and physical
9 defects shall be made available to the family and physician to the
10 extent required in order to carry out the intent of this chapter and
11 within the availability of funds.

12 **Sec. 351.** RCW 70.83B.020 and 1988 c 276 s 2 are each amended to
13 read as follows:

14 Unless the context clearly requires otherwise the definitions in
15 this section apply throughout this chapter.

16 (1) "Department" means the department of ((social and health
17 services)) health.

18 (2) "Laboratory" means a private or public agency or organization
19 performing prenatal tests for congenital and heritable disorders.

20 (3) "Prenatal tests" means any test that predicts congenital or
21 heritable disorders which: (a) As determined by the state board of
22 health can by improper utilization clearly harm or endanger the health,
23 safety, or welfare of the public, and the potential harm is easily
24 recognizable and not remote or dependent upon tenuous argument, and (b)
25 are enumerated by the department by rule.

26 (4) "Secretary" means the secretary of ((social and health
27 services)) health.

1 **Sec. 352.** RCW 70.90.110 and 1987 c 222 s 2 are each amended to
2 read as follows:

3 Unless the context clearly requires otherwise the definitions in
4 this section apply throughout this chapter.

5 (1) "Water recreation facility" means any artificial basin or other
6 structure containing water used or intended to be used for recreation,
7 bathing, relaxation, or swimming, where body contact with the water
8 occurs or is intended to occur and includes auxiliary buildings and
9 appurtenances. The term includes, but is not limited to:

10 (a) Conventional swimming pools, wading pools, and spray pools;

11 (b) Recreational water contact facilities as defined in this
12 chapter;

13 (c) Spa pools and tubs using hot water, cold water, mineral water,
14 air induction, or hydrojets; and

15 (d) Any area designated for swimming in natural waters with
16 artificial boundaries within the waters.

17 (2) "Recreational water contact facility" means an artificial water
18 associated facility with design and operational features that provide
19 patron recreational activity which is different from that associated
20 with a conventional swimming pool and purposefully involves immersion
21 of the body partially or totally in the water, and that includes but is
22 not limited to, water slides, wave pools, and water lagoons.

23 (3) "Local health officer" means the health officer of the city,
24 county, or city-county department or district or a representative
25 authorized by the local health officer.

26 (4) "Secretary" means the secretary of (~~social and health~~
27 ~~services~~) health.

28 (5) "Person" means an individual, firm, partnership, co-
29 partnership, corporation, company, association, club, government
30 entity, or organization of any kind.

1 (6) "Department" means the department of (~~social and health~~
2 ~~services~~) health.

3 (7) "Board" means the state board of health.

4 **Sec. 353.** RCW 70.90.130 and 1986 c 236 s 4 are each amended to
5 read as follows:

6 (1) A recreational water contact facility advisory committee is
7 established and shall be appointed by the board which shall consist of
8 the following members:

9 (a) A representative of the board of health;

10 (b) A private operator of a recreational water contact facility;

11 (c) A public operator of a recreational water contact facility;

12 (d) A representative from the department of (~~social and health~~
13 ~~services~~) health;

14 (e) A representative of the county health departments;

15 (f) A representative from those who engage in the construction or
16 design of recreational water contact facilities; and

17 (g) A representative from those who engage in the manufacturing or
18 design of goods or services for recreational water contact facilities.

19 (2) The advisory committee shall have the following powers and
20 duties:

21 (a) To assist in reviewing and drafting proposed rules regarding
22 the design or operation of any recreational water contact facility
23 which recommendations shall be transmitted to the board;

24 (b) To provide technical assistance regarding the review of new
25 products, equipment and procedures, and periodic program review; and

26 (c) To provide recommendations upon request in the settlement of
27 grievances.

28 (3) The committee may appoint subcommittees as it deems necessary.

1 **Sec. 354.** RCW 70.90.210 and 1989 c 175 s 130 are each amended to
2 read as follows:

3 (1) Any person aggrieved by an order of the department or by the
4 imposition of a civil fine by the department has the right to an
5 adjudicative proceeding. ((RCW 43.20A.215)) Section 378 of this act
6 governs department notice of a civil fine and a person's right to an
7 adjudicative proceeding.

8 (2) Any person aggrieved by an order of a local health officer or
9 by the imposition of a civil fine by the officer has the right to
10 appeal. The hearing is governed by the local health jurisdiction's
11 administrative appeals process. Notice shall be provided by the local
12 health jurisdiction consistent with its due process requirements.

13 **Sec. 355.** RCW 70.98.030 and 1983 1st ex.s. c 19 s 9 are each
14 amended to read as follows:

15 (1) "Byproduct material" means any radioactive material (except
16 special nuclear material) yielded in or made radioactive by exposure to
17 the radiation incident to the process of producing or utilizing special
18 nuclear material.

19 (2) "Ionizing radiation" means gamma rays and x-rays, alpha and
20 beta particles, high-speed electrons, neutrons, protons, and other
21 atomic or subatomic particles; but not sound or radio waves, or
22 visible, infrared, or ultraviolet light.

23 (3) (a) "General license" means a license effective pursuant to
24 ((regulations)) rules promulgated by the state radiation control
25 agency, without the filing of an application, to transfer, acquire,
26 own, possess, or use quantities of, or devices or equipment utilizing,
27 byproduct, source, special nuclear materials, or other radioactive
28 material occurring naturally or produced artificially.

1 (b) "Specific license" means a license, issued after application to
2 use, manufacture, produce, transfer, receive, acquire, own, or possess
3 quantities of, or devices or equipment utilizing byproduct, source,
4 special nuclear materials, or other radioactive materials occurring
5 naturally or produced artificially.

6 (4) "Person" means any individual, corporation, partnership, firm,
7 association, trust, estate, public or private institution, group,
8 agency, political subdivision of this state, any other state or
9 political subdivision or agency thereof, and any legal successor,
10 representative, agent, or agency of the foregoing, other than the
11 United States Atomic Energy Commission, or any successor thereto, and
12 other than federal government agencies licensed by the United States
13 Atomic Energy Commission, or any successor thereto.

14 (5) "Source material" means (a) uranium, thorium, or any other
15 material which is determined by the United States Nuclear Regulatory
16 Commission or its successor pursuant to the provisions of section 61 of
17 the United States Atomic Energy Act of 1954, as amended (42 U.S.C. Sec.
18 209) to be source material; or (b) ores containing one or more of the
19 foregoing materials, in such concentration as the commission may by
20 regulation determine from time to time.

21 (6) "Special nuclear material" means (a) plutonium, uranium
22 enriched in the isotope 233 or in the isotope 235, and any other
23 material which the United States Nuclear Regulatory Commission or its
24 successor, pursuant to the provisions of section 51 of the United
25 States Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2071),
26 determines to be special nuclear material, but does not include source
27 material; or (b) any material artificially enriched by any of the
28 foregoing, but does not include source material.

29 (7) "Registration" means registration with the state department of
30 (~~social and health services~~) health by any person possessing a source

1 of ionizing radiation in accordance with rules(~~(, regulations and~~
2 ~~standards)~~) adopted by the department of (~~social and health services~~)
3 health.

4 (8) "Radiation source" means any type of device or substance which
5 is capable of producing or emitting ionizing radiation.

6 **Sec. 356.** RCW 70.104.010 and 1971 ex.s. c 41 s 1 are each amended
7 to read as follows:

8 The department of (~~social and health services~~) health has
9 responsibility to protect and enhance the public health and welfare.
10 As a consequence, it must be concerned with both natural and artificial
11 environmental factors which may adversely affect the public health and
12 welfare. Dangers to the public health and welfare related to the use
13 of pesticides require specific legislative recognition of departmental
14 authority and responsibility in this area.

15 **Sec. 357.** RCW 70.104.030 and 1989 c 380 s 71 are each amended to
16 read as follows:

17 (1) The department of (~~social and health services~~) health shall
18 investigate all suspected human cases of pesticide poisoning and such
19 cases of suspected pesticide poisoning of animals that may relate to
20 human illness. The department shall establish time periods by rule to
21 determine investigation response time. Time periods shall range from
22 immediate to forty-eight hours to initiate an investigation, depending
23 on the severity of the case or suspected case of pesticide poisoning.

24 In order to adequately investigate such cases, the department (~~of~~
25 ~~social and health services~~) shall have the power to:

26 (a) Take all necessary samples and human or animal tissue specimens
27 for diagnostic purposes: PROVIDED, That tissue, if taken from a living

1 human, shall be taken from a living human only with the consent of a
2 person legally qualified to give such consent;

3 (b) Secure any and all such information as may be necessary to
4 adequately determine the nature and causes of any case of pesticide
5 poisoning.

6 (2) The ~~((state))~~ department ~~((of social and health services))~~
7 shall, by rule ~~((and regulation))~~ adopted pursuant to the
8 Administrative Procedure Act, chapter 34.05 RCW, ~~((as it now exists or
9 is hereafter amended, and, in any event,))~~ with due notice and a
10 hearing for the adoption of permanent rules, establish procedures for
11 the prevention of any recurrence of poisoning and the department shall
12 immediately notify the department of agriculture, the department of
13 labor and industries, and other appropriate agencies of the results of
14 its investigation for such action as the other departments or agencies
15 deem appropriate. The notification of such investigations and their
16 results may include recommendations for further action by the
17 appropriate department or agency.

18 **Sec. 358.** RCW 70.104.040 and 1983 c 3 s 178 are each amended to
19 read as follows:

20 (1) In any case where an emergency relating to pesticides occurs
21 that represents a hazard to the public due to toxicity of the material,
22 the quantities involved or the environment in which the incident takes
23 place, such emergencies including but not limited to fires, spillage,
24 and accidental contamination, the person or agent of such person having
25 actual or constructive control of the pesticides involved shall
26 immediately notify the department of ~~((social and health services))~~
27 health by telephone or the fastest available method.

28 (2) Upon notification or discovery of any pesticide emergency the
29 department of ~~((social and health services))~~ health shall:

1 (a) Make such orders and take such actions as are appropriate to
2 assume control of the property and to dispose of hazardous substances,
3 prevent further contamination, and restore any property involved to a
4 nonhazardous condition. In the event of failure of any individual to
5 obey and carry out orders pursuant to this section, the department (~~of~~
6 ~~social and health services~~) shall have all power and authority to
7 accomplish those things necessary to carry out such order. Any
8 expenses incurred by the department (~~of social and health services~~)
9 as a result of intentional failure of any individual to obey its lawful
10 orders shall be charged as a debt against such individual.

11 (3) In any case where the department of (~~social and health~~
12 ~~services~~) health has assumed control of property pursuant to this
13 chapter, such property shall not be reoccupied or used until such time
14 as written notification of its release for use is received from the
15 secretary of the department (~~of social and health services~~) or his or
16 her designee. Such action shall take into consideration the economic
17 hardship, if any, caused by having the department assume control of
18 property, and release shall be accomplished as expeditiously as
19 possible. Nothing in this chapter shall prevent a farmer from
20 continuing to process his or her crops and/or animals provided that
21 (~~it~~) the processing does not endanger the public health.

22 (4) The department shall recognize the pesticide industry's
23 responsibility and active role in minimizing the effect of pesticide
24 emergencies and shall provide for maximum utilization of these
25 services.

26 (5) Nothing in this chapter shall be construed in any way to
27 infringe upon or negate the authority and responsibility of the
28 department of agriculture in its application and enforcement of the
29 Washington Pesticide Control Act, chapter 15.58 RCW and the Washington
30 Pesticide Application Act, chapter 17.21 RCW. The department of

1 ((~~social and health services~~)) health shall work closely with the
2 department of agriculture in the enforcement of this chapter and shall
3 keep it appropriately advised.

4 **Sec. 359.** RCW 70.104.050 and 1971 ex.s. c 41 s 5 are each amended
5 to read as follows:

6 The department of ((~~social and health services~~)) health shall
7 investigate human exposure to pesticides, and in order to carry out
8 such investigations shall have authority to secure and analyze
9 appropriate specimens of human tissue and samples representing sources
10 of possible exposure.

11 **Sec. 360.** RCW 70.104.055 and 1989 c 380 s 72 are each amended to
12 read as follows:

13 (1) Any attending physician or other health care provider
14 recognized as primarily responsible for the diagnosis and treatment of
15 a patient or, in the absence of a primary health care provider, the
16 health care provider initiating diagnostic testing or therapy for a
17 patient shall report a case or suspected case of pesticide poisoning to
18 the department of ((~~social and health services~~)) health in the manner
19 prescribed by, and within the reasonable time periods established by,
20 rules of the state board of health. Time periods established by the
21 board shall range from immediate reporting to reporting within seven
22 days depending on the severity of the case or suspected case of
23 pesticide poisoning. The reporting requirements shall be patterned
24 after other board rules establishing requirements for reporting of
25 diseases or conditions. Confidentiality requirements shall be the same
26 as the confidentiality requirements established for other reportable
27 diseases or conditions. The board rules shall determine what
28 information shall be reported. Reports shall be made on forms provided

1 to health care providers by the department of (~~social and health~~
2 ~~services~~) health. For purposes of any oral reporting, the department
3 of (~~social and health services~~) health shall make available a toll-
4 free telephone number.

5 (2) Within a reasonable time period as established by board rules,
6 the department of (~~social and health services~~) health shall
7 investigate the report of a case or suspected case of pesticide
8 poisoning to document the incident. The department shall report the
9 results of the investigation to the health care provider submitting the
10 original report.

11 (3) Cases or suspected cases of pesticide poisoning shall be
12 reported by the department of (~~social and health services~~) health to
13 the pesticide reporting and tracking review panel within the time
14 periods established by state board of health rules.

15 (4) Upon request of the primary health care provider, pesticide
16 applicators or employers shall make available to that provider any
17 available information on pesticide applications which may have affected
18 the health of the provider's patient. This information is to be used
19 only for the purposes of providing health care services to the patient.

20 (5) Any failure of the primary health care provider to make the
21 reports required under this section may be cause for the department of
22 (~~social and health services~~) health to submit information about such
23 nonreporting to the applicable disciplining authority for the provider
24 under RCW 18.130.040.

25 (6) No cause of action shall arise as the result of: (a) The
26 failure to report under this section; or (b) any report submitted to
27 the department of (~~social and health services~~) health under this
28 section.

1 (7) For the purposes of this section, a suspected case of pesticide
2 poisoning is a case in which the diagnosis is thought more likely than
3 not to be pesticide poisoning.

4 **Sec. 361.** RCW 70.104.057 and 1989 c 380 s 73 are each amended to
5 read as follows:

6 The department of (~~social and health services~~) health, after
7 seeking advice from the state board of health, local health officers,
8 and state and local medical associations, shall develop a program of
9 medical education to alert physicians and other health care providers
10 to the symptoms, diagnosis, treatment, and reporting of pesticide
11 poisonings.

12 **Sec. 362.** RCW 70.104.060 and 1971 ex.s. c 41 s 6 are each amended
13 to read as follows:

14 In order effectively to prevent human illness due to pesticides and
15 to carry out the requirements of this chapter, the department of
16 (~~social and health services~~) health is authorized to provide
17 technical assistance and consultation regarding health effects of
18 pesticides to physicians and other agencies, and is authorized to
19 operate an analytical chemical laboratory and may provide analytical
20 and laboratory services to physicians and other agencies to determine
21 pesticide levels in human and other tissues, and appropriate
22 environmental samples.

23 **Sec. 363.** RCW 70.104.080 and 1989 c 380 s 68 are each amended to
24 read as follows:

25 (1) There is hereby created a pesticide incident reporting and
26 tracking review panel consisting of the following members:

1 (a) The directors, secretaries, or designees of the departments of
2 labor and industries, agriculture, natural resources, wildlife, and
3 ecology;

4 (b) The director of the department of (~~social and health~~
5 ~~services~~) health or his or her designee, who shall serve as the
6 coordinating agency for the review panel;

7 (c) The chair of the department of environmental health of the
8 University of Washington, or his or her designee;

9 (d) The pesticide coordinator and specialist of the cooperative
10 extension at Washington State University or his or her designee;

11 (e) A representative of the Washington poison control center
12 network;

13 (f) A practicing toxicologist and a member of the general public,
14 who shall each be appointed by the governor for terms of two years and
15 may be appointed for a maximum of four terms at the discretion of the
16 governor. The governor may remove either member prior to the
17 expiration of his or her term of appointment for cause. Upon the
18 death, resignation, or removal for cause of a member of the review
19 panel, the governor shall fill such vacancy, within thirty days of its
20 creation, for the remainder of the term in the manner herein prescribed
21 for appointment to the review panel.

22 (2) The review panel shall be chaired by the secretary of the
23 department of (~~social and health services~~) health, or designee. The
24 members of the review panel shall meet at least monthly at a time and
25 place specified by the chair, or at the call of a majority of the
26 review panel.

27 **Sec. 364.** RCW 70.104.090 and 1989 c 380 s 69 are each amended to
28 read as follows:

1 The responsibilities of the review panel shall include, but not be
2 limited to:

3 (1) Establishing guidelines for centralizing the receipt of
4 information relating to actual or alleged health and environmental
5 incidents involving pesticides;

6 (2) Reviewing and making recommendations for procedures for
7 investigation of pesticide incidents, which shall be implemented by the
8 appropriate agency unless a written statement providing the reasons for
9 not adopting the recommendations is provided to the review panel;

10 (3) Monitoring the time periods required for response to reports of
11 pesticide incidents by the departments of agriculture, (~~social and~~
12 ~~health services~~) health, and labor and industries;

13 (4) At the request of the chair or any panel member, reviewing
14 pesticide incidents of unusual complexity or those that cannot be
15 resolved;

16 (5) Identifying inadequacies in state and/or federal law that
17 result in insufficient protection of public health and safety, with
18 specific attention to advising the appropriate agencies on the adequacy
19 of pesticide reentry intervals established by the federal environmental
20 protection agency and registered pesticide labels to protect the health
21 and safety of farmworkers. The panel shall establish a priority list
22 for reviewing reentry intervals, which considers the following
23 criteria:

24 (a) Whether the pesticide is being widely used in labor-intensive
25 agriculture in Washington;

26 (b) Whether another state has established a reentry interval for
27 the pesticide that is longer than the existing federal reentry
28 interval;

29 (c) The toxicity category of the pesticide under federal law;

1 (d) Whether the pesticide has been identified by a federal or state
2 agency or through a scientific review as presenting a risk of cancer,
3 birth defects, genetic damage, neurological effects, blood disorders,
4 sterility, menstrual dysfunction, organ damage, or other chronic or
5 subchronic effects; and

6 (e) Whether reports or complaints of ill effects from the pesticide
7 have been filed following worker entry into fields to which the
8 pesticide has been applied; and

9 (6) Reviewing and approving an annual report prepared by the
10 department of (~~social and health services~~) health to the governor,
11 agency heads, and members of the legislature, with the same available
12 to the public. The report shall include, at a minimum:

13 (a) A summary of the year's activities;

14 (b) A synopsis of the cases reviewed;

15 (c) A separate descriptive listing of each case in which adverse
16 health or environmental effects due to pesticides were found to occur;

17 (d) A tabulation of the data from each case;

18 (e) An assessment of the effects of pesticide exposure in the
19 workplace;

20 (f) The identification of trends, issues, and needs; and

21 (g) Any recommendations for improved pesticide use practices.

22 **Sec. 365.** RCW 70.116.010 and 1977 ex.s. c 142 s 1 are each amended
23 to read as follows:

24 The legislature hereby finds that an adequate supply of potable
25 water for domestic, commercial, and industrial use is vital to the
26 health and well-being of the people of the state. Readily available
27 water for use in public water systems is limited and should be
28 developed and used efficiently with a minimum of loss or waste.

1 In order to maximize efficient and effective development of the
2 state's public water supply systems, the department of (~~social and~~
3 ~~health services~~) health shall assist water purveyors by providing a
4 procedure to coordinate the planning of the public water supply
5 systems.

6 **Sec. 366.** RCW 70.116.030 and 1977 ex.s. c 142 s 3 are each amended
7 to read as follows:

8 Unless the context clearly requires otherwise, the following terms
9 when used in this chapter shall be defined as follows:

10 (1) "Coordinated water system plan" means a plan for public water
11 systems within a critical water supply service area which identifies
12 the present and future needs of the systems and sets forth means for
13 meeting those needs in the most efficient manner possible. Such a plan
14 shall include provisions for subsequently updating the plan. In areas
15 where more than one water system exists, a coordinated plan may consist
16 of either: (a) A new plan developed for the area following its
17 designation as a critical water supply service area; or (b) a
18 compilation of compatible water system plans existing at the time of
19 such designation and containing such supplementary provisions as are
20 necessary to satisfy the requirements of this chapter. Any such
21 coordinated plan must include provisions regarding: Future service
22 area designations; assessment of the feasibility of shared source,
23 transmission, and storage facilities; emergency inter-ties; design
24 standards; and other concerns related to the construction and operation
25 of the water system facilities.

26 (2) "Critical water supply service area" means a geographical area
27 which is characterized by a proliferation of small, inadequate water
28 systems, or by water supply problems which threaten the present or
29 future water quality or reliability of service in such a manner that

1 efficient and orderly development may best be achieved through
2 coordinated planning by the water utilities in the area.

3 (3) "Public water system" means any system providing water intended
4 for, or used for, human consumption or other domestic uses. It
5 includes, but is not limited to, the source, treatment for purifying
6 purposes only, storage, transmission, pumping, and distribution
7 facilities where water is furnished to any community, or number of
8 individuals, or is made available to the public for human consumption
9 or domestic use, but excluding water systems serving one single family
10 residence. However, systems existing on September 21, 1977 which are
11 owner operated and serve less than ten single family residences or
12 which serve only one industrial plant shall be excluded from this
13 definition and the provisions of this chapter.

14 (4) "Purveyor" means any agency or subdivision of the state or any
15 municipal corporation, firm, company, mutual or cooperative
16 association, institution, partnership, or person or any other entity,
17 that owns or operates for wholesale or retail service a public water
18 system. It also means the authorized agents of any such entities.

19 (5) "Secretary" means the secretary of the department of (~~social~~
20 ~~and health services~~) health or the secretary's authorized
21 representative.

22 (6) "Service area" means a specific geographical area serviced or
23 for which service is planned by a purveyor.

24 **Sec. 367.** RCW 70.118.020 and 1977 ex.s. c 133 s 2 are each amended
25 to read as follows:

26 As used in this chapter, the terms defined in this section shall
27 have the meanings indicated unless the context clearly indicates
28 otherwise.

1 (1) "Nonwater-carried sewage disposal devices" means any device
2 that stores and treats nonwater-carried human urine and feces.

3 (2) "Alternative methods of effluent disposal" means systems
4 approved by the department of (~~social and health services~~) health,
5 including at least, mound systems, alternating drain fields, anaerobic
6 filters, evapotranspiration systems, and aerobic systems.

7 (3) "Failure" means: (a) Effluent has been discharged on the
8 surface of the ground prior to approved treatment; or (b) effluent has
9 percolated to the surface of the ground; or (c) effluent has
10 contaminated or threatens to contaminate a ground water supply.

11 **Sec. 368.** RCW 70.118.040 and 1977 ex.s. c 133 s 4 are each amended
12 to read as follows:

13 With the advice of the secretary of the department of (~~social and~~
14 ~~health services~~) health, local boards of health are hereby authorized
15 to waive applicable sections of local plumbing and/or building codes
16 that might prohibit the use of an alternative method for correcting a
17 failure.

18 **Sec. 369.** RCW 70.119.020 and 1983 c 292 s 2 are each amended to
19 read as follows:

20 As used in this chapter unless context requires another meaning:

21 (1) "Board" means the board established pursuant to RCW 70.95B.070
22 which shall be known as the water and waste water operator
23 certification board of examiners.

24 (2) "Certificate" means a certificate of competency issued by the
25 secretary stating that the operator has met the requirements for the
26 specified operator classification of the certification program.

27 (3) "Department" means the department of (~~social and health~~
28 ~~services~~) health.

1 (4) "Distribution system" means that portion of a public water
2 supply system which stores, transmits, pumps and distributes water to
3 consumers.

4 (5) "Nationally recognized association of certification
5 authorities" shall mean an organization which serves as an information
6 center for certification activities, recommends minimum standards and
7 guidelines for classification of potable water treatment plants, water
8 distribution systems and waste water facilities and certification of
9 operators, facilitates reciprocity between state programs and assists
10 authorities in establishing new certification programs and updating
11 existing ones.

12 (6) "Certified operator" means an individual employed or appointed
13 by any county, water district, municipality, public or private
14 corporation, company, institution, person, or the state of Washington
15 who is designated by the employing or appointing officials as the
16 person responsible for active daily technical operation.

17 (7) "Public water supply system" means any water supply system
18 intended or used for human consumption or other domestic uses,
19 including source, treatment, storage, transmission and distribution
20 facilities where water is furnished to any community or group of
21 individuals, or is made available to the public for human consumption
22 or domestic use, but excluding all water supply systems serving one
23 single family residence.

24 (8) "Purification plant" means that portion of a public water
25 supply system which treats or improves the physical, chemical or
26 bacteriological quality of the system's water to bring the water into
27 compliance with state board of health standards.

28 (9) "Secretary" means the secretary of the department of (~~social~~
29 ~~and health services~~) health.

1 **Sec. 370.** RCW 70.119A.020 and 1989 c 422 s 2 are each amended to
2 read as follows:

3 Unless the context clearly requires otherwise, the following
4 definitions apply throughout this chapter:

5 (1) "Department" means the department of (~~social and health~~
6 ~~services~~) health.

7 (2) "Local board of health" means the city, town, county, or
8 district board of health.

9 (3) "Local health jurisdiction" means an entity created under
10 chapter 70.05, 70.08, or 70.46 RCW which provides public health
11 services to persons within the area.

12 (4) "Public water system" means any system, excluding a system
13 serving only one single-family residence, which provides piped water
14 for human consumption, including:

15 (a) Any collection, treatment, storage, and distribution facilities
16 under control of the purveyor and used primarily in connection with
17 such system; and

18 (b) Any collection or pretreatment storage facilities not under
19 control of the purveyor which are primarily used in connection with
20 such system.

21 (5) "Order" means a written direction to comply with a provision of
22 the regulations adopted under RCW 43.20.050(2)(a) or 70.119.050 or to
23 take an action or a series of actions to comply with the regulations.

24 (6) "Purveyor" means any agency or subdivision of the state or any
25 municipal corporation, firm, company, mutual(~~(7)~~) or cooperative
26 association, institution, partnership, or person or any other entity,
27 that owns or operates a public water system. It also means the
28 authorized agents of any such entities.

29 (7) "Regulations" means rules adopted to carry out the purposes of
30 this chapter.

1 (8) "Federal safe drinking water act" means the federal safe
2 drinking water act, 42 U.S.C. Sec. 300f et seq., as now in effect or
3 hereafter amended.

4 (9) "Local health officer" means the legally qualified physician
5 who has been appointed as the health officer for the city, town,
6 county, or district public health department.

7 (10) "Person" includes, but is not limited to, natural persons,
8 municipal corporations, governmental agencies, firms, companies, mutual
9 or cooperative associations, institutions, and partnerships. It also
10 means the authorized agents of any such entities.

11 (11) "Public health emergency" means a declaration by an authorized
12 health official of a situation in which either illness, or exposure
13 known to cause illness, is occurring or is imminent.

14 (12) "Secretary" means the secretary of the department of (~~social~~
15 ~~and health services~~) health.

16 (13) "State board of health" is the board created by RCW 43.20.030.

17 **Sec. 371.** RCW 70.119A.080 and 1989 c 422 s 5 are each amended to
18 read as follows:

19 (1) The department shall administer a drinking water program which
20 includes, but is not limited to, those program elements necessary to
21 assume primary enforcement responsibility for part B, and section 1428
22 of part C of the federal safe drinking water act. No rule (~~or~~
23 ~~regulation~~) promulgated or implemented by the department of (~~social~~
24 ~~and health services~~) health or the state board of health for the
25 purpose of compliance with the requirements of the federal safe
26 drinking water act, 42 U.S.C. Sec. 300f et seq., shall be applicable to
27 public water systems to which that federal law is not applicable,
28 unless the department or the state board determines that such rule (~~or~~
29 ~~regulation~~) is necessary for the protection of public health.

1 (2) The department shall enter into an agreement of administration
2 with the department of ecology and any other appropriate agencies, to
3 administer the federal safe drinking water act.

4 (3) The department is authorized to accept federal grants for the
5 administration of a primary program.

6 **Sec. 372.** RCW 70.121.020 and 1987 c 184 s 1 are each amended to
7 read as follows:

8 Unless the context clearly requires a different meaning, the
9 definitions in this section apply throughout this chapter.

10 (1) "Department" means the department of (~~social and health~~
11 ~~services~~) health.

12 (2) "Secretary" means the secretary of (~~social and health~~
13 ~~services~~) health.

14 (3) "Site" means the restricted area as defined by the United
15 States nuclear regulatory commission.

16 (4) "Tailings" means the residue remaining after extraction of
17 uranium or thorium from the ore whether or not the residue is left in
18 piles, but shall not include ore bodies nor ore stock piles.

19 (5) "License" means a radioactive materials license issued under
20 chapter 70.98 RCW and the rules adopted under chapter 70.98 RCW.

21 (6) "Termination of license" means the cancellation of the license
22 after permanent cessation of operations. Temporary interruptions or
23 suspensions of production due to economic or other conditions are not
24 a permanent cessation of operations.

25 (7) "Milling" means grinding, cutting, working, or concentrating
26 ore which has been extracted from the earth by mechanical
27 (conventional) or chemical (in situ) processes.

28 (8) "Obligor-licensee" means any person who obtains a license to
29 operate a uranium or thorium mill in the state of Washington or any

1 person who owns the property on which the mill operates and who owes
2 money to the state for the licensing fee, for reclamation of the site,
3 for perpetual surveillance and maintenance of the site, or for any
4 other obligation owed the state under this chapter.

5 (9) "Statement of claim" means the document recorded or filed
6 pursuant to this chapter, which names an obligor-licensee, names the
7 state as obligee, describes the obligation owed to the state, and
8 describes property owned by the obligor-licensee on which a lien will
9 attach for the benefit of the state, and which creates the lien when
10 filed.

11 **Sec. 373.** RCW 70.127.010 and 1988 c 245 s 2 are each amended to
12 read as follows:

13 Unless the context clearly requires otherwise, the definitions in
14 this section apply throughout this chapter.

15 (1) "Branch office" means a location or site from which a home
16 health, hospice, or home care agency provides services within a portion
17 of the total geographic area served by the parent agency. The branch
18 office is part of the agency and is located sufficiently close to share
19 administration, supervision, and services.

20 (2) "Department" means the department of (~~social and health~~
21 ~~services~~) health.

22 (3) "Home care agency" means a private or public agency or
23 organization that administers or provides home care services directly
24 or through a contract arrangement to ill, disabled, or infirm persons
25 in places of temporary or permanent residence.

26 (4) "Home care services" means personal care services, homemaker
27 services, respite care services, or any other nonmedical services
28 provided to ill, disabled, or infirm persons which services enable

1 these persons to remain in their own residences consistent with their
2 desires, abilities, and safety.

3 (5) "Home health agency" means a private or public agency or
4 organization that administers or provides home health aide services or
5 two or more home health services directly or through a contract
6 arrangement to ill, disabled, or infirm persons in places of temporary
7 or permanent residence.

8 (6) "Home health services" means health or medical services
9 provided to ill, disabled, or infirm persons. These services may be of
10 an acute or maintenance care nature, and include but are not limited to
11 nursing services, home health aide services, physical therapy services,
12 occupational therapy services, speech therapy services, respiratory
13 therapy services, nutritional services, medical social services, and
14 medical supplies or equipment services.

15 (7) "Home health aide services" means services provided by a home
16 health agency or a hospice under the supervision of a registered nurse,
17 physical therapist, occupational therapist, or speech therapist. Such
18 care includes ambulation and exercise, assistance with self-
19 administered medications, reporting changes in patients' conditions and
20 needs, completing appropriate records, and personal care or homemaker
21 services needed to achieve medically desired results.

22 (8) "Homemaker services" means services that assist ill, disabled,
23 or infirm persons with household tasks essential to achieving adequate
24 household and family management.

25 (9) "Hospice agency" means a private or public agency or
26 organization administering or providing hospice care directly or
27 through a contract arrangement to terminally ill persons in places of
28 temporary or permanent residence by using an interdisciplinary team
29 composed of at least nursing, social work, physician, and pastoral or
30 spiritual counseling.

1 (10) "Hospice care" means: (a) Palliative care provided to a
2 terminally ill person in a place of temporary or permanent residence
3 that alleviates physical symptoms, including pain, as well as
4 alleviates the emotional and spiritual discomfort associated with
5 dying; and (b) bereavement care provided to the family of a terminally
6 ill person that alleviates the emotional and spiritual discomfort
7 associated with the death of a family member. Hospice care may include
8 health and medical services and personal care, respite, or homemaker
9 services. Family means individuals who are important to and designated
10 by the patient, and who need not be relatives.

11 (11) "Ill, disabled, or infirm persons" means persons who need home
12 health, hospice, or home care services in order to maintain themselves
13 in their places of temporary or permanent residence.

14 (12) "Personal care services" means services that assist ill,
15 disabled, or infirm persons with dressing, feeding, and personal
16 hygiene to facilitate self-care.

17 (13) "Respite care services" means services that assist or support
18 the primary care giver on a scheduled basis.

19 **Sec. 374.** RCW 70.142.020 and 1984 c 187 s 2 are each amended to
20 read as follows:

21 The state board of health shall conduct public hearings and
22 establish by rule monitoring requirements for chemical contaminants in
23 public water supplies. Results of tests conducted pursuant to such
24 requirements shall be submitted to the department of (~~social and~~
25 ~~health services~~) health and to the local health department. The state
26 board of health may review and revise monitoring requirements for
27 chemical contaminants.

1 **Sec. 375.** RCW 70.142.050 and 1984 c 187 s 4 are each amended to
2 read as follows:

3 Public water supply systems as defined by RCW 70.119.020 that the
4 state board of health or local health department determines do not
5 comply with the water quality standards applicable to the system shall
6 immediately initiate preparation of a corrective plan designed to meet
7 or exceed the minimum standards for submission to the department of
8 ~~((social and health services))~~ health. The owner of such system shall
9 within one year take any action required to bring the water into full
10 compliance with the standards(~~(:—PROVIDED, That)~~). The department of
11 ~~((social and health services))~~ health may require compliance as
12 promptly as necessary to abate an immediate public health threat or may
13 extend the period of compliance if substantial new construction is
14 required: PROVIDED FURTHER, That the extension shall be granted only
15 upon a determination by the department, after a public hearing, that
16 the extension will not pose an imminent threat to public health. Each
17 such system shall include a notice identifying the water quality
18 standards exceeded, and the amount by which the water tested exceeded
19 the standards, in all customer bills mailed after such determination.
20 The notification shall continue until water quality tests conducted in
21 accordance with this chapter establish that the system meets or exceeds
22 the minimum standards.

23 **Sec. 376.** RCW 74.15.060 and 1989 1st ex.s. c 9 s 265 are each
24 amended to read as follows:

25 The secretary of health shall have the power and it shall be his or
26 her duty:

27 In consultation with the children's services advisory committee and
28 with the advice and assistance of persons representative of the various
29 type agencies to be licensed, to develop minimum requirements

1 pertaining to each category of agency established pursuant to chapter
2 74.15 RCW and RCW 74.13.031, necessary to promote the health of all
3 persons residing therein.

4 The secretary of health or the city, county, or district health
5 department designated by ((him)) the secretary shall have the power and
6 the duty:

7 (1) To make or cause to be made such inspections and investigations
8 of agencies as may be deemed necessary; and

9 (2) To issue to applicants for licenses hereunder who comply with
10 the requirements adopted hereunder, a certificate of compliance, a copy
11 of which shall be presented to the department of social and health
12 services before a license shall be issued, except that a provisional
13 license may be issued as provided in RCW 74.15.120.

14 NEW SECTION. Sec. 377. A new section is added to chapter 43.70
15 RCW to read as follows:

16 This section governs the denial of an application for a license or
17 the suspension, revocation, or modification of a license by the
18 department. This section does not govern actions taken under chapter
19 18.130 RCW.

20 (1) The department shall give written notice of the denial of an
21 application for a license to the applicant or his or her agent. The
22 department shall give written notice of revocation, suspension, or
23 modification of a license to the licensee or his or her agent. The
24 notice shall state the reasons for the action. The notice shall be
25 personally served in the manner of service of a summons in a civil
26 action or shall be given in an other manner that shows proof of
27 receipt.

28 (2) Except as otherwise provided in this subsection and in
29 subsection (4) of this section, revocation, suspension, or modification

1 is effective twenty-eight days after the licensee or the agent receives
2 the notice.

3 (a) The department may make the date the action is effective later
4 than twenty-eight days after receipt. If the department does so, it
5 shall state the effective date in the written notice given the licensee
6 or agent.

7 (b) The department may make the date the action is effective sooner
8 than twenty-eight days after receipt when necessary to protect the
9 public health, safety, or welfare. When the department does so, it
10 shall state the effective date and the reasons supporting the effective
11 date in the written notice given to the licensee or agent.

12 (3) A license applicant or licensee who is aggrieved by a
13 department denial, revocation, suspension, or modification has the
14 right to an adjudicative proceeding. The proceeding is governed by the
15 Administrative Procedure Act, chapter 34.05 RCW. The application must
16 be in writing, state the basis for contesting the adverse action,
17 include a copy of the adverse notice, be served on and received by the
18 department within twenty-eight days of the license applicant's or
19 licensee's receiving the adverse notice, and be served in a manner that
20 shows proof of receipt.

21 (4) (a) If the department gives a licensee twenty-eight or more
22 days notice of revocation, suspension, or modification and the licensee
23 files an appeal before its effective date, the department shall not
24 implement the adverse action until the final order has been entered.
25 The presiding or reviewing officer may permit the department to
26 implement part or all of the adverse action while the proceedings are
27 pending if the appellant causes an unreasonable delay in the
28 proceeding, if the circumstances change so that implementation is in
29 the public interest, or for other good cause.

1 (b) If the department gives a licensee less than twenty-eight days
2 notice of revocation, suspension, or modification and the licensee
3 timely files a sufficient appeal, the department may implement the
4 adverse action on the effective date stated in the notice. The
5 presiding or reviewing officer may order the department to stay
6 implementation of part or all of the adverse action while the
7 proceedings are pending if staying implementation is in the public
8 interest or for other good cause.

9 NEW SECTION. **Sec. 378.** A new section is added to chapter 43.70
10 RCW to read as follows:

11 This section governs the assessment of a civil fine against a
12 person by the department. This section does not govern actions taken
13 under chapter 18.130 RCW.

14 (1) The department shall give written notice to the person against
15 whom it assesses a civil fine. The notice shall state the reasons for
16 the adverse action. The notice shall be personally served in the
17 manner of service of a summons in a civil action or shall be given in
18 an other manner that shows proof of receipt.

19 (2) Except as otherwise provided in subsection (4) of this section,
20 the civil fine is due and payable twenty-eight days after receipt. The
21 department may make the date the fine is due later than twenty-eight
22 days after receipt. When the department does so, it shall state the
23 effective date in the written notice given the person against whom it
24 assesses the fine.

25 (3) The person against whom the department assesses a civil fine
26 has the right to an adjudicative proceeding. The proceeding is
27 governed by the Administrative Procedure Act, chapter 34.05 RCW. The
28 application must be in writing, state the basis for contesting the
29 fine, include a copy of the adverse notice, be served on and received

1 by the department within twenty-eight days of the person's receiving
2 the notice of civil fine, and be served in a manner which shows proof
3 of receipt.

4 (4) If the person files a timely and sufficient appeal, the
5 department shall not implement the action until the final order has
6 been served. The presiding or reviewing officer may permit the
7 department to implement part or all of the action while the proceedings
8 are pending if the appellant causes an unreasonable delay in the
9 proceedings or for other good cause.