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**SUBSTITUTE SENATE BILL 5635**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** Senate Committee on Health & Long-Term Care (originally sponsored by Senator West).

Read first time March 6, 1991.

1       AN ACT Relating to advanced registered nurse practitioners;  
2 amending RCW 18.88.010, 18.88.080, 18.88.160, 18.88.175, 18.88.220,  
3 18.88.280, 18.120.020, 18.130.040, 48.21.141, 48.44.290, 69.41.030,  
4 69.45.010, 70.127.250, 71.05.210, 74.42.010, and 74.42.230; reenacting  
5 and amending RCW 69.41.010 and 69.50.101; adding new sections to  
6 chapter 18.88 RCW; creating a new section; and declaring an emergency.

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

8       NEW SECTION.   **Sec. 1.**   LEGISLATIVE INTENT.   The legislature finds  
9 that the prescribing of legend drugs and controlled substances by  
10 nurses is an activity requiring specialized knowledge and training  
11 beyond the level of a registered nurse.

12       The legislature further finds that appropriate systems to monitor  
13 prescribing practices of nurses must be established in order to assure  
14 the safe and effective prescribing of these drugs.

1 The legislature further finds that the development of educational  
2 and training requirements necessary to prescribe drugs, practice  
3 protocols to assure safe and effective prescribing practices, systems  
4 to monitor the prescribing of drugs, and the discipline of nurses  
5 authorized to prescribe drugs should jointly be done by the medical and  
6 nursing professions.

7 The legislature declares that an advanced level of nursing should  
8 be established whose members are authorized to prescribe drugs. The  
9 legislature further declares that the prescribing of drugs should be  
10 regulated by a separate board comprised of representatives of both the  
11 medical and nursing professions.

12 NEW SECTION. **Sec. 2.** DEFINITIONS. Unless the context clearly  
13 requires otherwise, the definitions in this section apply throughout  
14 this chapter.

15 (1) "Advanced registered nurse practitioner" means an individual  
16 licensed under this chapter.

17 (2) "Advanced registered nurse practitioner board" means the state  
18 board of advanced registered nurse practitioners appointed by the  
19 governor.

20 (3) "Binding consultation" means a formal arrangement between the  
21 advanced registered nurse practitioner and one or more health care  
22 professionals regulated under chapter 18.22, 18.32, 18.57, or 18.71  
23 RCW. The purpose of binding consultation is to allow the health care  
24 professional to critically evaluate the acts performed by the advanced  
25 registered nurse practitioner when using drugs requiring binding  
26 consultation under this chapter. Under binding consultation the health  
27 care professional has the authority to take or order corrective action  
28 when his or her professional judgment deems it necessary. Binding  
29 consultation shall not be construed so as to require direct and bodily

1 presence of the health care professional. Binding consultation  
2 arrangements shall be included in the prescriptive authority use plan  
3 required under this chapter.

4 (4) "Nonbinding consultation" means a formal arrangement between  
5 the advanced registered nurse practitioner and one or more health care  
6 professionals under chapter 18.22, 18.32, 18.57, or 18.71 RCW. The  
7 purpose of nonbinding consultation is to predetermine a health care  
8 practitioner that the advanced registered nurse practitioner will  
9 consult with while using drugs requiring consultation under chapter  
10 18.88 RCW. The health care professional consulted shall not have the  
11 authority to take or order corrective action if they disagree with the  
12 professional judgment of the advanced registered nurse practitioner.  
13 Consultation shall not be construed so as to require direct and bodily  
14 presence of the health care professional. Nonbinding consultation  
15 arrangements shall be included in the prescriptive authority use plan  
16 required under this chapter.

17 (5) "Prescribe" means for an advanced registered nurse practitioner  
18 to issue an order or a prescription for, or to dispense drugs or  
19 devices as permitted in section 12 of this act, drugs or devices for  
20 use by a patient for a legitimate medical purpose. Such an order may  
21 be in writing or orally transmitted and shall include a chart order for  
22 an inpatient of a licensed health care facility. Advanced registered  
23 nurse practitioners who are certified registered nurse anesthetists by  
24 the advanced registered nurse practitioner board are considered to be  
25 prescribing when they order preoperative or postoperative drugs and  
26 when they determine the drugs that they are administering to patients  
27 during surgical operations and procedures.

28 NEW SECTION. **Sec. 3.** SCOPE OF ADVANCED REGISTERED NURSE  
29 PRACTITIONER PRACTICE. An advanced registered nurse practitioner is a

1 registered nurse prepared in a formal educational program to assume an  
2 expanded role in providing health care services. This practice builds  
3 on previous knowledge and skill and utilizes in-depth knowledge of  
4 physical assessment and management of illnesses or conditions within  
5 the advanced registered nurse practitioner's scope of practice.  
6 Advanced registered nurse practice includes collaboration with other  
7 licensed health professionals such as physicians, pharmacists,  
8 podiatrists, dentists, and nurses. An advanced registered nurse  
9 practitioner shall:

10 (1) Hold a current license to practice as a registered nurse in  
11 Washington as provided in chapter 18.88 RCW; and

12 (2) Have completed an advanced formal education program in the area  
13 of specialty; and

14 (3) Have been granted a certification credential for specialized  
15 and advanced nursing practice granted by a national certifying body  
16 whose certification program is approved by the advanced registered  
17 nurse practitioner board.

18 NEW SECTION. **Sec. 4.** LICENSE REQUIRED. After July 1, 1992, no  
19 person may practice or represent oneself as an advanced registered  
20 nurse practitioner unless licensed as both a registered nurse and as an  
21 advanced registered nurse practitioner by the department under this  
22 chapter.

23 NEW SECTION. **Sec. 5.** TRANSITION PERIOD. Until July 1, 1992, and  
24 notwithstanding the provisions of sections 1 through 12 of this act,  
25 nurses licensed under this chapter and authorized by the board to  
26 prescribe legend drugs and schedule V controlled substances may  
27 continue to prescribe these drugs.

1        NEW SECTION.    **Sec. 6.**    STATE BOARD OF ADVANCED REGISTERED NURSE

2 PRACTITIONERS.    (1) There is created a state board of advanced  
3 registered nurse practitioners which shall consist of five members who  
4 are residents of this state. The governor shall make appointments to  
5 the board.

6        (2) The advanced registered nurse practitioner board shall be  
7 composed of:

8        (a) Two advanced registered nurse practitioner members who shall be  
9 licensed as advanced registered nurse practitioners under the  
10 provisions of this chapter, are actively engaged in their areas of  
11 practice at the time of appointment and have had five years of at least  
12 half-time experience in the clinical practice of nursing.

13        (b) Two physician members who shall be licensed as physicians under  
14 chapter 18.71 RCW or as osteopathic physicians under chapter 18.57 RCW,  
15 are actively engaged in their areas of practice at the time of  
16 appointment and have had five years of at least half-time experience in  
17 the clinical practice of medicine.

18        (c) One public member who shall not (i) be a member of another  
19 health professional regulatory board or advisory committee, (ii) hold  
20 a health occupational credential, (iii) have a fiduciary obligation to  
21 a health care facility, or (iv) have a material financial interest in  
22 the rendering of health care services.

23        (3) Advanced registered nurse practitioner board members shall  
24 serve for a term of three years until their successors are appointed  
25 and qualified, except that the initial appointments, which shall be  
26 made within ninety days after the effective date of this act, shall be  
27 as follows:

28        (a) One registered nurse practitioner, one physician, and the  
29 public member shall serve for three years;

1 (b) The remaining appointed board members shall serve for two  
2 years.

3 (4) Whenever a vacancy shall occur on the advanced registered nurse  
4 practitioner board by reason other than the expiration of a term of  
5 office, the governor shall appoint a successor of like qualifications  
6 for the remainder of the unexpired term. No person shall serve as a  
7 member of the board for more than two consecutive terms. No person may  
8 concurrently serve on the advanced registered nurse practitioner board  
9 and the boards regulating health care professions under chapters 18.57,  
10 18.71, 18.72 RCW, or the state board of nursing as authorized by this  
11 chapter.

12 (5) The governor may remove any appointed member from the advanced  
13 registered nurse practitioner board for neglect of any duty required by  
14 law, or for incompetency or unprofessional conduct as defined in  
15 chapter 18.130 RCW.

16 (6) The advanced registered nurse practitioner board shall hold  
17 regular annual meetings at which the public member shall serve as chair  
18 and the vice-chair shall be selected by the membership. Other meetings  
19 shall be held at such times as the rules of the advanced registered  
20 nurse practitioner board may provide. Special meetings may be held at  
21 such times as may be deemed necessary or advisable by the chair or by  
22 a majority of the members. Reasonable notice of all meetings shall be  
23 given in a manner prescribed by the rules of the advanced registered  
24 nurse practitioner board. A quorum of the board shall consist of the  
25 four health care professional members. The public member shall vote  
26 only on matters related to disciplinary activities of the advanced  
27 registered nurse practitioner board. The advanced registered nurse  
28 practitioner board shall work with and through the department.

29 (7) Each member of the advanced registered nurse practitioner board  
30 shall, in addition to travel expenses in accordance with RCW 43.03.050

1 and 43.03.060 while away from home, be compensated in accordance with  
2 federal per diem rates for health professionals. The board shall adopt  
3 by rule a schedule of rates that is in accord with federal rates and  
4 periodically update the schedule by rule.

5 NEW SECTION. **Sec. 7.** POWERS AND DUTIES OF THE ADVANCED REGISTERED  
6 NURSE PRACTITIONER BOARD AND THE BOARD OF NURSING WITH RESPECT TO  
7 ADVANCED REGISTERED NURSE PRACTITIONER PRACTICE. (1) In addition to  
8 any other authority provided by law, the advanced registered nurse  
9 practitioner board shall:

10 (a) Proscribe, publish, adopt and amend rules for the  
11 implementation of sections 1 through 12 of this act including rules  
12 that delineate qualifications for granting and regulating the  
13 prescriptive authority of advanced registered nurse practitioners for  
14 the use of legend drugs and controlled substances, schedules II through  
15 V;

16 (b) Establish standards of professional conduct and to serve as the  
17 disciplining authority for advanced registered nurse practitioners on  
18 all disciplinary matters;

19 (c) Create a drug list that separates all legend drugs and  
20 controlled substances into three categories: Those subject to binding  
21 consultation arrangements, those subject to the nonbinding consultation  
22 arrangements, and those requiring no consultation arrangements. The  
23 drug list may identify specific drugs or may identify classes of drugs.  
24 Initially, and until the advanced registered nurse practitioner board  
25 creates the drug list, all controlled substance schedules II through IV  
26 shall be subject to binding consultation, all schedule V controlled  
27 substances shall be subject to nonbinding consultation, and all legend  
28 drugs shall not require consultation with another health care provider.  
29 The advanced registered practitioner board, in consultation with the

1 state board of pharmacy, shall prepare and update the drug list  
2 requiring binding consultation, nonbinding consultation, and no  
3 consultation when deemed appropriate. When preparing the drug list the  
4 advanced registered nurse practitioner board shall use at least the  
5 following factors: The specialty of advanced registered nurse  
6 practitioner, the morbidity of the patient, and the risk of the  
7 treatment procedure.

8 (d) Recognize and consider the education and training of practicing  
9 nurses who were authorized by the advanced registered nurse  
10 practitioner board to have prescriptive authority for legend drugs and  
11 schedule V controlled substances prior to the effective date of this  
12 act. The advanced registered nurse practitioner board shall limit any  
13 additional education and training requiring of such persons to those  
14 areas relating to the additional prescriptive authority authorized  
15 under this chapter; and

16 (e) Establish the requirements for a prescriptive authority use  
17 plan that outlines procedures for nonbinding consultation and referral  
18 and binding consultation and referral.

19 (2) Except for provisions of subsection (1) of this section, all  
20 other matters pertaining to licensure of an advanced registered nurse  
21 practitioner shall be determined and governed by the state board of  
22 nursing. These matters include, but are not limited to, delineating  
23 the qualifications for licensure of advanced registered nurse  
24 practitioners; specifying requirements for the renewal of licensure;  
25 approving accrediting and certification bodies for the purpose of  
26 licensure of advanced registered nurse practitioners, approving  
27 curricula, establishing criteria for minimum standards for schools  
28 preparing persons for licensure under this chapter.

29 (3) The advanced registered nurse practitioner board and the board  
30 shall coordinate to assure the implementation of this chapter.



1        NEW SECTION.    **Sec. 8.**    DUTIES OF THE DEPARTMENT.    In mutual  
2 consultation with the advanced registered nurse practitioner board, the  
3 department shall:

4        (1) Establish forms and procedures necessary to administer sections  
5 1 through 12 of this act;

6        (2) Hire clerical, administrative, investigative, and other staff  
7 as needed to implement sections 1 through 12 of this act;

8        (3) Keep an official record of all proceedings.    A part of the  
9 record shall consist of a register of all applicants for licensure as  
10 an advanced registered nurse practitioner under this chapter and the  
11 results of each application; and

12        (4) To the extent possible the department shall minimize costs by  
13 coordinating whenever possible clerical, investigative, and  
14 administrative activities associated with the board and the advanced  
15 registered nurse practitioner board operation.

16        NEW SECTION.    **Sec. 9.**    QUALIFICATIONS OF APPLICANTS FOR LICENSE.

17 An applicant for a license to practice as an advanced registered nurse  
18 practitioner shall submit to the advanced registered nurse practitioner  
19 board (1) an attested written application on department forms; (2)  
20 written official evidence of diploma from an approved school of  
21 nursing; (3) proof of licensure as a registered nurse as provided for  
22 under this chapter; (4) a prescriptive authority use plan for binding  
23 consultation and referral and nonbinding consultation and referral as  
24 established in section 7 of this act; and (5) any other official  
25 records specified by the advanced registered nurse practitioner board.  
26 The applicant at the time of such submission must not be in violation  
27 of chapter 18.130 RCW or any provision of this chapter.

1        NEW SECTION.    **Sec. 10.**    CREDENTIALING BY ENDORSEMENT.    Upon  
2 advanced registered nurse practitioner board approval of the  
3 application, the department shall issue a license by endorsement to  
4 practice as an advanced registered nurse practitioner to an applicant  
5 who is duly credentialed as a registered nurse and an advanced  
6 registered nurse practitioner, or its equivalent, under the laws of  
7 another state, territory or possession of the United States if the  
8 advanced registered nurse practitioner board determines that the other  
9 state's credentialing standards are substantially equivalent to the  
10 standards in this state.

11        NEW SECTION.    **Sec. 11.**    USE OF NOMENCLATURE.    Any person who holds  
12 a license to practice as an advanced registered nurse practitioner in  
13 this state shall have the right to use the title "advanced registered  
14 nurse practitioner" and the abbreviations "ARNP" or "A.R.N.P.".    No  
15 other person shall assume such title or use such abbreviation or any  
16 other words, letters, signs, or figures to indicate that the person  
17 using them is an advanced registered nurse practitioner.

18        NEW SECTION.    **Sec. 12.**    EMERGENCY DISPENSING OF CONTROLLED  
19 SUBSTANCES.    Dispensing of controlled substances under schedules II  
20 through V is limited to emergency situations.    In such an emergency,  
21 dispensing is limited to a maximum of a forty-eight hour supply of the  
22 prescribed controlled substance.

23        **Sec. 13.**    RCW 18.88.010 and 1973 c 133 s 1 are each amended to read  
24 as follows:

25        In order to safeguard life, health and to promote public welfare,  
26 any person practicing or offering to practice nursing as a registered  
27 nurse or as an advanced registered nurse practitioner in this state

1 shall hereafter be required to submit evidence that he or she is  
2 qualified so to practice, and shall be licensed as hereinafter  
3 provided. The registered nurse ~~((is))~~ and the advanced registered  
4 nurse practitioner are directly accountable and responsible to the  
5 individual consumer for the quality of nursing care rendered.

6 **Sec. 14.** RCW 18.88.080 and 1988 c 211 s 8 are each amended to read  
7 as follows:

8 The board may adopt such rules ~~((and regulations))~~ not inconsistent  
9 with the law, as may be necessary to enable it to carry into effect the  
10 provisions of this chapter. The board shall approve curricula and  
11 shall establish criteria for minimum standards for schools preparing  
12 persons for licensure under this chapter. It shall keep a record of  
13 all its proceedings and make such reports to the governor as may be  
14 required. The board shall define by ~~((regulation))~~ rule what  
15 constitutes specialized and advanced levels of nursing practice as  
16 recognized by the medical and nursing professions. The board shall not  
17 define specialized or advanced levels of practice involving surgery,  
18 the dispensing of drugs or devices, or the prescribing of legend drugs  
19 or controlled substances. The board may adopt ~~((regulations))~~ rules or  
20 issue advisory opinions in response to questions put to it by  
21 professional health associations, nursing practitioners, and consumers  
22 in this state concerning the authority of various categories of nursing  
23 practitioners to perform particular acts.

24 The board shall approve such schools of nursing as meet the  
25 requirements of this chapter and the board, and the board shall approve  
26 establishment of basic nursing education programs and shall establish  
27 criteria as to the need for and the size of a program and the type of  
28 program and the geographical location. The board shall establish  
29 criteria for proof of reasonable currency of knowledge and skill as a

1 basis for safe practice after three years inactive or lapsed status.  
2 The board shall establish criteria for licensure by endorsement. The  
3 board shall examine all applications for registration under this  
4 chapter, and shall certify to the director for licensing duly qualified  
5 applicants.

6 The department shall furnish to the board such secretarial,  
7 clerical and other assistance as may be necessary to effectively  
8 administer the provisions of this chapter. Each member of the board  
9 shall, in addition to travel expenses in accordance with RCW 43.03.050  
10 and 43.03.060 while away from home, be compensated in accordance with  
11 RCW 43.03.240.

12 **Sec. 15.** RCW 18.88.160 and 1985 c 7 s 68 are each amended to read  
13 as follows:

14 Each applicant for a license to practice as a registered nurse or  
15 a specialized or an advanced registered nurse practitioner shall pay a  
16 fee determined by the ~~((director))~~ secretary as provided in RCW  
17 43.24.086 to the state treasurer. All fees collected shall be used to  
18 support the activities of the board, the advanced registered nurse  
19 practitioner board, and the department for implementation of this  
20 chapter. The costs of supporting the board and the advanced registered  
21 nurse practitioner board and their activities shall be borne equally by  
22 all registered nurses and advanced registered nurses licensed under  
23 this chapter.

24 **Sec. 16.** RCW 18.88.175 and 1988 c 211 s 13 are each amended to  
25 read as follows:

26 Upon approval by the board, and when applicable, the advanced  
27 registered nurse practitioner board, and following verification of  
28 satisfactory completion of an advanced formal education, the department

1 of (~~licensing~~) health shall issue an interim permit authorizing the  
2 applicant to specialty practice (~~(specialized and)~~) or as an advanced  
3 nursing (~~(practice)~~) practitioner pending notification of the results  
4 of the first certification examination. The board and the advanced  
5 registered nurse practitioner board shall require persons practicing  
6 with an interim permit to be supervised by a health care practitioner  
7 regulated under chapter 18.71, 18.57, 18.22, 18.32 RCW, or this  
8 chapter. If the applicant passes the examination, the department shall  
9 grant advanced registered nurse practitioner status. If the applicant  
10 fails the examination, the interim permit shall expire upon  
11 notification and is not renewable. The holder of the interim permit is  
12 subject to chapter 18.130 RCW.

13 **Sec. 17.** RCW 18.88.220 and 1988 c 211 s 11 are each amended to  
14 read as follows:

15 A person licensed under the provisions of this chapter desiring to  
16 retire temporarily from the practice of nursing or as an advanced  
17 registered nurse practitioner in this state shall send a written notice  
18 to the (~~director~~) secretary.

19 Upon receipt of such notice the name of such person shall be placed  
20 on inactive status. While remaining on this status the person shall  
21 not practice nursing or as an advanced registered nurse practitioner in  
22 the state as provided in this chapter. When such person desires to  
23 resume practice, application for renewal of license shall be made to  
24 the board and renewal fee payable to the state treasurer. Persons on  
25 inactive status for three years or more must provide evidence of  
26 knowledge and skill of current practice as required by the board or as  
27 hereinafter in this chapter provided.

1       **Sec. 18.** RCW 18.88.280 and 1989 c 114 s 7 are each amended to read  
2 as follows:

3       This chapter shall not be construed as (1) prohibiting the  
4 incidental care of the sick by domestic servants or persons primarily  
5 employed as housekeepers, so long as they do not practice professional  
6 nursing within the meaning of this chapter, (2) or preventing any  
7 person from the domestic administration of family remedies or the  
8 furnishing of nursing assistance in case of emergency; (3) nor shall it  
9 be construed as prohibiting such practice of nursing by students  
10 enrolled in approved schools as may be incidental to their course of  
11 study nor shall it prohibit such students working as nursing aides; (4)  
12 nor shall it be construed as prohibiting auxiliary services provided by  
13 persons carrying out duties necessary for the support of nursing  
14 service including those duties which involve minor nursing services for  
15 persons performed in hospitals, nursing homes or elsewhere under the  
16 direction of licensed physicians or the supervision of licensed,  
17 registered nurses; (5) nor shall it be construed as prohibiting or  
18 preventing the practice of nursing in this state by any legally  
19 qualified nurse of another state or territory whose engagement requires  
20 him or her to accompany and care for a patient temporarily residing in  
21 this state during the period of one such engagement, not to exceed six  
22 months in length, if such person does not represent or hold himself or  
23 herself out as a nurse licensed to practice in this state; (6) nor  
24 shall it be construed as prohibiting nursing or care of the sick, with  
25 or without compensation, when done in connection with the practice of  
26 the religious tenets of any church by adherents thereof so long as they  
27 do not engage in the practice of nursing as defined in this chapter;  
28 (7) nor shall it be construed as prohibiting the practice of any  
29 legally qualified nurse of another state who is employed by the United  
30 States government or any bureau, division or agency thereof, while in

1 the discharge of his or her official duties; (8) permitting the  
2 measurement of the powers or range of human vision, or the  
3 determination of the accommodation and refractive state of the human  
4 eye or the scope of its functions in general, or the fitting or  
5 adaptation of lenses or frames for the aid thereof; (9) permitting the  
6 prescribing or directing the use of, or using, any optical device in  
7 connection with ocular exercises, visual training, vision training or  
8 orthoptics; (10) permitting the prescribing of contact lenses for, or  
9 the fitting or adaptation of contact lenses to, the human eye; (11)  
10 prohibiting the performance of routine visual screening; (12)  
11 permitting the practice of dentistry or dental hygiene as defined in  
12 chapters 18.32 and 18.29 RCW respectively; (13) permitting the practice  
13 of chiropractic as defined in chapter 18.25 RCW including the  
14 adjustment or manipulation of the articulations of the spine; (14)  
15 permitting the practice of (~~pediatry~~) podiatric medicine and surgery  
16 as defined in chapter 18.22 RCW; (15) permitting the performance of  
17 major surgery, except such minor surgery as the advanced registered  
18 nurse practitioner board may have specifically authorized by rule (~~or~~  
19 ~~regulation duly~~) adopted in accordance with the provisions of chapter  
20 34.05 RCW; (16) permitting the prescribing of legend drugs and  
21 controlled substances as defined in schedules I through (~~IV~~) V of the  
22 Uniform Controlled Substances Act, chapter 69.50 RCW, except as  
23 provided for in this chapter provided that no entity regulated pursuant  
24 to Title 48 RCW shall be required to reimburse license holders under  
25 this chapter performing such services or related services; (17)  
26 prohibiting the determination and pronouncement of death.

27       **Sec. 19.** RCW 18.120.020 and 1989 c 300 s 14 are each amended to  
28 read as follows:

1 The definitions contained in this section shall apply throughout  
2 this chapter unless the context clearly requires otherwise.

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

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

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

19 (4) "Health professions" means and includes the following health  
20 and health-related licensed or regulated professions and occupations:  
21 ((Podiatry)) Podiatric medicine and surgery under chapter 18.22 RCW;  
22 chiropractic under chapters 18.25 and 18.26 RCW; dental hygiene under  
23 chapter 18.29 RCW; dentistry under chapter 18.32 RCW; dispensing  
24 opticians under chapter 18.34 RCW; hearing aids under chapter 18.35  
25 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral  
26 directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW;  
27 nursing home administration under chapter 18.52 RCW; optometry under  
28 chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW;  
29 osteopathy and osteopathic medicine and surgery under chapters 18.57  
30 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine



1 under chapters 18.71, 18.71A, and 18.72 RCW; emergency medicine under  
2 chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical  
3 nurses under chapter 18.78 RCW; psychologists under chapter 18.83 RCW;  
4 registered nurses under chapter 18.88 RCW; advanced registered nurse  
5 practitioners under chapter 18.88 RCW; occupational therapists licensed  
6 pursuant to chapter 18.59 RCW; respiratory care practitioners certified  
7 under chapter 18.89 RCW; veterinarians and animal technicians under  
8 chapter 18.92 RCW; health care assistants under chapter 18.135 RCW;  
9 massage practitioners under chapter 18.108 RCW; acupuncturists  
10 certified under chapter 18.06 RCW; persons registered or certified  
11 under chapter 18.19 RCW; dietitians and nutritionists certified by  
12 chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW; and  
13 nursing assistants registered or certified under chapter 18.88A RCW.

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

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

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

27 (8) "Professional license" means an individual, nontransferable  
28 authorization to carry on a health activity based on qualifications  
29 which include: (a) Graduation from an accredited or approved program,

1 and (b) acceptable performance on a qualifying examination or series of  
2 examinations.

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

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

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

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

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

26 **Sec. 20.** RCW 18.130.040 and 1990 c 3 s 810 are each amended to  
27 read as follows:

28 (1) This chapter applies only to the secretary and the boards  
29 having jurisdiction in relation to the professions licensed under the

1 chapters specified in this section. This chapter does not apply to any  
2 business or profession not licensed under the chapters specified in  
3 this section.

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

6 (i) Dispensing opticians licensed under chapter 18.34 RCW;

7 (ii) Naturopaths licensed under chapter 18.36A RCW;

8 (iii) Midwives licensed under chapter 18.50 RCW;

9 (iv) Ocularists licensed under chapter 18.55 RCW;

10 (v) Massage operators and businesses licensed under chapter 18.108  
11 RCW;

12 (vi) Dental hygienists licensed under chapter 18.29 RCW;

13 (vii) Acupuncturists certified under chapter 18.06 RCW;

14 (viii) Radiologic technologists certified under chapter 18.84 RCW;

15 (ix) Respiratory care practitioners certified under chapter 18.89  
16 RCW;

17 (x) Persons registered or certified under chapter 18.19 RCW;

18 (xi) Persons registered as nursing pool operators;

19 (xii) Nursing assistants registered or certified under chapter  
20 18.52B RCW;

21 (xiii) Dietitians and nutritionists certified under chapter 18.138  
22 RCW; and

23 (xiv) Sex offender treatment providers certified under chapter  
24 18.155 RCW.

25 (b) The boards having authority under this chapter are as follows:

26 (i) The ((~~podiatry~~)) podiatric medical board as established in  
27 chapter 18.22 RCW;

28 (ii) The chiropractic disciplinary board as established in chapter  
29 18.26 RCW governing licenses issued under chapter 18.25 RCW;

1 (iii) The dental disciplinary board as established in chapter 18.32  
2 RCW;

3 (iv) The council on hearing aids as established in chapter 18.35  
4 RCW;

5 (v) The board of funeral directors and embalmers as established in  
6 chapter 18.39 RCW;

7 (vi) The board of examiners for nursing home administrators as  
8 established in chapter 18.52 RCW;

9 (vii) The optometry board as established in chapter 18.54 RCW  
10 governing licenses issued under chapter 18.53 RCW;

11 (viii) The board of osteopathic medicine and surgery as established  
12 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
13 18.57A RCW;

14 (ix) The medical disciplinary board as established in chapter 18.72  
15 RCW governing licenses and registrations issued under chapters 18.71  
16 and 18.71A RCW;

17 (x) The board of physical therapy as established in chapter 18.74  
18 RCW;

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

21 (xii) The board of practical nursing as established in chapter  
22 18.78 RCW;

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

25 (xiv) The board of nursing as established in chapter 18.88 RCW; and  
26 (xv) The board of advanced registered nurse practitioners as  
27 established in chapter 18.88 RCW;

28 (xvi) The veterinary board of governors as established in chapter  
29 18.92 RCW.

1 (3) In addition to the authority to discipline license holders, the  
2 disciplining authority has the authority to grant or deny licenses  
3 based on the conditions and criteria established in this chapter and  
4 the chapters specified in subsection (2) of this section. However, the  
5 board of chiropractic examiners has authority over issuance and denial  
6 of licenses provided for in chapter 18.25 RCW, the board of dental  
7 examiners has authority over issuance and denial of licenses provided  
8 for in RCW 18.32.040, and the board of medical examiners has authority  
9 over issuance and denial of licenses and registrations provided for in  
10 chapters 18.71 and 18.71A RCW. This chapter also governs any  
11 investigation, hearing, or proceeding relating to denial of licensure  
12 or issuance of a license conditioned on the applicant's compliance with  
13 an order entered pursuant to RCW 18.130.160 by the disciplining  
14 authority.

15 **Sec. 21.** RCW 48.21.141 and 1973 1st ex.s. c 188 s 4 are each  
16 amended to read as follows:

17 Notwithstanding any provision of any group disability insurance  
18 contract or blanket disability insurance contract as provided for in  
19 this chapter, benefits shall not be denied thereunder for any health  
20 service performed by a holder of a license issued pursuant to chapter  
21 18.88 RCW if (1) the service performed was within the lawful scope of  
22 such person's license, and (2) such contract would have provided  
23 benefits if such service had been performed by a holder of a license  
24 issued pursuant to chapter 18.71 RCW: PROVIDED, HOWEVER, That no  
25 provision of chapter 18.71 RCW shall be asserted to deny benefits under  
26 this section.

27 The provisions of this section are intended to be remedial and  
28 procedural to the extent they do not impair the obligation of any  
29 existing contract.

1 No provision of this chapter shall be construed to require that  
2 services provided by registered nurses or advanced registered nurse  
3 practitioners be reimbursed on the same basis as if those same services  
4 were delivered by another authorized provider of care. The legislature  
5 recognizes that various provider types may be reimbursed at different  
6 rates pursuant to different considerations. No provision of the  
7 mandate otherwise required by this section shall apply to any health  
8 care service performed by an advanced registered nurse practitioner  
9 licensed pursuant to chapter 18.88 RCW.

10 **Sec. 22.** RCW 48.44.290 and 1986 c 223 s 6 are each amended to read  
11 as follows:

12 Notwithstanding any provision of this chapter, for any health care  
13 service contract thereunder which is entered into or renewed after July  
14 26, 1981, benefits shall not be denied under such contract for any  
15 health care service performed by a holder of a license issued pursuant  
16 to chapter 18.88 RCW if (1) the service performed was within the lawful  
17 scope of such person's license, and (2) such contract would have  
18 provided benefits if such service had been performed by a holder of a  
19 license issued pursuant to chapter 18.71 RCW: PROVIDED, HOWEVER, That  
20 no provision of chapter 18.71 RCW shall be asserted to deny benefits  
21 under this section.

22 The provisions of this section are intended to be remedial and  
23 procedural to the extent that they do not impair the obligation of any  
24 existing contract.

25 No provision of this chapter shall be construed to require that  
26 services provided by registered nurses or advanced registered nurse  
27 practitioners be reimbursed on the same basis as if those same services  
28 were delivered by another authorized provider of care. The legislature  
29 recognizes that various provider types may be reimbursed at different

1 rates pursuant to different considerations. No provision of the  
2 mandate otherwise required by this section shall apply to any health  
3 care service performed by an advanced registered nurse practitioner  
4 licensed pursuant to chapter 18.88 RCW.

5 **Sec. 23.** RCW 69.41.010 and 1989 1st ex.s. c 9 s 426 and 1989 c 36  
6 s 3 are each reenacted and amended to read as follows:

7 As used in this chapter, the following terms (~~has~~~~have~~) have  
8 the meaning(~~s~~)s indicated unless the context clearly requires  
9 otherwise:

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

13 (a) A practitioner; or

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

16 (2) "Deliver" or "delivery" means the actual, constructive, or  
17 attempted transfer from one person to another of a legend drug, whether  
18 or not there is an agency relationship.

19 (3) "Department" means the department of health.

20 (4) "Dispense" means the interpretation of a prescription or order  
21 for a legend drug and, pursuant to that prescription or order, the  
22 proper selection, measuring, compounding, labeling, or packaging  
23 necessary to prepare that prescription or order for delivery.

24 (5) "Dispenser" means a practitioner who dispenses.

25 (6) "Distribute" means to deliver other than by administering or  
26 dispensing a legend drug.

27 (7) "Distributor" means a person who distributes.

28 (8) "Drug" means:

1 (a) Substances recognized as drugs in the official United States  
2 pharmacopoeia, official homeopathic pharmacopoeia of the United States,  
3 or official national formulary, or any supplement to any of them;

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

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

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

11 (9) "Legend drugs" means any drugs which are required by state law  
12 or regulation of the state board of pharmacy to be dispensed on  
13 prescription only or are restricted to use by practitioners only.

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

17 (11) "Practitioner" means:

18 (a) A physician under chapter 18.71 RCW, an osteopathic physician  
19 or an osteopathic physician and surgeon under chapter 18.57 RCW, a  
20 dentist under chapter 18.32 RCW, a (~~podiatrist~~) podiatric physician  
21 and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92  
22 RCW, a registered nurse under chapter 18.88 RCW, an advanced registered  
23 nurse practitioner under chapter 18.88 RCW, a licensed practical nurse  
24 under chapter 18.78 RCW, an optometrist under chapter 18.53 RCW who is  
25 certified by the optometry board under RCW 18.53.010, an osteopathic  
26 physician's assistant under chapter 18.57A RCW, or a physician's  
27 assistant under chapter 18.71A RCW, or a pharmacist under chapter 18.64  
28 RCW;

29 (b) A pharmacy, hospital, or other institution licensed,  
30 registered, or otherwise permitted to distribute, dispense, conduct



1 research with respect to, or to administer a legend drug in the course  
2 of professional practice or research in this state; and

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

7 (12) "Secretary" means the secretary of health or the secretary's  
8 designee.

9 **Sec. 24.** RCW 69.41.030 and 1990 c 219 s 2 are each amended to read  
10 as follows:

11 It shall be unlawful for any person to sell, deliver, or possess  
12 any legend drug except upon the order or prescription of a physician  
13 under chapter 18.71 RCW, an osteopathic physician or an osteopathic  
14 physician and surgeon under chapter 18.57 RCW, a dentist under chapter  
15 18.32 RCW, a ~~((podiatrist))~~ podiatric physician and surgeon under  
16 chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a  
17 commissioned medical or dental officer in the United States armed  
18 forces, marine hospital service, or public health service in the  
19 discharge of his official duties, a duly licensed physician or dentist  
20 employed by the veterans administration in the discharge of his or her  
21 official duties, ~~((a registered nurse under chapter 18.88 RCW when  
22 authorized by the board of nursing))~~ an advanced registered nurse  
23 practitioner under chapter 18.88 RCW, an osteopathic physician's  
24 assistant under chapter 18.57A RCW when authorized by the committee of  
25 osteopathic examiners, a physician's assistant under chapter 18.71A RCW  
26 when authorized by the board of medical examiners, a physician licensed  
27 to practice medicine and surgery or a physician licensed to practice  
28 osteopathy and surgery, a dentist licensed to practice dentistry, a  
29 podiatrist licensed to practice podiatry, or a veterinarian licensed to

1 practice veterinary medicine, in any province of Canada which shares a  
2 common border with the state of Washington or in any state of the  
3 United States: PROVIDED, HOWEVER, That the above provisions shall not  
4 apply to sale, delivery, or possession by drug wholesalers or drug  
5 manufacturers, or their agents or employees, or to any practitioner  
6 acting within the scope of his license, or to a common or contract  
7 carrier or warehouseman, or any employee thereof, whose possession of  
8 any legend drug is in the usual course of business or employment:  
9 PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW  
10 shall prevent a family planning clinic that is under contract with the  
11 department of social and health services from selling, delivering,  
12 possessing, and dispensing commercially prepackaged oral contraceptives  
13 prescribed by authorized, licensed health care practitioners: PROVIDED  
14 FURTHER, That it shall be unlawful to fill a prescription written by an  
15 authorized prescriber who is not licensed in this state if more than  
16 six months has passed since the date of the issuance of the original  
17 prescription.

18 **Sec. 25.** RCW 69.45.010 and 1989 1st ex.s. c 9 s 444 are each  
19 amended to read as follows:

20 The definitions in this section apply throughout this chapter.

21 (1) "Board" means the board of pharmacy.

22 (2) "Drug samples" means any federal food and drug administration  
23 approved controlled substance, legend drug, or products requiring  
24 prescriptions in this state, which is distributed at no charge to a  
25 practitioner by a manufacturer or a manufacturer's representative,  
26 exclusive of drugs under clinical investigations approved by the  
27 federal food and drug administration.

1 (3) "Controlled substance" means a drug, substance, or immediate  
2 precursor of such drug or substance, so designated under or pursuant to  
3 chapter 69.50 RCW, the uniform controlled substances act.

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

7 (5) "Dispense" means the interpretation of a prescription or order  
8 for a drug, biological, or device and, pursuant to that prescription or  
9 order, the proper selection, measuring, compounding, labeling, or  
10 packaging necessary to prepare that prescription or order for delivery.

11 (6) "Distribute" means to deliver, other than by administering or  
12 dispensing, a legend drug.

13 (7) "Legend drug" means any drug that is required by state law or  
14 by regulations of the board to be dispensed on prescription only or is  
15 restricted to use by practitioners only.

16 (8) "Manufacturer" means a person or other entity engaged in the  
17 manufacture or distribution of drugs or devices, but does not include  
18 a manufacturer's representative.

19 (9) "Person" means any individual, corporation, government or  
20 governmental subdivision or agency, business trust, estate, trust,  
21 partnership, association, or any other legal entity.

22 (10) "Practitioner" means a physician under chapter 18.71 RCW, an  
23 osteopathic physician or an osteopathic physician and surgeon under  
24 chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a (~~podiatrist~~)  
25 podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian  
26 under chapter 18.92 RCW, a pharmacist under chapter 18.64 RCW, a  
27 commissioned medical or dental officer in the United States armed  
28 forces or the public health service in the discharge of his or her  
29 official duties, a duly licensed physician or dentist employed by the  
30 veterans administration in the discharge of his or her official duties,

1 ((a registered nurse under chapter 18.88 RCW when authorized to  
2 prescribe by the board of nursing)) an advanced registered nurse  
3 practitioner under chapter 18.88 RCW, an osteopathic physician's  
4 assistant under chapter 18.57A RCW when authorized by the board of  
5 osteopathic medicine and surgery, or a physician's assistant under  
6 chapter 18.71A RCW when authorized by the board of medical examiners.

7 (11) "Manufacturer's representative" means an agent or employee of  
8 a drug manufacturer who is authorized by the drug manufacturer to  
9 possess drug samples for the purpose of distribution in this state to  
10 appropriately authorized health care practitioners.

11 (12) "Reasonable cause" means a state of facts found to exist that  
12 would warrant a reasonably intelligent and prudent person to believe  
13 that a person has violated state or federal drug laws or regulations.

14 (13) "Department" means the department of health.

15 (14) "Secretary" means the secretary of health or the secretary's  
16 designee.

17 **Sec. 26.** RCW 69.50.101 and 1990 c 248 s 1, 1990 c 219 s 3, and  
18 1990 c 196 s 8 are each reenacted and amended to read as follows:

19 As used in this chapter:

20 (a) "Administer" means the direct application of a controlled  
21 substance, whether by injection, inhalation, ingestion, or any other  
22 means, to the body of a patient or research subject by:

23 (1) a practitioner, or

24 (2) the patient or research subject at the direction and in the  
25 presence of the practitioner.

26 (b) "Agent" means an authorized person who acts on behalf of or at  
27 the direction of a manufacturer, distributor, or dispenser. It does  
28 not include a common or contract carrier, public warehouseman, or  
29 employee of the carrier or warehouseman.

1 (c) "Drug enforcement administration" means the federal drug  
2 enforcement administration in the United States Department of Justice,  
3 or its successor agency.

4 (d) "Controlled substance" means a drug, substance, or immediate  
5 precursor in Schedules I through V of Article II.

6 (e) "Counterfeit substance" means a controlled substance which, or  
7 the container or labeling of which, without authorization, bears the  
8 trademark, trade name, or other identifying mark, imprint, number or  
9 device, or any likeness thereof, of a manufacturer, distributor, or  
10 dispenser other than the person who in fact manufactured, distributed,  
11 or dispensed the substance.

12 (f) "Deliver" or "delivery" means the actual, constructive, or  
13 attempted transfer from one person to another of a controlled  
14 substance, whether or not there is an agency relationship.

15 (g) "Department" means the department of health.

16 (h) "Dispense" means the interpretation of a prescription or order  
17 for a controlled substance and, pursuant to that prescription or order,  
18 the proper selection, measuring, compounding, labeling, or packaging  
19 necessary to prepare that prescription or order for delivery.

20 (i) "Dispenser" means a practitioner who dispenses.

21 (j) "Distribute" means to deliver other than by administering or  
22 dispensing a controlled substance.

23 (k) "Distributor" means a person who distributes.

24 (l) "Receipt" means to receive a controlled substance either with  
25 or without consideration.

26 (m) "Drug" means (1) substances recognized as drugs in the official  
27 United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the  
28 United States, or Official National Formulary, or any supplement to any  
29 of them; (2) substances intended for use in the diagnosis, cure,  
30 mitigation, treatment, or prevention of disease in man or animals; (3)

1 substances (other than food) intended to affect the structure or any  
2 function of the body of man or animals; and (4) substances intended for  
3 use as a component of any article specified in clause (1), (2), or (3)  
4 of this subsection. It does not include devices or their components,  
5 parts, or accessories.

6 (n) "Immediate precursor" means a substance which the state board  
7 of pharmacy has found to be and by rule designates as being the  
8 principal compound commonly used or produced primarily for use, and  
9 which is an immediate chemical intermediary used or likely to be used  
10 in the manufacture of a controlled substance, the control of which is  
11 necessary to prevent, curtail, or limit manufacture.

12 (o) "Manufacture" means the production, preparation, propagation,  
13 compounding, conversion or processing of a controlled substance, either  
14 directly or indirectly by extraction from substances of natural origin,  
15 or independently by means of chemical synthesis, or by a combination of  
16 extraction and chemical synthesis, and includes any packaging or  
17 repackaging of the substance or labeling or relabeling of its  
18 container, except that this term does not include the preparation or  
19 compounding of a controlled substance by an individual for his or her  
20 own use or the preparation, compounding, packaging, or labeling of a  
21 controlled substance:

22 (1) by a practitioner as an incident to administering or dispensing  
23 of a controlled substance in the course of his or her professional  
24 practice, or

25 (2) by a practitioner, or by an authorized agent under the  
26 practitioner's supervision, for the purpose of, or as an incident to,  
27 research, teaching, or chemical analysis and not for sale.

28 (p) "Marijuana" or "marihuana" means all parts of the plant of the  
29 genus Cannabis L., whether growing or not; the seeds thereof; the resin  
30 extracted from any part of the plant; and every compound, manufacture,

1 salt, derivative, mixture, or preparation of the plant, its seeds or  
2 resin. It does not include the mature stalks of the plant, fiber  
3 produced from the stalks, oil or cake made from the seeds of the plant,  
4 any other compound, manufacture, salt, derivative, mixture, or  
5 preparation of the mature stalks (except the resin extracted  
6 therefrom), fiber, oil, or cake, or the sterilized seed of the plant  
7 which is incapable of germination.

8 (q) "Narcotic drug" means any of the following, whether produced  
9 directly or indirectly by extraction from substances of vegetable  
10 origin, or independently by means of chemical synthesis, or by a  
11 combination of extraction and chemical synthesis:

12 (1) Opium and opiate, and any salt, compound, derivative, or  
13 preparation of opium or opiate.

14 (2) Any salt, compound, isomer, derivative, or preparation thereof  
15 which is chemically equivalent or identical with any of the substances  
16 referred to in clause 1, but not including the isoquinoline alkaloids  
17 of opium.

18 (3) Opium poppy and poppy straw.

19 (4) Coca leaves and any salt, compound, derivative, or preparation  
20 of coca leaves, and any salt, compound, isomer, derivative, or  
21 preparation thereof which is chemically equivalent or identical with  
22 any of these substances, but not including decocainized coca leaves or  
23 extractions of coca leaves which do not contain cocaine or ecgonine.

24 (r) "Opiate" means any substance having an addiction-forming or  
25 addiction-sustaining liability similar to morphine or being capable of  
26 conversion into a drug having addiction-forming or addiction-sustaining  
27 liability. It does not include, unless specifically designated as  
28 controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-  
29 n-methylmorphinan and its salts (dextromethorphan). It does include  
30 its racemic and levorotatory forms.

1 (s) "Opium poppy" means the plant of the genus Papaver L., except  
2 its seeds, capable of producing an opiate.

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

6 (u) "Poppy straw" means all parts, except the seeds, of the opium  
7 poppy, after mowing.

8 (v) "Practitioner" means:

9 (1) A physician under chapter 18.71 RCW, a physician assistant  
10 under chapter 18.71A RCW, an osteopathic physician or an osteopathic  
11 physician and surgeon under chapter 18.57 RCW, a dentist under chapter  
12 18.32 RCW, a ~~((chiropractist))~~ podiatric physician and surgeon under  
13 chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered  
14 nurse under chapter 18.88 RCW, an advanced registered nurse  
15 practitioner under chapter 18.88 RCW, a licensed practical nurse under  
16 chapter 18.78 RCW, a pharmacist under chapter 18.64 RCW or a scientific  
17 investigator under this chapter, licensed, registered or otherwise  
18 permitted insofar as is consistent with those licensing laws to  
19 distribute, dispense, conduct research with respect to or administer a  
20 controlled substance in the course of their professional practice or  
21 research in this state.

22 (2) A pharmacy, hospital or other institution licensed, registered,  
23 or otherwise permitted to distribute, dispense, conduct research with  
24 respect to or to administer a controlled substance in the course of  
25 professional practice or research in this state.

26 (3) A physician licensed to practice medicine and surgery, a  
27 physician licensed to practice osteopathy and surgery, a dentist  
28 licensed to practice dentistry, a podiatrist licensed to practice  
29 podiatry, or a veterinarian licensed to practice veterinary medicine in  
30 any state of the United States.



1 (w) "Production" includes the manufacture, planting, cultivation,  
2 growing, or harvesting of a controlled substance.

3 (x) "Secretary" means the secretary of health or the secretary's  
4 designee.

5 (y) "State", when applied to a part of the United States, includes  
6 any state, district, commonwealth, territory, insular possession  
7 thereof, and any area subject to the legal authority of the United  
8 States of America.

9 (z) "Ultimate user" means a person who lawfully possesses a  
10 controlled substance for his or her own use or for the use of a member  
11 of his or her household or for administering to an animal owned by him  
12 or her or by a member of his or her household.

13 (aa) "Board" means the state board of pharmacy.

14 **Sec. 27.** RCW 70.127.250 and 1988 c 245 s 25 are each amended to  
15 read as follows:

16 (1) In addition to the rules consistent with RCW 70.127.005 adopted  
17 under RCW 70.127.120, the department shall adopt rules for home health  
18 agencies which address the following:

19 (a) Establishment of case management guidelines for acute and  
20 maintenance care patients;

21 (b) Establishment of guidelines for periodic review of the home  
22 health care plan of care and plan of treatment by appropriate health  
23 care professionals; and

24 (c) Maintenance of written policies regarding the delivery and  
25 supervision of patient care and clinical consultation as necessary by  
26 appropriate health care professionals.

27 (2) As used in this section:

28 (a) "Acute care" means care provided by a home health agency for  
29 patients who are not medically stable or have not attained a

1 satisfactory level of rehabilitation. These patients require frequent  
2 monitoring by a health care professional in order to maintain their  
3 health status.

4 (b) "Maintenance care" means care provided by home health agencies  
5 that is necessary to support an existing level of health and to  
6 preserve a patient from further failure or decline.

7 (c) "Home health plan of care" means a written plan of care  
8 established by a home health agency by appropriate health care  
9 professionals that describes maintenance care to be provided. A  
10 patient or his or her representative shall be allowed to participate in  
11 the development of the plan of care to the extent [extent] practicable.

12 (d) "Home health plan of treatment" means a written plan of care  
13 established by a physician licensed under chapter 18.57 or 18.71 RCW,  
14 a (~~podiatrist~~) podiatric physician or surgeon licensed under chapter  
15 18.22 RCW, or an advanced registered nurse practitioner as authorized  
16 by the board of nursing, and the advanced registered nurse practitioner  
17 board when legend drugs or controlled substances are being prescribed,  
18 under chapter 18.88 RCW, in consultation with appropriate health care  
19 professionals within the agency that describes medically necessary  
20 acute care to be provided for treatment of illness or injury.

21 **Sec. 28.** RCW 71.05.210 and 1989 c 120 s 6 are each amended to read  
22 as follows:

23 Each person involuntarily admitted to an evaluation and treatment  
24 facility shall, within twenty-four hours of his or her admission, be  
25 examined and evaluated by a licensed physician who may be assisted by  
26 a physician's assistant according to chapter 18.71A RCW or (~~an~~) an  
27 advanced registered nurse practitioner according to chapter 18.88 RCW  
28 and a mental health professional as defined in this chapter, and shall  
29 receive such treatment and care as his or her condition requires

1 including treatment on an outpatient basis for the period that he or  
2 she is detained, except that, beginning twenty-four hours prior to a  
3 court proceeding, the individual may refuse all but emergency life-  
4 saving treatment, and the individual shall be informed at an  
5 appropriate time of his or her right to such refusal of treatment.  
6 Such person shall be detained up to seventy-two hours, if, in the  
7 opinion of the professional person in charge of the facility, or his or  
8 her professional designee, the person presents a likelihood of serious  
9 harm to himself or herself or others, or is gravely disabled. A person  
10 who has been detained for seventy-two hours shall no later than the end  
11 of such period be released, unless referred for further care on a  
12 voluntary basis, or detained pursuant to court order for further  
13 treatment as provided in this chapter.

14 If, after examination and evaluation, the licensed physician and  
15 mental health professional determine that the initial needs of the  
16 person would be better served by placement in an alcohol treatment  
17 facility, then the person shall be referred to an approved treatment  
18 ((facility)) program defined under RCW 70.96A.020.

19 An evaluation and treatment center admitting any person pursuant to  
20 this chapter whose physical condition reveals the need for  
21 hospitalization shall assure that such person is transferred to an  
22 appropriate hospital for treatment. Notice of such fact shall be given  
23 to the court, the designated attorney, and the designated county mental  
24 health professional and the court shall order such continuance in  
25 proceedings under this chapter as may be necessary, but in no event may  
26 this continuance be more than fourteen days.

27 **Sec. 29.** RCW 74.42.010 and 1979 ex.s. c 211 s 1 are each amended  
28 to read as follows:

1 Unless the context clearly requires otherwise, the definitions in  
2 this section apply throughout this chapter.

3 (1) "Department" means the department of social and health services  
4 and the department's employees.

5 (2) "Facility" refers to a nursing home as defined in RCW  
6 18.51.010.

7 (3) "Licensed practical nurse" means a person licensed to practice  
8 practical nursing under chapter 18.78 RCW.

9 (4) "Medicaid" means Title XIX of the Social Security Act enacted  
10 by the social security amendments of 1965 (42 U.S.C. Sec. 1396; 79  
11 Stat. 343), as amended.

12 (5) "Nursing care" means that care provided by a registered nurse,  
13 a licensed practical nurse, or a nursing assistant in the regular  
14 performance of their duties.

15 (6) "Qualified therapist" means:

16 (a) An activities specialist who has specialized education,  
17 training, or experience specified by the department.

18 (b) An audiologist who is eligible for a certificate of clinical  
19 competence in audiology or who has the equivalent education and  
20 clinical experience.

21 (c) A mental health professional as defined in chapter 71.05 RCW.

22 (d) A mental retardation professional who is a qualified therapist  
23 or a therapist approved by the department and has specialized training  
24 or one year experience in treating or working with the mentally  
25 retarded or developmentally disabled.

26 (e) An occupational therapist who is a graduate of a program in  
27 occupational therapy or who has equivalent education or training.

28 (f) A physical therapist as defined in chapter 18.74 RCW.

29 (g) A social worker who is a graduate of a school of social work.

1 (h) A speech pathologist who is eligible for a certificate of  
2 clinical competence in speech pathology or who has equivalent education  
3 and clinical experience.

4 (7) "Registered nurse" means a person practicing nursing under  
5 chapter 18.88 RCW.

6 (8) "Resident" means an individual recipient of medical benefits  
7 pursuant to chapter 74.09 RCW, except as to RCW 74.42.030 through  
8 74.42.130 which shall apply to all patients.

9 (9) "Physician's assistant" means a person practicing pursuant to  
10 chapters 18.57A and 18.71A RCW.

11 (10) "Advanced registered nurse practitioner" means a person  
12 practicing such expanded acts of nursing as are authorized by the board  
13 of nursing and the advanced registered nurse practitioner board  
14 pursuant to ((RCW 18.88.030)) chapter 18.88 RCW.

15 **Sec. 30.** RCW 74.42.230 and 1982 c 120 s 2 are each amended to read  
16 as follows:

17 (1) The resident's attending or staff physician or authorized  
18 practitioner approved by the attending physician shall order all  
19 medications for the resident. The order may be oral or written and  
20 shall be limited by time. An "authorized practitioner," as used in  
21 this section, is ((a)) an advanced registered nurse practitioner under  
22 chapter 18.88 RCW when authorized by the ((board of nursing)) advanced  
23 registered nurse practitioner board, an osteopathic physician's  
24 assistant under chapter 18.57A RCW when authorized by the committee of  
25 osteopathic examiners, or a physician's assistant under chapter 18.71A  
26 RCW when authorized by the board of medical examiners.

27 (2) An oral order shall be given only to a licensed nurse,  
28 pharmacist, or another physician. The oral order shall be recorded and  
29 signed immediately by the person receiving the order. The attending

1 physician shall sign the record of the oral order in a manner  
2 consistent with good medical practice.

3 NEW SECTION. **Sec. 31.** Sections 1 through 12 of this act are each  
4 added to chapter 18.88 RCW.

5 NEW SECTION. **Sec. 32.** Sections captions as used in this chapter  
6 do not constitute any part of the law.

7 NEW SECTION. **Sec. 33.** If any provision of this act or its  
8 application to any person or circumstance is held invalid, the  
9 remainder of the act or the application of the provision to other  
10 persons or circumstances is not affected.

11 NEW SECTION. **Sec. 34.** This act is necessary for the immediate  
12 preservation of the public peace, health, or safety, or support of the  
13 state government and its existing public institutions, and shall take  
14 effect immediately.