
SENATE BILL 5859

State of Washington 52nd Legislature 1991 Regular Session

By Senators L. Kreidler, Niemi, Vognild and Murray.

Read first time February 26, 1991. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to the authority of boards regulating health care
2 professionals; amending RCW 18.22.015, 18.25.017, 18.26.110, 18.29.110,
3 18.32.035, 18.32.560, 18.34.050, 18.54.070, 18.57.005, 18.57A.020,
4 18.59.130, 18.64.005, 18.71.015, 18.71A.020, 18.72.040, 18.74.023,
5 18.78.050, 18.83.050, 18.83.135, 18.88.080, 18.88A.060, 18.92.030,
6 18.108.025, and 18.130.040; adding a new section to chapter 18.06 RCW;
7 adding a new section to chapter 18.19 RCW; adding a new section to
8 chapter 18.22 RCW; adding a new section to chapter 18.25 RCW; adding a
9 new section to chapter 18.29 RCW; adding a new section to chapter 18.32
10 RCW; adding a new section to chapter 18.34 RCW; adding a new section to
11 chapter 18.35 RCW; adding a new section to chapter 18.36A RCW; and
12 adding a new section to chapter 18.50 RCW; adding a new section to
13 chapter 18.53 RCW; adding a new section to chapter 18.55 RCW; adding a
14 new section to chapter 18.57 RCW; adding a new section to chapter
15 18.57A RCW; adding a new section to chapter 18.59 RCW; adding a new
16 section to chapter 18.64 RCW; adding a new section to chapter 18.64A
17 RCW; adding a new section to chapter 18.71 RCW; adding a new section to

1 chapter 18.71A RCW; adding a new section to chapter 18.74 RCW; adding
2 a new section to chapter 18.83 RCW; adding a new section to chapter
3 18.84 RCW; adding a new section to chapter 18.88A RCW; adding a new
4 section to chapter 18.89 RCW; adding a new section to chapter 18.92
5 RCW; adding a new section to chapter 18.108 RCW; adding a new section
6 to chapter 18.155 RCW; and adding a new section to chapter 43.70 RCW.

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

8 **Sec. 1.** RCW 18.22.015 and 1990 c 147 s 5 are each amended to read
9 as follows:

10 The board shall:

11 (1) Administer all laws placed under its jurisdiction;

12 (2) Prepare, grade, and administer or determine the nature,
13 grading, and administration of examinations for applicants for
14 podiatric physician and surgeon licenses;

15 (3) Examine and investigate all applicants for podiatric physician
16 and surgeon licenses and certify to the secretary all applicants it
17 judges to be properly qualified;

18 (4) Adopt any rules which it considers necessary or proper to carry
19 out the purposes of this chapter;

20 (5) Determine which schools of podiatric medicine and surgery will
21 be approved.

22 The board is subject to the provisions of section 25 of this act.

23 **Sec. 2.** RCW 18.25.017 and 1986 c 259 s 23 are each amended to read
24 as follows:

25 The board shall meet as soon as practicable after appointment, and
26 shall elect a chairman and a secretary from its members. Meetings
27 shall be held at least once a year at such place as the director of

1 licensing shall determine, and at such other times and places as he
2 deems necessary.

3 The board may make such rules and regulations, not inconsistent
4 with this chapter, as it deems necessary to carry out the provisions of
5 this chapter. The board is subject to the provisions of section 25 of
6 this act.

7 Each member shall be compensated in accordance with RCW 43.03.240
8 and shall be reimbursed for travel expenses in accordance with RCW
9 43.03.050 and 43.03.060, all to be paid out of the general fund on
10 vouchers approved by the director, but not to exceed in the aggregate
11 the amount of fees collected as provided in this chapter.

12 **Sec. 3.** RCW 18.26.110 and 1986 c 259 s 26 are each amended to read
13 as follows:

14 The board may, subject to section 25 of this act, adopt, amend and
15 rescind such rules and regulations as it deems necessary to carry out
16 the provisions of this chapter.

17 **Sec. 4.** RCW 18.29.110 and 1989 c 202 s 3 are each amended to read
18 as follows:

19 There shall be a dental hygiene examining committee consisting of
20 three practicing dental hygienists and one public member appointed by
21 the director, to be known as the Washington dental hygiene examining
22 committee. Each dental hygiene member shall be licensed and have been
23 actively practicing dental hygiene for a period of not less than five
24 years immediately before appointment and shall not be connected with
25 any dental hygiene school. The public member shall not be connected
26 with any dental hygiene program or engaged in any practice or business
27 related to dental hygiene. Members of the committee shall be appointed
28 by the director to prepare and conduct examinations for dental hygiene

1 licensure. The board is subject to the provisions of section 25 of
2 this act. Members shall be appointed to serve for terms of three years
3 from October 1 of the year in which they are appointed. Terms of the
4 members shall be staggered. Each member shall hold office for the term
5 of his or her appointment and until his or her successor is appointed
6 and qualified. Any member of the committee may be removed by the
7 director for neglect of duty, misconduct, malfeasance, or misfeasance
8 in office, after being given a written statement of the charges against
9 him or her and sufficient opportunity to be heard thereon. Members of
10 the committee shall be compensated in accordance with RCW 43.03.240 and
11 shall be reimbursed for travel expenses in accordance with RCW
12 43.03.050 and 43.03.060.

13 **Sec. 5.** RCW 18.32.035 and 1989 c 202 s 14 are each amended to read
14 as follows:

15 There shall be a board of dental examiners consisting of nine
16 practicing dentists, at least three of whom reside east of the summit
17 of the Cascade range, and one consumer member, to be known as the
18 Washington state board of dental examiners.

19 The members shall be appointed by the governor in the manner
20 hereinafter set forth and at the time of their appointment upon said
21 board must be actual residents of the state in active practice of
22 dentistry as defined in this chapter and must have been for a period of
23 five years or more legally licensed to practice dentistry in this
24 state. No person is eligible to appointment to the board who is in any
25 way connected with or interested in any dental college or dental
26 department of any institution of learning. Members shall be appointed
27 to the board to serve for terms of five years from January 1st of the
28 year in which they are appointed, and shall hold office until their
29 successors are appointed.

1 In case of a vacancy occurring on the board, the vacancy shall be
2 filled by the governor as provided in this section for the remainder of
3 the term of the vacancy and the appointee shall hold office until a
4 successor is appointed.

5 The board may contract with competent persons on a temporary basis
6 to assist in developing or administering examinations for licensure.

7 The board may enter into compacts and agreements with other states
8 and with organizations formed by several states, for the purpose of
9 conducting multi-state licensing examinations. The board may enter
10 into such compacts and agreements even though they would result in the
11 examination of a candidate for a license in this state by an examiner
12 or examiners from another state or states, and even though the compacts
13 and agreements would result in the examination of a candidate or
14 candidates for a license in another state or states by an examiner or
15 examiners from this state.

16 The board of dental examiners may adopt rules in accordance with
17 chapter 34.05 RCW to implement this chapter and chapter 18.130 RCW.

18 The board is subject to the provisions of section 25 of this act.

19 **Sec. 6.** RCW 18.32.560 and 1984 c 279 s 51 are each amended to read
20 as follows:

21 There is hereby created the Washington state dental disciplinary
22 board, which shall be composed of five members, each of whom shall be
23 a resident of this state engaged in the active practice of dentistry
24 and who shall have been licensed to practice dentistry in this state
25 for a period of five years or more prior to appointment to the board.
26 Of the five members appointed to the board, two members shall reside
27 and engage in the active practice of dentistry east of the summit of
28 the Cascade range and the other three members shall reside and engage

1 in the active practice of dentistry west of the summit of the Cascade
2 range.

3 The board is subject to the provisions of section 25 of this act.

4 The attorney general shall be counsel to the board and shall
5 represent it in all legal proceedings.

6 In addition to the members specified in this section, the governor
7 shall appoint a consumer member of the board. The consumer member
8 shall serve a term of six years commencing on October 1st.

9 **Sec. 7.** RCW 18.34.050 and 1984 c 287 s 32 are each amended to read
10 as follows:

11 The examining committee shall consist of three persons primarily
12 engaged in the business of dispensing opticians and who currently hold
13 a valid license under this chapter. Members of the committee shall be
14 compensated in accordance with RCW 43.03.240 and shall be reimbursed
15 for travel expenses in accordance with RCW 43.03.050 and 43.03.060.
16 The examining committee is subject to the provisions of section 25 of
17 this act.

18 **Sec. 8.** RCW 18.54.070 and 1986 c 259 s 84 are each amended to read
19 as follows:

20 The board has the following powers and duties:

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

1 used, and the written answers to questions on written examinations
2 submitted by each of the applicants.

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

7 (3) The board is subject to the provisions of section 25 of this
8 act.

9 **Sec. 9.** RCW 18.57.005 and 1986 c 259 s 94 are each amended to read
10 as follows:

11 The board shall have the following powers and duties:

12 (1) To administer examinations to applicants for licensure under
13 this chapter;

14 (2) To make such rules and regulations as are not inconsistent with
15 the laws of this state as may be deemed necessary or proper to carry
16 out the purposes of this chapter;

17 (3) To establish and administer requirements for continuing
18 professional education as may be necessary or proper to insure the
19 public health and safety as a prerequisite to granting and renewing
20 licenses under this chapter: PROVIDED, That such rules shall not
21 require a licensee under this chapter to engage in continuing education
22 related to or provided by any specific branch, school, or philosophy of
23 medical practice or its political and/or professional organizations,
24 associations, or societies;

25 (4) To keep an official record of all its proceedings, which record
26 shall be evidence of all proceedings of the board which are set forth
27 therein.

28 The board is subject to the provisions of section 25 of this act.

1 **Sec. 10.** RCW 18.57A.020 and 1971 ex.s. c 30 s 8 are each amended
2 to read as follows:

3 The board shall adopt rules (~~(and regulations)~~) fixing the
4 qualifications and the educational and training requirements for
5 persons who may be employed as osteopathic physician's assistants or
6 who may be enrolled in any physician's training program.

7 The board shall, in addition, adopt rules (~~(and regulations)~~)
8 governing the extent to which physician's assistants may practice
9 medicine during training and after successful completion of a training
10 course. Such (~~(regulations)~~) rules shall provide:

11 (1) That the practice of an osteopathic physician's assistant shall
12 be limited to the performance of those services for which he is
13 trained; and

14 (2) That each osteopathic physician's assistant shall practice
15 medicine only under the supervision and control of an osteopathic
16 physician licensed in this state, but such supervision and control
17 shall not be construed to necessarily require the personal presence of
18 the supervising physician at the place where services are rendered.

19 The board is subject to the provisions of section 25 of this act.

20 **Sec. 11.** RCW 18.59.130 and 1986 c 259 s 102 are each amended to
21 read as follows:

22 (1) The board shall administer, coordinate, and enforce this
23 chapter, evaluate qualifications under this chapter, and provide for
24 supervision of examinations of applicants for licensure under this
25 chapter.

26 (2) The board may adopt such rules as it deems necessary in the
27 administration of this chapter.

28 (3) The board is subject to the provisions of section 25 of this
29 act.

1 **Sec. 12.** RCW 18.64.005 and 1990 c 83 s 1 are each amended to read
2 as follows:

3 The board shall:

4 (1) Regulate the practice of pharmacy and enforce all laws placed
5 under its jurisdiction;

6 (2) Prepare or determine the nature of, and supervise the grading
7 of, examinations for applicants for pharmacists' licenses;

8 (3) Establish the qualifications for licensure of pharmacists or
9 pharmacy interns;

10 (4) Conduct hearings for the revocation or suspension of licenses,
11 permits, registrations, certificates, or any other authority to
12 practice granted by the board, which hearings may also be conducted by
13 an administrative law judge appointed under chapter 34.12 RCW;

14 (5) Issue subpoenas and administer oaths in connection with any
15 hearing, or disciplinary proceeding held under this chapter or any
16 other chapter assigned to the board;

17 (6) Assist the regularly constituted enforcement agencies of this
18 state in enforcing all laws pertaining to drugs, controlled substances,
19 and the practice of pharmacy, or any other laws or rules under its
20 jurisdiction;

21 (7) Promulgate rules for the dispensing, distribution, wholesaling,
22 and manufacturing of drugs and devices and the practice of pharmacy for
23 the protection and promotion of the public health, safety, and welfare.
24 Violation of any such rules shall constitute grounds for refusal,
25 suspension, or revocation of licenses or any other authority to
26 practice issued by the board;

27 (8) Adopt rules establishing and governing continuing education
28 requirements for pharmacists and other licensees applying for renewal
29 of licenses under this chapter;

1 (9) Be immune, collectively and individually, from suit in any
2 action, civil or criminal, based upon any disciplinary proceedings or
3 other official acts performed as members of such board. Such immunity
4 shall apply to employees of the department when acting in the course of
5 disciplinary proceedings;

6 (10) Suggest strategies for preventing, reducing, and eliminating
7 drug misuse, diversion, and abuse, including professional and public
8 education, and treatment of persons misusing and abusing drugs;

9 (11) Conduct or encourage educational programs to be conducted to
10 prevent the misuse, diversion, and abuse of drugs for health care
11 practitioners and licensed or certified health care facilities;

12 (12) Monitor trends of drug misuse, diversion, and abuse and make
13 periodic reports to disciplinary boards of licensed health care
14 practitioners and education, treatment, and appropriate law enforcement
15 agencies regarding these trends;

16 (13) Enter into written agreements with all other state and federal
17 agencies with any responsibility for controlling drug misuse,
18 diversion, or abuse and with health maintenance organizations, health
19 care service contractors, and health care providers to assist and
20 promote coordination of agencies responsible for ensuring compliance
21 with controlled substances laws and to monitor observance of these laws
22 and cooperation between these agencies. The department of social and
23 health services, the department of labor and industries, and any other
24 state agency including licensure disciplinary boards, shall refer all
25 apparent instances of over-prescribing by practitioners and all
26 apparent instances of legend drug overuse to the department. The
27 department shall also encourage such referral by health maintenance
28 organizations, health service contractors, and health care providers.

29 The board is subject to the provisions of section 25 of this act.

1 **Sec. 13.** RCW 18.71.015 and 1990 c 196 s 11 are each amended to
2 read as follows:

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

8 The board shall be appointed by the governor. On expiration of the
9 term of any member, the governor shall appoint for a period of five
10 years an individual of similar qualifications to take the place of such
11 member. Each member shall hold office until the expiration of the term
12 for which such member is appointed or until a successor shall have been
13 appointed and shall have qualified.

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

18 The board shall meet as soon as practicable after appointment and
19 elect a chair and a vice-chair from its members. Meetings shall be
20 held at least four times a year and at such place as the board shall
21 determine and at such other times and places as the board deems
22 necessary. A majority of the board members serving shall constitute a
23 quorum for the transaction of board business.

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

27 The board is subject to the provisions of section 25 of this act.

28 Each member of the board shall be compensated in accordance with
29 RCW 43.03.240 and in addition thereto shall be reimbursed for travel
30 expenses incurred in carrying out the duties of the board in accordance

1 with RCW 43.03.050 and 43.03.060. Any such expenses shall be paid from
2 funds appropriated to the department.

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

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

7 **Sec. 14.** RCW 18.71A.020 and 1990 c 196 s 2 are each amended to
8 read as follows:

9 (1) The board shall adopt rules fixing the qualifications and the
10 educational and training requirements for persons who may be employed
11 as physician assistants or who may be enrolled in any physician
12 assistant training program. The requirements shall include completion
13 of an accredited physician assistant training program approved by the
14 board and eligibility to take an examination approved by the board,
15 provided such examination tests subjects substantially equivalent to
16 the curriculum of an accredited physician assistant training program.
17 Physician assistants licensed by the board on June 7, 1990, shall
18 continue to be licensed.

19 (2)(a) The board shall adopt rules governing the extent to which:

20 (i) Physician assistant students may practice medicine during
21 training; and

22 (ii) Physician assistants may practice after successful completion
23 of a physician assistant training course.

24 (b) Such rules shall provide:

25 (i) That the practice of a physician assistant shall be limited to
26 the performance of those services for which he or she is trained; and

27 (ii) That each physician assistant shall practice medicine only
28 under the supervision and control of a physician licensed in this
29 state, but such supervision and control shall not be construed to

1 necessarily require the personal presence of the supervising physician
2 at the place where services are rendered.

3 (3) The board is subject to the provisions of section 25 of this
4 act.

5 **Sec. 15.** RCW 18.72.040 and 1986 c 300 s 2 are each amended to read
6 as follows:

7 There is hereby created the "Washington state medical disciplinary
8 board," which shall be composed of one holder of a valid license to
9 practice medicine and surgery from each congressional district now
10 existing or hereafter created in the state and three members of the
11 public who meet the qualifications contained in RCW 70.39.020(2) shall
12 be appointed by the governor. The public members' term shall be for
13 four years. In order to achieve staggered terms, the public member
14 serving on the board on June 11, 1986, shall continue to serve until
15 October 1, 1987. The remaining two public members shall be appointed
16 to initial terms of three years and four years, respectively.

17 The board shall be an administrative agency of the state of
18 Washington. The attorney general shall be the advisor of the board and
19 shall represent it in all legal proceedings.

20 The board is subject to the provisions of section 25 of this act.

21 **Sec. 16.** RCW 18.74.023 and 1986 c 259 s 124 are each amended to
22 read as follows:

23 The board has the following powers and duties:

24 (1) To administer examinations to applicants for a license under
25 this chapter.

26 (2) To pass upon the qualifications of applicants for a license and
27 to certify to the director duly qualified applicants.

1 (3) To make such rules not inconsistent with the laws of this state
2 as may be deemed necessary or proper to carry out the purposes of this
3 chapter.

4 (4) To establish and administer requirements for continuing
5 professional education as may be necessary or proper to ensure the
6 public health and safety and which may be a prerequisite to granting
7 and renewing a license under this chapter.

8 (5) To keep an official record of all its proceedings, which record
9 shall be evidence of all proceedings of the board which are set forth
10 therein.

11 (6) To adopt rules not inconsistent with the laws of this state,
12 when it deems appropriate, in response to questions put to it by
13 professional health associations, physical therapists, and consumers in
14 this state concerning the authority of physical therapists to perform
15 particular acts.

16 The board is subject to the provisions of section 25 of this act.

17 **Sec. 17.** RCW 18.78.050 and 1988 c 211 s 4 are each amended to read
18 as follows:

19 The board shall conduct examinations for all applicants for
20 licensure under this chapter and shall certify qualified applicants to
21 the department of licensing for licensing. The board shall also
22 determine and formulate what constitutes the curriculum for an approved
23 practical nursing program preparing persons for licensure under this
24 chapter. The board shall establish criteria for licensure by
25 endorsement.

26 The board may adopt rules or issue advisory opinions in response to
27 questions from professional health associations, health care
28 practitioners, and consumers in this state concerning licensed
29 practical nurse practice. The board shall establish criteria for proof

1 of reasonable currency of knowledge and skill as a basis for safe
2 practice after three years inactive or lapsed status.

3 The board shall adopt such rules as are necessary to fulfill the
4 purposes of this chapter pursuant to chapter 34.05 RCW.

5 The board is subject to the provisions of section 25 of this act.

6 **Sec. 18.** RCW 18.83.050 and 1986 c 27 s 3 are each amended to read
7 as follows:

8 (1) The board shall adopt such rules as it deems necessary to carry
9 out its functions.

10 (2) The board shall examine the qualifications of applicants for
11 licensing under this chapter, to determine which applicants are
12 eligible for licensing under this chapter and shall forward to the
13 director the names of applicants so eligible.

14 (3) The board shall administer examinations to qualified applicants
15 on at least an annual basis. The board shall determine the subject
16 matter and scope of the examinations and shall require both written and
17 oral examinations of each applicant, except as provided in RCW
18 18.83.170. The board may allow applicants to take the written
19 examination upon the granting of their doctoral degree before
20 completion of their internship for supervised experience.

21 (4) The board shall keep a complete record of its own proceedings,
22 of the questions given in examinations, of the names and qualifications
23 of all applicants, and the names and addresses of all licensed
24 psychologists. The examination paper of such applicant shall be kept
25 on file for a period of at least one year after examination.

26 (5) The board shall, by rule, adopt a code of ethics for
27 psychologists which is designed to protect the public interest.

28 (6) The board shall create a disciplinary committee within the
29 board for the purposes of hearing, examining, and ruling on complaints

1 and evidence of unethical conduct or practices brought by the public,
2 other psychologists, organizations, corporations, public or private
3 agencies, or officers, agencies, or instrumentalities of state, county,
4 or local governments.

5 (7) The board may require that persons licensed under this chapter
6 as psychologists obtain and maintain professional liability insurance
7 in amounts determined by the board to be practicable and reasonably
8 available.

9 (8) The board is subject to the provisions of section 25 of this
10 act.

11 **Sec. 19.** RCW 18.83.135 and 1987 c 150 s 53 are each amended to
12 read as follows:

13 The disciplinary committee shall meet at least once each year or
14 upon the call of the chairperson at such time and place as the
15 chairperson designates. A quorum for transaction of any business shall
16 consist of five members, including at least one public member.

17 The members of the disciplinary committee shall be immune from suit
18 in any action, civil or criminal, based upon its disciplinary
19 proceedings or other official acts performed in good faith as members
20 of the committee.

21 In addition to the authority prescribed under RCW 18.130.050, the
22 committee shall have the following authority:

23 (1) To maintain records of all activities, and to publish and
24 distribute to all psychologists at least once each year abstracts of
25 significant activities of the committee; and

26 (2) To obtain the written consent of the complaining client or
27 patient or their legal representative, or of any person who may be
28 affected by the complaint, in order to obtain information which
29 otherwise might be confidential or privileged.

1 The committee is subject to the provisions of section 25 of this
2 act.

3 **Sec. 20.** RCW 18.88.080 and 1988 c 211 s 8 are each amended to read
4 as follows:

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

18 The board shall approve such schools of nursing as meet the
19 requirements of this chapter and the board, and the board shall approve
20 establishment of basic nursing education programs and shall establish
21 criteria as to the need for and the size of a program and the type of
22 program and the geographical location. The board shall establish
23 criteria for proof of reasonable currency of knowledge and skill as a
24 basis for safe practice after three years inactive or lapsed status.
25 The board shall establish criteria for licensure by endorsement. The
26 board shall examine all applications for registration under this
27 chapter, and shall certify to the director for licensing duly qualified
28 applicants.

29 The board is subject to the provisions of section 25 of this act.

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

7 **Sec. 21.** RCW 18.88A.060 and 1989 c 300 s 8 are each amended to
8 read as follows:

9 In addition to any other authority provided by law, the state board
10 of nursing has the authority to:

11 (1) Determine minimum education requirements and approve
12 certification programs;

13 (2) Prepare, grade, and administer, or determine the nature of, and
14 supervise the grading and administration of, examinations of training
15 and competency for applicants for certification;

16 (3) Determine whether alternative methods of training are
17 equivalent to formal education, and establish forms, procedures, and
18 criteria for evaluation of an applicant's alternative training to
19 determine the applicant's eligibility to take any qualifying
20 examination for certification;

21 (4) Define and approve any experience requirement for
22 certification;

23 (5) Adopt rules implementing a continuing competency evaluation
24 program;

25 (6) Adopt rules to enable it to carry into effect the provisions of
26 this chapter.

27 The board is subject to the provisions of section 25 of this act.

1 **Sec. 22.** RCW 18.92.030 and 1986 c 259 s 140 are each amended to
2 read as follows:

3 It shall be the duty of the board to prepare examination questions,
4 conduct examinations, and grade the answers of applicants. The board,
5 pursuant to chapter 34.05 RCW, shall have the power to adopt such rules
6 ((and regulations)) as may be necessary to effectuate the purposes of
7 this chapter including the performance of the duties and
8 responsibilities of animal technicians: PROVIDED, HOWEVER, That such
9 rules are adopted in the interest of good veterinary health care
10 delivery to the consuming public, and do not prevent animal technicians
11 from inoculating an animal. The board shall further have the power to
12 adopt, by reasonable rules ((and regulations)), standards prescribing
13 requirements for veterinary medical facilities and to fix minimum
14 standards of continuing veterinary medical education. The board is
15 subject to the provisions of section 25 of this act.

16 The department shall be the official office of record.

17 **Sec. 23.** RCW 18.108.025 and 1987 c 443 s 10 are each amended to
18 read as follows:

19 In addition to any other authority provided by law, the board may:

20 (1) Adopt rules in accordance with chapter 34.05 RCW necessary to
21 implement this chapter, subject to the approval of the director;

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 The board is subject to the provisions of section 25 of this act.

10 **Sec. 24.** RCW 18.130.040 and 1990 c 3 s 810 are each amended to
11 read as follows:

12 (1) This chapter applies only to the secretary and the boards
13 having jurisdiction in relation to the professions licensed under the
14 chapters specified in this section. This chapter does not apply to any
15 business or profession not licensed under the chapters specified in
16 this section.

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

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

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

21 (iii) Midwives licensed under chapter 18.50 RCW;

22 (iv) Ocularists licensed under chapter 18.55 RCW;

23 (v) Massage operators and businesses licensed under chapter 18.108
24 RCW;

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

26 (vii) Acupuncturists certified under chapter 18.06 RCW;

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

28 (ix) Respiratory care practitioners certified under chapter 18.89
29 RCW;

- 1 (x) Persons registered or certified under chapter 18.19 RCW;
2 (xi) Persons registered as nursing pool operators;
3 (xii) Nursing assistants registered or certified under chapter
4 18.52B RCW;
5 (xiii) Dietitians and nutritionists certified under chapter 18.138
6 RCW; and
7 (xiv) Sex offender treatment providers certified under chapter
8 18.155 RCW.

9 (b) The boards having authority under this chapter, subject to
10 section 25 of this act, are as follows:

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

13 (ii) The chiropractic disciplinary board as established in chapter
14 18.26 RCW governing licenses issued under chapter 18.25 RCW;

15 (iii) The dental disciplinary board as established in chapter 18.32
16 RCW;

17 (iv) The council on hearing aids as established in chapter 18.35
18 RCW;

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

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

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

25 (viii) The board of osteopathic medicine and surgery as established
26 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
27 18.57A RCW;

28 (ix) The medical disciplinary board as established in chapter 18.72
29 RCW governing licenses and registrations issued under chapters 18.71
30 and 18.71A RCW;

1 (x) The board of physical therapy as established in chapter 18.74
2 RCW;

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

5 (xii) The board of practical nursing as established in chapter
6 18.78 RCW;

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

9 (xiv) The board of nursing as established in chapter 18.88 RCW; and

10 (xv) The veterinary board of governors as established in chapter
11 18.92 RCW.

12 (3) In addition to the authority to discipline license holders, the
13 disciplining authority has the authority to grant or deny licenses
14 based on the conditions and criteria established in this chapter and
15 the chapters specified in subsection (2) of this section. However, the
16 board of chiropractic examiners has authority over issuance and denial
17 of licenses provided for in chapter 18.25 RCW, the board of dental
18 examiners has authority over issuance and denial of licenses provided
19 for in RCW 18.32.040, and the board of medical examiners has authority
20 over issuance and denial of licenses and registrations provided for in
21 chapters 18.71 and 18.71A RCW. This chapter also governs any
22 investigation, hearing, or proceeding relating to denial of licensure
23 or issuance of a license conditioned on the applicant's compliance with
24 an order entered pursuant to RCW 18.130.160 by the disciplining
25 authority.

26 NEW SECTION. **Sec. 25.** A new section is added to chapter 43.70 RCW
27 to read as follows:

28 The secretary of health shall have the authority to review and
29 approve or disapprove all actions or failures to act of the health care

1 boards under the department's purview. Actions and failures to act
2 include, but are not limited to, review of an application, inaction on
3 an application, disciplinary action, nonresponse to a request from any
4 source for disciplinary action, issuance of a license, registration,
5 permit, or credential, failure to issue, either through action or
6 inaction, a license, registration, permit, or credential,
7 administration of an examination, lack of action on a request for an
8 examination, an investigation, rule making, and absence of rule making.

9 The department shall act to invalidate an action of a board and
10 shall act to institute a decision where there has been the absence of
11 a decision through inaction by filing an emergency rule under chapter
12 34.05 RCW. Following the filing of the emergency rule, the department
13 shall hold hearings under chapter 34.05 RCW as to whether the emergency
14 rule should be permanently adopted.

15 NEW SECTION. **Sec. 26.** A new section is added to chapter 18.06 RCW
16 to read as follows:

17 The secretary shall establish by rule criteria for certification by
18 endorsement.

19 NEW SECTION. **Sec. 27.** A new section is added to chapter 18.19 RCW
20 to read as follows:

21 The secretary shall establish by rule criteria for registration and
22 certification by endorsement.

23 NEW SECTION. **Sec. 28.** A new section is added to chapter 18.22 RCW
24 to read as follows:

25 The board shall establish by rule criteria for licensure by
26 endorsement.

1 NEW SECTION. **Sec. 29.** A new section is added to chapter 18.25 RCW
2 to read as follows:

3 The board shall establish by rule criteria for licensure by
4 endorsement.

5 NEW SECTION. **Sec. 30.** A new section is added to chapter 18.29 RCW
6 to read as follows:

7 The secretary shall establish by rule criteria for licensure by
8 endorsement.

9 NEW SECTION. **Sec. 31.** A new section is added to chapter 18.32 RCW
10 to read as follows:

11 The board shall establish by rule criteria for licensure by
12 endorsement.

13 NEW SECTION. **Sec. 32.** A new section is added to chapter 18.34 RCW
14 to read as follows:

15 The secretary shall establish by rule criteria for licensure by
16 endorsement.

17 NEW SECTION. **Sec. 33.** A new section is added to chapter 18.35 RCW
18 to read as follows:

19 The secretary shall establish by rule criteria for licensure by
20 endorsement.

21 NEW SECTION. **Sec. 34.** A new section is added to chapter 18.36A
22 RCW to read as follows:

23 The secretary shall establish by rule criteria for licensure by
24 endorsement.

1 NEW SECTION. **Sec. 35.** A new section is added to chapter 18.50 RCW
2 to read as follows:

3 The secretary shall establish by rule criteria for licensure by
4 endorsement.

5 NEW SECTION. **Sec. 36.** A new section is added to chapter 18.53 RCW
6 to read as follows:

7 The secretary shall establish by rule criteria for licensure by
8 endorsement.

9 NEW SECTION. **Sec. 37.** A new section is added to chapter 18.55 RCW
10 to read as follows:

11 The secretary shall establish by rule criteria for licensure by
12 endorsement.

13 NEW SECTION. **Sec. 38.** A new section is added to chapter 18.57 RCW
14 to read as follows:

15 The board shall establish by rule criteria for licensure by
16 endorsement.

17 NEW SECTION. **Sec. 39.** A new section is added to chapter 18.57A
18 RCW to read as follows:

19 The board shall establish by rule criteria for authorization to
20 practice by endorsement.

21 NEW SECTION. **Sec. 40.** A new section is added to chapter 18.59 RCW
22 to read as follows:

23 The board shall establish by rule criteria for licensure by
24 endorsement.

1 NEW SECTION. **Sec. 41.** A new section is added to chapter 18.64 RCW
2 to read as follows:

3 The board shall establish by rule criteria for licensure by
4 endorsement.

5 NEW SECTION. **Sec. 42.** A new section is added to chapter 18.64A
6 RCW to read as follows:

7 The board shall establish by rule criteria for certification by
8 endorsement.

9 NEW SECTION. **Sec. 43.** A new section is added to chapter 18.71 RCW
10 to read as follows

11 The board shall establish by rule criteria for licensure and
12 certification by endorsement.

13 NEW SECTION. **Sec. 44.** A new section is added to chapter 18.71A
14 RCW to read as follows:

15 The board shall establish by rule criteria for registration by
16 endorsement.

17 NEW SECTION. **Sec. 45.** A new section is added to chapter 18.74 RCW
18 to read as follows:

19 The board shall establish by rule criteria for licensure by
20 endorsement.

21 NEW SECTION. **Sec. 46.** A new section is added to chapter 18.83 RCW
22 to read as follows:

23 The board shall establish by rule criteria for licensure by
24 endorsement.

1 NEW SECTION. **Sec. 47.** A new section is added to chapter 18.84 RCW
2 to read as follows:

3 The secretary shall establish by rule criteria for certification by
4 endorsement.

5 NEW SECTION. **Sec. 48.** A new section is added to chapter 18.88A
6 RCW to read as follows:

7 The board shall establish by rule criteria for certification by
8 endorsement.

9 NEW SECTION. **Sec. 49.** A new section is added to chapter 18.89 RCW
10 to read as follows:

11 The secretary shall establish by rule criteria for certification by
12 endorsement.

13 NEW SECTION. **Sec. 50.** A new section is added to chapter 18.92 RCW
14 to read as follows:

15 The board shall establish by rule criteria for licensure by
16 endorsement.

17 NEW SECTION. **Sec. 51.** A new section is added to chapter 18.108
18 RCW to read as follows:

19 The board shall establish by rule criteria for licensure by
20 endorsement.

21 NEW SECTION. **Sec. 52.** A new section is added to chapter 18.155
22 RCW to read as follows:

23 The secretary shall establish by rule criteria for certification by
24 endorsement.