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SENATE BILL 5318

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State of Washington

53rd Legislature

1993 Regular Session

By Senators Fraser, Deccio, Talmadge and Winsley

Read first time 01/22/93. Referred to Committee on Health & Human Services.

1 AN ACT Relating to physician's assistants and osteopathic  
2 physician's assistants; amending RCW 4.16.350, 4.24.240, 5.64.010,  
3 7.70.020, 10.79.100, 18.57.040, 18.57A.010, 18.57A.020, 18.57A.030,  
4 18.57A.040, 18.57A.050, 18.57A.060, 18.71A.010, 18.71A.020, 18.71A.030,  
5 18.71A.040, 18.71A.045, 18.71A.050, 18.71A.060, 18.71A.070, 18.71A.085,  
6 18.72.045, 18.72.345, 18.78.182, 41.05.180, 48.20.393, 48.21.225,  
7 48.44.325, 48.46.275, 51.04.030, 69.41.030, 69.45.010, 70.180.005,  
8 70.180.009, 70.180.020, 70.180.030, 70.180.040, 74.42.010, and  
9 74.42.230; and reenacting and amending RCW 18.71.015, 18.71.030,  
10 18.78.010, 69.41.010, 69.50.101, and 71.05.210.

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

12 **Sec. 1.** RCW 4.16.350 and 1988 c 144 s 2 are each amended to read  
13 as follows:

14 Any civil action for damages for injury occurring as a result of  
15 health care which is provided after June 25, 1976 against:

16 (1) A person licensed by this state to provide health care or  
17 related services, including, but not limited to, a physician,  
18 osteopathic physician, dentist, nurse, optometrist, (~~podiatrist~~)  
19 podiatric physician and surgeon, chiropractor, physical therapist,

1 psychologist, pharmacist, optician, physician's ((assistant))  
2 associate, osteopathic physician's ((assistant)) associate, nurse  
3 practitioner, or physician's trained mobile intensive care paramedic,  
4 including, in the event such person is deceased, his or her estate or  
5 personal representative;

6 (2) An employee or agent of a person described in subsection (1) of  
7 this section, acting in the course and scope of his or her employment,  
8 including, in the event such employee or agent is deceased, his or her  
9 estate or personal representative; or

10 (3) An entity, whether or not incorporated, facility, or  
11 institution employing one or more persons described in subsection (1)  
12 of this section, including, but not limited to, a hospital, clinic,  
13 health maintenance organization, or nursing home; or an officer,  
14 director, employee, or agent thereof acting in the course and scope of  
15 his or her employment, including, in the event such officer, director,  
16 employee, or agent is deceased, his or her estate or personal  
17 representative;

18 based upon alleged professional negligence shall be commenced within  
19 three years of the act or omission alleged to have caused the injury or  
20 condition, or one year of the time the patient or his or her  
21 representative discovered or reasonably should have discovered that the  
22 injury or condition was caused by said act or omission, whichever  
23 period expires later, except that in no event shall an action be  
24 commenced more than eight years after said act or omission: PROVIDED,  
25 That the time for commencement of an action is tolled upon proof of  
26 fraud, intentional concealment, or the presence of a foreign body not  
27 intended to have a therapeutic or diagnostic purpose or effect.

28 For purposes of this section, notwithstanding RCW 4.16.190, the  
29 knowledge of a custodial parent or guardian shall be imputed to a  
30 person under the age of eighteen years, and such imputed knowledge  
31 shall operate to bar the claim of such minor to the same extent that  
32 the claim of an adult would be barred under this section. Any action  
33 not commenced in accordance with this section shall be barred.

34 For purposes of this section, with respect to care provided after  
35 June 25, 1976, and before August 1, 1986, the knowledge of a custodial  
36 parent or guardian shall be imputed as of April 29, 1987, to persons  
37 under the age of eighteen years.

38 This section does not apply to a civil action based on intentional  
39 conduct brought against those individuals or entities specified in this

1 section by a person for recovery of damages for injury occurring as a  
2 result of childhood sexual abuse as defined in RCW 4.16.340(5).

3 **Sec. 2.** RCW 4.24.240 and 1985 c 326 s 25 are each amended to read  
4 as follows:

5 (1)(a) A person licensed by this state to provide health care or  
6 related services, including, but not limited to, a certified  
7 acupuncturist, a physician, osteopathic physician, dentist, nurse,  
8 optometrist, (~~pediatrist~~) podiatric physician and surgeon,  
9 chiropractor, physical therapist, psychologist, pharmacist, optician,  
10 physician's (~~assistant~~) associate, osteopathic physician's  
11 (~~assistant~~) associate, nurse practitioner, including, in the event  
12 such person is deceased, his or her estate or personal representative;

13 (b) An employee or agent of a person described in subparagraph (a)  
14 of this subsection, acting in the course and scope of his or her  
15 employment, including, in the event such employee or agent is deceased,  
16 his or her estate or personal representative; or

17 (c) An entity, whether or not incorporated, facility, or  
18 institution employing one or more persons described in subparagraph (a)  
19 of this subsection, including, but not limited to, a hospital, clinic,  
20 health maintenance organization, or nursing home; or an officer,  
21 director, trustee, employee, or agent thereof acting in the course and  
22 scope of his or her employment, including in the event such officer,  
23 director, employee, or agent is deceased, his or her estate or personal  
24 representative;

25 shall be immune from civil action for damages arising out of the good  
26 faith performance of their duties on such committees, where such  
27 actions are being brought by or on behalf of the person who is being  
28 evaluated.

29 (2) No member, employee, staff person, or investigator of a  
30 professional review committee shall be liable in a civil action as a  
31 result of acts or omissions made in good faith on behalf of the  
32 committee; nor shall any person be so liable for filing charges with or  
33 supplying information or testimony in good faith to any professional  
34 review committee; nor shall a member, employee, staff person, or  
35 investigator of a professional society, of a professional examining or  
36 licensing board, of a professional disciplinary board, of a governing  
37 board of any institution, or of any employer of professionals be so  
38 liable for good faith acts or omissions made in full or partial

1 reliance on recommendations or decisions of a professional review  
2 committee or examining board.

3 **Sec. 3.** RCW 5.64.010 and 1975-'76 2nd ex.s. c 56 s 3 are each  
4 amended to read as follows:

5 In any civil action for personal injuries which is based upon  
6 alleged professional negligence and which is against:

7 (1) A person licensed by this state to provide health care or  
8 related services, including, but not limited to, a physician,  
9 osteopathic physician, dentist, nurse, optometrist, (~~podiatrist~~)  
10 podiatric physician and surgeon, chiropractor, physical therapist,  
11 psychologist, pharmacist, optician, physician's (~~assistant~~)  
12 associate, osteopathic physician's (~~assistant~~) associate, nurse  
13 practitioner, or physician's trained mobile intensive care paramedic,  
14 including, in the event such person is deceased, his or her estate or  
15 personal representative;

16 (2) An employee or agent of a person described in subsection (1) of  
17 this section, acting in the course and scope of his or her employment,  
18 including, in the event such employee or agent is deceased, his or her  
19 estate or personal representative; or

20 (3) An entity, whether or not incorporated, facility, or  
21 institution employing one or more persons described in subsection (1)  
22 of this section, including, but not limited to, a hospital, clinic,  
23 health maintenance organization, or nursing home; or an officer,  
24 director, employee, or agent thereof acting in the course and scope of  
25 his or her employment, including, in the event such officer, director,  
26 employee, or agent is deceased, his estate or personal representative;  
27 evidence of furnishing or offering or promising to pay medical,  
28 hospital, or similar expenses occasioned by an injury is not admissible  
29 to prove liability for the injury.

30 **Sec. 4.** RCW 7.70.020 and 1985 c 326 s 27 are each amended to read  
31 as follows:

32 As used in this chapter "health care provider" means either:

33 (1) A person licensed by this state to provide health care or  
34 related services, including, but not limited to, a certified  
35 acupuncturist, a physician, osteopathic physician, dentist, nurse,  
36 optometrist, (~~podiatrist~~) podiatric physician and surgeon,  
37 chiropractor, physical therapist, psychologist, pharmacist, optician,

1 physician's ((assistant)) associate, midwife, osteopathic physician's  
2 ((assistant)) associate, nurse practitioner, or physician's trained  
3 mobile intensive care paramedic, including, in the event such person is  
4 deceased, his estate or personal representative;

5 (2) An employee or agent of a person described in part (1) above,  
6 acting in the course and scope of his or her employment, including, in  
7 the event such employee or agent is deceased, his or her estate or  
8 personal representative; or

9 (3) An entity, whether or not incorporated, facility, or  
10 institution employing one or more persons described in part (1) above,  
11 including, but not limited to, a hospital, clinic, health maintenance  
12 organization, or nursing home; or an officer, director, employee, or  
13 agent thereof acting in the course and scope of his or her employment,  
14 including in the event such officer, director, employee, or agent is  
15 deceased, his or her estate or personal representative.

16 **Sec. 5.** RCW 10.79.100 and 1983 1st ex.s. c 42 s 5 are each amended  
17 to read as follows:

18 (1) Persons conducting a strip search shall not touch the person  
19 being searched except as reasonably necessary to effectuate the strip  
20 search of the person.

21 (2) Any body cavity search must be performed under sanitary  
22 conditions and conducted by a physician, registered nurse, or  
23 physician's ((assistant)) associate, licensed to practice in this  
24 state, who is trained in the proper medical process and the potential  
25 health problems associated with a body cavity search. No health  
26 professional authorized by this subsection to conduct a body cavity  
27 search shall be held liable in any civil action if the search is  
28 conducted in a manner that meets the standards and requirements of RCW  
29 4.24.290 and 7.70.040.

30 (3) Except as provided in subsection (7) of this section, a strip  
31 search or body cavity search, as well as presearch undressing or  
32 postsearch dressing, shall occur at a location made private from the  
33 observation of persons not physically conducting the search. A strip  
34 search or body cavity search shall be performed or observed only by  
35 persons of the same sex as the person being searched, except for  
36 licensed medical professionals as required by subsection (2) of this  
37 section.

1 (4) Except as provided in subsection (5) of this section, no person  
2 may be present or observe during the search unless the person is  
3 necessary to conduct the search or to ensure the safety of those  
4 persons conducting the search.

5 (5) Nothing in this section prohibits a person upon whom a body  
6 cavity search is to be performed from having a readily available person  
7 of his or her choosing present at the time the search is conducted.  
8 However, the person chosen shall not be a person being held in custody  
9 by a law enforcement agency.

10 (6) RCW 10.79.080 and this section shall not be interpreted as  
11 expanding or diminishing the authority of a law enforcement officer  
12 with respect to searches incident to arrest or investigatory stop in  
13 public.

14 (7) A strip search of a person housed in a holding, detention, or  
15 local correctional facility to search for and seize a weapon may be  
16 conducted at other than a private location if there arises a specific  
17 threat to institutional security that reasonably requires such a search  
18 or if all persons in the facility are being searched for the discovery  
19 of weapons or contraband.

20 **Sec. 6.** RCW 18.57.040 and 1991 c 160 s 5 are each amended to read  
21 as follows:

22 Nothing in this chapter shall be construed to prohibit:

23 (1) Service in the case of emergency;

24 (2) The domestic administration of family remedies;

25 (3) The practice of midwifery as permitted under chapter 18.50 RCW;

26 (4) The practice of osteopathic medicine and surgery by any  
27 commissioned medical officer in the United States government or  
28 military service or by any osteopathic physician and surgeon employed  
29 by a federal agency, in the discharge of his or her official duties;

30 (5) Practice by a dentist licensed under chapter 18.32 RCW when  
31 engaged exclusively in the practice of dentistry;

32 (6) Practice by any osteopathic physician and surgeon from any  
33 other state or territory in which he or she resides: PROVIDED, That  
34 such practitioner shall not open an office or appoint a place of  
35 meeting patients or receive calls within the limits of this state;

36 (7) Practice by a person who is a student enrolled in an accredited  
37 school of osteopathic medicine and surgery approved by the board:  
38 PROVIDED, That the performance of such services be only pursuant to a

1 course of instruction or assignments from his or her instructor or  
2 school, and such services are performed only under the supervision of  
3 a person licensed pursuant to this chapter or chapter 18.71 RCW;

4 (8) Practice by an osteopathic physician and surgeon serving a  
5 period of clinical postgraduate medical training in a postgraduate  
6 program approved by the board: PROVIDED, That the performance of such  
7 services be only pursuant to a course of instruction in said program,  
8 and said services are performed only under the supervision and control  
9 of a person licensed pursuant to this chapter or chapter 18.71 RCW; or

10 (9) Practice by a person who is enrolled in a physician  
11 ((assistant)) associate program approved by the board who is performing  
12 such services only pursuant to a course of instruction in said program:  
13 PROVIDED, That such services are performed only under the supervision  
14 and control of a person licensed pursuant to this chapter or chapter  
15 18.71 RCW.

16 This chapter shall not be construed to apply in any manner to any  
17 other system or method of treating the sick or afflicted or to apply to  
18 or interfere in any way with the practice of religion or any kind of  
19 treatment by prayer.

20 **Sec. 7.** RCW 18.57A.010 and 1979 c 117 s 17 are each amended to  
21 read as follows:

22 (1) "Osteopathic physician's ((assistant)) associate" means a  
23 person who has satisfactorily completed a board-approved training  
24 program designed to prepare persons to practice osteopathic medicine to  
25 a limited extent;

26 (2) "Board" means the board of osteopathic medicine and surgery;  
27 and

28 (3) "Practice medicine" shall have the meaning defined in RCW  
29 18.57.001.

30 **Sec. 8.** RCW 18.57A.020 and 1992 c 28 s 1 are each amended to read  
31 as follows:

32 The board shall adopt rules ((and regulations)) fixing the  
33 qualifications and the educational and training requirements for  
34 persons who may be employed as osteopathic physician's ((assistants))  
35 associates or who may be enrolled in any physician's training program.

36 The board shall, in addition, adopt rules ((and regulations))  
37 governing the extent to which physician's ((assistants)) associates may

1 practice medicine during training and after successful completion of a  
2 training course. Such regulations shall provide:

3 (1) That the practice of an osteopathic physician's ((assistant))  
4 associate shall be limited to the performance of those services for  
5 which he or she is trained; and

6 (2) That each osteopathic physician's ((assistant)) associate shall  
7 practice medicine only under the supervision and control of an  
8 osteopathic physician licensed in this state, but such supervision and  
9 control shall not be construed to necessarily require the personal  
10 presence of the supervising physician at the place where services are  
11 rendered. The board may authorize the use of alternative supervisors  
12 who are licensed either under chapter 18.57 or 18.71 RCW.

13 **Sec. 9.** RCW 18.57A.030 and 1986 c 259 s 95 are each amended to  
14 read as follows:

15 An osteopathic physician's ((assistant)) associate as defined in  
16 this chapter may practice osteopathic medicine in this state only after  
17 authorization by the board and only to the extent permitted by the  
18 board. An osteopathic physician's ((assistant)) associate shall be  
19 subject to discipline by the board under the provisions of chapter  
20 18.130 RCW.

21 **Sec. 10.** RCW 18.57A.040 and 1991 c 3 s 152 are each amended to  
22 read as follows:

23 No osteopathic physician practicing in this state shall utilize the  
24 services of an osteopathic physician's ((assistant)) associate without  
25 the approval of the board.

26 Any osteopathic physician licensed in this state may apply to the  
27 board for permission to use the services of an osteopathic physician's  
28 ((assistant)) associate. The application shall be accompanied by a fee  
29 determined by the secretary as provided in RCW 43.70.250, shall detail  
30 the manner and extent to which the physician's ((assistant)) associate  
31 would be used and supervised, shall detail the education, training, and  
32 experience of the osteopathic physician's ((assistant)) associate and  
33 shall provide such other information in such form as the board may  
34 require.

35 The board may approve or reject such applications. In addition,  
36 the board may modify the proposed utilization of the osteopathic  
37 physician's ((assistant)) associate, and approve the application as



1 modified. No such approval shall extend for more than one year, but  
2 approval once granted may be renewed annually upon payment of a fee  
3 determined by the secretary as provided in RCW 43.70.250. Whenever it  
4 appears to the board that an osteopathic physician's ((assistant))  
5 associate is being utilized in a manner inconsistent with the approval  
6 granted, the board may withdraw such approval. In the event a hearing  
7 is requested upon the rejection of an application, or upon the  
8 withdrawal of an approval, a hearing shall be conducted in accordance  
9 with chapter 34.05 RCW.

10 **Sec. 11.** RCW 18.57A.050 and 1986 c 259 s 97 are each amended to  
11 read as follows:

12 No osteopathic physician who uses the services of an osteopathic  
13 physician's ((assistant)) associate in accordance with and within the  
14 terms of any permission granted by the board shall be considered as  
15 aiding and abetting an unlicensed person to practice osteopathic  
16 medicine within the meaning of RCW 18.57.080: PROVIDED, HOWEVER, That  
17 any physician shall retain professional and personal responsibility for  
18 any act which constitutes the practice of medicine as defined in RCW  
19 18.57.130 when performed by a physician's assistant in his employ.

20 **Sec. 12.** RCW 18.57A.060 and 1973 c 77 s 20 are each amended to  
21 read as follows:

22 No health care services may be performed under this chapter in any  
23 of the following areas:

24 (1) The measurement of the powers or range of human vision, or the  
25 determination of the accommodation and refractive state of the human  
26 eye or the scope of its functions in general, or the fitting or  
27 adaptation of lenses or frames for the aid thereof.

28 (2) The prescribing or directing the use of, or using, any optical  
29 device in connection with ocular exercises, visual training, vision  
30 training or orthoptics.

31 (3) The prescribing of contact lenses for, or the fitting or  
32 adaptation of contact lenses to, the human eye.

33 (4) Nothing in this section shall preclude the performance of  
34 routine visual screening.

35 (5) The practice of dentistry or dental hygiene as defined in  
36 chapter 18.32 and 18.29 RCW respectively. The exemptions set forth in

1 RCW 18.32.030, paragraphs (1) and (8), shall not apply to a physician's  
2 ((assistant)) associate.

3 (6) The practice of chiropractic as defined in chapter 18.25 RCW  
4 including the adjustment or manipulation of the articulations of the  
5 spine.

6 (7) The practice of ((podiatry)) podiatric medicine and surgery as  
7 defined in chapter 18.22 RCW.

8 **Sec. 13.** RCW 18.71.015 and 1991 c 44 s 1 and 1991 c 3 s 159 are  
9 each reenacted and amended to read as follows:

10 There is hereby created a board of medical examiners consisting of  
11 six individuals licensed to practice medicine in the state of  
12 Washington, one individual who is licensed as a physician ((assistant))  
13 associate under chapter 18.71A RCW, and two individuals who are not  
14 physicians, to be known as the Washington state board of medical  
15 examiners.

16 The board shall be appointed by the governor. On expiration of the  
17 term of any member, the governor shall appoint for a period of five  
18 years an individual of similar qualifications to take the place of such  
19 member. Each member shall hold office until the expiration of the term  
20 for which such member is appointed or until a successor shall have been  
21 appointed and shall have qualified.

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

26 The board shall meet as soon as practicable after appointment and  
27 elect a chair and a vice-chair from its members. Meetings shall be  
28 held at least four times a year and at such place as the board shall  
29 determine and at such other times and places as the board deems  
30 necessary. A majority of the board members serving shall constitute a  
31 quorum for the transaction of board business.

32 It shall require the affirmative vote of a majority of a quorum of  
33 the board to carry any motion or resolution, to adopt any rule, or to  
34 pass any measure. A majority of the members appointed to a panel of  
35 the board shall constitute a quorum for the panel to transact business  
36 delegated to it by the board.

37 Each member of the board shall be compensated in accordance with  
38 RCW 43.03.240 and in addition thereto shall be reimbursed for travel

1 expenses incurred in carrying out the duties of the board in accordance  
2 with RCW 43.03.050 and 43.03.060. Any such expenses shall be paid from  
3 funds appropriated to the department of health.

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

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

8 **Sec. 14.** RCW 18.71.030 and 1990 c 196 s 12 and 1990 c 33 s 552 are  
9 each reenacted and amended to read as follows:

10 Nothing in this chapter shall be construed to apply to or interfere  
11 in any way with the practice of religion or any kind of treatment by  
12 prayer; nor shall anything in this chapter be construed to prohibit:

13 (1) The furnishing of medical assistance in cases of emergency  
14 requiring immediate attention;

15 (2) The domestic administration of family remedies;

16 (3) The administration of oral medication of any nature to students  
17 by public school district employees or private elementary or secondary  
18 school employees as provided for in chapter 28A.210 RCW;

19 (4) The practice of dentistry, osteopathy, osteopathy and surgery,  
20 nursing, chiropractic, (~~podiatry~~) podiatric medicine and surgery,  
21 optometry, naturopathy or any other healing art licensed under the  
22 methods or means permitted by such license;

23 (5) The practice of medicine in this state by any commissioned  
24 medical officer serving in the armed forces of the United States or  
25 public health service or any medical officer on duty with the United  
26 States veterans administration while such medical officer is engaged in  
27 the performance of the duties prescribed for him or her by the laws and  
28 regulations of the United States;

29 (6) The practice of medicine by any practitioner licensed by  
30 another state or territory in which he or she resides, provided that  
31 such practitioner shall not open an office or appoint a place of  
32 meeting patients or receiving calls within this state;

33 (7) The practice of medicine by a person who is a regular student  
34 in a school of medicine approved and accredited by the board, however,  
35 the performance of such services be only pursuant to a regular course  
36 of instruction or assignments from his or her instructor, or that such  
37 services are performed only under the supervision and control of a  
38 person licensed pursuant to this chapter;

1 (8) The practice of medicine by a person serving a period of  
2 postgraduate medical training in a program of clinical medical training  
3 sponsored by a college or university in this state or by a hospital  
4 accredited in this state, however, the performance of such services  
5 shall be only pursuant to his or her duties as a trainee;

6 (9) The practice of medicine by a person who is regularly enrolled  
7 in a physician assistant program approved by the board, however, the  
8 performance of such services (~~{shall}~~) shall be only pursuant to a  
9 regular course of instruction in said program and such services are  
10 performed only under the supervision and control of a person licensed  
11 pursuant to this chapter;

12 (10) The practice of medicine by a licensed physician (~~{assistant}~~)  
13 associate which practice is performed under the supervision and control  
14 of a physician licensed pursuant to this chapter;

15 (11) The practice of medicine, in any part of this state which  
16 shares a common border with Canada and which is surrounded on three  
17 sides by water, by a physician licensed to practice medicine and  
18 surgery in Canada or any province or territory thereof;

19 (12) The administration of nondental anesthesia by a dentist who  
20 has completed a residency in anesthesiology at a school of medicine  
21 approved by the board of medical examiners, however, a dentist allowed  
22 to administer nondental anesthesia shall do so only under authorization  
23 of the patient's attending surgeon, obstetrician, or psychiatrist and  
24 the medical disciplinary board shall have jurisdiction to discipline a  
25 dentist practicing under this exemption and enjoin or suspend such  
26 dentist from the practice of nondental anesthesia according to the  
27 provisions of chapter 18.72 RCW and chapter 18.130 RCW;

28 (13) Emergency lifesaving service rendered by a physician's trained  
29 mobile intravenous therapy technician, by a physician's trained mobile  
30 airway management technician, or by a physician's trained mobile  
31 intensive care paramedic, as defined in RCW 18.71.200, if the emergency  
32 lifesaving service is rendered under the responsible supervision and  
33 control of a licensed physician;

34 (14) The provision of clean, intermittent bladder catheterization  
35 for students by public school district employees or private school  
36 employees as provided for in RCW 18.88.295 and 28A.210.280.

37 **Sec. 15.** RCW 18.71A.010 and 1990 c 196 s 1 are each amended to  
38 read as follows:

1 (1) "Physician ((assistant)) associate" means a person who is  
2 licensed by the board to practice medicine to a limited extent only  
3 under the supervision of a physician as defined in chapter 18.71 RCW  
4 and who is academically and clinically prepared to provide health care  
5 services and perform diagnostic, therapeutic, preventative, and health  
6 maintenance services.

7 (2) "Board" means the board of medical examiners.

8 (3) "Practice medicine" shall have the meaning defined in RCW  
9 18.71.011.

10 (4) "Secretary" means the secretary of health or the secretary's  
11 designee.

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

13 **Sec. 16.** RCW 18.71A.020 and 1992 c 28 s 2 are each amended to read  
14 as follows:

15 (1) The board shall adopt rules fixing the qualifications and the  
16 educational and training requirements for persons who may be employed  
17 as physician ((assistants)) associates or who may be enrolled in any  
18 physician ((assistant)) associate training program. The requirements  
19 shall include completion of an accredited physician ((assistant))  
20 associate training program approved by the board and eligibility to  
21 take an examination approved by the board, provided such examination  
22 tests subjects substantially equivalent to the curriculum of an  
23 accredited physician ((assistant)) associate training program.  
24 Physician ((assistants)) associates licensed by the board on June 7,  
25 1990, shall continue to be licensed.

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

27 (i) Physician ((assistant)) associate students may practice  
28 medicine during training; and

29 (ii) Physician ((assistants)) associates may practice after  
30 successful completion of a physician ((assistant)) associate training  
31 course.

32 (b) Such rules shall provide:

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

36 (ii) That each physician ((assistant)) associate shall practice  
37 medicine only under the supervision and control of a physician licensed  
38 in this state, but such supervision and control shall not be construed

1 to necessarily require the personal presence of the supervising  
2 physician at the place where services are rendered. The board may  
3 authorize the use of alternative supervisors who are licensed either  
4 under chapter 18.57 or 18.71 RCW.

5 **Sec. 17.** RCW 18.71A.030 and 1990 c 196 s 3 are each amended to  
6 read as follows:

7 A physician ((assistant)) associate as defined in this chapter may  
8 practice medicine in this state only after authorization by the board  
9 and only to the extent permitted by the board. A physician  
10 ((assistant)) associate shall be subject to discipline under chapter  
11 18.130 RCW.

12 **Sec. 18.** RCW 18.71A.040 and 1990 c 196 s 4 are each amended to  
13 read as follows:

14 No physician practicing in this state shall employ or supervise a  
15 physician ((assistant)) associate without the approval of the board.

16 Any physician licensed in this state may apply to the board for  
17 permission to employ or supervise a physician ((assistant)) associate.  
18 The application shall be jointly submitted by the physician and  
19 physician ((assistant)) associate and shall be accompanied by a fee  
20 determined by the secretary as provided in RCW 43.70.250. The joint  
21 application shall detail the manner and extent to which the physician  
22 ((assistant)) associate would practice and be supervised, shall detail  
23 the education, training, and experience of the physician ((assistant))  
24 associate and shall provide such other information in such form as the  
25 board may require.

26 The board may approve or reject such applications. In addition,  
27 the board may modify the proposed practice of the physician  
28 ((assistant)) associate, and approve the application as modified. No  
29 such approval shall extend for more than one year, but approval once  
30 granted may be renewed upon payment of a fee determined by the  
31 secretary as provided in RCW 43.70.250. Whenever it appears to the  
32 board that a physician ((assistant)) associate is practicing in a  
33 manner inconsistent with the approval granted, the board may withdraw  
34 such approval. In the event a hearing is requested upon the rejection  
35 of an application, or upon the withdrawal of an approval, a hearing  
36 shall be conducted in accordance with chapter 18.130 RCW.

1       **Sec. 19.** RCW 18.71A.045 and 1988 c 113 s 2 are each amended to  
2 read as follows:

3       Foreign medical school graduates shall not be eligible for  
4 registration as physician ((assistants)) associates after July 1, 1989.  
5 Those applying on or before that date shall remain eligible to register  
6 as a physician ((assistant)) associate after July 1, 1989: PROVIDED,  
7 That the graduate does not violate chapter 18.130 RCW or the rules of  
8 the board. The board shall adopt rules regarding applications for  
9 registration. The rules shall include board approval of training as  
10 required in RCW 18.71.051(1) and receipt of original translated  
11 transcripts directly from the medical school.

12       **Sec. 20.** RCW 18.71A.050 and 1990 c 196 s 5 are each amended to  
13 read as follows:

14       No physician who supervises a physician ((assistant)) associate in  
15 accordance with and within the terms of any permission granted by the  
16 medical examining board shall be considered as aiding and abetting an  
17 unlicensed person to practice medicine: PROVIDED, HOWEVER, That any  
18 physician shall retain professional and personal responsibility for any  
19 act which constitutes the practice of medicine as defined in RCW  
20 ((18.71.010)) 18.71.011 when performed by a physician ((assistant))  
21 associate in the physician's employ.

22       **Sec. 21.** RCW 18.71A.060 and 1990 c 196 s 6 are each amended to  
23 read as follows:

24       No health care services may be performed under this chapter in any  
25 of the following areas:

26       (1) The measurement of the powers or range of human vision, or the  
27 determination of the accommodation and refractive state of the human  
28 eye or the scope of its functions in general, or the fitting or  
29 adaptation of lenses or frames for the aid thereof.

30       (2) The prescribing or directing the use of, or using, any optical  
31 device in connection with ocular exercises, visual training, vision  
32 training or orthoptics.

33       (3) The prescribing of contact lenses for, or the fitting or  
34 adaptation of contact lenses to, the human eye.

35       (4) Nothing in this section shall preclude the performance of  
36 routine visual screening.

1 (5) The practice of dentistry or dental hygiene as defined in  
2 chapters 18.32 and 18.29 RCW respectively. The exemptions set forth in  
3 RCW 18.32.030, paragraphs (1) and (8), shall not apply to a physician  
4 ((assistant)) associate.

5 (6) The practice of chiropractic as defined in chapter 18.25 RCW  
6 including the adjustment or manipulation of the articulations of the  
7 spine.

8 (7) The practice of ((podiatry)) podiatric medicine and surgery as  
9 defined in chapter 18.22 RCW.

10 **Sec. 22.** RCW 18.71A.070 and 1990 c 196 s 7 are each amended to  
11 read as follows:

12 There shall be appointed by the secretary an agent whose title  
13 shall be "medical practice investigator", who shall have the duty and  
14 shall be authorized to enter the clinic, office, or premises where a  
15 physician ((assistant)) associate is employed for the purpose of  
16 inspecting the registration and utilization of any physician  
17 ((assistant)) associate employed therein. Said investigator may serve  
18 and execute any notice or process issued under the authority of this  
19 chapter and shall perform any other duty prescribed by the secretary or  
20 the board, including assisting other agencies in enforcing the  
21 provisions of the law regulating the practice of medicine.

22 **Sec. 23.** RCW 18.71A.085 and 1990 c 196 s 10 are each amended to  
23 read as follows:

24 Any physician ((assistant)) associate acupuncturist currently  
25 licensed by the board may continue to perform acupuncture under the  
26 physician ((assistant)) associate license as long as he or she  
27 maintains licensure as a physician ((assistant)) associate.

28 **Sec. 24.** RCW 18.72.045 and 1991 c 215 s 1 are each amended to read  
29 as follows:

30 There is hereby created the Washington state medical disciplinary  
31 board. The board shall be composed of one holder of a valid license to  
32 practice medicine and surgery under this chapter from each  
33 congressional district now existing or hereafter created in the state,  
34 four members representing the public, and one physician ((assistant))  
35 associate authorized to practice under chapter 18.71A RCW. The  
36 physician ((assistant)) associate member shall vote only on matters



1 relating to the discipline of physician ((assistants)) associates. The  
2 members of the board shall be appointed by the governor. The governor  
3 may stagger initial terms of appointment and thereafter all terms of  
4 appointment shall be for four years. The governor shall consider such  
5 physician and physician ((assistant)) associate members who are  
6 recommended for appointment by the appropriate professional  
7 associations in the state. The members representing the public shall  
8 be persons whose occupations are other than the administration of  
9 health activities or the providing of health services, who have no  
10 fiduciary obligations to a health facility or other health agency, and  
11 who have no material financial interest in the rendering of health  
12 services.

13 Nothing in this section shall affect the current terms of members  
14 of the board who are serving on the board on July 28, 1991.

15 Vacancies on the board shall be filled promptly by the governor,  
16 and a member appointed to fill a vacancy on the board shall continue to  
17 serve until his or her successor is appointed.

18 The terms of office of members of the board shall not be affected  
19 by changes in congressional district boundaries.

20 The board shall be an administrative agency of the state of  
21 Washington. The attorney general shall be the advisor to the board and  
22 shall represent it in legal proceedings.

23 **Sec. 25.** RCW 18.72.345 and 1991 c 215 s 2 are each amended to read  
24 as follows:

25 To assist in identifying impairment related to alcohol abuse, the  
26 board may obtain a copy of the driving record of a physician or a  
27 physician ((assistant)) associate maintained by the department of  
28 licensing.

29 **Sec. 26.** RCW 18.78.010 and 1991 c 84 s 13 and 1991 c 3 s 185 are  
30 each reenacted and amended to read as follows:

31 Unless a different meaning is plainly required by the context, the  
32 following words and phrases as hereinafter used in this chapter shall  
33 have the following meanings:

34 (1) "Board" shall mean "Washington state board of practical  
35 nursing."

1 (2) "Curriculum" means the theoretical and practical studies which  
2 must be taught in order for students to meet the minimum standards of  
3 competency as determined by the board.

4 (3) "Secretary" means the "secretary of health."

5 (4) "Licensed practical nurse," abbreviated "L.P.N.," means a  
6 person licensed by the board to practice practical nursing.

7 (5) "Licensed practical nurse practice" shall mean the performance  
8 of services requiring the knowledge, skill, and judgment necessary for  
9 carrying out selected aspects of the designated nursing regimen under  
10 the direction and supervision of a licensed physician and surgeon,  
11 dentist, osteopathic physician and surgeon, physician ((~~assistant~~))  
12 associate, osteopathic physician ((~~assistant~~)) associate, advanced  
13 registered nurse practitioner authorized under chapter 18.88 RCW, or  
14 podiatric physician and surgeon or at the direction and under the  
15 supervision of a registered nurse.

16 (6) "Supervision" shall mean the critical evaluation of acts  
17 performed with authority to take corrective action, but shall not be  
18 construed so as to require direct and bodily presence.

19 **Sec. 27.** RCW 18.78.182 and 1991 c 84 s 11 are each amended to read  
20 as follows:

21 A licensed practical nurse under his or her license may perform  
22 nursing care (as that term is usually understood) of the ill, injured,  
23 or infirm, and in the course thereof is authorized, under the direction  
24 and supervision of a licensed physician and surgeon, osteopathic  
25 physician and surgeon, dentist, physician ((~~assistant~~)) associate,  
26 osteopathic physician ((~~assistant~~)) associate, advanced registered  
27 nurse practitioner authorized under chapter 18.88 RCW, podiatric  
28 physician and surgeon (acting within the scope of his or her license),  
29 or at the direction and under the supervision of a registered nurse, to  
30 administer drugs, medications, treatments, tests, injections, and  
31 inoculations, whether or not the piercing of tissues is involved and  
32 whether or not a degree of independent judgment and skill is required,  
33 when selected to do so by one of the licensed practitioners designated  
34 in this section, or by a registered nurse who need not be physically  
35 present; provided the order given is reduced to writing within a  
36 reasonable time and made a part of the patient's record.

1       **Sec. 28.** RCW 41.05.180 and 1989 c 338 s 5 are each amended to read  
2 as follows:

3       Each health plan offered to public employees and their covered  
4 dependents under this chapter that is not subject to the provisions of  
5 Title 48 RCW and is established or renewed after January 1, 1990, and  
6 that provides benefits for hospital or medical care shall provide  
7 benefits for screening or diagnostic mammography services, provided  
8 that such services are delivered upon the recommendation of the  
9 patient's physician or advanced registered nurse practitioner as  
10 authorized by the board of nursing pursuant to chapter 18.88 RCW or  
11 physician's ((~~assistant~~)) associate pursuant to chapter 18.71A RCW.

12       This section shall not be construed to prevent the application of  
13 standard health plan provisions applicable to other benefits such as  
14 deductible or copayment provisions. This section does not limit the  
15 authority of the state health care authority to negotiate rates and  
16 contract with specific providers for the delivery of mammography  
17 services. This section shall not apply to medicare supplement policies  
18 or supplemental contracts covering a specified disease or other limited  
19 benefits.

20       **Sec. 29.** RCW 48.20.393 and 1989 c 338 s 1 are each amended to read  
21 as follows:

22       Each disability insurance policy issued or renewed after January 1,  
23 1990, that provides coverage for hospital or medical expenses shall  
24 provide coverage for screening or diagnostic mammography services,  
25 provided that such services are delivered upon the recommendation of  
26 the patient's physician or advanced registered nurse practitioner as  
27 authorized by the board of nursing pursuant to chapter 18.88 RCW or  
28 physician's ((~~assistant~~)) associate pursuant to chapter 18.71A RCW.

29       This section shall not be construed to prevent the application of  
30 standard policy provisions applicable to other benefits such as  
31 deductible or copayment provisions. This section does not limit the  
32 authority of an insurer to negotiate rates and contract with specific  
33 providers for the delivery of mammography services. This section shall  
34 not apply to medicare supplement policies or supplemental contracts  
35 covering a specified disease or other limited benefits.

36       **Sec. 30.** RCW 48.21.225 and 1989 c 338 s 2 are each amended to read  
37 as follows:

1 Each group disability insurance policy issued or renewed after  
2 January 1, 1990, that provides coverage for hospital or medical  
3 expenses shall provide coverage for screening or diagnostic mammography  
4 services, provided that such services are delivered upon the  
5 recommendation of the patient's physician or advanced registered nurse  
6 practitioner as authorized by the board of nursing pursuant to chapter  
7 18.88 RCW or physician's (~~assistant~~) associate pursuant to chapter  
8 18.71A RCW.

9 This section shall not be construed to prevent the application of  
10 standard policy provisions applicable to other benefits such as  
11 deductible or copayment provisions. This section does not limit the  
12 authority of an insurer to negotiate rates and contract with specific  
13 providers for the delivery of mammography services. This section shall  
14 not apply to medicare supplement policies or supplemental contracts  
15 covering a specified disease or other limited benefits.

16 **Sec. 31.** RCW 48.44.325 and 1989 c 338 s 3 are each amended to read  
17 as follows:

18 Each health care service contract issued or renewed after January  
19 1, 1990, that provides benefits for hospital or medical care shall  
20 provide benefits for screening or diagnostic mammography services,  
21 provided that such services are delivered upon the recommendation of  
22 the patient's physician or advanced registered nurse practitioner as  
23 authorized by the board of nursing pursuant to chapter 18.88 RCW or  
24 physician's (~~assistant~~) associate pursuant to chapter 18.71A RCW.

25 This section shall not be construed to prevent the application of  
26 standard contract provisions applicable to other benefits such as  
27 deductible or copayment provisions. This section does not limit the  
28 authority of a contractor to negotiate rates and contract with specific  
29 providers for the delivery of mammography services. This section shall  
30 not apply to medicare supplement policies or supplemental contracts  
31 covering a specified disease or other limited benefits.

32 **Sec. 32.** RCW 48.46.275 and 1989 c 338 s 4 are each amended to read  
33 as follows:

34 Each health maintenance agreement issued or renewed after January  
35 1, 1990, that provides benefits for hospital or medical care shall  
36 provide benefits for screening or diagnostic mammography services,  
37 provided that such services are delivered upon the recommendation of

1 the patient's physician or advanced registered nurse practitioner as  
2 authorized by the board of nursing pursuant to chapter 18.88 RCW or  
3 physician's (~~assistant~~) associate pursuant to chapter 18.71A RCW.

4 All services must be provided by the health maintenance  
5 organization or rendered upon referral by the health maintenance  
6 organization. This section shall not be construed to prevent the  
7 application of standard agreement provisions applicable to other  
8 benefits such as deductible or copayment provisions. This section does  
9 not limit the authority of a health maintenance organization to  
10 negotiate rates and contract with specific providers for the delivery  
11 of mammography services. This section shall not apply to medicare  
12 supplement policies or supplemental contracts covering a specified  
13 disease or other limited benefits.

14 **Sec. 33.** RCW 51.04.030 and 1989 c 189 s 1 are each amended to read  
15 as follows:

16 The director shall, through the division of industrial insurance,  
17 supervise the providing of prompt and efficient care and treatment,  
18 including care provided by physicians' (~~assistants~~) associates  
19 governed by the provisions of chapters 18.57A and 18.71A RCW, acting  
20 under a supervising physician to workers injured during the course of  
21 their employment at the least cost consistent with promptness and  
22 efficiency, without discrimination or favoritism, and with as great  
23 uniformity as the various and diverse surrounding circumstances and  
24 locations of industries will permit and to that end shall, from time to  
25 time, establish and promulgate and supervise the administration of  
26 printed forms, rules, regulations, and practices for the furnishing of  
27 such care and treatment: PROVIDED, That, the department may recommend  
28 to an injured worker particular health care services and providers  
29 where specialized treatment is indicated or where cost effective  
30 payment levels or rates are obtained by the department: AND PROVIDED  
31 FURTHER, That the department may enter into contracts for goods and  
32 services including, but not limited to, durable medical equipment so  
33 long as state-wide access to quality service is maintained for injured  
34 workers.

35 The director shall make and, from time to time, change as may be,  
36 and promulgate a fee bill of the maximum charges to be made by any  
37 physician, surgeon, hospital, druggist, physicians' (~~assistants~~)  
38 associates as defined in chapters 18.57A and 18.71A RCW, acting under

1 a supervising physician or other agency or person rendering services to  
2 injured workers. No service covered under this title shall be charged  
3 or paid at a rate or rates exceeding those specified in such fee bill,  
4 and no contract providing for greater fees shall be valid as to the  
5 excess.

6 The director or self-insurer, as the case may be, shall make a  
7 record of the commencement of every disability and the termination  
8 thereof and, when bills are rendered for the care and treatment of  
9 injured workers, shall approve and pay those which conform to the  
10 promulgated rules, regulations, and practices of the director and may  
11 reject any bill or item thereof incurred in violation of the principles  
12 laid down in this section or the rules and regulations promulgated  
13 under it.

14 **Sec. 34.** RCW 69.41.010 and 1989 1st ex.s. c 9 s 426 and 1989 c 36  
15 s 3 are each reenacted and amended to read as follows:

16 As used in this chapter, the following terms (~~has~~~~have~~) have  
17 the (~~meaning~~~~s~~) meanings indicated unless the context clearly  
18 requires otherwise:

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

22 (a) A practitioner; or

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

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

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

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

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

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

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

37 (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, a licensed practical  
23 nurse under chapter 18.78 RCW, an optometrist under chapter 18.53 RCW  
24 who is certified by the optometry board under RCW 18.53.010, an  
25 osteopathic physician's (~~assistant~~) associate under chapter 18.57A  
26 RCW, or a physician's (~~assistant~~) associate under chapter 18.71A RCW,  
27 or a pharmacist under chapter 18.64 RCW;

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

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

36 (12) "Secretary" means the secretary of health or the secretary's  
37 designee.

1       **Sec. 35.** RCW 69.41.030 and 1991 c 30 s 1 are each amended to read  
2 as follows:

3       It shall be unlawful for any person to sell, deliver, or possess  
4 any legend drug except upon the order or prescription of a physician  
5 under chapter 18.71 RCW, an osteopathic physician or an osteopathic  
6 physician and surgeon under chapter 18.57 RCW, a dentist under chapter  
7 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW,  
8 a veterinarian under chapter 18.92 RCW, a commissioned medical or  
9 dental officer in the United States armed forces or public health  
10 service in the discharge of his or her official duties, a duly licensed  
11 physician or dentist employed by the veterans administration in the  
12 discharge of his or her official duties, a registered nurse under  
13 chapter 18.88 RCW when authorized by the board of nursing, an  
14 osteopathic physician's ((assistant)) associate under chapter 18.57A  
15 RCW when authorized by the committee of osteopathic examiners, a  
16 physician assistant under chapter 18.71A RCW when authorized by the  
17 board of medical examiners, a physician licensed to practice medicine  
18 and surgery or a physician licensed to practice osteopathy and surgery,  
19 a dentist licensed to practice dentistry, a podiatric physician and  
20 surgeon licensed to practice podiatric medicine and surgery, or a  
21 veterinarian licensed to practice veterinary medicine, in any province  
22 of Canada which shares a common border with the state of Washington or  
23 in any state of the United States: PROVIDED, HOWEVER, That the above  
24 provisions shall not apply to sale, delivery, or possession by drug  
25 wholesalers or drug manufacturers, or their agents or employees, or to  
26 any practitioner acting within the scope of his or her license, or to  
27 a common or contract carrier or warehouseman, or any employee thereof,  
28 whose possession of any legend drug is in the usual course of business  
29 or employment: PROVIDED FURTHER, That nothing in this chapter or  
30 chapter 18.64 RCW shall prevent a family planning clinic that is under  
31 contract with the department of social and health services from  
32 selling, delivering, possessing, and dispensing commercially  
33 prepackaged oral contraceptives prescribed by authorized, licensed  
34 health care practitioners.

35       **Sec. 36.** RCW 69.45.010 and 1989 1st ex.s. c 9 s 444 are each  
36 amended to read as follows:

37       The definitions in this section apply throughout this chapter.

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



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

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

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

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

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

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

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

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

28 (10) "Practitioner" means a physician under chapter 18.71 RCW, an  
29 osteopathic physician or an osteopathic physician and surgeon under  
30 chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a (~~podiatrist~~)  
31 podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian  
32 under chapter 18.92 RCW, a pharmacist under chapter 18.64 RCW, a  
33 commissioned medical or dental officer in the United States armed  
34 forces or the public health service in the discharge of his or her  
35 official duties, a duly licensed physician or dentist employed by the  
36 veterans administration in the discharge of his or her official duties,  
37 a registered nurse under chapter 18.88 RCW when authorized to prescribe  
38 by the board of nursing, an osteopathic physician's (~~assistant~~)  
39 associate under chapter 18.57A RCW when authorized by the board of

1 osteopathic medicine and surgery, or a physician's ((assistant))  
2 associate under chapter 18.71A RCW when authorized by the board of  
3 medical examiners.

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

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

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

12 (14) "Secretary" means the secretary of health or the secretary's  
13 designee.

14 **Sec. 37.** RCW 69.50.101 and 1990 c 248 s 1, 1990 c 219 s 3, and  
15 1990 c 196 s 8 are each reenacted and amended to read as follows:

16 As used in this chapter:

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

20 (1) a practitioner, or

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

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

27 (c) "Drug enforcement administration" means the federal drug  
28 enforcement administration in the United States Department of Justice,  
29 or its successor agency.

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

32 (e) "Counterfeit substance" means a controlled substance which, or  
33 the container or labeling of which, without authorization, bears the  
34 trademark, trade name, or other identifying mark, imprint, number or  
35 device, or any likeness thereof, of a manufacturer, distributor, or  
36 dispenser other than the person who in fact manufactured, distributed,  
37 or dispensed the substance.

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

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

5 (h) "Dispense" means the interpretation of a prescription or order  
6 for a controlled substance and, pursuant to that prescription or order,  
7 the proper selection, measuring, compounding, labeling, or packaging  
8 necessary to prepare that prescription or order for delivery.

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

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

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

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

15 (m) "Drug" means (1) substances recognized as drugs in the official  
16 United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the  
17 United States, or Official National Formulary, or any supplement to any  
18 of them; (2) substances intended for use in the diagnosis, cure,  
19 mitigation, treatment, or prevention of disease in man or animals; (3)  
20 substances (other than food) intended to affect the structure or any  
21 function of the body of man or animals; and (4) substances intended for  
22 use as a component of any article specified in clause (1), (2), or (3)  
23 of this subsection. It does not include devices or their components,  
24 parts, or accessories.

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

31 (o) "Manufacture" means the production, preparation, propagation,  
32 compounding, conversion or processing of a controlled substance, either  
33 directly or indirectly by extraction from substances of natural origin,  
34 or independently by means of chemical synthesis, or by a combination of  
35 extraction and chemical synthesis, and includes any packaging or  
36 repackaging of the substance or labeling or relabeling of its  
37 container, except that this term does not include the preparation or  
38 compounding of a controlled substance by an individual for his or her

1 own use or the preparation, compounding, packaging, or labeling of a  
2 controlled substance:

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

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

9 (p) "Marijuana" or "marihuana" means all parts of the plant of the  
10 genus Cannabis L., whether growing or not; the seeds thereof; the resin  
11 extracted from any part of the plant; and every compound, manufacture,  
12 salt, derivative, mixture, or preparation of the plant, its seeds or  
13 resin. It does not include the mature stalks of the plant, fiber  
14 produced from the stalks, oil or cake made from the seeds of the plant,  
15 any other compound, manufacture, salt, derivative, mixture, or  
16 preparation of the mature stalks (except the resin extracted  
17 therefrom), fiber, oil, or cake, or the sterilized seed of the plant  
18 which is incapable of germination.

19 (q) "Narcotic drug" means any of the following, whether produced  
20 directly or indirectly by extraction from substances of vegetable  
21 origin, or independently by means of chemical synthesis, or by a  
22 combination of extraction and chemical synthesis:

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

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

29 (3) Opium poppy and poppy straw.

30 (4) Coca leaves and any salt, compound, derivative, or preparation  
31 of coca leaves, and any salt, compound, isomer, derivative, or  
32 preparation thereof which is chemically equivalent or identical with  
33 any of these substances, but not including decocainized coca leaves or  
34 extractions of coca leaves which do not contain cocaine or ecgonine.

35 (r) "Opiate" means any substance having an addiction-forming or  
36 addiction-sustaining liability similar to morphine or being capable of  
37 conversion into a drug having addiction-forming or addiction-sustaining  
38 liability. It does not include, unless specifically designated as  
39 controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-

1 n-methylmorphinan and its salts (dextromethorphan). It does include  
2 its racemic and levorotatory forms.

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

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

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

10 (v) "Practitioner" means:

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

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

33 (x) "Secretary" means the secretary of health or the secretary's  
34 designee.

35 (y) "State", when applied to a part of the United States, includes  
36 any state, district, commonwealth, territory, insular possession  
37 thereof, and any area subject to the legal authority of the United  
38 States of America.

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

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

6 **Sec. 38.** RCW 70.180.005 and 1991 c 332 s 27 are each amended to  
7 read as follows:

8 The legislature finds that a health care access problem exists in  
9 rural areas of the state because rural health care providers are unable  
10 to leave the community for short-term periods of time to attend  
11 required continuing education training or for personal matters because  
12 their absence would leave the community without adequate medical care  
13 coverage. The lack of adequate medical coverage in geographically  
14 remote rural communities constitutes a threat to the health and safety  
15 of the people in those communities.

16 The legislature declares that it is in the public interest to  
17 recruit and maintain a pool of physicians, physician (~~(assistants)~~)  
18 associates, pharmacists, and advanced registered nurse practitioners  
19 willing and able on short notice to practice in rural communities on a  
20 short-term basis to meet the medical needs of the community.

21 **Sec. 39.** RCW 70.180.009 and 1990 c 271 s 14 are each amended to  
22 read as follows:

23 The legislature finds that a shortage of physicians, nurses,  
24 pharmacists, and physician (~~(assistants)~~) associates exists in rural  
25 areas of the state. In addition, many education programs to train  
26 these health care providers do not include options for practical  
27 training experience in rural settings. As a result, many health care  
28 providers find their current training does not prepare them for the  
29 unique demands of rural practice.

30 The legislature declares that the availability of rural training  
31 opportunities as a part of professional medical, nursing, pharmacist,  
32 and physician (~~(assistant)~~) associate education would provide needed  
33 practical experience, serve to attract providers to rural areas, and  
34 help address the current shortage of these providers in rural  
35 Washington.

1       **Sec. 40.** RCW 70.180.020 and 1990 c 271 s 2 are each amended to  
2 read as follows:

3       The department shall establish the health professional temporary  
4 substitute resource pool. The purpose of the pool is to provide short-  
5 term physician, physician ((assistant)) associate, pharmacist, and  
6 advanced registered nurse practitioner personnel to rural communities  
7 where these health care providers:

8       (1) Are unavailable due to provider shortages;

9       (2) Need time off from practice to attend continuing education and  
10 other training programs; and

11       (3) Need time off from practice to attend to personal matters or  
12 recover from illness.

13       The health professional temporary substitute resource pool is  
14 intended to provide short-term assistance and should complement active  
15 health provider recruitment efforts by rural communities where  
16 shortages exist.

17       **Sec. 41.** RCW 70.180.030 and 1990 c 271 s 3 are each amended to  
18 read as follows:

19       (1) The department, in cooperation with ((the)) the University of  
20 Washington school of medicine, the state's registered nursing programs,  
21 the state's pharmacy programs, and other appropriate public and private  
22 agencies and associations, shall develop and keep current a register of  
23 physicians, physician ((assistants)) associates, pharmacists, and  
24 advanced registered nurse practitioners who are available to practice  
25 on a short-term basis in rural communities of the state. The  
26 department shall periodically screen individuals on the registry for  
27 violations of the uniform disciplinary act as authorized in chapter  
28 18.130 RCW. If a finding of unprofessional conduct has been made by  
29 the appropriate disciplinary authority against any individual on the  
30 registry, the name of that individual shall be removed from the  
31 registry and that person shall be made ineligible for the program. The  
32 department shall include a list of back-up physicians and hospitals who  
33 can provide support to health care providers in the pool. The register  
34 shall be compiled, published, and made available to all rural  
35 hospitals, public health departments and districts, rural pharmacies,  
36 and other appropriate public and private agencies and associations.  
37 The department shall coordinate with existing entities involved in

1 health professional recruitment when developing the registry for the  
2 health professional temporary substitute resource pool.

3 (2) Eligible health care professionals are those licensed under  
4 chapters 18.57, 18.57A, 18.64, 18.71, and 18.71A RCW and advanced  
5 registered nurse practitioners licensed under chapter 18.88 RCW.

6 (3) Participating health care professionals shall receive:

7 (a) Reimbursement for travel to and from the rural community and  
8 for lodging at a rate determined under RCW 43.03.050 and 43.03.060;

9 (b) Medical malpractice insurance purchased by the department, or  
10 the department may reimburse participants for medical malpractice  
11 insurance premium costs for medical liability while providing health  
12 care services in the program, if the services provided are not covered  
13 by the participant's or local provider's existing medical malpractice  
14 insurance; and

15 (c) Information on back-up support from other physicians and  
16 hospitals in the area to the extent necessary and available.

17 (4) The department may require rural communities to participate in  
18 health professional recruitment programs as a condition for providing  
19 a temporary substitute health care professional if the community does  
20 not have adequate permanent health care personnel. To the extent  
21 deemed appropriate and subject to funding, the department may also  
22 require communities to participate in other programs or projects, such  
23 as the rural health system project authorized in chapter 70.175 RCW,  
24 that are designed to assist communities to reorganize the delivery of  
25 rural health care services.

26 (5) The department may require a community match for assistance  
27 provided in subsection (3) of this section if it determines that  
28 adequate community resources exist.

29 (6) The maximum continuous period of time a participating health  
30 professional may serve in a community is ninety days. The department  
31 may modify or waive this limitation should it determine that the health  
32 and safety of the community warrants a waiver or modification. The  
33 community shall be responsible for all salary expenses of participating  
34 health professionals.

35 **Sec. 42.** RCW 70.180.040 and 1990 c 271 s 4 are each amended to  
36 read as follows:

37 (1) Requests for a temporary substitute health care professional  
38 may be made to the department by the local rural hospital, public



1 health department or district, community health clinic, local  
2 practicing physician, physician ((~~assistant~~)) associate, pharmacist, or  
3 advanced registered nurse practitioner, or local city or county  
4 government.

5 (2) The department shall:

6 (a) Establish a manner and form for receiving requests;

7 (b) Minimize paperwork and compliance requirements for participant  
8 health care professionals and entities requesting assistance; and

9 (c) Respond promptly to all requests for assistance.

10 (3) The department may apply for, receive, and accept gifts and  
11 other payments, including property and services, from any governmental  
12 or other public or private entity or person, and may make arrangements  
13 as to the use of these receipts to operate the pool. The department  
14 shall make available upon request to the appropriate legislative  
15 committees information concerning the source, amount, and use of such  
16 gifts or payments.

17 **Sec. 43.** RCW 71.05.210 and 1991 c 364 s 11 and 1991 c 105 s 4 are  
18 each reenacted and amended to read as follows:

19 Each person involuntarily admitted to an evaluation and treatment  
20 facility shall, within twenty-four hours of his or her admission, be  
21 examined and evaluated by a licensed physician who may be assisted by  
22 a physician ((~~assistant~~)) associate according to chapter 18.71A RCW or  
23 a nurse practitioner according to chapter 18.88 RCW and a mental health  
24 professional as defined in this chapter, and shall receive such  
25 treatment and care as his or her condition requires including treatment  
26 on an outpatient basis for the period that he or she is detained,  
27 except that, beginning twenty-four hours prior to a court proceeding,  
28 the individual may refuse all but emergency life-saving treatment, and  
29 the individual shall be informed at an appropriate time of his or her  
30 right to such refusal of treatment. Such person shall be detained up  
31 to seventy-two hours, if, in the opinion of the professional person in  
32 charge of the facility, or his or her professional designee, the person  
33 presents a likelihood of serious harm to himself or herself or others,  
34 or is gravely disabled. A person who has been detained for seventy-two  
35 hours shall no later than the end of such period be released, unless  
36 referred for further care on a voluntary basis, or detained pursuant to  
37 court order for further treatment as provided in this chapter.

1 If, after examination and evaluation, the licensed physician and  
2 mental health professional determine that the initial needs of the  
3 person would be better served by placement in a chemical dependency  
4 treatment facility, then the person shall be referred to an approved  
5 treatment program defined under RCW 70.96A.020.

6 An evaluation and treatment center admitting any person pursuant to  
7 this chapter whose physical condition reveals the need for  
8 hospitalization shall assure that such person is transferred to an  
9 appropriate hospital for treatment. Notice of such fact shall be given  
10 to the court, the designated attorney, and the designated county mental  
11 health professional and the court shall order such continuance in  
12 proceedings under this chapter as may be necessary, but in no event may  
13 this continuance be more than fourteen days.

14 **Sec. 44.** RCW 74.42.010 and 1979 ex.s. c 211 s 1 are each amended  
15 to read as follows:

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

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

20 (2) "Facility" refers to a nursing home as defined in RCW  
21 18.51.010.

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

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

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

30 (6) "Qualified therapist" means:

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

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

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

37 (d) A mental retardation professional who is a qualified therapist  
38 or a therapist approved by the department and has specialized training

1 or one year experience in treating or working with the mentally  
2 retarded or developmentally disabled.

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

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

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

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

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

12 (8) "Resident" means an individual recipient of medical benefits  
13 pursuant to chapter 74.09 RCW, except as to RCW 74.42.030 through  
14 74.42.130 which shall apply to all patients.

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

17 (10) "Nurse practitioner" means a person practicing such expanded  
18 acts of nursing as are authorized by the board of nursing pursuant to  
19 RCW 18.88.030.

20 **Sec. 45.** RCW 74.42.230 and 1982 c 120 s 2 are each amended to read  
21 as follows:

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

32 (2) An oral order shall be given only to a licensed nurse,  
33 pharmacist, or another physician. The oral order shall be recorded and  
34 signed immediately by the person receiving the order. The attending  
35 physician shall sign the record of the oral order in a manner  
36 consistent with good medical practice.

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