
SECOND SUBSTITUTE SENATE BILL 5859

State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Health & Human Services (originally sponsored by Senators Talmadge, Deccio, Wojahn and Moyer)

Read first time 02/02/94.

1 AN ACT Relating to the regulation of health professions; amending
2 RCW 18.120.020, 18.130.010, 18.130.040, 18.130.060, 18.71.019,
3 18.19.070, 18.71.010, 18.71.017, 18.71.019, 18.71.050, 18.71.051,
4 18.71.055, 18.71.060, 18.71.070, 18.71.085, 18.71.090, 18.71.095,
5 18.71.205, 18.71.230, 18.71A.010, 18.71A.020, 18.71A.030, 18.71A.040,
6 18.71A.045, 18.71A.050, 18.71A.060, 18.71A.085, 18.72.155, 18.72.165,
7 18.72.265, 18.72.301, 18.72.306, 18.72.311, 18.72.316, 18.72.340,
8 18.72.345, 18.25.005, 18.25.006, 18.25.019, 18.25.020, 18.25.025,
9 18.25.030, 18.25.035, 18.25.040, 18.25.070, 18.25.075, 18.25.180,
10 18.25.190, 18.32.010, 18.32.030, 18.32.040, 18.32.050, 18.32.100,
11 18.32.120, 18.32.160, 18.32.180, 18.32.190, 18.32.195, 18.32.215,
12 18.32.534, 18.32.640, 18.32.655, 18.32.665, 18.32.745, and 18.32.755;
13 reenacting and amending RCW 18.130.050, 18.71.015, 18.71.030, and
14 18.71.080; adding a new section to chapter 18.122 RCW; adding new
15 sections to chapter 18.130 RCW; adding a new section to chapter 18.06
16 RCW; adding a new section to chapter 18.19 RCW; adding a new section to
17 chapter 18.22 RCW; adding new sections to chapter 18.25 RCW; adding a
18 new section to chapter 18.29 RCW; adding new sections to chapter 18.32
19 RCW; adding a new section to chapter 18.34 RCW; adding a new section to
20 chapter 18.35 RCW; adding a new section to chapter 18.36A RCW; adding
21 a new section to chapter 18.50 RCW; adding a new section to chapter

1 18.52 RCW; adding a new section to chapter 18.52C RCW; adding a new
2 section to chapter 18.53 RCW; adding a new section to chapter 18.54
3 RCW; adding a new section to chapter 18.55 RCW; adding a new section to
4 chapter 18.57 RCW; adding a new section to chapter 18.57A RCW; adding
5 a new section to chapter 18.59 RCW; adding a new section to chapter
6 18.64 RCW; adding a new section to chapter 18.64A RCW; adding new
7 sections to chapter 18.71 RCW; adding a new section to chapter 18.71A
8 RCW; adding a new section to chapter 18.73 RCW; adding a new section to
9 chapter 18.74 RCW; adding a new section to chapter 18.83 RCW; adding a
10 new section to chapter 18.84 RCW; adding a new section to chapter
11 18.88A RCW; adding a new section to chapter 18.89 RCW; adding a new
12 section to chapter 18.92 RCW; adding a new section to chapter 18.135
13 RCW; adding a new section to chapter 18.155 RCW; adding a new section
14 to chapter 18.138 RCW; adding a new section to chapter 18.108 RCW;
15 adding a new section to chapter 34.05 RCW; adding new chapters to Title
16 18 RCW; creating new sections; recodifying RCW 18.72.155, 18.72.165,
17 18.72.265, 18.72.301, 18.72.306, 18.72.311, 18.72.316, 18.72.340,
18 18.72.345, 18.72.010, 18.72.321, 18.25.130, 18.25.140, 18.25.150,
19 18.25.160, and 18.25.170; and repealing RCW 18.78.005, 18.78.010,
20 18.78.020, 18.78.030, 18.78.040, 18.78.050, 18.78.054, 18.78.055,
21 18.78.058, 18.78.060, 18.78.070, 18.78.072, 18.78.080, 18.78.090,
22 18.78.100, 18.78.160, 18.78.182, 18.78.225, 18.78.900, 18.78.901,
23 18.88.010, 18.88.020, 18.88.030, 18.88.050, 18.88.060, 18.88.070,
24 18.88.080, 18.88.086, 18.88.090, 18.88.100, 18.88.110, 18.88.120,
25 18.88.130, 18.88.140, 18.88.150, 18.88.160, 18.88.170, 18.88.175,
26 18.88.190, 18.88.200, 18.88.220, 18.88.270, 18.88.280, 18.88.285,
27 18.88.290, 18.88.295, 18.88.300, 18.88.900, 18.88A.070, 18.72.020,
28 18.72.045, 18.72.090, 18.72.100, 18.72.110, 18.72.120, 18.72.130,
29 18.72.150, 18.72.154, 18.72.190, 18.72.380, 18.72.390, 18.72.400,
30 18.72.900, 18.72.910, 18.25.015, 18.25.016, 18.25.017, 18.25.120,
31 18.26.010, 18.26.020, 18.26.028, 18.26.030, 18.26.040, 18.26.050,
32 18.26.060, 18.26.070, 18.26.080, 18.26.090, 18.26.110, 18.26.320,
33 18.26.330, 18.26.340, 18.26.350, 18.26.360, 18.26.370, 18.26.380,
34 18.26.390, 18.26.900, 18.32.035, 18.32.037, 18.32.042, 18.32.500,
35 18.32.510, 18.32.520, 18.32.560, 18.32.570, 18.32.580, 18.32.590,
36 18.32.600, 18.32.610, and 18.32.620.

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

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14 **PART I - AUTHORITY OVER SCOPE OF PRACTICE**

15 **OF STATE-REGULATED HEALTH PROFESSIONALS**

16 NEW SECTION. **Sec. 101.** LEGISLATIVE INTENT. The legislature finds

17 that regulation of health professions is an important part of state

18 quality assurance activities that help assure the safe delivery of

19 health care services to the people of this state.

20 It further finds that there are twenty separate regulatory

21 authorities that govern the health professions and act on scope of

22 practice decisions. The large number of regulatory authorities has

23 sometimes resulted in inconsistent and conflicting regulation of the

24 state's health professions including expansions in scopes of practice

25 beyond legislative intent. In addition, scopes of practice between

26 some professions overlap and it is often unclear which regulatory

27 authority has jurisdiction. Separate authorities may adopt conflicting

28 rules concerning the same scope of practice issue. The legislature is

29 often requested to resolve these interprofessional conflicts.

1 The legislature further finds that it is requested to consider
2 legislation to increase the level of regulation of health professions
3 already regulated by the state. Increasing the level of regulation
4 further restricts the practice of the profession by requiring
5 individuals to obtain specialized training and pass a credentialing
6 examination. These requests require a determination that the existing
7 level of regulation is insufficient to protect the public from the
8 unsafe practice of the profession.

9 The legislature declares that the best forum for deciding such
10 changes in scope of practice and levels of health professional
11 credentialing is through a nonpolitical process that allows for a more
12 deliberative and objective consideration of such changes. The
13 expertise of the existing health professional licensing boards and
14 advisory committees should be used in considering such changes but a
15 single authority should be responsible for making decisions on changes
16 in scope of practice or the level of credentialing.

17 The legislature further finds that the system for determining the
18 level of regulation, the scopes of practice and credentialing levels
19 for health care professionals, will require intensive review and
20 careful professional judgment to enable reform to occur concurrently
21 with other changes in the health care delivery system in the state of
22 Washington and in the nation as a whole. This process may need to
23 examine the cost and efficiency of the present process to insure that
24 it provides the most professional collaboration and interdependence and
25 includes an adequate representation from nonprofessionals on
26 credentialing and disciplinary bodies.

27 NEW SECTION. **Sec. 102.** DEFINITIONS. The definitions in this
28 section apply throughout this chapter unless the context clearly
29 requires otherwise.

30 (1) "Credential" means regulation of a health professional at the
31 level of registration, certification, or licensure as defined in
32 chapter 18.120 RCW.

33 (2) "Department" means the department of health.

34 (3) "Health profession" means a health profession specified under
35 RCW 18.130.040(2).

36 (4) "Health profession advisory committee" or "advisory committee"
37 means advisory committees established by the secretary or by law for
38 health professions cited in RCW 18.130.040(2)(a).

1 (5) "Health profession regulatory board" or "boards" or
2 "commissions" means the professional regulatory boards or commissions
3 for health professions cited in RCW 18.130.040(2)(b).

4 (6) "Scope of practice" means the range of diagnosis, treatments,
5 services, technologies, equipment, and pharmaceuticals that a health
6 profession is authorized to use.

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

9 NEW SECTION. **Sec. 103.** APPLICABILITY. Except for licensees
10 governed under chapter 18.39 RCW, the professional review commission
11 shall have the authority to adopt rules, standards, guidelines, or
12 policies relating to the scope of practice or the level of
13 credentialing for health professions regulated under RCW 18.130.040 in
14 accordance with provisions of this chapter.

15 NEW SECTION. **Sec. 104.** PROFESSIONAL REVIEW COMMISSION AND LEVEL
16 OF CREDENTIALING REVIEW PROCESS. (1) A professional review commission
17 is created within the department of health. The commission shall be
18 composed of six members, of whom one is the state health officer who
19 shall chair the committee. The remaining five shall be appointed by
20 the governor, with the consent of the senate. These members must
21 demonstrate a broad understanding of health care issues and a
22 commitment to improving the delivery of health care to all citizens in
23 Washington state.

24 (2)(a) Initial commission members shall serve four-year terms. The
25 term of office for commission members after the initial commission is
26 three years, with the first appointments staggered, two members
27 appointed for one year, two members appointed for two years, and two
28 members appointed for three years. Thereafter, members shall be
29 appointed for three-year terms. A commission member may be removed for
30 just cause including a finding of fact or more than three unexcused
31 absences. The governor may appoint a new member to fill a vacancy on
32 the commission for the remainder of the unexpired term.

33 (b) No commission member appointed by the governor may serve more
34 than two consecutive terms, whether full or partial.

35 (3) Commission members who are nonstate employees shall be
36 reimbursed for travel expenses in accordance with RCW 43.03.050 and
37 43.03.060.

1 (4) Members of the commission appointed by the governor shall not
2 have current licenses to practice in any of the professions subject to
3 regulation and shall have no pecuniary interest in any business subject
4 to regulation by the commission. Members shall be subject to chapter
5 42.18 RCW, the executive branch conflict of interest act.

6 (5) The commission shall:

7 (a) Receive applications from new professions seeking credentialing
8 and make recommendations to the legislature concerning whether a
9 profession should be credentialed.

10 (b) Authorize the level of credentialing and specify scope of
11 practice for new professions.

12 (c) Review requests for changes in scope of practice or level of
13 credentialing for health professions regulated under RCW 18.130.040 in
14 accordance with provisions of this chapter.

15 (d) Require that a party requesting changes in scope of practice or
16 level of credentialing submit information relevant to such decisions
17 pursuant to chapter 18.120 RCW.

18 (e) Direct staff at the department to conduct an analysis of the
19 request for change in scope of practice, or a level of credentialing,
20 using a fair and impartial review of the facts, and authorize that the
21 application be granted or denied based on criteria outlined in RCW
22 18.120.030. In the event that an application is deemed frivolous by
23 the professional review commission, the applicant will be charged the
24 cost of processing and reviewing the request.

25 (f) Review the rules and other decisions of the health professional
26 regulatory boards to determine whether such rules or decisions have the
27 effect of altering the scope of practice of that profession. If the
28 professional review commission deems that a board has acted in a manner
29 to change a scope of practice, the commission may reverse, vacate,
30 revoke, nullify, or modify the rules or decisions. All rules,
31 standards, guidelines, or policies of any kind relating to a
32 profession's scope of practice of a health profession regulatory board,
33 whether adopted before or after the effective date of this act, are
34 subject to review by the professional review commission.

35 (g) Authorize changes be made in training, education, and other
36 requirements for health professions specified under RCW 18.130.040 to
37 enable changes in scope of practice or levels of credentialing that are
38 authorized under this chapter. This shall include, when appropriate,
39 adoption of uniform provisions under chapter 18.122 RCW.

1 (h) Use the professional expertise of the health profession
2 regulatory boards, health profession regulatory commissions, and
3 advisory committees and others to fulfill its responsibilities under
4 this chapter.

5 (i) Use expert witnesses when expertise on a specific application
6 is needed.

7 NEW SECTION. **Sec. 105.** AUGMENT OR REMOVE. (1) Effective July 1,
8 1995, the professional review commission may augment or remove
9 functions of a health profession's scope of practice or make changes in
10 the level of credentialing of a health profession.

11 (2) The professional review commission, notwithstanding any
12 provision of this title to the contrary, shall establish additional
13 training, education, and other requirements for health professions
14 specified under RCW 18.130.040 as made necessary by the changes in
15 scope of practice or levels of credentialing or professions newly
16 credentialed that are authorized under this chapter. This shall
17 include, when appropriate, application of uniform administrative
18 provisions under chapter 18.122 RCW. In the event that a rule by the
19 professional review commission directly conflicts with statutory
20 provisions in this title, the commission shall submit for legislative
21 consideration, proposed legislation that would remove statutory
22 conflict.

23 (3) All processes by the professional review commission under this
24 chapter shall be subject to the provisions of chapter 34.05 RCW.

25 (4) Rules adopted by the professional review commission under this
26 section are subject to review by the joint administrative rules review
27 committee of the legislature. If the joint administrative rules review
28 committee does not direct the professional review commission to
29 reconsider the rule within forty-five days of publication, the rule is
30 deemed effective.

31 NEW SECTION. **Sec. 106.** CRITERIA FOR USE BY THE PROFESSIONAL
32 REVIEW COMMISSION. (1) In considering changes in the scope of practice
33 of a health profession, the professional review commission shall
34 consider at least the following factors:

35 (a) Whether a serious risk to the public's life, health, or safety
36 will occur if the scope of practice remains unchanged.

1 (b) Whether there is a clear benefit to the public in changing the
2 scope of practice of a health profession.

3 (c) Whether the current education and training requirements of the
4 health profession are sufficient to assure the safe delivery of the
5 health care services that will result from the change of scope of
6 practice.

7 (d) Whether there is a sufficient availability of training and
8 education programs to meet the demand for training that will result
9 from the change in scope of practice.

10 (e) How the change in the scope of practice will effect the
11 availability and cost of health care services.

12 (f) Whether the change in level of credentialing, or scope of
13 practice improves access and affordability to health care services with
14 proven success in promoting public health.

15 (2) In considering changes in the level of credentialing of a
16 health profession cited in RCW 18.130.040(2), the professional review
17 commission shall consider at a minimum the criteria specified in
18 chapter 18.120 RCW.

19 NEW SECTION. **Sec. 107.** A new section is added to chapter 18.122
20 RCW to read as follows:

21 TRANSITION AND STUDY. (1) The department shall establish a health
22 care governance project. Participants in this project shall be
23 determined by the secretary. The secretary is encouraged to include
24 representatives from boards and commissions, health professions
25 resource plan statutory committee, health care providers, insurers, the
26 public, the legislature, higher education, the health services
27 commission, and other appropriate state agencies dealing with health
28 systems reform. A report to the legislature shall be submitted by the
29 project by December 1, 1995. The report shall include timelines for
30 implementation and proposed language for consideration in the 1996
31 legislative session.

32 (2) The purpose of the project is to recommend further improvements
33 to the system for the credentialing and disciplining of health
34 professionals in the state of Washington.

35 NEW SECTION. **Sec. 108.** CODIFICATION INSTRUCTIONS. Sections 101
36 through 106 of this act shall constitute a new chapter in Title 18 RCW.

1 **PART II - REVISIONS OF THE HEALTH PROFESSIONAL**

2 **"SUNRISE" REVIEW PROCESS**

3 **Sec. 201.** RCW 18.120.020 and 1989 c 300 s 14 are each amended to
4 read as follows:

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

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

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

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

23 (4) "Health professions" means and includes the following health
24 and health-related licensed or regulated professions and occupations:
25 (~~Podiatry~~) Podiatric medicine and surgery under chapter 18.22 RCW;
26 chiropractic under chapter(~~s~~) 18.25 (~~and 18.26~~) RCW; dental hygiene
27 under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; dispensing
28 opticians under chapter 18.34 RCW; hearing aids under chapter 18.35
29 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral
30 directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW;
31 nursing home administration under chapter 18.52 RCW; optometry under
32 chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW;
33 osteopathy and osteopathic medicine and surgery under chapters 18.57
34 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine
35 under chapters 18.71(~~7~~) and 18.71A(~~7~~~~and 18.72~~) RCW; emergency
36 medicine under chapter 18.73 RCW; physical therapy under chapter 18.74
37 RCW; practical nurses under chapter 18.78 RCW; psychologists under
38 chapter 18.83 RCW; registered nurses under chapter 18.88 RCW;

1 occupational therapists licensed pursuant to chapter 18.59 RCW;
2 respiratory care practitioners certified under chapter 18.89 RCW;
3 veterinarians and animal technicians under chapter 18.92 RCW; health
4 care assistants under chapter 18.135 RCW; massage practitioners under
5 chapter 18.108 RCW; acupuncturists certified under chapter 18.06 RCW;
6 persons registered or certified under chapter 18.19 RCW; dietitians and
7 nutritionists certified by chapter 18.138 RCW; radiologic technicians
8 under chapter 18.84 RCW; and nursing assistants registered or certified
9 under chapter 18.88A RCW.

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

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

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

23 (8) "Professional license" means an individual, nontransferable
24 authorization to carry on a health activity based on qualifications
25 which include: (a) Graduation from an accredited or approved program,
26 and (b) acceptable performance on a qualifying examination or series of
27 examinations.

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

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

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

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

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

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

12 **PART III - CREATING A UNIFORM AND CONSISTENTLY APPLIED DISCIPLINARY**
13 **PROCESS UNDER THE UNIFORM DISCIPLINARY ACT**

14 **Sec. 301.** RCW 18.130.010 and 1991 c 332 s 1 are each amended to
15 read as follows:

16 It is the intent of the legislature to strengthen and consolidate
17 disciplinary and licensure procedures for the licensed health and
18 health-related professions and businesses by providing a uniform
19 disciplinary act with standardized procedures for the licensure of
20 health care professionals and the consistent enforcement of laws the
21 purpose of which is to assure the public of the adequacy of
22 professional competence and conduct in the healing arts.

23 It is also the intent of the legislature that all health and
24 health-related professions newly credentialed by the state come under
25 the uniform disciplinary act.

26 Further, the legislature declares that the addition of public
27 members on all health care boards can give both the state and the
28 public, which it has a statutory responsibility to protect, assurances
29 of accountability and confidence in the various practices of health
30 care. It is further the intent that this chapter will best be
31 implemented by a uniform and consistently applied disciplinary process.

32 NEW SECTION. **Sec. 302.** A new section is added to chapter 18.130
33 RCW to read as follows:

34 UNIFORM APPLICATION OF THE UNIFORM DISCIPLINARY ACT. By July 1,
35 1995, the secretary, in consultation with the regulatory boards under
36 RCW 18.130.040, shall establish procedures and criteria in rule for the

1 consistent application of this chapter to all persons subject to this
2 chapter. This shall include but not be limited to assuring consistency
3 and uniformity in determining whether complaints merit investigation,
4 conducting complaint investigations, determining when an action by the
5 complainant constitutes unlicensed practice, unprofessional conduct or
6 unsafe practice, and assessing sanctions against individuals for
7 violation of the provisions of this chapter.

8 **Sec. 303.** RCW 18.130.040 and 1993 c 367 s 4 are each amended to
9 read as follows:

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

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

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

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

19 (iii) Midwives licensed under chapter 18.50 RCW;

20 (iv) Ocularists licensed under chapter 18.55 RCW;

21 (v) Massage operators and businesses licensed under chapter 18.108
22 RCW;

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

24 (vii) Acupuncturists certified under chapter 18.06 RCW;

25 (viii) Radiologic technologists and x-ray technicians certified
26 under chapter 18.84 RCW;

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

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

30 (xi) Persons registered as nursing pool operators under chapter
31 18.52C RCW;

32 (xii) Nursing assistants registered or certified under chapter
33 18.88A RCW;

34 (xiii) Health care assistants certified under chapter 18.135 RCW;

35 (xiv) Dietitians and nutritionists certified under chapter 18.138
36 RCW;

37 (xv) Sex offender treatment providers certified under chapter
38 18.155 RCW; and

1 (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW
2 18.71.205.

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

5 (i) The podiatric medical board as established in chapter 18.22
6 RCW;

7 (ii) The chiropractic (~~((disciplinary board))~~) quality assurance
8 commission as established in (~~(chapter 18.26 RCW governing licenses~~
9 ~~issued under))~~) chapter 18.25 RCW;

10 (iii) The dental (~~((disciplinary board))~~) quality assurance
11 commission as established in chapter 18.32 RCW;

12 (iv) The council on hearing aids as established in chapter 18.35
13 RCW;

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

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

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

20 (viii) The board of osteopathic medicine and surgery as established
21 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
22 18.57A RCW;

23 (ix) The board of pharmacy as established in chapter 18.64 RCW
24 governing licenses issued under chapters 18.64 and 18.64A RCW;

25 (x) The medical (~~((disciplinary board))~~) quality assurance commission
26 as established in chapter (~~(18.72))~~) 18.71 RCW governing licenses and
27 registrations issued under chapters 18.71 and 18.71A RCW;

28 (xi) The board of physical therapy as established in chapter 18.74
29 RCW;

30 (xii) The board of occupational therapy practice as established in
31 chapter 18.59 RCW;

32 (xiii) (~~(The board of practical nursing as established in chapter~~
33 ~~18.78 RCW;~~

34 (~~(xiv))~~) The examining board of psychology and its disciplinary
35 committee as established in chapter 18.83 RCW;

36 (~~((xv))~~) (xiv) The (~~(board of))~~) nursing care quality assurance
37 commission as established in (~~(chapter 18.88 RCW))~~) sections 501 through
38 531 of this act; and

1 (~~(xvi)~~) (xv) The veterinary board of governors as established in
2 chapter 18.92 RCW.

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

17 **Sec. 304.** RCW 18.130.050 and 1993 c 367 s 21 and 1993 c 367 s 5
18 are each reenacted and amended to read as follows:

19 The disciplining authority has the following authority:

20 (1) To adopt, amend, and rescind such rules as are deemed necessary
21 to carry out this chapter;

22 (2) To investigate all complaints or reports of unprofessional
23 conduct as defined in this chapter and to hold hearings as provided in
24 this chapter;

25 (3) To issue subpoenas and administer oaths in connection with any
26 investigation, hearing, or proceeding held under this chapter;

27 (4) To take or cause depositions to be taken and use other
28 discovery procedures as needed in any investigation, hearing, or
29 proceeding held under this chapter;

30 (5) To compel attendance of witnesses at hearings;

31 (6) In the course of investigating a complaint or report of
32 unprofessional conduct, to conduct practice reviews;

33 (7) To take emergency action ordering summary suspension of a
34 license, or restriction or limitation of the licensee's practice
35 pending proceedings by the disciplining authority;

36 (8) To use the office of administrative hearings as authorized in
37 chapter 34.12 RCW to conduct hearings. However, the disciplining

1 authority shall make the final decision regarding disposition of the
2 license;

3 (9) To use individual members of the boards to direct
4 investigations. However, the member of the board shall not
5 subsequently participate in the hearing of the case;

6 (10) To enter into contracts for professional services determined
7 to be necessary for adequate enforcement of this chapter;

8 (11) To contract with licensees or other persons or organizations
9 to provide services necessary for the monitoring and supervision of
10 licensees who are placed on probation, whose professional activities
11 are restricted, or who are for any authorized purpose subject to
12 monitoring by the disciplining authority;

13 (12) To adopt standards of professional conduct or practice;

14 (13) To grant or deny license applications, and in the event of a
15 finding of unprofessional conduct by an applicant or license holder, to
16 impose any sanction against a license applicant or license holder
17 provided by this chapter;

18 (14) To designate individuals authorized to sign subpoenas and
19 statements of charges;

20 (15) To establish panels consisting of three or more members of the
21 board to perform any duty or authority within the board's jurisdiction
22 under this chapter;

23 (16) To review and audit the records of licensed health facilities'
24 or services' quality assurance committee decisions in which a
25 licensee's practice privilege or employment is terminated or
26 restricted. Each health facility or service shall produce and make
27 accessible to the disciplining authority the appropriate records and
28 otherwise facilitate the review and audit. Information so gained shall
29 not be subject to discovery or introduction into evidence in any civil
30 action pursuant to RCW 70.41.200(3) and shall be exempt from public
31 disclosure under chapter 42.17 RCW.

32 **Sec. 305.** RCW 18.130.060 and 1991 c 3 s 269 are each amended to
33 read as follows:

34 In addition to the authority specified in RCW 18.130.050, the
35 secretary has the following additional authority:

36 (1) To employ such investigative, administrative, and clerical
37 staff as necessary for the enforcement of this chapter;

1 (2) Upon the request of a board, to appoint (~~not more than three~~)
2 pro tem members for the purpose of participating as members of one or
3 more committees of the board in connection with proceedings
4 specifically identified in the request. Individuals so appointed must
5 meet the same minimum qualifications as regular members of the board.
6 While serving as board members pro tem, persons so appointed have all
7 the powers, duties, and immunities, and are entitled to the emoluments,
8 including travel expenses in accordance with RCW 43.03.050 and
9 43.03.060, of regular members of the board. The chairperson of a
10 committee shall be a regular member of the board appointed by the board
11 chairperson. Committees have authority to act as directed by the board
12 with respect to all matters concerning the review, investigation, and
13 adjudication of all complaints, allegations, charges, and matters
14 subject to the jurisdiction of the board. The authority to act through
15 committees does not restrict the authority of the board to act as a
16 single body at any phase of proceedings within the board's
17 jurisdiction. Board committees may make interim orders and issue final
18 decisions with respect to matters and cases delegated to the committee
19 by the board. Final decisions may be appealed as provided in chapter
20 34.05 RCW, the Administrative Procedure Act;

21 (3) To establish fees to be paid for witnesses, expert witnesses,
22 and consultants used in any investigation and to establish fees to
23 witnesses in any agency adjudicative proceeding as authorized by RCW
24 34.05.446;

25 (4) To conduct investigations and practice reviews at the direction
26 of the disciplining authority and to issue subpoenas, administer oaths,
27 and take depositions in the course of conducting those investigations
28 and practice reviews at the direction of the disciplining authority.

29 (5) In consultation with the disciplinary authorities, to adopt
30 uniform procedural rules that shall be used for all adjudicative
31 proceedings conducted under this chapter, as defined by chapter 34.05
32 RCW. The rules shall address the use of a presiding officer designated
33 by the secretary, to determine legal issues arising during adjudicative
34 proceedings.

35 **PART IV - TECHNICAL CHANGES TO THE**
36 **HEALTH PROFESSIONAL PRACTICE ACTS**

1 NEW SECTION. **Sec. 401.** A new section is added to chapter 18.06
2 RCW to read as follows:

3 ACUPUNCTURE--APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The
4 professional review commission shall have the authority to adopt rules,
5 standards, guidelines, or judgments relating to the scope of practice
6 of the profession regulated under this chapter in accordance with the
7 provisions of chapter 18.-- RCW (sections 101 through 106 of this act).

8 NEW SECTION. **Sec. 402.** A new section is added to chapter 18.19
9 RCW to read as follows:

10 COUNSELORS--APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The
11 professional review commission shall have the authority to adopt rules,
12 standards, guidelines, or judgments relating to the scope of practice
13 of the professions regulated under this chapter in accordance with the
14 provisions of chapter 18.-- RCW (sections 101 through 106 of this act).

15 NEW SECTION. **Sec. 403.** A new section is added to chapter 18.22
16 RCW to read as follows:

17 PODIATRIC PHYSICIANS AND SURGEONS--APPLICATION OF SCOPE OF PRACTICE
18 AUTHORITY. The professional review commission shall have the authority
19 to adopt rules, standards, guidelines, or judgments relating to the
20 scope of practice of the profession regulated under this chapter in
21 accordance with the provisions of chapter 18.-- RCW (sections 101
22 through 106 of this act).

23 NEW SECTION. **Sec. 404.** A new section is added to chapter 18.25
24 RCW to read as follows:

25 CHIROPRACTIC--APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The
26 professional review commission shall have the authority to adopt rules,
27 standards, guidelines, or judgments relating to the scope of practice
28 of the profession regulated under this chapter in accordance with the
29 provisions of chapter 18.-- RCW (sections 101 through 106 of this act).

30 NEW SECTION. **Sec. 405.** A new section is added to chapter 18.29
31 RCW to read as follows:

32 DENTAL HYGIENE--APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The
33 professional review commission shall have the authority to adopt rules,
34 standards, guidelines, or judgments relating to the scope of practice

1 of the profession regulated under this chapter in accordance with the
2 provisions of chapter 18.-- RCW (sections 101 through 106 of this act).

3 NEW SECTION. **Sec. 406.** A new section is added to chapter 18.32
4 RCW to read as follows:

5 DENTISTS--APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The
6 professional review commission shall have the authority to adopt rules,
7 standards, guidelines, or judgments relating to the scope of practice
8 of the profession regulated under this chapter in accordance with the
9 provisions of chapter 18.-- RCW (sections 101 through 106 of this act).

10 NEW SECTION. **Sec. 407.** A new section is added to chapter 18.34
11 RCW to read as follows:

12 DISPENSING OPTICIANS--APPLICATION OF SCOPE OF PRACTICE AUTHORITY.
13 The professional review commission shall have the authority to adopt
14 rules, standards, guidelines, or judgments relating to the scope of
15 practice of the professions regulated under this chapter in accordance
16 with the provisions of chapter 18.-- RCW (sections 101 through 106 of
17 this act).

18 NEW SECTION. **Sec. 408.** A new section is added to chapter 18.35
19 RCW to read as follows:

20 HEARINGS AIDS--APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The
21 professional review commission shall have the authority to adopt rules,
22 standards, guidelines, or judgments relating to the scope of practice
23 of the profession regulated under this chapter in accordance with the
24 provisions of chapter 18.-- RCW (sections 101 through 106 of this act).

25 NEW SECTION. **Sec. 409.** A new section is added to chapter 18.36A
26 RCW to read as follows:

27 NATUROPATHY--APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The
28 professional review commission shall have the authority to adopt rules,
29 standards, guidelines, or judgments relating to the scope of practice
30 of the profession regulated under this chapter in accordance with the
31 provisions of chapter 18.-- RCW (sections 101 through 106 of this act).

32 NEW SECTION. **Sec. 410.** A new section is added to chapter 18.50
33 RCW to read as follows:

1 MIDWIVES--APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The
2 professional review commission shall have the authority to adopt rules,
3 standards, guidelines, or judgments relating to the scope of practice
4 of the profession regulated under this chapter in accordance with the
5 provisions of chapter 18.-- RCW (sections 101 through 106 of this act).

6 NEW SECTION. **Sec. 411.** A new section is added to chapter 18.52
7 RCW to read as follows:

8 NURSING HOME ADMINISTRATORS--APPLICATION OF SCOPE OF PRACTICE
9 AUTHORITY. The professional review commission shall have the authority
10 to adopt rules, standards, guidelines, or judgments relating to the
11 scope of practice of the profession regulated under this chapter in
12 accordance with the provisions of chapter 18.-- RCW (sections 101
13 through 106 of this act).

14 NEW SECTION. **Sec. 412.** A new section is added to chapter 18.52C
15 RCW to read as follows:

16 NURSING POOLS--APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The
17 professional review commission shall have the authority to adopt rules,
18 standards, guidelines, or judgments relating to the scope of practice
19 of the profession regulated under this chapter in accordance with the
20 provisions of chapter 18.-- RCW (sections 101 through 106 of this act).

21 NEW SECTION. **Sec. 413.** A new section is added to chapter 18.53
22 RCW to read as follows:

23 OPTOMETRY--APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The
24 professional review commission shall have the authority to adopt rules,
25 standards, guidelines, or judgments relating to the scope of practice
26 of the profession regulated under this chapter in accordance with the
27 provisions of chapter 18.-- RCW (sections 101 through 106 of this act).

28 NEW SECTION. **Sec. 414.** A new section is added to chapter 18.54
29 RCW to read as follows:

30 OPTOMETRY BOARD--APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The
31 professional review commission shall have the authority to adopt rules,
32 standards, guidelines, or judgments relating to the scope of practice
33 of the profession regulated under this chapter in accordance with the
34 provisions of chapter 18.-- RCW (sections 101 through 106 of this act).

1 NEW SECTION. **Sec. 415.** A new section is added to chapter 18.55
2 RCW to read as follows:

3 OCULARISTS--APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The
4 professional review commission shall have the authority to adopt rules,
5 standards, guidelines, or judgments relating to the scope of practice
6 of the profession regulated under this chapter in accordance with the
7 provisions of chapter 18.-- RCW (sections 101 through 106 of this act).

8 NEW SECTION. **Sec. 416.** A new section is added to chapter 18.57
9 RCW to read as follows:

10 OSTEOPATHIC PHYSICIANS AND SURGEONS--APPLICATION OF SCOPE OF
11 PRACTICE AUTHORITY. The professional review commission shall have the
12 authority to adopt rules, standards, guidelines, or judgments relating
13 to the scope of practice of the profession regulated under this chapter
14 in accordance with the provisions of chapter 18.-- RCW (sections 101
15 through 106 of this act).

16 NEW SECTION. **Sec. 417.** A new section is added to chapter 18.57A
17 RCW to read as follows:

18 OSTEOPATHIC PHYSICIANS AND SURGEONS' ASSISTANTS--APPLICATION OF
19 SCOPE OF PRACTICE AUTHORITY. The professional review commission shall
20 have the authority to adopt rules, standards, guidelines, or judgments
21 relating to the scope of practice of the profession regulated under
22 this chapter in accordance with the provisions of chapter 18.-- RCW
23 (sections 101 through 106 of this act).

24 NEW SECTION. **Sec. 418.** A new section is added to chapter 18.59
25 RCW to read as follows:

26 OCCUPATIONAL THERAPY--APPLICATION OF SCOPE OF PRACTICE AUTHORITY.
27 The professional review commission shall have the authority to adopt
28 rules, standards, guidelines, or judgments relating to the scope of
29 practice of the profession regulated under this chapter in accordance
30 with the provisions of chapter 18.-- RCW (sections 101 through 106 of
31 this act).

32 NEW SECTION. **Sec. 419.** A new section is added to chapter 18.64
33 RCW to read as follows:

34 PHARMACISTS--APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The
35 professional review commission shall have the authority to adopt rules,

1 standards, guidelines, or judgments relating to the scope of practice
2 of the profession regulated under this chapter in accordance with the
3 provisions of chapter 18.-- RCW (sections 101 through 106 of this act).

4 NEW SECTION. **Sec. 420.** A new section is added to chapter 18.64A
5 RCW to read as follows:

6 PHARMACY ASSISTANTS--APPLICATION OF SCOPE OF PRACTICE AUTHORITY.
7 The professional review commission shall have the authority to adopt
8 rules, standards, guidelines, or judgments relating to the scope of
9 practice of the profession regulated under this chapter in accordance
10 with the provisions of chapter 18.-- RCW (sections 101 through 106 of
11 this act).

12 NEW SECTION. **Sec. 421.** A new section is added to chapter 18.71
13 RCW to read as follows:

14 PHYSICIANS--APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The
15 professional review commission shall have the authority to adopt rules,
16 standards, guidelines, or judgments relating to the scope of practice
17 of the profession regulated under this chapter in accordance with the
18 provisions of chapter 18.-- RCW (sections 101 through 106 of this act).

19 NEW SECTION. **Sec. 422.** A new section is added to chapter 18.71A
20 RCW to read as follows:

21 PHYSICIANS' ASSISTANTS--APPLICATION OF SCOPE OF PRACTICE AUTHORITY.
22 The professional review commission shall have the authority to adopt
23 rules, standards, guidelines, or judgments relating to the scope of
24 practice of the profession regulated under this chapter in accordance
25 with the provisions of chapter 18.-- RCW (sections 101 through 106 of
26 this act).

27 NEW SECTION. **Sec. 423.** A new section is added to chapter 18.73
28 RCW to read as follows:

29 EMERGENCY MEDICAL SERVICES--APPLICATION OF SCOPE OF PRACTICE
30 AUTHORITY. The professional review commission shall have the authority
31 to adopt rules, standards, guidelines, or judgments relating to the
32 scope of practice of the profession regulated under this chapter in
33 accordance with the provisions of chapter 18.-- RCW (sections 101
34 through 106 of this act).

1 NEW SECTION. **Sec. 424.** A new section is added to chapter 18.74
2 RCW to read as follows:

3 PHYSICAL THERAPY--APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The
4 professional review commission shall have the authority to adopt rules,
5 standards, guidelines, or judgments relating to the scope of practice
6 of the profession regulated under this chapter in accordance with the
7 provisions of chapter 18.-- RCW (sections 101 through 106 of this act).

8 NEW SECTION. **Sec. 425.** A new section is added to chapter 18.83
9 RCW to read as follows:

10 PSYCHOLOGISTS--APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The
11 professional review commission shall have the authority to adopt rules,
12 standards, guidelines, or judgments relating to the scope of practice
13 of the profession regulated under this chapter in accordance with the
14 provisions of chapter 18.-- RCW (sections 101 through 106 of this act).

15 NEW SECTION. **Sec. 426.** A new section is added to chapter 18.84
16 RCW to read as follows:

17 RADIOLOGIC TECHNOLOGISTS--APPLICATION OF SCOPE OF PRACTICE
18 AUTHORITY. The professional review commission shall have the authority
19 to adopt rules, standards, guidelines, or judgments relating to the
20 scope of practice of the profession regulated under this chapter in
21 accordance with the provisions of chapter 18.-- RCW (sections 101
22 through 106 of this act).

23 NEW SECTION. **Sec. 427.** NURSES--APPLICATION OF SCOPE OF PRACTICE
24 AUTHORITY. The professional review commission shall have the authority
25 to adopt rules, standards, guidelines, or judgments relating to the
26 scope of practice of the profession regulated under this chapter in
27 accordance with the provisions of chapter 18.-- RCW (sections 101
28 through 106 of this act).

29 NEW SECTION. **Sec. 428.** A new section is added to chapter 18.88A
30 RCW to read as follows:

31 NURSING ASSISTANTS--APPLICATION OF SCOPE OF PRACTICE AUTHORITY.
32 The professional review commission shall have the authority to adopt
33 rules, standards, guidelines, or judgments relating to the scope of
34 practice of the profession regulated under this chapter in accordance

1 with the provisions of chapter 18.-- RCW (sections 101 through 106 of
2 this act).

3 NEW SECTION. **Sec. 429.** A new section is added to chapter 18.89
4 RCW to read as follows:

5 RESPIRATORY CARE PRACTITIONERS--APPLICATION OF SCOPE OF PRACTICE
6 AUTHORITY. The professional review commission shall have the authority
7 to adopt rules, standards, guidelines, or judgments relating to the
8 scope of practice of the profession regulated under this chapter in
9 accordance with the provisions of chapter 18.-- RCW (sections 101
10 through 106 of this act).

11 NEW SECTION. **Sec. 430.** A new section is added to chapter 18.92
12 RCW to read as follows:

13 VETERINARY--APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The
14 professional review commission shall have the authority to adopt rules,
15 standards, guidelines, or judgments relating to the scope of practice
16 of the profession regulated under this chapter in accordance with the
17 provisions of chapter 18.-- RCW (sections 101 through 106 of this act).

18 NEW SECTION. **Sec. 431.** A new section is added to chapter 18.135
19 RCW to read as follows:

20 HEALTH CARE ASSISTANTS--APPLICATION OF SCOPE OF PRACTICE AUTHORITY.
21 The professional review commission shall have the authority to adopt
22 rules, standards, guidelines, or judgments relating to the scope of
23 practice of the profession regulated under this chapter in accordance
24 with the provisions of chapter 18.-- RCW (sections 101 through 106 of
25 this act).

26 NEW SECTION. **Sec. 432.** A new section is added to chapter 18.155
27 RCW to read as follows:

28 SEX OFFENDER TREATMENT PROVIDER--APPLICATION OF SCOPE OF PRACTICE
29 AUTHORITY. The professional review commission shall have the authority
30 to adopt rules, standards, guidelines, or judgments relating to the
31 scope of practice of the profession regulated under this chapter in
32 accordance with the provisions of chapter 18.-- RCW (sections 101
33 through 106 of this act).

1 NEW SECTION. **Sec. 433.** A new section is added to chapter 18.138
2 RCW to read as follows:

3 DIETICIANS AND NUTRITIONISTS. The professional review commission
4 shall have the authority to adopt rules, standards, guidelines, or
5 judgments relating to the scope of practice of the profession regulated
6 under this chapter in accordance with the provisions of chapter 18.--
7 RCW (sections 101 through 106 of this act).

8 NEW SECTION. **Sec. 434.** A new section is added to chapter 18.108
9 RCW to read as follows:

10 MASSAGE THERAPISTS. The professional review commission shall have
11 the authority to adopt rules, standards, guidelines, or judgments
12 relating to the scope of practice of the profession regulated under
13 this chapter in accordance with the provisions of chapter 18.-- RCW
14 (sections 101 through 106 of this act).

15 **Sec. 435.** RCW 18.71.019 and 1987 c 150 s 45 are each amended to
16 read as follows:

17 The uniform disciplinary act, chapter 18.130 RCW, governs
18 unlicensed practice and the issuance ~~((and))~~, denial of licenses, and
19 the discipline of licensees under this chapter.

20 NEW SECTION. **Sec. 436.** A new section is added to chapter 34.05
21 RCW under the subchapter heading "judicial review and civil
22 enforcement" to read as follows:

23 Unless the context clearly indicates otherwise, for the purposes of
24 rules review committee oversight, "rule" means guidelines, interpretive
25 statements, policy statements, declaratory judgments whether binding or
26 nonbinding, advisory opinions, or any other orders of an administrative
27 agency meant to state the official position of the agency on a matter
28 within its jurisdiction that affects a class of persons.

29 **PART V - NURSING AND MENTAL HEALTH**

30 **NURSING CARE QUALITY ASSURANCE COMMISSION**

31 NEW SECTION. **Sec. 501.** It is the purpose of the nursing care
32 quality assurance commission to regulate the competency and quality of
33 professional health care providers under its jurisdiction by

1 establishing, monitoring, and enforcing qualifications for licensing,
2 consistent standards of practice, continuing competency mechanisms, and
3 discipline. Rules, policies, and procedures developed by the
4 commission must promote the delivery of quality health care to the
5 residents of the state of Washington.

6 NEW SECTION. **Sec. 502.** Unless a different meaning is plainly
7 required by the context, the definitions set forth in this section
8 apply throughout this chapter.

9 (1) "Commission" means the Washington state nursing care quality
10 assurance commission.

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

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

14 (4) "Diagnosis," in the context of nursing practice, means the
15 identification of, and discrimination between, the person's physical
16 and psycho-social signs and symptoms that are essential to effective
17 execution and management of the nursing care regimen.

18 (5) "Diploma" means written official verification of completion of
19 an approved nursing education program.

20 (6) "Nurse" or "nursing," unless otherwise specified as a practical
21 nurse or practical nursing, means a registered nurse or registered
22 nursing.

23 NEW SECTION. **Sec. 503.** (1) It is unlawful for a person to
24 practice or to offer to practice as a registered nurse in this state
25 unless that person has been licensed under this chapter. A person who
26 holds a license to practice as a registered nurse in this state may use
27 the title "registered nurse" and the abbreviation "R.N." No other
28 person may assume that title or use the abbreviation or any other
29 words, letters, signs, or figures to indicate that the person using
30 them is a registered nurse.

31 (2) It is unlawful for a person to practice or to offer to practice
32 as an advanced registered nurse practitioner or as a nurse practitioner
33 in this state unless that person has been licensed under this chapter.
34 A person who holds a license to practice as an advanced registered
35 nurse practitioner in this state may use the titles "advanced
36 registered nurse practitioner" and "nurse practitioner" and the
37 abbreviations "A.R.N.P." and "N.P." No other person may assume those

1 titles or use those abbreviations or any other words, letters, signs,
2 or figures to indicate that the person using them is an advanced
3 registered nurse practitioner or nurse practitioner.

4 (3) It is unlawful for a person to practice or to offer to practice
5 as a licensed practical nurse in this state unless that person has been
6 licensed under this chapter. A person who holds a license to practice
7 as a licensed practical nurse in this state may use the title "licensed
8 practical nurse" and the abbreviation "L.P.N." No other person may
9 assume that title or use that abbreviation or any other words, letters,
10 signs, or figures to indicate that the person using them is a licensed
11 practical nurse.

12 NEW SECTION. **Sec. 504.** (1) "Registered nursing practice" means
13 the performance of acts requiring substantial specialized knowledge,
14 judgment, and skill based on the principles of the biological,
15 physiological, behavioral, and sociological sciences in either:

16 (a) The observation, assessment, diagnosis, care or counsel, and
17 health teaching of the ill, injured, or infirm, or in the maintenance
18 of health or prevention of illness of others;

19 (b) The performance of such additional acts requiring education and
20 training and that are recognized by the commission to be performed by
21 registered nurses licensed under this chapter and that are authorized
22 by the commission through its rules;

23 (c) The administration, supervision, delegation, and evaluation of
24 nursing practice. However, nothing in this subsection affects the
25 authority of a hospital, hospital district, medical clinic, or office,
26 concerning its administration and supervision;

27 (d) The teaching of nursing;

28 (e) The executing of medical regimen as prescribed by a licensed
29 physician and surgeon, dentist, osteopathic physician and surgeon,
30 podiatric physician and surgeon, physician assistant, osteopathic
31 physician assistant, or advanced registered nurse practitioner.

32 (2) Nothing in this section prohibits a person from practicing a
33 profession for which a license has been issued under the laws of this
34 state or specifically authorized by any other law of the state of
35 Washington.

36 (3) This section does not prohibit (a) the nursing care of the
37 sick, without compensation, by an unlicensed person who does not hold

1 himself or herself out to be a registered nurse, or (b) the practice of
2 licensed practical nursing by a licensed practical nurse.

3 NEW SECTION. **Sec. 505.** "Advanced registered nursing practice"
4 means the performance of the acts of a registered nurse and the
5 performance of an expanded role in providing health care services, the
6 scope of which is defined by rule by the commission. Upon approval by
7 the commission, an advanced registered nurse practitioner may prescribe
8 legend drugs and controlled substances contained in Schedule V of the
9 Uniform Controlled Substances Act, chapter 69.50 RCW.

10 Nothing in this section prohibits a person from practicing a
11 profession for which a license has been issued under the laws of this
12 state or specifically authorized by any other law of the state of
13 Washington.

14 This section does not prohibit (1) the nursing care of the sick,
15 without compensation, by an unlicensed person who does not hold himself
16 or herself out to be an advanced registered nurse practitioner, or (2)
17 the practice of registered nursing by a licensed registered nurse or
18 the practice of licensed practical nursing by a licensed practical
19 nurse.

20 NEW SECTION. **Sec. 506.** "Licensed practical nursing practice"
21 means the performance of services requiring the knowledge, skill, and
22 judgment necessary for carrying out selected aspects of the designated
23 nursing regimen under the direction and supervision of a licensed
24 physician and surgeon, dentist, osteopathic physician and surgeon,
25 physician assistant, osteopathic physician assistant, podiatric
26 physician and surgeon, advanced registered nurse practitioner, or
27 registered nurse.

28 Nothing in this section prohibits a person from practicing a
29 profession for which a license has been issued under the laws of this
30 state or specifically authorized by any other law of the state of
31 Washington.

32 This section does not prohibit the nursing care of the sick,
33 without compensation, by an unlicensed person who does not hold himself
34 or herself out to be a licensed practical nurse.

35 NEW SECTION. **Sec. 507.** (1) The state nursing care quality
36 assurance commission is established, consisting of eleven members to be

1 appointed by the governor to four-year terms. No person may serve as
2 a member of the commission for more than two consecutive full terms.

3 (2) There must be three registered nurse members, two advanced
4 registered nurse practitioner members, three licensed practical nurse
5 members, two public members, and one nonvoting midwife member licensed
6 under chapter 18.50 RCW, on the commission. Each member of the
7 commission must be a citizen of the United States and a resident of
8 this state.

9 (3) Registered nurse members of the commission must:

10 (a) Be licensed as registered nurses under this chapter; and

11 (b) Have had at least five years' experience in the active practice
12 of nursing and have been engaged in that practice within two years of
13 appointment.

14 (4) Advanced registered nurse practitioner members of the
15 commission must:

16 (a) Be licensed as advanced registered nurse practitioners under
17 this chapter; and

18 (b) Have had at least five years' experience in the active practice
19 of advanced registered nursing and have been engaged in that practice
20 within two years of appointment.

21 (5) Licensed practical nurse members of the commission must:

22 (a) Be licensed as licensed practical nurses under this chapter;
23 and

24 (b) Have had at least five years' actual experience as a licensed
25 practical nurse and have been engaged in practice as a practical nurse
26 within two years of appointment.

27 (6) Public members of the commission may not be a member of any
28 other health care licensing board or commission, or have a fiduciary
29 obligation to a facility rendering health services regulated by the
30 commission, or have a material or financial interest in the rendering
31 of health services regulated by the commission.

32 (7) The nonvoting licensed midwife member of the commission must:

33 (a) Be licensed as a midwife under chapter 18.50 RCW; and

34 (b) Have had at least five years' actual experience as a licensed
35 midwife and have been engaged in practice as a midwife within two years
36 of appointment.

37 In appointing the initial members of the commission, it is the
38 intent of the legislature that, to the extent possible, the governor
39 appoint the existing members of the board of nursing and the board of

1 practical nursing repealed under chapter . . . , Laws of 1994 (this
2 act). The governor may appoint initial members of the commission to
3 staggered terms of from one to four years. Thereafter, all members
4 shall be appointed to full four-year terms. Members of the commission
5 hold office until their successors are appointed.

6 NEW SECTION. **Sec. 508.** The governor may remove a member of the
7 commission for neglect of duty, misconduct, malfeasance or misfeasance
8 in office, or for incompetency or unprofessional conduct as defined in
9 chapter 18.130 RCW. Whenever the governor is satisfied that a member
10 of the commission has been guilty of neglect of duty, misconduct,
11 malfeasance or misfeasance in office, or of incompetency or
12 unprofessional conduct, the governor shall file with the secretary of
13 state a statement of the causes for and the order of removal from
14 office, and the secretary shall forthwith send a certified copy of the
15 statement of causes and order of removal to the last known post office
16 address of the member. If a vacancy occurs on the commission, the
17 governor shall appoint a replacement member to fill the remainder of
18 the unexpired term.

19 NEW SECTION. **Sec. 509.** Each commission member shall be
20 compensated in accordance with RCW 43.03.240 and shall be paid travel
21 expenses when away from home in accordance with RCW 43.03.050 and
22 43.03.060.

23 NEW SECTION. **Sec. 510.** The commission shall annually elect from
24 its members a chairperson, a vice-chairperson, and a secretary. The
25 commission shall meet at least quarterly at times and places it
26 designates. It shall hold such other meetings during the year as may
27 be deemed necessary to transact its business. A majority of the
28 commission members appointed and serving constitutes a quorum at a
29 meeting. All meetings of the commission must be open and public,
30 except that the commission may hold executive sessions to the extent
31 permitted by chapter 42.30 RCW.

32 Carrying a motion or resolution, adopting a rule, or passing a
33 measure requires the affirmative vote of a majority of a quorum of the
34 commission. The commission may appoint panels consisting of at least
35 three members. A quorum for transaction of any business by a panel is

1 a minimum of three members. A majority vote of a quorum of the panel
2 is required to transact business delegated to it by the commission.

3 NEW SECTION. **Sec. 511.** The commission shall keep a record of all
4 of its proceedings and make such reports to the governor as may be
5 required. The commission may adopt rules or issue advisory opinions in
6 response to questions put to it by professional health associations,
7 licensed nurses, and consumers in this state concerning the authority
8 of various categories of licensed nurses to perform particular acts.
9 The commission shall define by rule the criteria for granting to
10 advanced registered nurse practitioners the authority to prescribe
11 legend drugs and Schedule V controlled substances.

12 The commission shall approve curricula and shall establish criteria
13 for minimum standards for schools preparing persons for licensing as
14 registered nurses, advanced registered nurse practitioners, and
15 licensed practical nurses under this chapter. The commission shall
16 approve such schools of nursing as meet the requirements of this
17 chapter and the commission, and the commission shall approve
18 establishment of basic nursing education programs and shall establish
19 criteria as to the need for and the size of a program and the type of
20 program and the geographical location. The commission shall establish
21 criteria for proof of reasonable currency of knowledge and skill as a
22 basis for safe practice after three years' inactive or lapsed status.
23 The commission shall establish criteria for licensing by endorsement.
24 The commission shall determine examination requirements for applicants
25 for licensing as registered nurses, advanced registered nurse
26 practitioners, and licensed practical nurses under this chapter, and
27 shall certify to the secretary for licensing duly qualified applicants.

28 The commission shall adopt such rules under chapter 34.05 RCW as
29 are necessary to fulfill the purposes of this chapter.

30 The commission is the successor in interest of the board of nursing
31 and the board of practical nursing. All contracts, undertakings,
32 agreements, rules, regulations, decisions, orders, and policies of the
33 former board of nursing or the board of practical nursing continue in
34 full force and effect under the commission until the commission amends
35 or rescinds those rules, regulations, decisions, orders, or policies.

36 The members of the commission are immune from suit in an action,
37 civil or criminal, based on its disciplinary proceedings or other
38 official acts performed in good faith as members of the commission.

1 Whenever the workload of the commission requires, the commission
2 may request that the secretary appoint pro tempore members of the
3 commission. When serving, pro tempore members of the commission have
4 all of the powers, duties, and immunities, and are entitled to all of
5 the emoluments, including travel expenses, of regularly appointed
6 members of the commission.

7 NEW SECTION. **Sec. 512.** The Uniform Disciplinary Act, chapter
8 18.130 RCW, governs unlicensed practice, the issuance and denial of
9 licenses, and the discipline of licensees under this chapter.

10 NEW SECTION. **Sec. 513.** The secretary shall appoint, after
11 consultation with the commission, an executive director who shall act
12 to carry out this chapter. The secretary shall also employ such
13 professional, secretarial, clerical, and other assistants as may be
14 necessary to effectively administer this chapter. The secretary shall
15 fix the compensation and provide for travel expenses for the executive
16 director and all such employees, in accordance with RCW 43.03.050 and
17 43.03.060.

18 NEW SECTION. **Sec. 514.** The executive director must be a graduate
19 of an approved nursing education program and of a college or
20 university, with a masters' degree, and currently licensed as a
21 registered nurse under this chapter; have a minimum of eight years'
22 experience in nursing in any combination of administration and nursing
23 education; and have been actively engaged in the practice of registered
24 nursing or nursing education within two years immediately before the
25 time of appointment.

26 NEW SECTION. **Sec. 515.** An institution desiring to conduct a
27 school of registered nursing or a school or program of practical
28 nursing, or both, shall apply to the commission and submit evidence
29 satisfactory to the commission that:

30 (1) It is prepared to carry out the curriculum approved by the
31 commission for basic registered nursing or practical nursing, or both;
32 and

33 (2) It is prepared to meet other standards established by law and
34 by the commission.

1 The commission shall make, or cause to be made, such surveys of the
2 schools and programs, and of institutions and agencies to be used by
3 the schools and programs, as it determines are necessary. If in the
4 opinion of the commission, the requirements for an approved school of
5 registered nursing or a school or program of practical nursing, or
6 both, are met, the commission shall approve the school or program.

7 NEW SECTION. **Sec. 516.** (1) An applicant for a license to practice
8 as a registered nurse shall submit to the commission:

9 (a) An attested written application on a department form;

10 (b) Written official evidence of a diploma from an approved school
11 of nursing; and

12 (c) Any other official records specified by the commission.

13 (2) An applicant for a license to practice as an advanced
14 registered nurse practitioner shall submit to the commission:

15 (a) An attested written application on a department form;

16 (b) Written official evidence of completion of an advanced
17 registered nurse practitioner training program meeting criteria
18 established by the commission; and

19 (c) Any other official records specified by the commission.

20 (3) An applicant for a license to practice as a licensed practical
21 nurse shall submit to the commission:

22 (a) An attested written application on a department form;

23 (b) Written official evidence that the applicant is over the age of
24 eighteen;

25 (c) Written official evidence of a high school diploma or general
26 education development certificate or diploma;

27 (d) Written official evidence of completion of an approved
28 practical nursing program, or its equivalent; and

29 (e) Any other official records specified by the commission.

30 (4) At the time of submission of the application, the applicant for
31 a license to practice as a registered nurse, advanced registered nurse
32 practitioner, or licensed practical nurse must not be in violation of
33 chapter 18.130 RCW or this chapter.

34 (5) The commission shall establish by rule the criteria for
35 evaluating the education of all applicants.

36 NEW SECTION. **Sec. 517.** An applicant for a license to practice as
37 a registered nurse, advanced registered nurse practitioner, or licensed

1 practical nurse must pass an examination in subjects determined by the
2 commission. The examination may be supplemented by an oral or
3 practical examination. The commission shall establish by rule the
4 requirements for applicants who have failed the examination to qualify
5 for reexamination.

6 NEW SECTION. **Sec. 518.** When authorized by the commission, the
7 department shall issue an interim permit authorizing the applicant to
8 practice registered nursing, advanced registered nursing, or licensed
9 practical nursing, as appropriate, from the time of verification of the
10 completion of the school or training program until notification of the
11 results of the examination. Upon the applicant passing the
12 examination, and if all other requirements established by the
13 commission for licensing are met, the department shall issue the
14 applicant a license to practice registered nursing, advanced registered
15 nursing, or licensed practical nursing, as appropriate. If the
16 applicant fails the examination, the interim permit expires upon
17 notification to the applicant, and is not renewable. The holder of an
18 interim permit is subject to chapter 18.130 RCW.

19 NEW SECTION. **Sec. 519.** Upon approval of the application by the
20 commission, the department shall issue a license by endorsement without
21 examination to practice as a registered nurse or as a licensed
22 practical nurse to a person who is licensed as a registered nurse or
23 licensed practical nurse under the laws of another state, territory, or
24 possession of the United States, and who meets all other qualifications
25 for licensing.

26 An applicant who has graduated from a school or program of nursing
27 outside the United States and is licensed as a registered nurse or
28 licensed practical nurse, or their equivalents, outside the United
29 States must meet all qualifications required by this chapter and pass
30 examinations as determined by the commission.

31 NEW SECTION. **Sec. 520.** An applicant for a license to practice as
32 a registered nurse, advanced registered nurse practitioner, or licensed
33 practical nurse shall pay a fee as determined by the secretary under
34 RCW 43.70.250 to the state treasurer.

1 NEW SECTION. **Sec. 521.** A license issued under this chapter,
2 whether in an active or inactive status, must be renewed, except as
3 provided in this chapter. The licensee shall send the renewal form to
4 the department with a renewal fee, as determined by the secretary under
5 RCW 43.70.250, before the expiration date. Upon receipt of the renewal
6 form and the appropriate fee, the department shall issue the licensee
7 a license, which declares the holder to be a legal practitioner of
8 registered nursing, advanced registered nursing practice, or licensed
9 practical nursing, as appropriate, in either active or inactive status,
10 for the period of time stated on the license.

11 NEW SECTION. **Sec. 522.** A person licensed under this chapter who
12 allows his or her license to lapse by failing to renew the license,
13 shall on application for renewal pay a penalty determined by the
14 secretary under RCW 43.70.250. If the licensee fails to renew the
15 license before the end of the current licensing period, the department
16 shall issue the license for the next licensing period upon receipt of
17 a written application and fee determined by the secretary under RCW
18 43.70.250. Persons on lapsed status for three or more years must
19 provide evidence of knowledge and skill of current practice as required
20 by the commission.

21 NEW SECTION. **Sec. 523.** A person licensed under this chapter who
22 desires to retire temporarily from registered nursing practice,
23 advanced registered nursing practice, or licensed practical nursing
24 practice in this state shall send a written notice to the secretary.

25 Upon receipt of the notice the department shall place the name of
26 the person on inactive status. While remaining on this status the
27 person shall not practice in this state any form of nursing provided
28 for in this chapter. When the person desires to resume practice, the
29 person shall apply to the commission for renewal of the license and pay
30 a renewal fee to the state treasurer. Persons on inactive status for
31 three years or more must provide evidence of knowledge and skill of
32 current practice as required by the commission or as provided in this
33 chapter.

34 NEW SECTION. **Sec. 524.** (1) For persons licensed as registered
35 nurses or advanced registered nurse practitioners, this chapter shall
36 not be construed as:

1 (a) Prohibiting the incidental care of the sick by domestic
2 servants or persons primarily employed as housekeepers, so long as they
3 do not practice registered nursing within the meaning of this chapter;
4 (b) Preventing a person from the domestic administration of family
5 remedies or the furnishing of nursing assistance in case of emergency;
6 (c) Prohibiting the practice of nursing by students enrolled in
7 approved schools as may be incidental to their course of study or
8 prohibiting the students from working as nursing aides;
9 (d) Prohibiting auxiliary services provided by persons carrying out
10 duties necessary for the support of nursing services, including those
11 duties that involve minor nursing services for persons performed in
12 hospitals, nursing homes, or elsewhere under the direction of licensed
13 physicians or the supervision of licensed registered nurses;
14 (e) Prohibiting the practice of nursing in this state by a legally
15 qualified nurse of another state or territory whose engagement requires
16 him or her to accompany and care for a patient temporarily residing in
17 this state during the period of one such engagement, not to exceed six
18 months in length, if the person does not represent or hold himself or
19 herself out as a registered nurse licensed to practice in this state;
20 (f) Prohibiting nursing or care of the sick, with or without
21 compensation, when done in connection with the practice of the
22 religious tenets of a church by adherents of the church so long as they
23 do not engage in the practice of nursing as defined in this chapter;
24 (g) Prohibiting the practice of a legally qualified nurse of
25 another state who is employed by the United States government or a
26 bureau, division, or agency thereof, while in the discharge of his or
27 her official duties;
28 (h) Permitting the measurement of the powers or range of human
29 vision, or the determination of the accommodation and refractive state
30 of the human eye or the scope of its functions in general, or the
31 fitting or adaptation of lenses for the aid thereof;
32 (i) Permitting the prescribing or directing the use of, or using,
33 an optical device in connection with ocular exercises, visual training,
34 vision training, or orthoptics;
35 (j) Permitting the prescribing of contact lenses for, or the
36 fitting and adaptation of contact lenses to, the human eye;
37 (k) Prohibiting the performance of routine visual screening;
38 (l) Permitting the practice of dentistry or dental hygiene as
39 defined in chapters 18.32 and 18.29 RCW, respectively;

1 (m) Permitting the practice of chiropractic as defined in chapter
2 18.25 RCW including the adjustment or manipulation of the articulation
3 of the spine;

4 (n) Permitting the practice of podiatric medicine and surgery as
5 defined in chapter 18.22 RCW;

6 (o) Permitting the performance of major surgery, except such minor
7 surgery as the commission may have specifically authorized by rule
8 adopted in accordance with chapter 34.05 RCW;

9 (p) Permitting the prescribing of controlled substances as defined
10 in Schedules I through IV of the Uniform Controlled Substances Act,
11 chapter 69.50 RCW, except as provided in (r) of this subsection;

12 (q) Prohibiting the determination and pronouncement of death;

13 (r) Prohibiting advanced registered nurse practitioners, approved
14 by the commission as certified registered nurse anesthetists from
15 selecting, ordering, or administering controlled substances as defined
16 in Schedules II through IV of the Uniform Controlled Substances Act,
17 chapter 69.50 RCW, consistent with their commission-recognized scope of
18 practice; subject to facility-specific protocols, and subject to a
19 request for certified registered nurse anesthetist anesthesia services
20 issued by a physician licensed under chapter 18.71 RCW, an osteopathic
21 physician and surgeon licensed under chapter 18.57 RCW, a dentist
22 licensed under chapter 18.32 RCW, or a podiatric physician and surgeon
23 licensed under chapter 18.22 RCW; the authority to select, order, or
24 administer Schedule II through IV controlled substances being limited
25 to those drugs that are to be directly administered to patients who
26 require anesthesia for diagnostic, operative, obstetrical, or
27 therapeutic procedures in a hospital, clinic, ambulatory surgical
28 facility, or the office of a practitioner licensed under chapter 18.71,
29 18.57, or 18.32 RCW; "select" meaning the decision-making process of
30 choosing a drug, dosage, route, and time of administration; and "order"
31 meaning the process of directing licensed individuals pursuant to their
32 statutory authority to directly administer a drug or to dispense,
33 deliver, or distribute a drug for the purpose of direct administration
34 to a patient, under instructions of the certified registered nurse
35 anesthetist. "Protocol" means a statement regarding practice and
36 documentation concerning such items as categories of patients,
37 categories of medications, or categories of procedures rather than
38 detailed case-specific formulas for the practice of nurse anesthesia.

1 (2) For persons licensed as licensed practical nurses, this
2 chapter shall not be construed as:

3 (a) Prohibiting the incidental care of the sick by domestic
4 servants or persons primarily employed as housekeepers, so long as they
5 do not practice practical nursing within the meaning of this chapter;

6 (b) Preventing a person from the domestic administration of family
7 remedies or the furnishing of nursing assistance in case of emergency;

8 (c) Prohibiting the practice of practical nursing by students
9 enrolled in approved schools as may be incidental to their course of
10 study or prohibiting the students from working as nursing assistants;

11 (d) Prohibiting auxiliary services provided by persons carrying out
12 duties necessary for the support of nursing services, including those
13 duties that involve minor nursing services for persons performed in
14 hospitals, nursing homes, or elsewhere under the direction of licensed
15 physicians or the supervision of licensed registered nurses;

16 (e) Prohibiting or preventing the practice of nursing in this state
17 by a legally qualified nurse of another state or territory whose
18 engagement requires him or her to accompany and care for a patient
19 temporarily residing in this state during the period of one such
20 engagement, not to exceed six months in length, if the person does not
21 represent or hold himself or herself out as a licensed practical nurse
22 licensed to practice in this state;

23 (f) Prohibiting nursing or care of the sick, with or without
24 compensation, when done in connection with the practice of the
25 religious tenets of a church by adherents of the church so long as they
26 do not engage in licensed practical nurse practice as defined in this
27 chapter;

28 (g) Prohibiting the practice of a legally qualified nurse of
29 another state who is employed by the United States government or any
30 bureau, division, or agency thereof, while in the discharge of his or
31 her official duties.

32 NEW SECTION. **Sec. 525.** An advanced registered nurse practitioner
33 under his or her license may perform for compensation nursing care, as
34 that term is usually understood, of the ill, injured, or infirm, and in
35 the course thereof, she or he may do the following things that shall
36 not be done by a person not so licensed, except as provided in sections
37 526 and 527 of this act:

1 (1) Perform specialized and advanced levels of nursing as defined
2 by the commission;

3 (2) Prescribe legend drugs and Schedule V controlled substances, as
4 defined in the Uniform Controlled Substances Act, chapter 69.50 RCW,
5 within the scope of practice defined by the commission;

6 (3) Perform all acts provided in section 526 of this act;

7 (4) Hold herself or himself out to the public or designate herself
8 or himself as an advanced registered nurse practitioner or as a nurse
9 practitioner.

10 NEW SECTION. **Sec. 526.** A registered nurse under his or her
11 license may perform for compensation nursing care, as that term is
12 usually understood, of the ill, injured, or infirm, and in the course
13 thereof, she or he may do the following things that shall not be done
14 by a person not so licensed, except as provided in section 527 of this
15 act:

16 (1) At or under the general direction of a licensed physician and
17 surgeon, dentist, osteopathic physician and surgeon, podiatric
18 physician and surgeon, physician assistant, osteopathic physician
19 assistant, or advanced registered nurse practitioner acting within the
20 scope of his or her license, administer medications, treatments, tests,
21 and inoculations, whether or not the severing or penetrating of tissues
22 is involved and whether or not a degree of independent judgment and
23 skill is required;

24 (2) Delegate to other persons engaged in nursing, the functions
25 outlined in subsection (1) of this section;

26 (3) Instruct nurses in technical subjects pertaining to nursing;

27 (4) Hold herself or himself out to the public or designate herself
28 or himself as a registered nurse.

29 NEW SECTION. **Sec. 527.** A licensed practical nurse under his or
30 her license may perform nursing care, as that term is usually
31 understood, of the ill, injured, or infirm, and in the course thereof
32 may, under the direction of a licensed physician and surgeon,
33 osteopathic physician and surgeon, dentist, podiatric physician and
34 surgeon, physician assistant, osteopathic physician assistant, advanced
35 registered nurse practitioner acting under the scope of his or her
36 license, or at the direction and under the supervision of a registered
37 nurse, administer drugs, medications, treatments, tests, injections,

1 and inoculations, whether or not the piercing of tissues is involved
2 and whether or not a degree of independent judgment and skill is
3 required, when selected to do so by one of the licensed practitioners
4 designated in this section, or by a registered nurse who need not be
5 physically present; if the order given is reduced to writing within a
6 reasonable time and made a part of the patient's record.

7 NEW SECTION. **Sec. 528.** It is not a violation of chapter 18.71 or
8 18.57 RCW for a registered nurse, at or under the general direction of
9 a licensed physician and surgeon, or osteopathic physician and surgeon,
10 to administer prescribed drugs, injections, inoculations, tests, or
11 treatment whether or not the piercing of tissues is involved.

12 NEW SECTION. **Sec. 529.** (1) In accordance with rules adopted by
13 the commission, public school districts and private schools that offer
14 classes for any of grades kindergarten through twelve may provide for
15 clean, intermittent bladder catheterization of students or assisted
16 self-catheterization of students who are in the custody of the school
17 district or private school at the time. After consultation with staff
18 of the superintendent of public instruction, the commission shall adopt
19 rules in accordance with chapter 34.05 RCW, that provide for the
20 following and such other matters as the commission deems necessary to
21 the proper implementation of this section:

22 (a) A requirement for a written, current, and unexpired request
23 from a parent, legal guardian, or other person having legal control
24 over the student that the school district or private school provide for
25 the catheterization of the student;

26 (b) A requirement for a written, current, and unexpired request
27 from a physician licensed under chapter 18.71 or 18.57 RCW that
28 catheterization of the student be provided for during the hours when
29 school is in session or the hours when the student is under the
30 supervision of school officials;

31 (c) A requirement for written, current, and unexpired instructions
32 from an advanced registered nurse practitioner or a registered nurse
33 licensed under this chapter regarding catheterization that include (i)
34 a designation of the school district or private school employee or
35 employees who may provide for the catheterization, and (ii) a
36 description of the nature and extent of any required supervision; and

1 (d) The nature and extent of acceptable training that shall (i) be
2 provided by a physician, advanced registered nurse practitioner, or
3 registered nurse licensed under chapter 18.71 or 18.57 RCW, or this
4 chapter, and (ii) be required of school district or private school
5 employees who provide for the catheterization of a student under this
6 section, except that a licensed practical nurse licensed under this
7 chapter is exempt from training.

8 (2) This section does not require school districts to provide
9 intermittent bladder catheterization of students.

10 NEW SECTION. **Sec. 530.** The department, subject to chapter 34.05
11 RCW, the Washington Administrative Procedure Act, may adopt such
12 reasonable rules as may be necessary to carry out the duties imposed
13 upon it in the administration of this chapter.

14 NEW SECTION. **Sec. 531.** As of the effective date of this act, all
15 rules, regulations, decisions, and orders of the board of nursing under
16 chapter 18.88 RCW or the board of practical nursing under chapter 18.78
17 RCW continue to be in effect under the commission, until the commission
18 acts to modify the rules, regulations, decisions, or orders.

19 NEW SECTION. **Sec. 532.** Sections 427 and 501 through 531 of this
20 act constitute a new chapter in Title 18 RCW.

21 NEW SECTION. **Sec. 533.** The following acts or parts of acts are
22 each repealed:

23 (1) RCW 18.78.005 and 1991 c 84 s 1 & 1983 c 55 s 1;

24 (2) RCW 18.78.010 and 1991 c 84 s 13, 1991 c 3 s 185, 1983 c 55 s
25 2, 1967 c 79 s 1, 1963 c 15 s 1, & 1949 c 222 s 1;

26 (3) RCW 18.78.020 and 1991 c 84 s 2, 1983 c 55 s 3, 1967 c 79 s 2,
27 & 1949 c 222 s 2;

28 (4) RCW 18.78.030 and 1991 c 84 s 3, 1983 c 55 s 4, & 1949 c 222 s
29 3;

30 (5) RCW 18.78.040 and 1991 c 84 s 4, 1984 c 287 s 47, 1983 c 55 s
31 5, 1975-'76 2nd ex.s. c 34 s 45, 1967 c 188 s 4, & 1949 c 222 s 4;

32 (6) RCW 18.78.050 and 1991 c 84 s 5, 1988 c 211 s 4, 1986 c 259 s
33 129, 1983 c 55 s 6, 1979 c 158 s 64, 1967 c 79 s 3, & 1949 c 222 s 5;

34 (7) RCW 18.78.054 and 1987 c 150 s 49 & 1986 c 259 s 128;

35 (8) RCW 18.78.055 and 1991 c 84 s 6 & 1983 c 55 s 7;

1 (9) RCW 18.78.058 and 1987 c 150 s 50;
2 (10) RCW 18.78.060 and 1991 c 84 s 7, 1988 c 212 s 1, 1983 c 55 s
3 8, 1971 ex.s. c 292 s 26, 1963 c 15 s 2, & 1949 c 222 s 6;
4 (11) RCW 18.78.070 and 1986 c 259 s 130, 1983 c 55 s 9, & 1949 c
5 222 s 7;
6 (12) RCW 18.78.072 and 1988 c 211 s 3;
7 (13) RCW 18.78.080 and 1991 c 84 s 8, 1985 c 7 s 65, 1979 c 158 s
8 65, 1975 1st ex.s. c 30 s 68, 1963 c 15 s 3, & 1949 c 222 s 9;
9 (14) RCW 18.78.090 and 1991 c 84 s 9, 1986 c 259 s 131, 1985 c 7 s
10 66, 1983 c 55 s 10, 1979 c 158 s 66, 1975 1st ex.s. c 30 s 69, 1971
11 ex.s. c 266 s 14, 1967 c 79 s 4, 1963 c 15 s 4, & 1949 c 222 s 10;
12 (15) RCW 18.78.100 and 1991 c 84 s 10, 1991 c 3 s 190, 1983 c 55 s
13 11, 1971 c 68 s 1, & 1949 c 222 s 11;
14 (16) RCW 18.78.160 and 1991 c 84 s 12, 1983 c 55 s 15, & 1949 c 222
15 s 17;
16 (17) RCW 18.78.182 and 1991 c 84 s 11, 1983 c 55 s 19, 1971 c 68 s
17 2, & 1967 c 79 s 6;
18 (18) RCW 18.78.225 and 1991 c 3 s 192 & 1988 c 211 s 12;
19 (19) RCW 18.78.900 and 1949 c 222 s 19;
20 (20) RCW 18.78.901 and 1983 c 55 s 22;
21 (21) RCW 18.88.010 and 1973 c 133 s 1 & 1949 c 202 s 1;
22 (22) RCW 18.88.020 and 1973 c 133 s 2 & 1949 c 202 s 2;
23 (23) RCW 18.88.030 and 1991 c 3 s 213, 1989 c 114 s 1, 1979 c 158
24 s 69, 1973 c 133 s 3, 1961 c 288 s 1, & 1949 c 202 s 4;
25 (24) RCW 18.88.050 and 1989 c 114 s 2, 1973 c 133 s 4, & 1949 c 202
26 s 5;
27 (25) RCW 18.88.060 and 1973 c 133 s 5, 1961 c 288 s 3, & 1949 c 202
28 s 6;
29 (26) RCW 18.88.070 and 1989 c 114 s 3, 1973 c 133 s 6, & 1949 c 202
30 s 7;
31 (27) RCW 18.88.080 and 1991 c 3 s 214, 1988 c 211 s 8, 1984 c 287
32 s 50, 1977 c 75 s 12, 1975-'76 2nd ex.s. c 34 s 50, 1973 c 133 s 7,
33 1961 c 288 s 4, & 1949 c 202 s 8;
34 (28) RCW 18.88.086 and 1987 c 150 s 57 & 1986 c 259 s 135;
35 (29) RCW 18.88.090 and 1991 c 3 s 215, 1975-'76 2nd ex.s. c 34 s
36 51, 1973 c 133 s 8, 1961 c 288 s 5, & 1949 c 202 s 9;
37 (30) RCW 18.88.100 and 1973 c 133 s 9, 1961 c 288 s 6, & 1949 c 202
38 s 10;
39 (31) RCW 18.88.110 and 1973 c 133 s 10 & 1949 c 202 s 11;

1 (32) RCW 18.88.120 and 1973 c 133 s 11 & 1949 c 202 s 12;
2 (33) RCW 18.88.130 and 1989 c 114 s 4, 1973 c 133 s 12, 1961 s 288
3 s 7, & 1949 c 202 s 13;
4 (34) RCW 18.88.140 and 1989 c 114 s 5, 1973 c 133 s 13, 1961 c 288
5 s 8, & 1949 c 202 s 14;
6 (35) RCW 18.88.150 and 1989 c 114 s 6, 1988 c 211 s 5, 1973 c 133
7 s 14, 1961 c 288 s 9, & 1949 c 202 s 15;
8 (36) RCW 18.88.160 and 1991 c 3 s 216, 1985 c 7 s 68, 1975 1st
9 ex.s. c 30 s 77, 1973 c 133 s 15, 1961 c 288 s 10, & 1949 c 202 s 16;
10 (37) RCW 18.88.170 and 1973 c 133 s 16 & 1949 c 202 s 17;
11 (38) RCW 18.88.175 and 1991 c 3 s 217 & 1988 c 211 s 13;
12 (39) RCW 18.88.190 and 1991 c 3 s 218, 1988 c 211 s 9, 1985 c 7 s
13 69, 1979 ex.s. c 106 s 1, 1975 1st ex.s. c 30 s 78, 1973 c 133 s 18,
14 1971 ex.s. c 266 s 18, 1961 c 288 s 11, & 1949 c 202 s 19;
15 (40) RCW 18.88.200 and 1991 c 3 s 219, 1988 c 211 s 10, 1985 c 7 s
16 70, 1975 1st ex.s. c 30 s 79, 1973 c 133 s 19, 1961 c 288 s 12, & 1949
17 c 202 s 20;
18 (41) RCW 18.88.220 and 1991 c 3 s 220, 1988 c 211 s 11, 1973 c 133
19 s 20, & 1949 c 202 s 22;
20 (42) RCW 18.88.270 and 1986 c 259 s 136, 1973 c 133 s 26, & 1949 c
21 202 s 27;
22 (43) RCW 18.88.280 and 1993 c 225 s 1, 1989 c 114 s 7, 1988 c 37 s
23 1, 1973 c 133 s 27, 1961 c 288 s 13, & 1949 c 202 s 28;
24 (44) RCW 18.88.285 and 1989 c 114 s 8, 1973 c 133 s 28, 1967 c 79
25 s 9, & 1961 c 288 s 14;
26 (45) RCW 18.88.290 and 1955 c 62 s 1;
27 (46) RCW 18.88.295 and 1988 c 48 s 1;
28 (47) RCW 18.88.300 and 1973 c 133 s 29;
29 (48) RCW 18.88.900 and 1949 c 202 s 29; and
30 (49) RCW 18.88A.070 and 1991 c 16 s 9, 1991 c 3 s 223, 1989 c 300
31 s 9, & 1988 c 267 s 9.

32 **MENTAL HEALTH QUALITY ASSURANCE COUNCIL**

33 **Sec. 534.** RCW 18.19.070 and 1991 c 3 s 22 are each amended to read
34 as follows:

35 (1) ~~((Within sixty days of July 26, 1987, the secretary shall have~~
36 ~~authority to appoint advisory committees to further the purposes of~~
37 ~~this chapter. Each such committee shall be composed of five members,~~

1 ~~one member initially appointed for a term of one year, two for terms of~~
2 ~~two years, and two for terms of three years. No person may serve as a~~
3 ~~member of the committee for more than two consecutive terms.))~~ The
4 Washington state mental health quality assurance council is created,
5 consisting of nine members appointed by the secretary. All
6 appointments shall be for a term of four years. No person may serve as
7 a member of the council for more than two consecutive full terms.

8 Voting members of the council must include one social worker
9 certified under RCW 18.19.110, one mental health counselor certified
10 under RCW 18.19.120, one marriage and family therapist certified under
11 RCW 18.19.130, one counselor registered under RCW 18.19.090, one
12 hypnotherapist registered under RCW 18.19.090, and two public members.
13 Nonvoting members of the council must include one psychiatrist licensed
14 under chapter 18.71 RCW and one psychologist licensed under chapter
15 18.83 RCW. Each member of the council must be a citizen of the United
16 States and a resident of this state. Public members of the council may
17 not be a member of any other health care licensing board or commission,
18 or have a fiduciary obligation to a facility rendering health services
19 regulated by the council, or have a material or financial interest in
20 the rendering of health services regulated by the council.

21 The secretary may appoint the initial members of the council to
22 staggered terms of from one to four years. Thereafter, all members
23 shall be appointed to full four-year terms. Members of the council
24 hold office until their successors are appointed.

25 ~~The secretary may remove any member of the ((advisory committees))~~
26 council for cause as specified by rule. In the case of a vacancy, the
27 secretary shall appoint a person to serve for the remainder of the
28 unexpired term.

29 (2) ~~The ((advisory committees))~~ council shall ~~((each))~~ meet at the
30 times and places designated by the secretary and shall hold meetings
31 during the year as necessary to provide advice to the secretary.

32 Each member of ~~((an advisory committee))~~ the council shall be
33 reimbursed for travel expenses as authorized in RCW 43.03.050 and
34 43.03.060. In addition, members of the ~~((committees))~~ council shall be
35 compensated in accordance with RCW 43.03.240 when engaged in the
36 authorized business of ~~((their committee.~~

37 ~~(3) Members of an advisory committee shall be residents of this~~
38 ~~state. Each committee shall be composed of four individuals registered~~
39 ~~or certified in the category designated by the committee title, and one~~

1 ~~member who is a member of the public))~~ the council. The members of the
2 council are immune from suit in an action, civil or criminal, based on
3 their official acts performed in good faith as members of the council.

4 **PART VI - MEDICAL, CHIROPRACTIC, AND DENTAL**

5 **MEDICAL QUALITY ASSURANCE COMMISSION**

6 NEW SECTION. Sec. 601. A new section is added to chapter 18.71
7 RCW to read as follows:

8 It is the purpose of the medical quality assurance commission to
9 regulate the competency and quality of professional health care
10 providers under its jurisdiction by establishing, monitoring, and
11 enforcing qualifications for licensing, consistent standards of
12 practice, continuing competency mechanisms, and discipline. Rules,
13 policies, and procedures developed by the commission must promote the
14 delivery of quality health care to the residents of the state of
15 Washington.

16 **Sec. 602.** RCW 18.71.010 and 1991 c 3 s 158 are each amended to
17 read as follows:

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

21 (1) (~~"Board" means the board of medical examiners~~) "Commission"
22 means the Washington state medical quality assurance commission.

23 (2) "Secretary" means the secretary of health.

24 (3) "Resident physician" means an individual who has graduated from
25 a school of medicine which meets the requirements set forth in RCW
26 18.71.055 and is serving a period of postgraduate clinical medical
27 training sponsored by a college or university in this state or by a
28 hospital accredited by this state. For purposes of this chapter, the
29 term shall include individuals designated as intern or medical fellow.

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

32 **Sec. 603.** RCW 18.71.015 and 1991 c 44 s 1 and 1991 c 3 s 159 are
33 each reenacted and amended to read as follows:

1 (~~There is hereby created a board of medical examiners consisting~~
2 ~~of six individuals licensed to practice medicine in the state of~~
3 ~~Washington, one individual who is licensed as a physician assistant~~
4 ~~under chapter 18.71A RCW, and two individuals who are not physicians,~~
5 ~~to be known as the Washington state board of medical examiners.)) The
6 Washington state medical quality assurance commission is established,
7 consisting of thirteen individuals licensed to practice medicine in the
8 state of Washington under this chapter, two individuals who are
9 licensed as physician assistants under chapter 18.71A RCW, and four
10 individuals who are members of the public. Each congressional district
11 now existing or hereafter created in the state must be represented by
12 at least one physician member of the commission. The terms of office
13 of members of the commission are not affected by changes in
14 congressional district boundaries. Public members of the commission
15 may not be a member of any other health care licensing board or
16 commission, or have a fiduciary obligation to a facility rendering
17 health services regulated by the commission, or have a material or
18 financial interest in the rendering of health services regulated by the
19 commission.~~

20 The (~~board~~) members of the commission shall be appointed by the
21 governor. (~~On expiration of the term of any member, the governor~~
22 ~~shall appoint for a period of five years an individual of similar~~
23 ~~qualifications to take the place of such member.)) Members of the
24 initial commission may be appointed to staggered terms of one to four
25 years, and thereafter all terms of appointment shall be for four years.
26 The governor shall consider such physician and physician assistant
27 members who are recommended for appointment by the appropriate
28 professional associations in the state. In appointing the initial
29 members of the commission, it is the intent of the legislature that, to
30 the extent possible, the existing members of the board of medical
31 examiners and medical disciplinary board repealed under section 636,
32 chapter . . . , Laws of 1994 (this act) be appointed to the commission.
33 No member may serve more than two consecutive full terms. Each member
34 shall hold office until (~~the expiration of the term for which such~~
35 member is appointed or until)) a successor (~~shall have been~~) is
36 appointed (~~and shall have qualified~~).~~

37 Each member of the (~~board shall~~) commission must be a citizen of
38 the United States, must be an actual resident of this state, and, if a

1 physician, must have been licensed to practice medicine in this state
2 for at least five years.

3 The ~~((board))~~ commission shall meet as soon as practicable after
4 appointment and elect a chair ~~((and))~~, a vice-chair, and a secretary
5 from its members. Meetings shall be held at least four times a year
6 and at such place as the ~~((board shall))~~ commission determines and at
7 such other times and places as the ~~((board))~~ commission deems
8 necessary. A majority of the ~~((board))~~ commission members appointed
9 and serving ~~((shall))~~ constitutes a quorum for the transaction of
10 ~~((board))~~ commission business.

11 ~~((It shall require))~~ The affirmative vote of a majority of a quorum
12 of the ~~((board))~~ commission is required to carry any motion or
13 resolution, to adopt any rule, or to pass any measure. The commission
14 may appoint panels consisting of at least three members. A quorum for
15 the transaction of any business by a panel is a minimum of three
16 members. A majority vote of ~~((the members appointed to a panel of the~~
17 ~~board shall constitute))~~ a quorum ~~((for))~~ of the panel is required to
18 transact business delegated to it by the ~~((board))~~ commission.

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

25 ~~((Any member of the board may be removed by the governor for))~~
26 Whenever the governor is satisfied that a member of a commission has
27 been guilty of neglect of duty, misconduct, or malfeasance or
28 misfeasance in office, the governor shall file with the secretary of
29 state a statement of the causes for and the order of removal from
30 office, and the secretary shall forthwith send a certified copy of the
31 statement of causes and order of removal to the last known post office
32 address of the member.

33 Vacancies in the membership of the ~~((board))~~ commission shall be
34 filled for the unexpired term by appointment by the governor.

35 The members of the commission are immune from suit in an action,
36 civil or criminal, based on its disciplinary proceedings or other
37 official acts performed in good faith as members of the commission.

38 Whenever the workload of the commission requires, the commission
39 may request that the secretary appoint pro tempore members of the

1 commission. When serving, pro tempore members of the commission have
2 all of the powers, duties, and immunities, and are entitled to all of
3 the emoluments, including travel expenses, of regularly appointed
4 members of the commission.

5 **Sec. 604.** RCW 18.71.017 and 1961 c 284 s 11 are each amended to
6 read as follows:

7 The board may ~~((make))~~ adopt such rules ~~((and regulations))~~ as are
8 not inconsistent with the laws of this state as may be determined
9 necessary or proper to carry out the purposes of this chapter. The
10 commission is the successor in interest of the board of medical
11 examiners and the medical disciplinary board. All contracts,
12 undertakings, agreements, rules, regulations, and policies continue in
13 full force and effect on the effective date of this act, unless
14 otherwise repealed or rejected by this chapter or by the commission.

15 **Sec. 605.** RCW 18.71.019 and 1987 c 150 s 45 are each amended to
16 read as follows:

17 The Uniform Disciplinary Act, chapter 18.130 RCW, governs
18 unlicensed practice and the issuance and denial of licenses and
19 discipline of licensees under this chapter.

20 **Sec. 606.** RCW 18.71.030 and 1990 c 196 s 12 and 1990 c 33 s 552
21 are each reenacted and amended to read as follows:

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

25 (1) The furnishing of medical assistance in cases of emergency
26 requiring immediate attention;

27 (2) The domestic administration of family remedies;

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

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

35 (5) The practice of medicine in this state by any commissioned
36 medical officer serving in the armed forces of the United States or

1 public health service or any medical officer on duty with the United
2 States veterans administration while such medical officer is engaged in
3 the performance of the duties prescribed for him or her by the laws and
4 regulations of the United States;

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

9 (7) The practice of medicine by a person who is a regular student
10 in a school of medicine approved and accredited by the (~~board~~)
11 commission, however, the performance of such services be only pursuant
12 to a regular course of instruction or assignments from his or her
13 instructor, or that such services are performed only under the
14 supervision and control of a person licensed pursuant to this chapter;

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

20 (9) The practice of medicine by a person who is regularly enrolled
21 in a physician assistant program approved by the (~~board~~) commission,
22 however, the performance of such services (~~shall~~) shall be only
23 pursuant to a regular course of instruction in said program and such
24 services are performed only under the supervision and control of a
25 person licensed pursuant to this chapter;

26 (10) The practice of medicine by a licensed physician assistant
27 which practice is performed under the supervision and control of a
28 physician licensed pursuant to this chapter;

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

33 (12) The administration of nondental anesthesia by a dentist who
34 has completed a residency in anesthesiology at a school of medicine
35 approved by the (~~board of medical examiners~~) commission, however, a
36 dentist allowed to administer nondental anesthesia shall do so only
37 under authorization of the patient's attending surgeon, obstetrician,
38 or psychiatrist, and the (~~medical disciplinary board shall have~~)
39 commission has jurisdiction to discipline a dentist practicing under

1 this exemption and enjoin or suspend such dentist from the practice of
2 nondental anesthesia according to (~~the provisions of chapter 18.72~~
3 ~~RCW~~) this chapter and chapter 18.130 RCW;

4 (13) Emergency lifesaving service rendered by a physician's trained
5 mobile intravenous therapy technician, by a physician's trained mobile
6 airway management technician, or by a physician's trained mobile
7 intensive care paramedic, as defined in RCW 18.71.200, if the emergency
8 lifesaving service is rendered under the responsible supervision and
9 control of a licensed physician;

10 (14) The provision of clean, intermittent bladder catheterization
11 for students by public school district employees or private school
12 employees as provided for in RCW (~~18.88.295~~) 18.--.-- (section 529
13 of this act) and 28A.210.280.

14 **Sec. 607.** RCW 18.71.050 and 1991 c 3 s 161 are each amended to
15 read as follows:

16 (1) Each applicant who has graduated from a school of medicine
17 located in any state, territory, or possession of the United States,
18 the District of Columbia, or the Dominion of Canada, shall file an
19 application for licensure with the (~~board~~) commission on a form
20 prepared by the secretary with the approval of the (~~board~~)
21 commission. Each applicant shall furnish proof satisfactory to the
22 (~~board~~) commission of the following:

23 (a) That the applicant has attended and graduated from a school of
24 medicine approved by the (~~board~~) commission;

25 (b) That the applicant has completed two years of postgraduate
26 medical training in a program acceptable to the (~~board~~) commission,
27 provided that applicants graduating before July 28, 1985, may complete
28 only one year of postgraduate medical training;

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

30 (d) That the applicant is physically and mentally capable of safely
31 carrying on the practice of medicine. The (~~board~~) commission may
32 require any applicant to submit to such examination or examinations as
33 it deems necessary to determine an applicant's physical and/or mental
34 capability to safely practice medicine.

35 (2) Nothing in this section shall be construed as prohibiting the
36 (~~board~~) commission from requiring such additional information from
37 applicants as it deems necessary. The issuance and denial of licenses
38 are subject to chapter 18.130 RCW, the Uniform Disciplinary Act.

1 **Sec. 608.** RCW 18.71.051 and 1991 c 3 s 162 are each amended to
2 read as follows:

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

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

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

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

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

23 **Sec. 609.** RCW 18.71.055 and 1975 1st ex.s. c 171 s 8 are each
24 amended to read as follows:

25 The (~~board~~) commission may approve any school of medicine which
26 is located in any state, territory, or possession of the United States,
27 the District of Columbia, or in the Dominion of Canada, provided that
28 it:

29 (1) Requires collegiate instruction which includes courses deemed
30 by the (~~board~~) commission to be prerequisites to medical education;

31 (2) Provides adequate instruction in the following subjects:
32 Anatomy, biochemistry, microbiology and immunology, pathology,
33 pharmacology, physiology, anaesthesiology, dermatology, gynecology,
34 internal medicine, neurology, obstetrics, (~~ophthalmology~~)
35 ophthalmology, orthopedic surgery, otolaryngology, pediatrics, physical
36 medicine and rehabilitation, preventive medicine and public health,
37 psychiatry, radiology, surgery, and urology, and such other subjects
38 determined by the (~~board~~) commission;

1 (3) Provides clinical instruction in hospital wards and out-patient
2 clinics under guidance.

3 Approval may be withdrawn by the (~~board~~) commission at any time
4 a medical school ceases to comply with one or more of the requirements
5 of this section.

6 (4) Nothing in this section shall be construed to authorize the
7 (~~board~~) commission to approve a school of osteopathy, osteopathy and
8 surgery, or osteopathic medicine, for purposes of qualifying an
9 applicant to be licensed under this chapter by direct licensure,
10 reciprocity, or otherwise.

11 **Sec. 610.** RCW 18.71.060 and 1975 1st ex.s. c 171 s 9 are each
12 amended to read as follows:

13 (~~Said board~~) The commission shall keep an official record of all
14 its proceedings, a part of which record shall consist of a register of
15 all applicants for licensure under this chapter, with the result of
16 each application. (~~Said~~) The record shall be evidence of all the
17 proceedings of (~~said board which~~) the commission that are set forth
18 (~~therein~~) in it.

19 **Sec. 611.** RCW 18.71.070 and 1985 c 322 s 3 are each amended to
20 read as follows:

21 With the exception of those applicants granted licensure through
22 the provisions of RCW 18.71.090 or 18.71.095, applicants for licensure
23 must successfully complete an examination administered by the (~~board~~)
24 commission to determine their professional qualifications. The
25 (~~board~~) commission shall prepare and give, or approve the preparation
26 and giving of, an examination which shall cover those general subjects
27 and topics, a knowledge of which is commonly and generally required of
28 candidates for the degree of doctor of medicine conferred by approved
29 colleges or schools of medicine in the United States. Notwithstanding
30 any other provision of law, the (~~board shall have~~) commission has the
31 sole responsibility for determining the proficiency of applicants under
32 this chapter, and, in so doing, may waive any prerequisite to licensure
33 not set forth in this chapter.

34 The (~~board~~) commission may by rule establish the passing grade
35 for the examination.

36 Examination results shall be part of the records of the (~~board~~)
37 commission and shall be permanently kept with the applicant's file.

1 **Sec. 612.** RCW 18.71.080 and 1991 c 195 s 1 and 1991 c 3 s 163 are
2 each reenacted and amended to read as follows:

3 Every person licensed to practice medicine in this state shall
4 register with the secretary of health annually, and pay an annual
5 renewal registration fee determined by the secretary as provided in RCW
6 43.70.250. The (~~board~~) commission may establish rules governing
7 mandatory continuing education requirements which shall be met by
8 physicians applying for renewal of licenses. The rules (~~and~~
9 ~~regulations~~) shall provide that mandatory continuing education
10 requirements may be met in part by physicians showing evidence of the
11 completion of approved activities relating to professional liability
12 risk management. Any failure to register and pay the annual renewal
13 registration fee shall render the license invalid, but such license
14 shall be reinstated upon written application therefor to the secretary,
15 and payment to the state of a penalty fee determined by the secretary
16 as provided in RCW 43.70.250, together with all delinquent annual
17 license renewal fees: PROVIDED, HOWEVER, That any person who fails to
18 renew the license for a period of three years, shall in no event be
19 entitled to renew the license under this section. Such a person in
20 order to obtain a license to practice medicine in this state, shall
21 file an original application as provided for in this chapter, along
22 with the requisite fee therefor. The (~~board~~) commission, in its sole
23 discretion, may permit such applicant to be licensed without
24 examination if it is satisfied that such applicant meets all the
25 requirements for licensure in this state, and is competent to engage in
26 the practice of medicine.

27 **Sec. 613.** RCW 18.71.085 and 1991 c 44 s 2 are each amended to read
28 as follows:

29 The (~~board~~) commission may adopt rules pursuant to this section
30 authorizing an inactive license status.

31 (1) An individual licensed pursuant to chapter 18.71 RCW may place
32 his or her license on inactive status. The holder of an inactive
33 license shall not practice medicine and surgery in this state without
34 first activating the license.

35 (2) The inactive renewal fee shall be established by the secretary
36 pursuant to RCW 43.70.250. Failure to renew an inactive license shall
37 result in cancellation in the same manner as an active license.

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

3 (4) Provisions relating to disciplinary action against a person
4 with a license shall be applicable to a person with an inactive
5 license, except that when disciplinary proceedings against a person
6 with an inactive license have been initiated, the license shall remain
7 inactive until the proceedings have been completed.

8 **Sec. 614.** RCW 18.71.090 and 1985 c 322 s 5 are each amended to
9 read as follows:

10 Any applicant who meets the requirements of RCW 18.71.050 and has
11 been licensed under the laws of another state, territory, or possession
12 of the United States, or of any province of Canada, or an applicant who
13 has satisfactorily passed examinations given by the national board of
14 medical examiners may, in the discretion of the ((board)) commission,
15 be granted a license without examination on the payment of the fees
16 required by this chapter: PROVIDED, That the applicant must file with
17 the ((board)) commission a copy of the license certified by the proper
18 authorities of the issuing state to be a full, true copy thereof, and
19 must show that the standards, eligibility requirements, and
20 examinations of that state are at least equal in all respects to those
21 of this state.

22 **Sec. 615.** RCW 18.71.095 and 1991 c 3 s 164 are each amended to
23 read as follows:

24 The ((board)) commission may, without examination, issue a limited
25 license to persons who possess the qualifications set forth herein:

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

35 Such license shall permit the holder thereof to practice medicine
36 only in connection with patients, residents, or inmates of the state
37 institutions under the control and supervision of the secretary of the

1 department of social and health services or the department of
2 corrections.

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

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

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

28 (4)(a) Upon nomination by the dean of the school of medicine at the
29 University of Washington or the chief executive officer of a hospital
30 or other appropriate health care facility licensed in the state of
31 Washington, the ((board)) commission may issue a limited license to a
32 physician applicant invited to serve as a teaching-research member of
33 the institution's instructional staff if the sponsoring institution and
34 the applicant give evidence that he or she has graduated from a
35 recognized medical school and has been licensed or otherwise privileged
36 to practice medicine at his or her location of origin. Such license
37 shall permit the recipient to practice medicine only within the
38 confines of the instructional program specified in the application and
39 shall terminate whenever the holder ceases to be involved in that

1 program, or at the end of one year, whichever is earlier. Upon request
2 of the applicant and the institutional authority, the license may be
3 renewed for no more than a total of two years.

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

18 All persons licensed under this section shall be subject to the
19 jurisdiction of the (~~medical disciplinary board~~) commission to the
20 same extent as other members of the medical profession, in accordance
21 with this chapter and chapter(~~s 18.72 and~~) 18.130 RCW.

22 Persons applying for licensure pursuant to this section shall pay
23 an application fee determined by the secretary as provided in RCW
24 43.70.250 and, in the event the license applied for is issued, a
25 license fee at the rate provided for renewals of licenses generally.
26 Licenses issued hereunder may be renewed annually pursuant to the
27 provisions of RCW 18.71.080. Any person who obtains a limited license
28 pursuant to this section may, without an additional application fee,
29 apply for licensure under this chapter, but shall submit a new
30 application form and comply with all other licensing requirements of
31 this chapter.

32 **Sec. 616.** RCW 18.71.205 and 1992 c 128 s 1 are each amended to
33 read as follows:

34 (1) The secretary of the department of health, in conjunction with
35 the advice and assistance of the emergency medical services licensing
36 and certification advisory committee as prescribed in RCW 18.73.050,
37 and the (~~board of medical examiners~~) commission, shall prescribe:

1 (a) Minimum standards and performance requirements for the
2 certification and recertification of physician's trained intravenous
3 therapy technicians, airway management technicians, and mobile
4 intensive care paramedics; and

5 (b) Procedures for certification, recertification, and
6 decertification of physician's trained intravenous therapy technicians,
7 airway management technicians, and mobile intensive care paramedics.

8 (2) Initial certification shall be for a period of three years.

9 (3) Recertification shall be granted upon proof of continuing
10 satisfactory performance and education, and shall be for a period of
11 three years.

12 (4) As used in chapters 18.71 and 18.73 RCW, "approved medical
13 program director" means a person who:

14 (a) Is licensed to practice medicine and surgery pursuant to
15 chapter 18.71 RCW or osteopathy and surgery pursuant to chapter 18.57
16 RCW; and

17 (b) Is qualified and knowledgeable in the administration and
18 management of emergency care and services; and

19 (c) Is so certified by the department of health for a county, group
20 of counties, or cities with populations over four hundred thousand in
21 coordination with the recommendations of the local medical community
22 and local emergency medical services and trauma care council.

23 (5) The Uniform Disciplinary Act, chapter 18.130 RCW, governs
24 uncertified practice, the issuance and denial of certificates, and the
25 disciplining of certificate holders under this section. The secretary
26 shall be the disciplining authority under this section. Disciplinary
27 action shall be initiated against a person credentialed under this
28 chapter in a manner consistent with the responsibilities and duties of
29 the medical program director under whom such person is responsible.

30 **Sec. 617.** RCW 18.71.230 and 1986 c 259 s 112 are each amended to
31 read as follows:

32 A right to practice medicine and surgery by an individual in this
33 state pursuant to RCW 18.71.030 (5) through (12) shall be subject to
34 discipline by order of the (~~board~~) commission upon a finding by the
35 (~~board~~) commission of an act of unprofessional conduct as defined in
36 RCW 18.130.180 or that the individual is unable to practice with
37 reasonable skill or safety due to a mental or physical condition as
38 described in RCW 18.130.170. Such physician shall have the same rights

1 of notice, hearing, and judicial review as provided licensed physicians
2 generally (~~pursuant to chapters 18.72 and~~) under this chapter and
3 chapter 18.130 RCW.

4 **Sec. 618.** RCW 18.71A.010 and 1990 c 196 s 1 are each amended to
5 read as follows:

6 The definitions set forth in this section apply throughout this
7 chapter.

8 (1) "Physician assistant" means a person who is licensed by the
9 (~~board~~) commission to practice medicine to a limited extent only
10 under the supervision of a physician as defined in chapter 18.71 RCW
11 and who is academically and clinically prepared to provide health care
12 services and perform diagnostic, therapeutic, preventative, and health
13 maintenance services.

14 (2) "~~(Board)~~ Commission" means the (~~board of medical examiners~~)
15 medical quality assurance commission.

16 (3) "Practice medicine" (~~shall have~~) has the meaning defined in
17 RCW 18.71.011.

18 (4) "Secretary" means the secretary of health or the secretary's
19 designee.

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

21 **Sec. 619.** RCW 18.71A.020 and 1993 c 28 s 5 are each amended to
22 read as follows:

23 (1) The (~~board~~) commission shall adopt rules fixing the
24 qualifications and the educational and training requirements for
25 licensure as a physician assistant or for those enrolled in any
26 physician assistant training program. The requirements shall include
27 completion of an accredited physician assistant training program
28 approved by the (~~board~~) commission and eligibility to take an
29 examination approved by the (~~board, provided such~~) commission, if the
30 examination tests subjects substantially equivalent to the curriculum
31 of an accredited physician assistant training program. Physician
32 assistants licensed by the board of medical examiners as of June 7,
33 1990, shall continue to be licensed.

34 (2)(a) The (~~board~~) commission shall adopt rules governing the
35 extent to which:

36 (i) Physician assistant students may practice medicine during
37 training; and

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

3 (b) Such rules shall provide:

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

6 (ii) That each physician assistant shall practice medicine only
7 under the supervision and control of a physician licensed in this
8 state, but such supervision and control shall not be construed to
9 necessarily require the personal presence of the supervising physician
10 or physicians at the place where services are rendered.

11 (3) Applicants for licensure shall file an application with the
12 ((~~board~~)) commission on a form prepared by the secretary with the
13 approval of the ((~~board~~)) commission, detailing the education,
14 training, and experience of the physician assistant and such other
15 information as the ((~~board~~)) commission may require. The application
16 shall be accompanied by a fee determined by the secretary as provided
17 in RCW 43.70.250. Each applicant shall furnish proof satisfactory to
18 the ((~~board~~)) commission of the following:

19 (a) That the applicant has completed an accredited physician
20 assistant program approved by the ((~~board~~)) commission and is eligible
21 to take the examination approved by the ((~~board~~)) commission;

22 (b) That the applicant is of good moral character; and

23 (c) That the applicant is physically and mentally capable of
24 practicing medicine as a physician assistant with reasonable skill and
25 safety. The ((~~board~~)) commission may require an applicant to submit to
26 such examination or examinations as it deems necessary to determine an
27 applicant's physical or mental capability, or both, to safely practice
28 as a physician assistant.

29 (4) The ((~~board~~)) commission may approve, deny, or take other
30 disciplinary action upon the application for license as provided in the
31 Uniform Disciplinary Act, chapter 18.130 RCW. The license shall be
32 renewed on a periodic basis as determined by the secretary under RCW
33 43.70.280, upon payment of a fee determined by the secretary as
34 provided in RCW 43.70.250, and submission of a completed renewal
35 application, in addition to any late renewal penalty fees as determined
36 by the secretary as provided in RCW 43.70.250. The ((~~board~~))
37 commission may authorize the use of alternative supervisors who are
38 licensed either under chapter 18.57 or 18.71 RCW.

1 **Sec. 620.** RCW 18.71A.030 and 1993 c 28 s 6 are each amended to
2 read as follows:

3 A physician assistant (~~((as defined in this chapter))~~) may practice
4 medicine in this state only with the approval of the practice
5 arrangement plan by the (~~((board))~~) commission and only to the extent
6 permitted by the (~~((board))~~) commission. A physician assistant who has
7 received a license but who has not received (~~((board))~~) commission
8 approval of the practice arrangement plan under RCW 18.71A.040 may not
9 practice. A physician assistant shall be subject to discipline under
10 chapter 18.130 RCW.

11 **Sec. 621.** RCW 18.71A.040 and 1993 c 28 s 7 are each amended to
12 read as follows:

13 (1) No physician assistant practicing in this state shall be
14 employed or supervised by a physician or physician group without the
15 approval of the (~~((board))~~) commission.

16 (2) Prior to commencing practice, a physician assistant licensed in
17 this state shall apply to the (~~((board))~~) commission for permission to be
18 employed or supervised by a physician or physician group. The practice
19 arrangement plan shall be jointly submitted by the physician or
20 physician group and physician assistant. The secretary may charge a
21 fee as provided in RCW 43.70.250 to recover the cost for the plan
22 review. The practice arrangement plan shall delineate the manner and
23 extent to which the physician assistant would practice and be
24 supervised. Whenever a physician assistant is practicing in a manner
25 inconsistent with the approved practice arrangement plan, the medical
26 disciplinary board may take disciplinary action under chapter 18.130
27 RCW.

28 **Sec. 622.** RCW 18.71A.045 and 1988 c 113 s 2 are each amended to
29 read as follows:

30 Foreign medical school graduates shall not be eligible for
31 (~~((registration))~~) licensing as physician assistants after July 1, 1989.
32 (~~((Those applying on or before that date shall remain eligible to~~
33 ~~register as a physician assistant after July 1, 1989: PROVIDED, That~~
34 ~~the graduate does not violate chapter 18.130 RCW or the rules of the~~
35 ~~board. The board shall adopt rules regarding applications for~~
36 ~~registration. The rules shall include board approval of training as~~

1 required in RCW 18.71.051(1) and receipt of original translated
2 transcripts directly from the medical school.))

3 **Sec. 623.** RCW 18.71A.050 and 1993 c 28 s 8 are each amended to
4 read as follows:

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

13 **Sec. 624.** RCW 18.71A.060 and 1990 c 196 s 6 are each amended to
14 read as follows:

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

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

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

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

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

28 (5) The practice of dentistry or dental hygiene as defined in
29 chapters 18.32 and 18.29 RCW respectively. The exemptions set forth in
30 RCW 18.32.030(~~(7 paragraphs)~~) (1) and (8), shall not apply to a
31 physician assistant.

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

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

1 **Sec. 625.** RCW 18.71A.085 and 1990 c 196 s 10 are each amended to
2 read as follows:

3 Any physician assistant acupuncturist currently licensed by the
4 (~~board~~) commission may continue to perform acupuncture under the
5 physician assistant license as long as he or she maintains licensure as
6 a physician assistant.

7 **Sec. 626.** RCW 18.72.155 and 1991 c 3 s 168 are each amended to
8 read as follows:

9 The secretary of the department of health shall appoint, from a
10 list of three names supplied by the (~~board~~) commission, an executive
11 (~~secretary~~) director who shall act to carry out the provisions of
12 this chapter. The secretary shall also employ such additional staff
13 including administrative assistants, investigators, and clerical staff
14 as are required to enable the (~~board~~) commission to accomplish its
15 duties and responsibilities. The executive (~~secretary shall be~~)
16 director is exempt from the provisions of the civil service law,
17 chapter 41.06 RCW, as now or hereafter amended.

18 **Sec. 627.** RCW 18.72.165 and 1986 c 300 s 5 are each amended to
19 read as follows:

20 (1) A licensed health care professional licensed under this chapter
21 (~~18.71 RCW~~) shall report to the (~~medical disciplinary board~~)
22 commission when he or she has personal knowledge that a practicing
23 physician has either committed an act or acts which may constitute
24 statutorily defined unprofessional conduct or that a practicing
25 physician may be unable to practice medicine with reasonable skill and
26 safety to patients by reason of illness, drunkenness, excessive use of
27 drugs, narcotics, chemicals, or any other type of material, or as a
28 result of any mental or physical conditions.

29 (2) Reporting under this section is not required by:

30 (a) An appropriately appointed peer review committee member of a
31 licensed hospital or by an appropriately designated professional review
32 committee member of a county or state medical society during the
33 investigative phase of their respective operations if these
34 investigations are completed in a timely manner; or

35 (b) A treating licensed health care professional of a physician
36 currently involved in a treatment program as long as the physician
37 patient actively participates in the treatment program and the

1 physician patient's impairment does not constitute a clear and present
2 danger to the public health, safety, or welfare.

3 (3) The (~~medical disciplinary board~~) commission may impose
4 disciplinary sanctions, including license suspension or revocation, on
5 any health care professional subject to the jurisdiction of the
6 (~~board~~) commission who has failed to comply with this section.

7 **Sec. 628.** RCW 18.72.265 and 1986 c 259 s 117 are each amended to
8 read as follows:

9 (1) The contents of any report file under RCW 18.130.070 shall be
10 confidential and exempt from public disclosure pursuant to chapter
11 42.17 RCW, except that it may be reviewed (a) by the licensee involved
12 or his or her counsel or authorized representative who may submit any
13 additional exculpatory or explanatory statements or other information,
14 which statements or other information shall be included in the file, or
15 (b) by a representative of the (~~medical disciplinary board~~)
16 commission, or investigator thereof, who has been assigned to review
17 the activities of a licensed physician.

18 Upon a determination that a report is without merit, the
19 (~~board's~~) commission's records may be purged of information relating
20 to the report.

21 (2) Every individual, medical association, medical society,
22 hospital, medical service bureau, health insurance carrier or agent,
23 professional liability insurance carrier, professional standards review
24 organization, and agency of the federal, state, or local government
25 shall be immune from civil liability, whether direct or derivative, for
26 providing information to the (~~board subsequent to~~) commission under
27 RCW 18.130.070, or for which an individual health care provider has
28 immunity under the provisions of RCW 4.24.240, 4.24.250, or 4.24.260(~~or~~
29 ~~as now or hereafter amended~~)).

30 **Sec. 629.** RCW 18.72.301 and 1989 c 119 s 1 are each amended to
31 read as follows:

32 Unless the context clearly requires otherwise, the definitions in
33 this section apply throughout RCW 18.72.306 through 18.72.321 (as
34 recodified by this act).

35 (1) (~~"Board" means the medical disciplinary board of this state.~~
36 ~~(2)~~) "Committee" means a nonprofit corporation formed by
37 physicians who have expertise in the areas of alcoholism, drug abuse,

1 or mental illness and who broadly represent the physicians of the state
2 and that has been designated to perform any or all of the activities
3 set forth in RCW 18.72.306(1) (as recodified by this act) pursuant to
4 rules adopted by the ~~((board))~~ commission under chapter 34.05 RCW.

5 ~~((+3))~~ (2) "Impaired" or "impairment" means the presence of the
6 diseases of alcoholism, drug abuse, mental illness, or other
7 debilitating conditions.

8 ~~((+4))~~ (3) "Impaired physician program" means the program for the
9 prevention, detection, intervention, and monitoring of impaired
10 physicians established by the ~~((board))~~ commission pursuant to RCW
11 18.72.306(1) (as recodified by this act).

12 ~~((+5))~~ (4) "Physician" means a person licensed under this chapter
13 ~~((18.71 RCW))~~.

14 ~~((+6))~~ (5) "Treatment program" means a plan of care and
15 rehabilitation services provided by those organizations or persons
16 authorized to provide such services to be approved by the ~~((board))~~
17 commission for impaired physicians taking part in the impaired
18 physician program created by RCW 18.72.306 (as recodified by this act).

19 **Sec. 630.** RCW 18.72.306 and 1991 c 3 s 169 are each amended to
20 read as follows:

21 (1) The ~~((board))~~ commission shall enter into a contract with the
22 committee to implement an impaired physician program. The impaired
23 physician program may include any or all of the following:

- 24 (a) Contracting with providers of treatment programs;
- 25 (b) Receiving and evaluating reports of suspected impairment from
26 any source;
- 27 (c) Intervening in cases of verified impairment;
- 28 (d) Referring impaired physicians to treatment programs;
- 29 (e) Monitoring the treatment and rehabilitation of impaired
30 physicians including those ordered by the ~~((board))~~ commission;
- 31 (f) Providing post-treatment monitoring and support of
32 rehabilitative impaired physicians;
- 33 (g) Performing such other activities as agreed upon by the
34 ~~((board))~~ commission and the committee; and
- 35 (h) Providing prevention and education services.

36 (2) A contract entered into under subsection (1) of this section
37 shall be financed by a surcharge of up to twenty-five dollars on each
38 license renewal or issuance of a new license to be collected by the

1 department of health from every physician and surgeon licensed under
2 this chapter ((18.71-RCW)) in addition to other license fees ((and the
3 ~~medical discipline assessment fee established under RCW 18.72.380~~)).
4 These moneys shall be placed in the health professions account to be
5 used solely for the implementation of the impaired physician program.

6 **Sec. 631.** RCW 18.72.311 and 1987 c 416 s 3 are each amended to
7 read as follows:

8 The committee shall develop procedures in consultation with the
9 ((~~board~~)) commission for:

10 (1) Periodic reporting of statistical information regarding
11 impaired physician activity;

12 (2) Periodic disclosure and joint review of such information as the
13 ((~~board~~)) commission may deem appropriate regarding reports received,
14 contacts or investigations made, and the disposition of each report:
15 PROVIDED, That the committee shall not disclose any personally
16 identifiable information except as provided in subsections (3) and (4)
17 of this section;

18 (3) Immediate reporting to the ((~~board~~)) commission of the name and
19 results of any contact or investigation regarding any impaired
20 physician who is believed to constitute an imminent danger to the
21 public;

22 (4) Reporting to the ((~~board~~)) commission, in a timely fashion, any
23 impaired physician who refuses to cooperate with the committee, refuses
24 to submit to treatment, or whose impairment is not substantially
25 alleviated through treatment, and who, in the opinion of the committee,
26 is unable to practice medicine with reasonable skill and safety.
27 However, impairment, in and of itself, shall not give rise to a
28 presumption of the inability to practice medicine with reasonable skill
29 and safety;

30 (5) Informing each participant of the impaired physician program of
31 the program procedures, the responsibilities of program participants,
32 and the possible consequences of noncompliance with the program.

33 **Sec. 632.** RCW 18.72.316 and 1987 c 416 s 4 are each amended to
34 read as follows:

35 If the ((~~board~~)) commission has reasonable cause to believe that a
36 physician is impaired, the ((~~board~~)) commission shall cause an
37 evaluation of such physician to be conducted by the committee or the

1 committee's designee or the (~~board's~~) commission's designee for the
2 purpose of determining if there is an impairment. The committee or
3 appropriate designee shall report the findings of its evaluation to the
4 (~~board~~) commission.

5 **Sec. 633.** RCW 18.72.340 and 1993 c 367 s 17 are each amended to
6 read as follows:

7 (1) Every institution or organization providing professional
8 liability insurance to physicians shall send a complete report to the
9 (~~medical—disciplinary—board~~) commission of all malpractice
10 settlements, awards, or payments in excess of twenty thousand dollars
11 as a result of a claim or action for damages alleged to have been
12 caused by an insured physician's incompetency or negligence in the
13 practice of medicine. Such institution or organization shall also
14 report the award, settlement, or payment of three or more claims during
15 a five-year time period as the result of the alleged physician's
16 incompetence or negligence in the practice of medicine regardless of
17 the dollar amount of the award or payment.

18 (2) Reports required by this section shall be made within sixty
19 days of the date of the settlement or verdict. Failure to comply with
20 this section is punishable by a civil penalty not to exceed two hundred
21 fifty dollars.

22 **Sec. 634.** RCW 18.72.345 and 1991 c 215 s 2 are each amended to
23 read as follows:

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

28 NEW SECTION. **Sec. 635.** (1) RCW 18.72.155, 18.72.165, 18.72.265,
29 18.72.301, 18.72.306, 18.72.311, 18.72.316, 18.72.340, and 18.72.345,
30 as amended by this act, are each recodified as sections in chapter
31 18.71 RCW.

32 (2) RCW 18.72.010 and 18.72.321 are each recodified as sections in
33 chapter 18.71 RCW.

34 NEW SECTION. **Sec. 636.** The following acts or parts of acts are
35 each repealed:

- 1 (1) RCW 18.72.020 and 1986 c 259 s 115 & 1955 c 202 s 2;
- 2 (2) RCW 18.72.045 and 1991 c 215 s 1;
- 3 (3) RCW 18.72.090 and 1955 c 202 s 9;
- 4 (4) RCW 18.72.100 and 1991 c 3 s 166, 1984 c 287 s 45, 1979 ex.s.
- 5 c 111 s 3, 1979 c 158 s 59, 1975-'76 2nd ex.s. c 34 s 42, & 1955 c 202
- 6 s 10;
- 7 (5) RCW 18.72.110 and 1955 c 202 s 11;
- 8 (6) RCW 18.72.120 and 1991 c 3 s 167 & 1955 c 202 s 12;
- 9 (7) RCW 18.72.130 and 1979 ex.s. c 111 s 4 & 1955 c 202 s 13;
- 10 (8) RCW 18.72.150 and 1986 c 259 s 116, 1979 ex.s. c 111 s 5, 1975
- 11 c 61 s 4, & 1955 c 202 s 15;
- 12 (9) RCW 18.72.154 and 1986 c 259 s 107;
- 13 (10) RCW 18.72.190 and 1989 c 373 s 18 & 1955 c 202 s 19;
- 14 (11) RCW 18.72.380 and 1993 c 367 s 18, 1991 c 3 s 170, 1985 c 7 s
- 15 62, & 1983 c 71 s 1;
- 16 (12) RCW 18.72.390 and 1991 sp.s. c 13 s 17, 1985 c 57 s 6, & 1983
- 17 c 71 s 2;
- 18 (13) RCW 18.72.400 and 1991 c 3 s 171 & 1983 c 71 s 3;
- 19 (14) RCW 18.72.900 and 1955 c 202 s 46; and
- 20 (15) RCW 18.72.910 and 1955 c 202 s 48.

21 **CHIROPRACTIC QUALITY ASSURANCE COMMISSION**

22 NEW SECTION. **Sec. 637.** A new section is added to chapter 18.25
23 RCW to read as follows:

24 This chapter is enacted:

25 (1) In the exercise of the police power of the state and to provide
26 an adequate public agency to act as a disciplinary body for the members
27 of the chiropractic profession licensed to practice chiropractic in
28 this state;

29 (2) Because the health and well-being of the people of this state
30 are of paramount importance;

31 (3) Because the conduct of members of the chiropractic profession
32 licensed to practice chiropractic in this state plays a vital role in
33 preserving the health and well-being of the people of the state; and

34 (4) Because practicing other healing arts while licensed to
35 practice chiropractic and while holding one's self out to the public as
36 a chiropractor affects the health and welfare of the people of the
37 state.

1 It is the purpose of the commission established under section 640
2 of this act to regulate the competency and quality of professional
3 health care providers under its jurisdiction by establishing,
4 monitoring, and enforcing qualifications for licensing, consistent
5 standards of practice, continuing competency mechanisms, and
6 discipline. Rules, policies, and procedures developed by the
7 commission must promote the delivery of quality health care to the
8 residents of the state.

9 The legislature finds and declares that the costs of health care to
10 the people are rising disproportionately to other costs and that there
11 is a paramount concern that the right of the people to obtain access to
12 health care in all its facets is being impaired thereby. For this
13 reason, the reliance on the mechanism of health care service
14 contractors, whether profit or nonprofit, is the only effective manner
15 in which the large majority of the people can attain access to quality
16 health care, and it is therefore declared to be in the public interest
17 that health care service contractors be regulated to assure that all
18 the people have access to health care to the greatest extent possible.
19 RCW 18.25.130 through 18.25.170 (as recodified by this act),
20 prohibiting discrimination against the legally recognized and licensed
21 profession of chiropractic, are necessary in the interest of the public
22 health, welfare, and safety.

23 **Sec. 638.** RCW 18.25.005 and 1992 c 241 s 2 are each amended to
24 read as follows:

25 (1) Chiropractic is the practice of health care that deals with the
26 diagnosis or analysis and care or treatment of the vertebral
27 subluxation complex and its effects, articular dysfunction, and
28 musculoskeletal disorders, all for the restoration and maintenance of
29 health and recognizing the recuperative powers of the body.

30 (2) Chiropractic treatment or care includes the use of procedures
31 involving spinal adjustments, and extremity manipulation insofar as any
32 such procedure is complementary or preparatory to a chiropractic spinal
33 adjustment. Chiropractic treatment also includes the use of heat,
34 cold, water, exercise, massage, trigger point therapy, dietary advice
35 and recommendation of nutritional supplementation except for medicines
36 of herbal, animal, or botanical origin, the normal regimen and
37 rehabilitation of the patient, first aid, and counseling on hygiene,
38 sanitation, and preventive measures. Chiropractic care also includes

1 such physiological therapeutic procedures as traction and light, but
2 does not include procedures involving the application of sound,
3 diathermy, or electricity.

4 (3) As part of a chiropractic differential diagnosis, a
5 chiropractor shall perform a physical examination, which may include
6 diagnostic x-rays, to determine the appropriateness of chiropractic
7 care or the need for referral to other health care providers. The
8 chiropractic (~~(disciplinary board)~~) quality assurance commission shall
9 provide by rule for the type and use of diagnostic and analytical
10 devices and procedures consistent with this chapter.

11 (4) Chiropractic care shall not include the prescription or
12 dispensing of any medicine or drug, the practice of obstetrics or
13 surgery, the use of x-rays or any other form of radiation for
14 therapeutic purposes, colonic irrigation, or any form of venipuncture.

15 (5) Nothing in this chapter prohibits or restricts any other
16 practitioner of a "health profession" defined in RCW 18.120.020(4) from
17 performing any functions or procedures the practitioner is licensed or
18 permitted to perform, and the term "chiropractic" as defined in this
19 chapter shall not prohibit a practitioner licensed under chapter 18.71
20 RCW from performing medical procedures, except such procedures shall
21 not include the adjustment by hand of any articulation of the spine.

22 **Sec. 639.** RCW 18.25.006 and 1992 c 241 s 3 are each amended to
23 read as follows:

24 Unless the context clearly requires otherwise, the definitions in
25 this section apply throughout this chapter.

26 (1) "Department" means the department of health.

27 (2) "Secretary" means the secretary of the department of health or
28 the secretary's designee.

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

30 (4) (~~("Board" means the Washington state board of chiropractic~~
31 ~~examiners-.)~~) "Commission" means the Washington state chiropractic
32 quality assurance commission.

33 (5) "Vertebral subluxation complex" means a functional defect or
34 alteration of the biomechanical and physiological dynamics in a joint
35 that may cause neuronal disturbances, with or without displacement
36 detectable by x-ray. The effects of the vertebral subluxation complex
37 may include, but are not limited to, any of the following: Fixation,

1 hypomobility, hypermobility, periarticular muscle spasm, edema, or
2 inflammation.

3 (6) "Articular dysfunction" means an alteration of the
4 biomechanical and physiological dynamics of a joint of the axial or
5 appendicular skeleton.

6 (7) "Musculoskeletal disorders" means abnormalities of the muscles,
7 bones, and connective tissue.

8 (8) "Chiropractic differential diagnosis" means a diagnosis to
9 determine the existence of a vertebral subluxation complex, articular
10 dysfunction, or musculoskeletal disorder, and the appropriateness of
11 chiropractic care or the need for referral to other health care
12 providers.

13 (9) "Chiropractic adjustment" means chiropractic care of a
14 vertebral subluxation complex, articular dysfunction, or
15 musculoskeletal disorder. Such care includes manual or mechanical
16 adjustment of any vertebral articulation and contiguous articulations
17 beyond the normal passive physiological range of motion.

18 (10) "Extremity manipulation" means a corrective thrust or maneuver
19 applied to a joint of the appendicular skeleton. The use of extremity
20 manipulation shall be complementary and preparatory to a chiropractic
21 spinal adjustment to support correction of a vertebral subluxation
22 complex and is considered a part of a spinal adjustment and shall not
23 be billed separately from or in addition to a spinal adjustment.

24 NEW SECTION. **Sec. 640.** A new section is added to chapter 18.25
25 RCW to read as follows:

26 COMMISSION ESTABLISHED--MEMBERS APPOINTED BY THE GOVERNOR. The
27 Washington state chiropractic quality assurance commission is
28 established, consisting of fourteen members appointed by the governor
29 to four-year terms, and including eleven practicing chiropractors and
30 three public members. No member may serve more than two consecutive
31 full terms. In appointing the initial members of the commission, it is
32 the intent of the legislature that, to the extent possible, the
33 governor appoint members of the previous boards and committees
34 regulating this profession to the commission. Members of the
35 commission hold office until their successors are appointed. The
36 governor may appoint the members of the initial commissions to
37 staggered terms of from one to four years. Thereafter, all members
38 shall be appointed to full four-year terms. The governor may consider

1 persons who are recommended for appointment by chiropractic
2 associations of this state.

3 NEW SECTION. **Sec. 641.** A new section is added to chapter 18.25
4 RCW to read as follows:

5 COMMISSION--REMOVAL OF MEMBERS--VACANCIES. The governor may remove
6 a member of the commission for neglect of duty, misconduct, or
7 malfeasance or misfeasance in office. Whenever the governor is
8 satisfied that a member of the commission has been guilty of neglect of
9 duty, misconduct, or malfeasance or misfeasance in office, the governor
10 shall file with the secretary of state a statement of the causes for
11 and the order of removal from office, and the secretary shall forthwith
12 send a certified copy of the order of removal and statement of causes
13 by certified mail to the last known post office address of the member.
14 If a vacancy occurs on the commission, the governor shall appoint a
15 replacement to fill the remainder of the unexpired term.

16 NEW SECTION. **Sec. 642.** A new section is added to chapter 18.25
17 RCW to read as follows:

18 COMMISSION--QUALIFICATIONS OF MEMBERS. Members must be citizens of
19 the United States and residents of this state. Members must be
20 licensed chiropractors for a period of five years before appointment.
21 Public members of the commission may not be a member of any other
22 health care licensing board or commission, or have a fiduciary
23 obligation to a facility rendering health services regulated by the
24 commission, or have a material or financial interest in the rendering
25 of health services regulated by the commission.

26 NEW SECTION. **Sec. 643.** A new section is added to chapter 18.25
27 RCW to read as follows:

28 COMMISSION--DUTIES AND POWERS. The commission shall elect a
29 chairperson, vice-chairperson, and secretary each year. Meetings of
30 the commission are open to the public, except that the commission may
31 hold executive sessions to the extent permitted by chapter 42.30 RCW.
32 The secretary of health shall furnish such secretarial, clerical, and
33 other assistance as the commission may require.

34 Each member of the commission shall be compensated in accordance
35 with RCW 43.03.240. Members shall be reimbursed for travel expenses

1 incurred in the actual performance of their duties, as provided in RCW
2 43.03.050 and 43.03.060.

3 A majority of the commission members appointed and serving
4 constitutes a quorum for the transaction of commission business. The
5 affirmative vote of a majority of a quorum of the commission is
6 required to carry a motion or resolution, to adopt a rule, or to pass
7 a measure.

8 The commission may appoint members of panels of at least three
9 members. A quorum for transaction of any business by a panel is a
10 minimum of three members. A majority vote of a quorum of the panel is
11 required to transact business delegated to it by the commission.

12 The members of the commission are immune from suit in an action,
13 civil or criminal, based upon its disciplinary proceedings or other
14 official acts performed in good faith as members of the commission.

15 The commission may, whenever the workload of the commission
16 requires, request that the secretary appoint pro tempore members.
17 While serving as members pro tempore persons have all the powers,
18 duties, and immunities, and are entitled to the emoluments, including
19 travel expenses, of the commission.

20 The commission shall prepare or determine the nature of the
21 examinations for applicants to practice chiropractic.

22 The commission may adopt such rules as are consistent with this
23 chapter as may be deemed necessary and proper to carry out the purposes
24 of this chapter.

25 **Sec. 644.** RCW 18.25.019 and 1987 c 150 s 12 are each amended to
26 read as follows:

27 The Uniform Disciplinary Act, chapter 18.130 RCW, governs
28 unlicensed practice (~~and~~), the issuance and denial of licenses, and
29 the discipline of licensees under this chapter.

30 **Sec. 645.** RCW 18.25.020 and 1991 c 3 s 38 are each amended to read
31 as follows:

32 (1) Any person not now licensed to practice chiropractic in this
33 state and who desires to practice chiropractic in this state, before it
34 shall be lawful for him or her to do so, shall make application
35 therefor to the secretary, upon such form and in such manner as may be
36 adopted and directed by the secretary. Each applicant who matriculates
37 to a chiropractic college after January 1, 1975, shall have completed

1 not less than one-half of the requirements for a baccalaureate degree
2 at an accredited and approved college or university and shall be a
3 graduate of a chiropractic school or college accredited and approved by
4 the ((board of chiropractic examiners)) commission and shall show
5 satisfactory evidence of completion by each applicant of a resident
6 course of study of not less than four thousand classroom hours of
7 instruction in such school or college. Applications shall be in
8 writing and shall be signed by the applicant in his or her own
9 handwriting and shall be sworn to before some officer authorized to
10 administer oaths, and shall recite the history of the applicant as to
11 his or her educational advantages, his or her experience in matters
12 pertaining to a knowledge of the care of the sick, how long he or she
13 has studied chiropractic, under what teachers, what collateral
14 branches, if any, he or she has studied, the length of time he or she
15 has engaged in clinical practice; accompanying the same by reference
16 therein, with any proof thereof in the shape of diplomas, certificates,
17 and shall accompany said application with satisfactory evidence of good
18 character and reputation.

19 (2) There shall be paid to the secretary by each applicant for a
20 license, a fee determined by the secretary as provided in RCW 43.70.250
21 which shall accompany application and a fee determined by the secretary
22 as provided in RCW 43.70.250, which shall be paid upon issuance of
23 license. Like fees shall be paid for any subsequent examination and
24 application.

25 **Sec. 646.** RCW 18.25.025 and 1980 c 51 s 3 are each amended to read
26 as follows:

27 The ((board)) commission shall have authority to grant
28 accreditation to chiropractic schools and colleges.

29 The ((board)) commission shall have authority to adopt educational
30 standards which may include standards of any accreditation agency
31 recognized by the office of education of the department of health and
32 human services or its successor agency, or any portion of such
33 standards, as the ((board's)) commission's standards: PROVIDED, That
34 such standards, so adopted, shall contain, as a minimum of on-campus
35 instruction in chiropractic, the following: Principles of
36 chiropractic, two hundred hours; adjustive technique, four hundred
37 hours; spinal roentgenology, one hundred seventy-five hours;
38 symptomatology and diagnosis, four hundred twenty-five hours; clinic,

1 six hundred twenty-five hours: PROVIDED FURTHER, That such standards
2 shall not mandate, as a requirement for either graduation or
3 accreditation, or include in the computation of hours of chiropractic
4 instruction required by this section, instruction in the following:
5 Mechanotherapy, physiotherapy, acupuncture, acupressure, or any other
6 therapy.

7 The ((board)) commission shall approve and accredit chiropractic
8 colleges and schools which apply for ((board)) commission accreditation
9 and approval and which meet to the ((board's)) commission's
10 satisfaction the educational standards adopted by the ((board))
11 commission. It shall be the responsibility of the college to apply for
12 accreditation and approval, and of a student to ascertain whether a
13 college or school has been accredited or approved by the ((board))
14 commission.

15 The ((board)) commission shall have authority to engage assistants
16 in the giving of examinations called for under this chapter.

17 **Sec. 647.** RCW 18.25.030 and 1989 c 258 s 4 are each amended to
18 read as follows:

19 Examinations for license to practice chiropractic shall be made by
20 the ((board of chiropractic examiners)) commission according to the
21 method deemed by it to be the most practicable and expeditious to test
22 the applicant's qualifications. Such application shall be designated
23 by a number instead of his or her name, so that the identity shall not
24 be discovered or disclosed to the members of the ((examining
25 committee)) commission until after the examination papers are graded.

26 All examinations shall be in whole or in part in writing, the
27 subject of which shall be as follows: Anatomy, physiology, spinal
28 anatomy, microbiology-public health, general diagnosis,
29 neuromuscularskeletal diagnosis, x-ray, principles of chiropractic and
30 adjusting, as taught by chiropractic schools and colleges. The
31 ((board)) commission shall administer a practical examination to
32 applicants which shall consist of diagnosis, principles and practice,
33 x-ray, and adjustive technique consistent with chapter 18.25 RCW. A
34 license shall be granted to all applicants whose score over each
35 subject tested is seventy-five percent. The ((board)) commission may
36 enact additional requirements for testing administered by the national
37 board of chiropractic examiners.

1 **Sec. 648.** RCW 18.25.035 and 1971 ex.s. c 227 s 5 are each amended
2 to read as follows:

3 The (~~board~~) commission may, in its discretion, waive any
4 examination required by this chapter of persons applying for a license
5 to practice chiropractic if, in its opinion, the applicant has
6 successfully passed an examination conducted by the national board of
7 chiropractic examiners of the United States that is of equal or greater
8 difficulty than the examination being waived by the (~~board~~)
9 commission.

10 **Sec. 649.** RCW 18.25.040 and 1991 c 320 s 8 are each amended to
11 read as follows:

12 Persons licensed to practice chiropractic under the laws of any
13 other state, territory of the United States, the District of Columbia,
14 Puerto Rico, or province of Canada, having qualifications substantially
15 equivalent to those required by this chapter, may, in the discretion of
16 the (~~board of chiropractic examiners~~) commission, and after such
17 examination as may be required by rule of the (~~board~~) commission, be
18 issued a license to practice in this state without further examination,
19 upon payment of a fee determined by the secretary as provided in RCW
20 43.70.250.

21 **Sec. 650.** RCW 18.25.070 and 1991 c 3 s 40 are each amended to read
22 as follows:

23 (1) Every person practicing chiropractic shall, as a prerequisite
24 to annual renewal of license, submit to the secretary at the time of
25 application therefor, satisfactory proof showing attendance of at least
26 twenty-five hours during the preceding twelve-month period, at one or
27 more chiropractic symposiums which are recognized and approved by the
28 (~~board of chiropractic examiners:—PROVIDED, That the board~~)
29 commission. The commission may, for good cause shown, waive said
30 attendance. The following guidelines for such symposiums shall apply:

31 (a) The (~~board~~) commission shall set criteria for the course
32 content of educational symposia concerning matters which are recognized
33 by the state of Washington chiropractic licensing laws; it shall be the
34 licensee's responsibility to determine whether the course content meets
35 these criteria;

36 (b) The (~~board~~) commission shall adopt standards for distribution
37 of annual continuing education credit requirements;

1 (c) Rules shall be adopted by the (~~board~~) commission for
2 licensees practicing and residing outside the state who shall meet all
3 requirements established by rule of the (~~board by rules and~~
4 ~~regulations~~) commission.

5 (2) Every person practicing chiropractic within this state shall
6 pay on or before his or her birth anniversary date, after a license is
7 issued to him or her as (~~herein~~) provided in this chapter, to
8 (~~said~~) the secretary a renewal license fee to be determined by the
9 secretary as provided in RCW 43.70.250. The secretary shall, thirty
10 days or more before the birth anniversary date of each chiropractor in
11 the state, mail to that chiropractor a notice of the fact that the
12 renewal fee will be due on or before his or her birth anniversary date.
13 Nothing in this chapter shall be construed so as to require that the
14 receipts shall be recorded as original licenses are required to be
15 recorded.

16 The failure of any licensed chiropractor to pay his or her annual
17 license renewal fee within thirty days of license expiration shall work
18 a forfeiture of his or her license. It shall not be reinstated except
19 upon evidence that continuing educational requirements have been
20 fulfilled and the payment of a penalty to be determined by the
21 secretary as provided in RCW 43.70.250, together with all annual
22 license renewal fees delinquent at the time of the forfeiture, and
23 those for each year thereafter up to the time of reinstatement.
24 (~~Should the licentiate~~) If the licensee allows his or her license to
25 (~~elapse~~) lapse for more than three years, he or she may be reexamined
26 as provided for in RCW 18.25.040 at the discretion of the (~~board~~)
27 commission.

28 **Sec. 651.** RCW 18.25.075 and 1991 c 3 s 41 are each amended to read
29 as follows:

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

33 (2) The inactive renewal fee shall be established by the secretary
34 pursuant to RCW 43.70.250. Failure to renew an inactive license shall
35 result in cancellation in the same manner as an active license.

36 (3) An inactive license may be placed in an active status upon
37 compliance with the rules established by the (~~board~~) commission.

1 (4) The provisions relating to the denial, suspension, and
2 revocation of a license shall be applicable to an inactive license,
3 except that when proceedings to suspend or revoke an inactive license
4 have been initiated, the license shall remain inactive until the
5 proceedings have been completed.

6 NEW SECTION. **Sec. 652.** A new section is added to chapter 18.25
7 RCW to read as follows:

8 (1) In addition to those acts defined in chapter 18.130 RCW, the
9 term "unprofessional conduct" as used in this chapter includes failing
10 to differentiate chiropractic care from any and all other methods of
11 healing at all times.

12 (2) Proceedings involving alleged unprofessional conduct shall be
13 prosecuted by the attorney general upon the direction of the
14 commission.

15 **Sec. 653.** RCW 18.25.180 and 1991 c 222 s 9 are each amended to
16 read as follows:

17 (1) A chiropractor may employ a technician to operate x-ray
18 equipment after the technician has registered with the ((board))
19 commission.

20 (2) The ((board)) commission may adopt rules necessary and
21 appropriate to carry out the purposes of this section.

22 **Sec. 654.** RCW 18.25.190 and 1991 c 320 s 10 are each amended to
23 read as follows:

24 Nothing in this chapter shall be construed to prohibit:

25 (1) The temporary practice in this state of chiropractic by any
26 chiropractor licensed by another state, territory, or country in which
27 he or she resides. However, the chiropractor shall not establish a
28 practice open to the general public and shall not engage in temporary
29 practice under this section for a period longer than thirty days. The
30 chiropractor shall register his or her intention to engage in the
31 temporary practice of chiropractic in this state with the ((board of
32 chiropractic examiners)) commission before engaging in the practice of
33 chiropractic, and shall agree to be bound by such conditions as may be
34 prescribed by rule by the ((board)) commission.

35 (2) The practice of chiropractic, except the administration of a
36 chiropractic adjustment, by a person who is a regular senior student in

1 an accredited school of chiropractic approved by the ((board))
2 commission if the practice is part of a regular course of instruction
3 offered by the school and the student is under the direct supervision
4 and control of a chiropractor duly licensed pursuant to this chapter
5 and approved by the ((board)) commission.

6 (3) The practice of chiropractic by a person serving a period of
7 postgraduate chiropractic training in a program of clinical
8 chiropractic training sponsored by a school of chiropractic accredited
9 in this state if the practice is part of his or her duties as a
10 clinical postgraduate trainee and the trainee is under the direct
11 supervision and control of a chiropractor duly licensed pursuant to
12 this chapter and approved by the ((board)) commission.

13 (4) The practice of chiropractic by a person who is eligible and
14 has applied to take the next available examination for licensing
15 offered by the ((board of chiropractic examiners)) commission, except
16 that the unlicensed chiropractor must provide all services under the
17 direct control and supervision of a licensed chiropractor approved by
18 the ((board)) commission. The unlicensed chiropractor may continue to
19 practice as provided by this subsection until the results of the next
20 available examination are published, but in no case for a period longer
21 than six months. The ((board)) commission shall adopt rules necessary
22 to effectuate the intent of this subsection.

23 Any provision of chiropractic services by any individual under
24 subsection (1), (2), (3), or (4) of this section shall be subject to
25 the jurisdiction of the ((chiropractic disciplinary board)) commission
26 as provided in chapters 18.26 and 18.130 RCW.

27 NEW SECTION. Sec. 655. A new section is added to chapter 18.25
28 RCW to read as follows:

29 The commission is the successor in interest of the board of
30 chiropractic examiners, the chiropractic disciplinary board, and the
31 chiropractic peer review committee. All contracts, undertakings,
32 agreements, rules, regulations, and policies of those bodies continue
33 in full force and effect on the effective date of this act, unless
34 otherwise repealed or rejected by chapter . . . , Laws of 1994 (this
35 act) or by the commission.

1 NEW SECTION. **Sec. 656.** RCW 18.25.130, 18.25.140, 18.25.150,
2 18.25.160, and 18.25.170 are each recodified within chapter 18.25 RCW
3 between RCW 18.25.019 and 18.25.020.

4 NEW SECTION. **Sec. 657.** The following acts or parts of acts are
5 each repealed:

6 (1) RCW 18.25.015 and 1989 c 258 s 1, 1984 c 279 s 49, 1980 c 51 s
7 1, 1965 ex.s. c 50 s 1, & 1959 c 53 s 1;

8 (2) RCW 18.25.016 and 1989 c 258 s 13;

9 (3) RCW 18.25.017 and 1991 c 3 s 37, 1986 c 259 s 23, 1984 c 287 s
10 27, 1975-'76 2nd ex.s. c 34 s 32, 1974 ex.s. c 97 s 8, & 1959 c 53 s 2;

11 (4) RCW 18.25.120 and 1974 ex.s. c 97 s 1;

12 (5) RCW 18.26.010 and 1989 c 258 s 7 & 1967 c 171 s 1;

13 (6) RCW 18.26.020 and 1991 c 3 s 43, 1989 c 258 s 8, & 1967 c 171
14 s 2;

15 (7) RCW 18.26.028 and 1987 c 150 s 13 & 1986 c 259 s 22;

16 (8) RCW 18.26.030 and 1986 c 259 s 25, 1979 ex.s. c 111 s 17, 1975
17 1st ex.s. c 39 s 1, 1974 ex.s. c 97 s 12, & 1967 c 171 s 3;

18 (9) RCW 18.26.040 and 1989 c 258 s 9 & 1980 c 46 s 1;

19 (10) RCW 18.26.050 and 1991 c 3 s 44, 1979 c 158 s 21, & 1967 c 171
20 s 5;

21 (11) RCW 18.26.060 and 1967 c 171 s 6;

22 (12) RCW 18.26.070 and 1991 c 3 s 45, 1984 c 287 s 28, & 1980 c 46
23 s 2;

24 (13) RCW 18.26.080 and 1967 c 171 s 8;

25 (14) RCW 18.26.090 and 1989 c 258 s 11 & 1967 c 171 s 9;

26 (15) RCW 18.26.110 and 1986 c 259 s 26, 1975 1st ex.s. c 39 s 2, &
27 1967 c 171 s 11;

28 (16) RCW 18.26.320 and 1991 c 320 s 1;

29 (17) RCW 18.26.330 and 1991 c 320 s 2;

30 (18) RCW 18.26.340 and 1991 c 320 s 3;

31 (19) RCW 18.26.350 and 1991 c 320 s 4;

32 (20) RCW 18.26.360 and 1991 c 320 s 5;

33 (21) RCW 18.26.370 and 1991 c 320 s 6;

34 (22) RCW 18.26.380 and 1991 c 320 s 7;

35 (23) RCW 18.26.390 and 1991 c 320 s 11; and

36 (24) RCW 18.26.900 and 1967 c 171 s 31.

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

3 (1) The rendering of dental relief in emergency cases in the
4 practice of his or her profession by a physician or surgeon, licensed
5 as such and registered under the laws of this state, unless the
6 physician or surgeon undertakes to or does reproduce lost parts of the
7 human teeth in the mouth or to restore or to replace in the human mouth
8 lost or missing teeth;

9 (2) The practice of dentistry in the discharge of official duties
10 by dentists in the United States federal services on federal
11 reservations, including but not limited to the armed services, coast
12 guard, public health service, veterans' bureau, or bureau of Indian
13 affairs;

14 (3) Dental schools or colleges approved under RCW 18.32.040, and
15 the practice of dentistry by students in Washington state dental
16 schools or colleges approved by the (~~board~~) commission, when acting
17 under the direction and supervision of Washington state-licensed dental
18 school faculty;

19 (4) The practice of dentistry by licensed dentists of other states
20 or countries while appearing as clinicians at meetings of the
21 Washington state dental association, or component parts thereof, or at
22 meetings sanctioned by them, or other groups approved by the (~~board of~~
23 ~~dental examiners~~) commission;

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

27 (6) The making, repairing, altering, or supplying of artificial
28 restorations, substitutions, appliances, or materials for the
29 correction of disease, loss, deformity, malposition, dislocation,
30 fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or
31 associated tissues or parts; providing the same are made, repaired,
32 altered, or supplied pursuant to the written instructions and order of
33 a licensed dentist which may be accompanied by casts, models, or
34 impressions furnished by the dentist, and the prescriptions shall be
35 retained and filed for a period of not less than three years and shall
36 be available to and subject to the examination of the secretary or the
37 secretary's authorized representatives;

38 (7) The removal of deposits and stains from the surfaces of the
39 teeth, the application of topical preventative or prophylactic agents,

1 and the polishing and smoothing of restorations, when performed or
2 prescribed by a dental hygienist licensed under the laws of this state;

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

6 (9) The performing of dental operations or services by persons not
7 licensed under this chapter when performed under the supervision of a
8 licensed dentist: PROVIDED HOWEVER, That such nonlicensed person shall
9 in no event perform the following dental operations or services unless
10 permitted to be performed by the person under this chapter or chapters
11 18.29, 18.57, 18.71, and 18.88 RCW:

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

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

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

20 (d) Any oral prophylaxis;

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

24 NEW SECTION. **Sec. 661.** A new section is added to chapter 18.32
25 RCW to read as follows:

26 COMMISSION ESTABLISHED--MEMBERS APPOINTED. The Washington state
27 dental quality assurance commission is established, consisting of
28 fifteen members each appointed by the governor to a four-year term. No
29 member may serve more than two consecutive full terms. In appointing
30 the initial members of the commission, it is the intent of the
31 legislature that, to the extent possible, members of the previous
32 boards and committees regulating these professions be appointed to the
33 commission. Members of the commission hold office until their
34 successors are appointed. The governor may appoint members of the
35 initial commission to staggered terms of from one to four years.
36 Thereafter, all members shall be appointed to full four-year terms.
37 Twelve members of the commission must be dentists, two members must be

1 public members, and one nonvoting member must be a licensed dental
2 hygienist.

3 NEW SECTION. **Sec. 662.** A new section is added to chapter 18.32
4 RCW to read as follows:

5 COMMISSION--REMOVAL OF MEMBERS--VACANCIES. The governor may remove
6 a member of the commission for neglect of duty, misconduct, or
7 malfeasance or misfeasance in office. Whenever the governor is
8 satisfied that a member of the commission has been guilty of neglect of
9 duty, misconduct, or malfeasance or misfeasance in office, the governor
10 shall file with the secretary of state a statement of the causes for
11 and the order of removal from office, and the secretary shall forthwith
12 send a certified copy of the order of removal and statement of causes
13 by certified mail to the last known post office address of the member.
14 If a vacancy occurs on the commission, the governor shall appoint a
15 replacement to fill the remainder of the unexpired term.

16 NEW SECTION. **Sec. 663.** A new section is added to chapter 18.32
17 RCW to read as follows:

18 COMMISSION--QUALIFICATIONS OF MEMBERS. Members must be citizens of
19 the United States and residents of this state. Dentist members must be
20 licensed dentists in the active practice of dentistry for a period of
21 five years before appointment. Of the twelve dentists appointed to the
22 commission, at least four must reside and engage in the active practice
23 of dentistry east of the summit of the Cascade mountain range. Public
24 members of the commission may not be a member of any other health care
25 licensing board or commission, or have a fiduciary obligation to a
26 facility rendering health services regulated by the commission, or have
27 a material or financial interest in the rendering of health services
28 regulated by the commission. The dental hygienist member must be in
29 the active practice of dental hygiene in this state for a period of
30 five years before appointment to the commission, and at the time of
31 initial appointment, be a member of the Washington state dental hygiene
32 examining committee. No person is eligible to appointment to the
33 commission who is in any way connected with a dental college or dental
34 department of an institution of learning.

35 NEW SECTION. **Sec. 664.** A new section is added to chapter 18.32
36 RCW to read as follows:

1 COMMISSION--DUTIES AND POWERS. The commission shall elect a
2 chairperson, vice-chairperson, and secretary each year. Meetings of
3 the commission are open to the public, except the commission may hold
4 executive sessions to the extent permitted by chapter 42.30 RCW. The
5 secretary of health shall furnish such secretarial, clerical, and other
6 assistance as the commission may require.

7 A majority of the commission members appointed and serving
8 constitutes a quorum for the transaction of commission business. The
9 affirmative vote of a majority of a quorum of the commission is
10 required to carry a motion or resolution, to adopt a rule, or to pass
11 a measure.

12 The commission may appoint members of panels consisting of not less
13 than three members. A quorum for transaction of any business shall be
14 a minimum of three members. A majority vote of a quorum of the panel
15 is required to transact business delegated to it by the commission.

16 The members of the commission are immune from suit in an action,
17 civil or criminal, based upon its disciplinary proceedings or other
18 official acts performed in good faith as members of the commission.

19 The commission may, whenever the workload of the commission
20 requires, request that the secretary appoint pro tempore members.
21 While serving as members pro tempore persons have all the powers,
22 duties, and immunities, and are entitled to the emoluments, including
23 travel expenses, of the commission.

24 The commission shall prepare or determine the nature of the
25 examinations for applicants to practice dentistry.

26 The attorney general shall advise the commission and represent it
27 in all legal proceedings.

28 NEW SECTION. **Sec. 665.** A new section is added to chapter 18.32
29 RCW to read as follows:

30 Each member of the commission shall be compensated in accordance
31 with RCW 43.03.240. Members shall be reimbursed for travel expenses
32 incurred in the actual performance of their duties, as provided in RCW
33 43.03.050 and 43.03.060. Commission members shall be compensated and
34 reimbursed for their activities in developing or administering a
35 multistate licensing examination, as provided in this chapter.

36 NEW SECTION. **Sec. 666.** A new section is added to chapter 18.32
37 RCW to read as follows:

1 The commission may contract with competent persons on a temporary
2 basis to assist in developing or administering examinations for
3 licensure.

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

13 NEW SECTION. **Sec. 667.** A new section is added to chapter 18.32
14 RCW to read as follows:

15 The commission may adopt rules in accordance with chapter 34.05 RCW
16 to implement this chapter and chapter 18.130 RCW.

17 **Sec. 668.** RCW 18.32.040 and 1991 c 3 s 61 are each amended to read
18 as follows:

19 The ((board)) commission shall require that every applicant for a
20 license to practice dentistry shall:

21 (1) Present satisfactory evidence of graduation from a dental
22 college, school, or dental department of an institution approved by the
23 ((board)) commission;

24 (2) Submit, for the files of the ((board)) commission, a recent
25 picture duly identified and attested; and

26 (3) Pass an examination prepared or approved by and administered
27 under the direction of the ((board)) commission. The dentistry
28 licensing examination shall consist of practical and written tests upon
29 such subjects and of such scope as the ((board)) commission determines.
30 The ((board)) commission may accept, in lieu of all or part of a
31 written examination, a certificate granted by a national or regional
32 testing organization approved by the ((board)) commission. The
33 ((board)) commission shall set the standards for passing the
34 examination. The secretary shall keep on file the examination papers
35 and records of examination for at least one year. This file shall be
36 open for inspection by the applicant or the applicant's agent unless
37 the disclosure will compromise the examination process as determined by

1 the ((board)) commission or is exempted from disclosure under RCW
2 42.17.250 through 42.17.340.

3 **Sec. 669.** RCW 18.32.050 and 1984 c 287 s 30 are each amended to
4 read as follows:

5 (~~The members of the board shall each be compensated in accordance~~
6 ~~with RCW 43.03.240 and shall be reimbursed for travel expenses incurred~~
7 ~~in attending the meetings of the board in accordance with RCW 43.03.050~~
8 ~~and 43.03.060.—Board)) Commission members shall be compensated and
9 reimbursed pursuant to this section for their activities in
10 administering a multi-state licensing examination pursuant to the
11 ((board's)) commission's compact or agreement with another state or
12 states or with organizations formed by several states(~~(:—PROVIDED,~~
13 ~~That any)).~~ Compensation or reimbursement received by a ((board))
14 commission member from another state, or organization formed by several
15 states, for such member's services in administering a multi-state
16 licensing examination, shall be deposited in the state general fund.~~

17 **Sec. 670.** RCW 18.32.100 and 1991 c 3 s 62 are each amended to read
18 as follows:

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

28 The application shall be signed by the applicant and sworn to by
29 the applicant before some person authorized to administer oaths, and
30 shall be accompanied by proof of the applicant's school attendance and
31 graduation.

32 **Sec. 671.** RCW 18.32.120 and 1991 c 3 s 64 are each amended to read
33 as follows:

34 When the application and the accompanying proof are found
35 satisfactory, the secretary shall notify the applicant to appear before

1 the ((board)) commission at a time and place to be fixed by the
2 ((board)) commission.

3 The examination papers, and all grading thereon, and the grading of
4 the practical work, shall be preserved for a period of not less than
5 one year after the ((board)) commission has made and published its
6 decisions thereon. All examinations shall be conducted by the
7 ((board)) commission under fair and wholly impartial methods.

8 Any applicant who fails to make the required grade by his or her
9 fourth examination may be reexamined only under rules adopted by the
10 ((board)) commission.

11 Applicants for examination or reexamination shall pay a fee as
12 determined by the secretary as provided in RCW 43.70.250.

13 **Sec. 672.** RCW 18.32.160 and 1991 c 3 s 65 are each amended to read
14 as follows:

15 All licenses issued by the secretary on behalf of the ((board))
16 commission shall be signed by the secretary or chairperson and
17 secretary of the ((board)) commission.

18 **Sec. 673.** RCW 18.32.180 and 1991 c 3 s 67 are each amended to read
19 as follows:

20 (1) Every person licensed to practice dentistry in this state shall
21 register with the secretary, and pay a renewal registration fee
22 determined by the secretary as provided in RCW 43.70.250. Any failure
23 to register and pay the renewal registration fee renders the license
24 invalid, and the practice of dentistry shall not be permitted. The
25 license shall be reinstated upon written application to the secretary
26 and payment to the state of a penalty fee determined by the secretary
27 as provided in RCW 43.70.250, together with all delinquent license
28 renewal fees.

29 (2) A person who fails to renew the license for a period of three
30 years may not renew the license under subsection (1) of this section.
31 In order to obtain a license to practice dentistry in this state, such
32 a person shall file an original application as provided for in this
33 chapter, along with the requisite fees. The ((board)) commission, in
34 its sole discretion, may permit the applicant to be licensed without
35 examination, and with or without conditions, if it is satisfied that
36 the applicant meets all the requirements for licensure in this state
37 and is competent to engage in the practice of dentistry.

1 **Sec. 674.** RCW 18.32.190 and 1991 c 3 s 68 are each amended to read
2 as follows:

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

12 **Sec. 675.** RCW 18.32.195 and 1992 c 59 s 1 are each amended to read
13 as follows:

14 The ((board)) commission may, without examination, issue a license
15 to persons who possess the qualifications set forth in this section.

16 (1) The ((board)) commission may, upon written request of the dean
17 of the school of dentistry of the University of Washington, issue a
18 license to practice dentistry in this state to persons who have been
19 licensed or otherwise authorized to practice dentistry in another state
20 or country and who have been accepted for employment by the school of
21 dentistry as full-time faculty members. For purposes of this
22 subsection, this means teaching members of the faculty of the school of
23 dentistry of the University of Washington who are so employed on a one
24 hundred percent of work time basis. Such license shall permit the
25 holder thereof to practice dentistry within the confines of the
26 university facilities for a period of one year while he or she is so
27 employed as a full-time faculty member by the school of dentistry of
28 the University of Washington. It shall terminate whenever the holder
29 ceases to be such a full-time faculty member. Such license shall
30 permit the holder thereof to practice dentistry only in connection with
31 his or her duties in employment with the school of dentistry of the
32 University of Washington. This limitation shall be stated on the
33 license.

34 (2) The ((board)) commission may, upon written request of the dean
35 of the school of dentistry of the University of Washington, issue a
36 limited license to practice dentistry in this state to university
37 residents in postgraduate dental education. The license shall permit

1 the resident dentist to provide dental care only in connection with his
2 or her duties as a university resident.

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

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

28 **Sec. 676.** RCW 18.32.215 and 1989 c 202 s 30 are each amended to
29 read as follows:

30 An applicant holding a valid license and currently engaged in
31 practice in another state may be granted a license without examination
32 required by this chapter, on the payment of any required fees, if the
33 (~~board~~) commission determines that the other state's licensing
34 standards are substantively equivalent to the standards in this
35 state(~~(: PROVIDED, That)~~). The (~~board~~) commission may also require
36 the applicant to: (1) File with the (~~board~~) commission documentation
37 certifying the applicant is licensed to practice in another state; and
38 (2) provide information as the (~~board~~) commission deems necessary

1 pertaining to the conditions and criteria of the Uniform Disciplinary
2 Act, chapter 18.130 RCW, and to demonstrate to the ((~~board~~)) commission
3 a knowledge of Washington law pertaining to the practice of dentistry.

4 **Sec. 677.** RCW 18.32.534 and 1991 c 3 s 72 are each amended to read
5 as follows:

6 (1) To implement an impaired dentist program as authorized by RCW
7 18.130.175, the ((~~dental disciplinary board~~)) commission shall enter
8 into a contract with a voluntary substance abuse monitoring program.
9 The impaired dentist program may include any or all of the following:

10 (a) Contracting with providers of treatment programs;

11 (b) Receiving and evaluating reports of suspected impairment from
12 any source;

13 (c) Intervening in cases of verified impairment;

14 (d) Referring impaired dentists to treatment programs;

15 (e) Monitoring the treatment and rehabilitation of impaired
16 dentists including those ordered by the ((~~board~~)) commission;

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

19 (g) Performing other related activities as determined by the
20 ((~~board~~)) commission.

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

27 **Sec. 678.** RCW 18.32.640 and 1988 c 217 s 1 are each amended to
28 read as follows:

29 (1) The ((~~board~~)) commission may adopt((~~, amend, and rescind~~)) such
30 rules as it deems necessary to carry out this chapter.

31 (2) The ((~~board~~)) commission may adopt rules governing
32 administration of sedation and general anesthesia by persons licensed
33 under this chapter, including necessary training, education, equipment,
34 and the issuance of any permits, certificates, or registration as
35 required.

1 **Sec. 679.** RCW 18.32.655 and 1986 c 259 s 35 are each amended to
2 read as follows:

3 The (~~dental disciplinary board has the power and it shall be its~~
4 ~~duty to~~) commission shall:

5 (1) Require licensed dentists to keep and maintain a copy of each
6 laboratory referral instruction, describing detailed services rendered,
7 for a period to be determined by the (~~board~~) commission but not more
8 than three years, and (~~to~~) may require the production of all such
9 records for examination by the (~~board~~) commission or its authorized
10 representatives; and

11 (2) (~~Promulgate~~) Adopt reasonable rules (~~and regulations~~)
12 requiring licensed dentists to make, maintain, and produce for
13 examination by the (~~board~~) commission or its authorized
14 representatives such other records as may be reasonable and proper in
15 the performance of its duties and enforcing the provisions of this
16 chapter.

17 **Sec. 680.** RCW 18.32.665 and 1986 c 259 s 36 are each amended to
18 read as follows:

19 It shall be unlawful for any person, firm, or corporation to
20 publish, directly or indirectly, or circulate any fraudulent, false, or
21 misleading statements within the state of Washington as to the skill or
22 method of practice of any person or operator; or in any way to
23 advertise in print any matter with a view of deceiving the public, or
24 in any way that will tend to deceive or defraud the public; or to claim
25 superiority over neighboring dental practitioners; or to publish
26 reports of cases or certificates of same in any public advertising
27 media; or to advertise as using any anesthetic, drug, formula,
28 medicine, which is either falsely advertised or misnamed; or to employ
29 "capper" or "steerers" to obtain patronage; and any person committing
30 any offense against any of the provisions of this section shall, upon
31 conviction, be subjected to such penalties as are provided in this
32 chapter: PROVIDED, That any person licensed under this chapter may
33 announce credit, terms of credit or installment payments that may be
34 made at periodical intervals to apply on account of any dental service
35 rendered. The (~~dental disciplinary board~~) commission may adopt such
36 rules as are necessary to carry out the intent of this section.

1 **Sec. 681.** RCW 18.32.745 and 1991 c 3 s 73 are each amended to read
2 as follows:

3 No manager, proprietor, partnership, or association owning,
4 operating, or controlling any room, office, or dental parlors, where
5 dental work is done, provided, or contracted for, shall employ or
6 retain any unlicensed person or dentist as an operator; nor shall fail,
7 within ten days after demand made by the secretary of health((~~7~~)) or
8 the ((~~state board of dental examiners, or the dental disciplinary~~
9 ~~board~~)) commission in writing sent by certified mail, addressed to any
10 such manager, proprietor, partnership, or association at ((~~said~~)) the
11 room, office, or dental parlor, to furnish the secretary of health((~~7~~))
12 or the ((~~state board of dental examiners, or the dental disciplinary~~
13 ~~board~~)) commission with the names and addresses of all persons
14 practicing or assisting in the practice of dentistry in his or her
15 place of business or under his or her control, together with a sworn
16 statement showing by what license or authority ((~~said~~)) the persons are
17 practicing dentistry.

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

21 Any violation of the provisions of this section ((~~shall~~
22 ~~constitute~~)) is improper, unprofessional, and dishonorable conduct; it
23 ((~~shall~~)) also ((~~constitute~~)) is grounds for injunction proceedings as
24 provided by this chapter, and in addition ((~~shall constitute~~)) is a
25 gross misdemeanor, except that the failure to furnish the information
26 as may be requested in accordance with this section ((~~shall~~
27 ~~constitute~~)) is a misdemeanor.

28 **Sec. 682.** RCW 18.32.755 and 1986 c 259 s 37 are each amended to
29 read as follows:

30 Any advertisement or announcement for dental services must include
31 for each office location advertised the names of all persons practicing
32 dentistry at that office location.

33 Any violation of the provisions of this section ((~~shall~~
34 ~~constitute~~)) is improper, unprofessional, and dishonorable conduct; it
35 ((~~shall~~)) also ((~~constitute~~)) is grounds for injunction proceedings as
36 provided by RCW 18.130.190((~~+2~~)) (4), and in addition ((~~shall~~
37 ~~constitute~~)) is a gross misdemeanor.

1 periods for assessment, investigation, charging, discovery, settlement,
2 and adjudication of complaints, and shall include enforcement
3 provisions for violations of the specific time periods by the
4 department or the disciplinary authority.

5

PART VIII - MISCELLANEOUS

6 NEW SECTION. **Sec. 801.** CAPTIONS. Captions as used in this act
7 constitute no part of the law.

8 NEW SECTION. **Sec. 802.** If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 remainder of the act or the application of the provision to other
11 persons or circumstances is not affected.

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