
SENATE BILL 5859

State of Washington

53rd Legislature

1993 Regular Session

By Senators Talmadge, Deccio, Wojahn and Moyer

Read first time 02/18/93. Referred to Committee on Health & Human Services.

1 AN ACT Relating to the regulation of health professions; amending
2 RCW 18.120.010, 18.120.020, 18.120.040, 18.130.010, 18.130.020,
3 18.130.040, 18.130.050, 18.130.060, 18.130.090, 18.130.160, 18.130.165,
4 18.130.175, 18.130.185, 18.130.186, 18.130.190, 18.130.270, 18.130.300,
5 18.22.005, 18.25.005, 18.25.019, 18.25.180, 18.26.030, 18.26.330,
6 18.26.340, 18.26.350, 18.26.360, 18.26.370, 18.26.390, 18.32.195,
7 18.32.640, 18.32.655, 18.35.110, 18.35.161, 18.57.035, 18.64.160,
8 18.64A.050, 18.71.019, 18.71.095, 18.71.230, 18.72.165, 18.72.265,
9 18.72.340, 18.72.345, 18.74.090, 18.83.050, 18.83.121, 18.88.280,
10 18.135.070, 43.70.220, 43.70.240, and 43.70.300; reenacting and
11 amending RCW 18.64.245 and 18.71.030; adding a new section to chapter
12 18.06 RCW; adding a new section to chapter 18.19 RCW; adding a new
13 section to chapter 18.22 RCW; adding new sections to chapter 18.25 RCW;
14 adding a new section to chapter 18.29 RCW; adding a new section to
15 chapter 18.32 RCW; adding a new section to 18.34 RCW; adding a new
16 section to chapter 18.35 RCW; adding a new section to chapter 18.36A
17 RCW; adding a new section to chapter 18.39 RCW; adding a new section to
18 chapter 18.50 RCW; adding a new section to chapter 18.52 RCW; adding a
19 new section to chapter 18.52C RCW; adding a new section to chapter
20 18.53 RCW; adding a new section to chapter 18.54 RCW; adding a new
21 section to chapter 18.55 RCW; adding a new section to chapter 18.57

1 RCW; adding a new section to chapter 18.57A RCW; adding a new section
2 to chapter 18.59 RCW; adding new sections to chapter 18.64 RCW; adding
3 a new section to chapter 18.64A RCW; adding a new section to chapter
4 18.71 RCW; adding a new section to chapter 18.71A RCW; adding a new
5 section to chapter 18.73 RCW; adding a new section to chapter 18.74
6 RCW; adding a new section to chapter 18.78 RCW; adding a new section to
7 chapter 18.83 RCW; adding a new section to chapter 18.84 RCW; adding a
8 new section to chapter 18.88 RCW; adding a new section to chapter
9 18.88A RCW; adding a new section to chapter 18.89 RCW; adding a new
10 section to chapter 18.92 RCW; adding a new section to chapter 18.108
11 RCW; adding new sections to chapter 18.130 RCW; adding new sections to
12 chapter 18.135 RCW; adding a new section to chapter 18.138 RCW; adding
13 a new section to chapter 18.155 RCW; adding a new chapter to Title 18
14 RCW; creating new sections; recodifying RCW 18.26.030, 18.26.320,
15 18.26.330, 18.26.340, 18.26.350, 18.26.360, 18.26.370, 18.26.380, and
16 18.26.390; and repealing RCW 18.26.010, 18.26.020, 18.26.028,
17 18.26.040, 18.26.050, 18.26.060, 18.26.070, 18.26.080, 18.26.090,
18 18.26.110, 18.26.900, 18.32.500, 18.32.510, 18.32.520, 18.32.530,
19 18.32.534, 18.32.560, 18.32.570, 18.32.580, 18.32.590, 18.32.600,
20 18.32.610, 18.32.620, 18.32.665, 18.32.745, 18.35.220, 18.54.150,
21 18.57.174, 18.64.260, 18.71A.070, 18.72.010, 18.72.020, 18.72.045,
22 18.72.090, 18.72.100, 18.72.110, 18.72.120, 18.72.130, 18.72.150,
23 18.72.154, 18.72.155, 18.72.190, 18.72.301, 18.72.306, 18.72.311,
24 18.72.316, 18.72.321, 18.72.380, 18.72.390, 18.72.400, 18.72.900,
25 18.72.910, 18.83.135, 18.83.155, 18.83.168, 18.92.047, 18.130.140,
26 18.135.080, 43.131.337, and 43.131.338.

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

28 **PART 1 - AUTHORITY OVER SCOPE OF PRACTICE**
29 **OF STATE-REGULATED HEALTH PROFESSIONALS**

30 NEW SECTION. **Sec. 101.** LEGISLATIVE INTENT. The legislature finds
31 that regulation of health professions is an important part of state
32 quality assurance activities that help assure the safe delivery of
33 health care services to the people of this state.

34 It further finds that there are twenty separate regulatory
35 authorities that govern the health professions and act on scope of
36 practice decisions. The large number of regulatory authorities has

1 sometimes resulted in inconsistent and conflicting regulation of the
2 state's health professions and the expansion in the scope of practice
3 beyond legislative intent. In addition, scopes of practice between
4 some professions overlap and it is often unclear which regulatory
5 authority has jurisdiction. Separate authorities may adopt conflicting
6 rules concerning the same scope of practice issue. The legislature is
7 often requested to resolve these conflicts by enacting legislation to
8 modify or clarify the scope of practice of a health profession.

9 The legislature further finds that it is requested to consider
10 legislation to increase the level of regulation of health professions
11 already regulated by the state. Increasing the level of regulation
12 further restricts the practice of the profession by requiring
13 individuals to obtain specialized training and pass a credentialing
14 examination. These requests require a determination that the existing
15 level of regulation is insufficient to protect the public from the
16 unsafe practice of the profession.

17 The legislature declares that the best forum for deciding such
18 changes in scope of practice and levels of health professional
19 credentialing is through a nonlegislative process that allows for a
20 deliberative and objective consideration of such changes. The
21 expertise of the existing health professional licensing boards and
22 advisory committees should be used in considering such changes but a
23 single authority should be responsible for making decisions on changes
24 in scope of practice or the level of credentialing. It further declares
25 that the legislature should limit its involvement in the regulation of
26 health professionals to those proposals that create new professions or
27 that consider the sunset termination of existing professions.

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

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

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

35 (3) "Health profession" means a profession specified under RCW
36 18.130.040(2).

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

4 (5) "Health profession licensing board" or "boards" means the
5 professional licensing boards for health professions cited in RCW
6 18.130.040(2)(b).

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

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

12 NEW SECTION. **Sec. 103.** APPLICABILITY. (1) The secretary shall
13 have the authority to adopt rules, standards, guidelines, or judgments
14 relating to the scope of practice or the level of credentialing for
15 health professions regulated under RCW 18.130.040(2) in accordance with
16 provisions of this chapter.

17 (2) The health professional licensing boards of professions
18 specified in RCW 18.130.040(2)(b) shall establish by rule standards for
19 the issuance and renewal of licenses for individuals subject to their
20 respective jurisdictions.

21 (3) The secretary shall adopt rules concerning the issuance and
22 renewal of licenses for individuals subject to the health professions
23 under RCW 18.130.040(2)(a).

24 (4) The board of funeral directors and embalmers shall have the
25 authority to adopt rules, standards, guidelines, or judgments relating
26 to the scope of practice and for the issuance and renewal of licenses
27 of persons subject to licensure under chapter 18.39 RCW.

28 NEW SECTION. **Sec. 104.** SCOPE OF PRACTICE AND LEVEL OF
29 CREDENTIALING REVIEW PROCESS. (1) The secretary on his or her own
30 initiative, or upon the request of an interested party, may add to or
31 take away functions of a health profession's scope of practice or make
32 changes in the level of credentialing of a health profession under such
33 terms and conditions as the secretary deems prudent and in accordance
34 with the provisions of this chapter.

35 (2) The secretary shall develop a consistent, uniform, and
36 objective process for making changes in scope of practice or level of
37 credentialing, issuing judgments about a profession's scope of

1 practice, or other activities authorized under this chapter. This
2 includes the issuance of declaratory interpretations and adoption of
3 rules regarding limits of practice and standards of practice.

4 (3) The secretary may request that a party requesting changes in
5 the scope of practice or level of credentialing submit information
6 relevant to such decisions, including responding to questions or
7 criteria the secretary needs to respond to the request.

8 (4) The secretary may review the rules and other decisions of the
9 health professional licensing boards to determine whether such rules or
10 decisions have the effect of altering the scope of practice of that
11 profession. If the secretary deems that a board has acted in a manner
12 to change the scope of practice, the secretary may reverse, vacate,
13 revoke, nullify, or modify the rules or decisions. All rules,
14 standards, guidelines, or judgments of any kind relating to a
15 profession's scope of practice of a health profession licensing board,
16 whether adopted before or after the effective date of this act, are
17 subject to review of the secretary.

18 (5) If the secretary should determine that needed changes in the
19 scope of practice or level of credentialing of a health profession
20 requires amendments to the Revised Code of Washington to implement, the
21 secretary shall forward such recommended changes in the form of
22 proposed legislation to the health policy committees of the senate and
23 house of representatives.

24 (6) The secretary may use the professional expertise of the health
25 profession licensing boards and advisory committees and others to
26 fulfill his or her responsibilities under this chapter.

27 (7) All actions by the secretary under this chapter shall be in
28 accord with chapter 34.05 RCW.

29 NEW SECTION. **Sec. 105.** CRITERIA FOR USE BY THE SECRETARY. (1)
30 If considering changes in the scope of practice of a health profession,
31 the secretary shall consider at least the following factors:

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

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

36 (c) Whether the current education and training requirements of the
37 health profession are sufficient to assure the safe delivery of the

1 health care services that will result from the change of scope of
2 practice.

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

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

8 (2) In considering changes in the level of credentialing of a
9 health profession cited in RCW 18.130.040(2), the secretary shall
10 consider at a minimum the criteria in RCW 18.120.030.

11 NEW SECTION. **Sec. 106.** ESTABLISHING REQUIREMENTS FOR CHANGES IN
12 SCOPE OF PRACTICE. The secretary, in consultation with the health
13 profession licensing boards and health profession advisory committees,
14 shall establish additional training, education, and other requirements
15 for health professions under RCW 18.130.040 as made necessary by
16 changes in scope of practice or levels of credentialing that are
17 authorized under this chapter. This shall include when appropriate
18 application of uniform administrative provisions under chapter 18.122
19 RCW.

20 NEW SECTION. **Sec. 107.** STUDY. The secretary, in consultation
21 with the health policy committees of the senate and house of
22 representatives, shall identify and recommend changes in the Revised
23 Code of Washington necessary to implement the intent of sections 101
24 through 106 of this act. The recommendations shall be reported to the
25 health policy committees of the legislature by no later than November
26 15, 1993.

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

29 **PART 2 - REVISIONS OF THE HEALTH PROFESSIONAL**
30 **"SUNRISE" REVIEW PROCESS**

31 **Sec. 201.** RCW 18.120.010 and 1990 c 33 s 554 are each amended to
32 read as follows:

33 (1) The purpose of this chapter is to establish guidelines for the
34 regulation of health professions not licensed or regulated prior to

1 July 24, 1983(~~(, and those licensed or regulated health professions~~
2 ~~which seek to substantially increase their scope of practice)):~~
3 PROVIDED, That the provisions of this chapter are not intended and
4 shall not be construed to: (a) Apply to any regulatory entity created
5 prior to July 24, 1983, except as provided in this chapter; (b) affect
6 the powers and responsibilities of the superintendent of public
7 instruction or state board of education under RCW 28A.305.130 and
8 28A.410.010; (c) apply to or interfere in any way with the practice of
9 religion or to any kind of treatment by prayer; and (d) apply to any
10 remedial or technical amendments to any statutes which licensed or
11 regulated activity before July 24, 1983. The legislature believes that
12 all individuals should be permitted to enter into a health profession
13 unless there is an overwhelming need for the state to protect the
14 interests of the public by restricting entry into the profession.
15 Where such a need is identified, the regulation adopted by the state
16 should be set at the least restrictive level consistent with the public
17 interest to be protected.

18 (2) It is the intent of this chapter that no regulation shall,
19 after July 24, 1983, be imposed upon any health profession except for
20 the exclusive purpose of protecting the public interest. All bills
21 introduced in the legislature to regulate a health profession for the
22 first time should be reviewed according to the following criteria. A
23 health profession should be regulated by the state only when:

24 (a) Unregulated practice can clearly harm or endanger the health,
25 safety, or welfare of the public, and the potential for the harm is
26 easily recognizable and not remote or dependent upon tenuous argument;

27 (b) The public needs and can reasonably be expected to benefit from
28 an assurance of initial and continuing professional ability; and

29 (c) The public cannot be effectively protected by other means in a
30 more cost-beneficial manner.

31 (3) After evaluating the criteria in subsection (2) of this section
32 and considering governmental and societal costs and benefits, if the
33 legislature finds that it is necessary to regulate a health profession
34 not previously regulated by law, the least restrictive alternative
35 method of regulation should be implemented, consistent with the public
36 interest and this section:

37 (a) Where existing common law and statutory civil actions and
38 criminal prohibitions are not sufficient to eradicate existing harm,

1 the regulation should provide for stricter civil actions and criminal
2 prosecutions;

3 (b) Where a service is being performed for individuals involving a
4 hazard to the public health, safety, or welfare, the regulation should
5 impose inspection requirements and enable an appropriate state agency
6 to enforce violations by injunctive relief in court, including, but not
7 limited to, regulation of the business activity providing the service
8 rather than the employees of the business;

9 (c) Where the threat to the public health, safety, or economic
10 well-being is relatively small as a result of the operation of the
11 health profession, the regulation should implement a system of
12 registration;

13 (d) Where the consumer may have a substantial basis for relying on
14 the services of a practitioner, the regulation should implement a
15 system of certification; or

16 (e) Where apparent that adequate regulation cannot be achieved by
17 means other than licensing, the regulation should implement a system of
18 licensing.

19 **Sec. 202.** RCW 18.120.020 and 1989 c 300 s 14 are each amended to
20 read as follows:

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

23 (1) "Applicant group" includes any health professional group or
24 organization, any individual, or any other interested party which
25 proposes that any health professional group not presently regulated be
26 regulated (~~or which proposes to substantially increase the scope of~~
27 ~~practice of the profession~~)).

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

33 (3) "Grandfather clause" means a provision in a regulatory statute
34 applicable to practitioners actively engaged in the regulated health
35 profession prior to the effective date of the regulatory statute which
36 exempts the practitioners from meeting the prerequisite qualifications
37 set forth in the regulatory statute to perform prescribed occupational
38 tasks.

1 (4) "Health professions" means and includes the following health
2 and health-related licensed or regulated professions and occupations:
3 ((Podiatry)) Podiatric medicine and surgery under chapter 18.22 RCW;
4 chiropractic under chapter((s)) 18.25 ((and 18.26)) RCW; dental hygiene
5 under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; dispensing
6 opticians under chapter 18.34 RCW; hearing aids under chapter 18.35
7 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral
8 directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW;
9 nursing home administration under chapter 18.52 RCW; optometry under
10 chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW;
11 osteopathy and osteopathic medicine and surgery under chapters 18.57
12 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine
13 under chapters 18.71((7)) and 18.71A((7, and 18.72)) RCW; emergency
14 medicine under chapter 18.73 RCW; physical therapy under chapter 18.74
15 RCW; practical nurses under chapter 18.78 RCW; psychologists under
16 chapter 18.83 RCW; registered nurses under chapter 18.88 RCW;
17 occupational therapists licensed pursuant to chapter 18.59 RCW;
18 respiratory care practitioners certified under chapter 18.89 RCW;
19 veterinarians and animal technicians under chapter 18.92 RCW; health
20 care assistants under chapter 18.135 RCW; massage practitioners under
21 chapter 18.108 RCW; acupuncturists certified under chapter 18.06 RCW;
22 persons registered or certified under chapter 18.19 RCW; dietitians and
23 nutritionists certified by chapter 18.138 RCW; radiologic technicians
24 under chapter 18.84 RCW; and nursing assistants registered or certified
25 under chapter 18.88A RCW.

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

30 (6) "Legislative committees of reference" means the standing
31 legislative committees designated by the respective rules committees of
32 the senate and house of representatives to consider proposed
33 legislation to regulate health professions not previously regulated.

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

1 (8) "Professional license" means an individual, nontransferable
2 authorization to carry on a health activity based on qualifications
3 which include: (a) Graduation from an accredited or approved program,
4 and (b) acceptable performance on a qualifying examination or series of
5 examinations.

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

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

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

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

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

29 **Sec. 203.** RCW 18.120.040 and 1989 1st ex.s. c 9 s 305 are each
30 amended to read as follows:

31 Applicant groups shall submit a written report explaining the
32 factors enumerated in RCW 18.120.030 to the legislative committees of
33 reference, copies of which shall be sent to the (~~state board of health~~
34 ~~and the~~) department of health for review and comment. The (~~state~~
35 ~~board of health and the~~) department of health shall make
36 recommendations based on the report submitted by applicant groups to
37 the extent requested by the legislative committees.

1 **PART 3 - CREATING A SINGLE DISCIPLINARY AUTHORITY**
2 **FOR THE UNIFORM DISCIPLINARY ACT**

3 Sec. 301. RCW 18.130.010 and 1991 c 332 s 1 are each amended to
4 read as follows:

5 It is the intent of the legislature to strengthen and consolidate
6 disciplinary and licensure procedures for the licensed health and
7 health-related professions and businesses by providing a uniform
8 disciplinary act with standardized procedures for the licensure of
9 health care professionals and the consistent enforcement of laws the
10 purpose of which is to assure the public of the adequacy of
11 professional competence and conduct in the healing arts.

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

15 Further, the legislature declares that the ~~((addition of public~~
16 ~~members on all health care boards can give both the state and the~~
17 ~~public, which it has a statutory responsibility to protect, assurances~~
18 ~~of accountability and confidence in the various practices of health~~
19 ~~care)) intent of this chapter can best be implemented by a single~~
20 disciplinary authority.

21 NEW SECTION. Sec. 302. A new section is added to chapter 18.130
22 RCW to read as follows:

23 UNIFORM APPLICATION OF THE UNIFORM DISCIPLINARY ACT. The secretary
24 shall develop procedures for the consistent application of this chapter
25 to all persons subject to this chapter. This shall include assuring
26 consistency and uniformity in determining whether complaints merit
27 investigation, conducting complaint investigations, determining when an
28 action by the complainant constitutes unlicensed practice,
29 unprofessional conduct or unsafe practice, and assessing sanctions
30 against individuals for violation of the provisions of this chapter.

31 **Sec. 303.** RCW 18.130.020 and 1989 1st ex.s. c 9 s 312 are each
32 amended to read as follows:

33 Unless the context clearly requires otherwise, the definitions in
34 this section apply throughout this chapter.

35 (1) "Disciplining authority" or "disciplinary authority" means
36 ~~((a) the board of medical examiners, the board of dental examiners,~~

1 ~~and the board of chiropractic examiners with respect to applicants for~~
2 ~~a license for the respective professions, (b) the medical disciplinary~~
3 ~~board, the dental disciplinary board, and the chiropractic disciplinary~~
4 ~~board with respect to holders of licenses for the respective~~
5 ~~professions, or (c) the agency or board having the authority to take~~
6 ~~disciplinary action against a holder of, or applicant for, a~~
7 ~~professional or business license upon a finding of a violation of this~~
8 ~~chapter or a chapter specified under RCW 18.130.040)) the secretary of~~
9 ~~health or, for persons subject to licensure under chapter 18.39 RCW,~~
10 ~~the board of funeral directors and embalmers.~~

11 (2) "Department" means the department of health, except that
12 department shall mean department of licensing for persons regulated
13 under chapter 18.39 RCW.

14 (3) "Secretary" means the secretary of health or the secretary's
15 designee, except that secretary shall mean the director of licensing or
16 the director's designee for persons subject to regulation under chapter
17 18.39 RCW.

18 (4) "Board" or "health professional licensing board" means (~~any of~~
19 ~~those boards specified in RCW 18.130.040)) the health professional~~
20 licensing boards of professions specified under RCW 18.130.040(2)(b)
21 and the board of funeral directors and embalmers.

22 (5) "Unlicensed practice" means:

23 (a) Practicing a profession or operating a business identified in
24 RCW 18.130.040 without holding a valid, unexpired, unrevoked, and
25 unsuspended license to do so; or

26 (b) Representing to a consumer, through offerings, advertisements,
27 or use of a professional title or designation, that the individual is
28 qualified to practice a profession or operate a business identified in
29 RCW 18.130.040, without holding a valid, unexpired, unrevoked, and
30 unsuspended license to do so.

31 (6) "Disciplinary action" means sanctions identified in RCW
32 18.130.160.

33 (7) "Practice review" means an investigative audit of records
34 related to the complaint, without prior identification of specific
35 patient or consumer names, to determine whether unprofessional conduct
36 may have been committed.

37 (8) "Health agency" means city and county health departments and
38 the department of health.

1 (9) "License," "licensing," and "licensure" shall be deemed
2 equivalent to the terms "license," "licensing," "licensure,"
3 "certificate," "certification," and "registration" as those terms are
4 defined in RCW 18.120.020.

5 (10) "Advisory committee" means advisory committees established by
6 the secretary or by law for health professions cited in RCW
7 18.130.040(2)(a).

8 **Sec. 304.** RCW 18.130.040 and 1992 c 128 s 6 are each amended to
9 read as follows:

10 (1) This chapter applies only to the (~~secretary and the boards~~
11 ~~having jurisdiction in relation to the~~) professions licensed under the
12 chapters specified in this section. This chapter does not apply to any
13 business or profession not licensed under the chapters specified in
14 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 certified and x-ray technicians
26 registered 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;

31 (xii) Nursing assistants registered or certified under chapter
32 (~~18.52B~~) 18.88A RCW;

33 (xiii) Dietitians and nutritionists certified under chapter 18.138
34 RCW;

35 (xiv) Sex offender treatment providers certified under chapter
36 18.155 RCW; (~~and~~)

37 (xv) Persons licensed and certified under chapter 18.73 RCW or RCW
38 18.71.205; and

1 (xvi) Health care assistants certified under chapter 18.135 RCW.
2 ~~(b) ((The boards having authority under this chapter are as~~
3 ~~follows:~~

- 4 ~~(i) The podiatric medical board as established in chapter 18.22~~
5 ~~RCW;~~
- 6 ~~(ii) The chiropractic disciplinary board as established in chapter~~
7 ~~18.26 RCW governing licenses issued under chapter 18.25 RCW;~~
- 8 ~~(iii) The dental disciplinary board as established in chapter 18.32~~
9 ~~RCW;~~
- 10 ~~(iv) The council on hearing aids as established in chapter 18.35~~
11 ~~RCW;~~
- 12 ~~(v) The board of funeral directors and embalmers as established in~~
13 ~~chapter 18.39 RCW;~~
- 14 ~~(vi) The board of examiners for nursing home administrators as~~
15 ~~established in chapter 18.52 RCW;~~
- 16 ~~(vii) The optometry board as established in chapter 18.54 RCW~~
17 ~~governing licenses issued under chapter 18.53 RCW;~~
- 18 ~~(viii) The board of osteopathic medicine and surgery as established~~
19 ~~in chapter 18.57 RCW governing licenses issued under chapters 18.57 and~~
20 ~~18.57A RCW;~~
- 21 ~~(ix) The medical disciplinary board as established in chapter 18.72~~
22 ~~RCW governing licenses and registrations issued under chapters 18.71~~
23 ~~and 18.71A RCW;~~
- 24 ~~(x) The board of physical therapy as established in chapter 18.74~~
25 ~~RCW;~~
- 26 ~~(xi) The board of occupational therapy practice as established in~~
27 ~~chapter 18.59 RCW;~~
- 28 ~~(xii) The board of practical nursing as established in chapter~~
29 ~~18.78 RCW;~~
- 30 ~~(xiii) The examining board of psychology and its disciplinary~~
31 ~~committee as established in chapter 18.83 RCW;~~
- 32 ~~(xiv) The board of nursing as established in chapter 18.88 RCW; and~~
33 ~~(xv) The veterinary board of governors as established in chapter~~
34 ~~18.92 RCW.~~

35 (3)) In addition, the secretary has authority under this chapter
36 in relation to the following professions:

- 37 (i) Podiatric physicians and surgeons licensed under chapter 18.22
38 RCW;
- 39 (ii) Chiropractors licensed under chapter 18.25 RCW;

- 1 (iii) Dentists licensed under chapter 18.32 RCW;
2 (iv) Hearing aide fitters and dispensers licensed under chapter
3 18.35 RCW;
4 (v) Nursing home administrators licensed under chapter 18.52 RCW;
5 (vi) Optometrists licensed under chapters 18.53 and 18.54 RCW;
6 (vii) Osteopathic physicians and physician assistants licensed
7 under chapters 18.57 and 18.57A RCW;
8 (viii) Physicians and physician assistants licensed under chapters
9 18.71 and 18.71A RCW;
10 (ix) Physical therapists licensed under chapter 18.74 RCW;
11 (x) Licensed practical nurses licensed under chapter 18.78 RCW;
12 (xi) Occupational therapists licensed under chapter 18.59 RCW;
13 (xii) Psychologists licensed under chapter 18.83 RCW;
14 (xiii) Veterinarians licensed under chapter 18.92 RCW; and
15 (xiv) Pharmacists licensed and pharmacy assistants certified under
16 chapters 18.64 and 18.64A RCW.

17 (3) This chapter also applies to funeral directors and embalmers
18 and the regulatory authority shall be the board of funeral directors
19 and embalmers as established in chapter 18.39 RCW.

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

34 **Sec. 305.** RCW 18.130.050 and 1987 c 150 s 2 are each amended to
35 read as follows:

36 The disciplining authority has the following authority:

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

- 1 (2) To investigate all complaints or reports of unprofessional
2 conduct as defined in this chapter and to hold hearings as provided in
3 this chapter;
- 4 (3) To issue subpoenas and administer oaths in connection with any
5 investigation, hearing, or proceeding held under this chapter;
- 6 (4) To take or cause depositions to be taken and use other
7 discovery procedures as needed in any investigation, hearing, or
8 proceeding held under this chapter;
- 9 (5) To compel attendance of witnesses at hearings;
- 10 (6) In the course of investigating a complaint or report of
11 unprofessional conduct, to conduct practice reviews;
- 12 (7) To take emergency action ordering summary suspension of a
13 license, or restriction or limitation of the licensee's practice
14 pending proceedings by the disciplining authority;
- 15 (8) To use the office of administrative hearings as authorized in
16 chapter 34.12 RCW to conduct hearings. However, the disciplining
17 authority shall make the final decision regarding disposition of the
18 license;
- 19 (9) To use individual members of the boards or advisory committees
20 to direct investigations(~~(. However, the member of the board shall not~~
21 ~~subsequently participate in the hearing of the case));~~
- 22 (10) To enter into contracts for professional services determined
23 to be necessary for adequate enforcement of this chapter;
- 24 (11) To contract with licensees or other persons or organizations
25 to provide services necessary for the monitoring and supervision of
26 licensees who are placed on probation, whose professional activities
27 are restricted, or who are for any authorized purpose subject to
28 monitoring by the disciplining authority;
- 29 (12) To adopt standards of professional conduct or practice;
- 30 (13) To grant or deny license applications, and in the event of a
31 finding of unprofessional conduct by an applicant or license holder, to
32 impose any sanction against a license applicant or license holder
33 provided by this chapter;
- 34 (14) To enter into an assurance of discontinuance in lieu of
35 issuing a statement of charges or conducting a hearing. The assurance
36 shall consist of a statement of the law in question and an agreement to
37 not violate the stated provision. The applicant or license holder
38 shall not be required to admit to any violation of the law, nor shall

1 the assurance be construed as such an admission. Violation of an
2 assurance under this subsection is grounds for disciplinary action;

3 (15) To designate individuals authorized to sign subpoenas and
4 statements of charges;

5 (16) To review and audit the records of licensed health facilities'
6 or services' quality assurance committee decisions in which a
7 licensee's practice privilege or employment is terminated or
8 restricted. Each health facility or service shall produce and make
9 accessible to the disciplining authority the appropriate records and
10 otherwise facilitate the review and audit. Information so gained shall
11 not be subject to discovery or introduction into evidence in any civil
12 action.

13 NEW SECTION. Sec. 306. A new section is added to chapter 18.130
14 RCW to read as follows:

15 USE OF ADVISORY COMMITTEES AND BOARDS IN THE DISCIPLINARY
16 INVESTIGATIONS AND HEARINGS. The secretary may use the advisory
17 committees and the health professional licensing boards established
18 under this title to provide advice in activities related to assisting
19 the secretary and the department in fulfilling its duties and
20 responsibilities under this chapter. The secretary may delegate any
21 function under this chapter and shall delegate the function if the
22 secretary has a conflict of interest.

23 **Sec. 307.** RCW 18.130.060 and 1991 c 3 s 269 are each amended to
24 read as follows:

25 In addition to the authority specified in RCW 18.130.050, the
26 (~~secretary~~) disciplinary authority has the following additional
27 authority:

28 (1) To employ such investigative, administrative, and clerical
29 staff as necessary for the enforcement of this chapter, including such
30 legal and health professional expert staff necessary to advise and
31 assist it in performing its duties;

32 (2) Upon the request of a board or an advisory committee, to
33 appoint not more than three pro tem members for the purpose of
34 participating as members of one or more committees of the board or
35 advisory committee in connection with proceedings specifically
36 identified in the request. Individuals so appointed must meet the same
37 minimum qualifications as regular members of the board or advisory

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

17 (3) To establish fees to be paid for witnesses, expert witnesses,
18 and consultants used in any investigation and to establish fees to
19 witnesses in any agency adjudicative proceeding as authorized by RCW
20 34.05.446;

21 (4) To conduct investigations and practice reviews (~~(at the~~
22 ~~direction of the disciplining authority)) and to issue subpoenas,
23 administer oaths, and take depositions in the course of conducting
24 those investigations and practice reviews at the direction of the
25 disciplining authority.~~

26 **Sec. 308.** RCW 18.130.090 and 1986 c 259 s 6 are each amended to
27 read as follows:

28 ((~~1~~)) If the disciplining authority determines, upon
29 investigation, that there is reason to believe a violation of RCW
30 18.130.180 has occurred, a statement of charge or charges shall be
31 prepared and served upon the license holder or applicant at the
32 earliest practical time. The statement of charge or charges shall be
33 accompanied by a notice that the license holder or applicant may
34 request a hearing to contest the charge or charges. The license holder
35 or applicant must file a request for hearing with the disciplining
36 authority within twenty days after being served the statement of
37 charges. (~~The failure to request a hearing constitutes a default,~~

1 whereupon the disciplining authority may enter a decision on the basis
2 of the facts available to it.

3 (2) ~~If a hearing is requested, the time of the hearing shall be~~
4 ~~fixed by the disciplining authority as soon as convenient, but the~~
5 ~~hearing shall not be held earlier than thirty days after service of the~~
6 ~~charges upon the license holder or applicant. A notice of hearing~~
7 ~~shall be issued at least twenty days prior to the hearing, specifying~~
8 ~~the time, date, and place of the hearing. The notice shall also notify~~
9 ~~the license holder or applicant that a record of the proceeding will be~~
10 ~~kept, that he or she will have the opportunity to appear personally and~~
11 ~~to have counsel present, with the right to produce witnesses, who will~~
12 ~~be subject to cross examination, and evidence in his or her own behalf,~~
13 ~~to cross examine witnesses testifying against him or her, to examine~~
14 ~~such documentary evidence as may be produced against him or her, to~~
15 ~~conduct depositions, and to have subpoenas issued by the disciplining~~
16 ~~authority.)~~ If the twenty-day limit results in a hardship upon the
17 license holder or applicant, he or she may request for good cause an
18 extension not to exceed sixty additional days. If the disciplining
19 authority finds that there is good cause, it shall grant the extension.

20 **Sec. 309.** RCW 18.130.160 and 1986 c 259 s 8 are each amended to
21 read as follows:

22 Upon a finding that a license holder or applicant has committed
23 unprofessional conduct or is unable to practice with reasonable skill
24 and safety due to a physical or mental condition, the disciplining
25 authority may issue an order providing for one or any combination of
26 the following:

- 27 (1) Revocation of the license;
- 28 (2) Suspension of the license for a fixed or indefinite term;
- 29 (3) Restriction or limitation of the practice;
- 30 (4) Requiring the satisfactory completion of a specific program of
31 remedial education or treatment;
- 32 (5) The monitoring of the practice by a supervisor approved by the
33 disciplining authority;
- 34 (6) Censure or reprimand;
- 35 (7) Compliance with conditions of probation for a designated period
36 of time;

1 (8) Payment of a fine for each violation of this chapter, not to
2 exceed ((one)) five thousand dollars per violation. Funds received
3 shall be placed in the health professions account;

4 (9) Denial of the license request;

5 (10) Corrective action;

6 (11) Refund of fees billed to and collected from the consumer.

7 Any of the actions under this section may be totally or partly
8 stayed by the disciplining authority. In determining what action is
9 appropriate, the disciplining authority must first consider what
10 sanctions are necessary to protect or compensate the public. Only
11 after such provisions have been made may the disciplining authority
12 consider and include in the order requirements designed to rehabilitate
13 the license holder or applicant. All costs associated with compliance
14 with orders issued under this section are the obligation of the license
15 holder or applicant.

16 **Sec. 310.** RCW 18.130.165 and 1987 c 150 s 4 are each amended to
17 read as follows:

18 Where an order for payment of a fine is made as a result of a
19 hearing under ((RCW 18.130.100)) chapter 34.05 RCW and timely payment
20 is not made as directed in the final order, the disciplining authority
21 may enforce the order for payment in the superior court in the county
22 in which the hearing was held. This right of enforcement shall be in
23 addition to any other rights the disciplining authority may have as to
24 any licensee ordered to pay a fine but shall not be construed to limit
25 a licensee's ability to seek judicial review under ((RCW 18.130.140))
26 chapter 34.05 RCW.

27 In any action for enforcement of an order of payment of a fine, the
28 disciplining authority's order is conclusive proof of the validity of
29 the order of payment of a fine and the terms of payment.

30 **Sec. 311.** RCW 18.130.175 and 1991 c 3 s 270 are each amended to
31 read as follows:

32 (1) In lieu of disciplinary action under RCW 18.130.160 and if the
33 disciplining authority determines that the unprofessional conduct may
34 be the result of substance abuse, the disciplining authority may refer
35 the license holder to a voluntary substance abuse monitoring program
36 approved by the disciplining authority.

1 The cost of the treatment shall be the responsibility of the
2 license holder, but the responsibility does not preclude payment by an
3 employer, existing insurance coverage, or other sources. Primary
4 alcoholism or drug treatment shall be provided by approved treatment
5 (~~facilities~~) programs under RCW (~~(70.96A.020(2))~~) 70.96A.020:
6 PROVIDED, That nothing shall prohibit the disciplining authority from
7 approving additional services and programs as an adjunct to primary
8 alcoholism or drug treatment. The disciplining authority may also
9 approve the use of out-of-state programs. Referral of the license
10 holder to the program shall be done only with the consent of the
11 license holder. Referral to the program may also include probationary
12 conditions for a designated period of time. If the license holder does
13 not consent to be referred to the program or does not successfully
14 complete the program, the disciplining authority may take appropriate
15 action under RCW 18.130.160. If the license holder has a setback in
16 complying with the program, but program records indicate continuing
17 progress toward the successful completion of the program, the
18 disciplinary authority shall encourage the license holder to continue
19 participation in the program and may impose additional conditions on
20 the license holder, but shall not take action under RCW 18.130.160
21 unless the license holder is deemed unable to continue to practice with
22 reasonable skill and safety under the conditions imposed on his or her
23 license.

24 (2) In addition to approving substance abuse monitoring programs
25 that may receive referrals from the disciplining authority, the
26 disciplining authority may establish by rule requirements for
27 participation of license holders who are not being investigated or
28 monitored by the disciplining authority for substance abuse. License
29 holders voluntarily participating in the approved programs without
30 being referred by the disciplining authority shall not be subject to
31 disciplinary action under RCW 18.130.160 for their substance abuse, and
32 shall not have their participation made known to the disciplining
33 authority, if they meet the requirements of this section and the
34 program in which they are participating.

35 (3) The license holder shall sign a waiver allowing the program to
36 release information to the disciplining authority if the licensee does
37 not comply with the requirements of this section or is unable to
38 practice with reasonable skill or safety. The substance abuse program
39 shall report to the disciplining authority any license holder who fails

1 to comply with the requirements of this section or the program or who,
2 in the opinion of the program, is unable to practice with reasonable
3 skill or safety. License holders shall report to the disciplining
4 authority if they fail to comply with this section or do not complete
5 the program's requirements. License holders may, upon the agreement of
6 the program and disciplining authority, reenter the program if they
7 have previously failed to comply with this section.

8 (4) The treatment and pretreatment records of license holders
9 referred to or voluntarily participating in approved programs shall be
10 confidential, shall be exempt from RCW 42.17.250 through 42.17.450, and
11 shall not be subject to discovery by subpoena or admissible as evidence
12 except for monitoring records reported to the disciplining authority
13 for cause as defined in subsection (3) of this section. Monitoring
14 records relating to license holders referred to the program by the
15 disciplining authority or relating to license holders reported to the
16 disciplining authority by the program for cause, shall be released to
17 the disciplining authority at the request of the disciplining
18 authority. Records held by the disciplining authority under this
19 section shall be exempt from RCW 42.17.250 through 42.17.450 and shall
20 not be subject to discovery by subpoena except by the license holder.

21 (5) "Substance abuse," as used in this section, means the
22 impairment, as determined by the disciplining authority, of a license
23 holder's professional services by an addiction to, a dependency on, or
24 the use of alcohol, legend drugs, or controlled substances.

25 (6) This section does not affect an employer's right or ability to
26 make employment-related decisions regarding a license holder. This
27 section does not restrict the authority of the disciplining authority
28 to take disciplinary action for any other unprofessional conduct.

29 (7) A person who, in good faith, reports information or takes
30 action in connection with this section is immune from civil liability
31 for reporting information or taking the action.

32 (a) The immunity from civil liability provided by this section
33 shall be liberally construed to accomplish the purposes of this section
34 and the persons entitled to immunity shall include:

- 35 (i) An approved monitoring treatment program;
- 36 (ii) The professional association operating the program;
- 37 (iii) Members, employees, or agents of the program or association;
- 38 (iv) Persons reporting a license holder as being impaired or
39 providing information about the license holder's impairment; and

1 (v) Professionals supervising or monitoring the course of the
2 impaired license holder's treatment or rehabilitation.

3 (b) The immunity provided in this section is in addition to any
4 other immunity provided by law.

5 ~~((8) In addition to health care professionals governed by this
6 chapter, this section also applies to pharmacists under chapter 18.64
7 RCW and pharmacy assistants under chapter 18.64A RCW. For that
8 purpose, the board of pharmacy shall be deemed to be the disciplining
9 authority and the substance abuse monitoring program shall be in lieu
10 of disciplinary action under RCW 18.64.160 or 18.64A.050. The board of
11 pharmacy shall adjust license fees to offset the costs of this
12 program.))~~

13 **Sec. 312.** RCW 18.130.185 and 1987 c 150 s 8 are each amended to
14 read as follows:

15 If a person or business regulated by this chapter violates RCW
16 18.130.170 or 18.130.180, the attorney general, any prosecuting
17 attorney, the ~~((director, the board))~~ disciplinary authority, or any
18 other person may maintain an action in the name of the state of
19 Washington to enjoin the person from committing the violations. The
20 injunction shall not relieve the offender from criminal prosecution,
21 but the remedy by injunction shall be in addition to the liability of
22 the offender to criminal prosecution and disciplinary action.

23 **Sec. 313.** RCW 18.130.186 and 1989 c 125 s 3 are each amended to
24 read as follows:

25 (1) To implement a substance abuse monitoring program for license
26 holders specified under RCW 18.130.040, who are impaired by substance
27 abuse, the disciplinary authority may enter into a contract with a
28 voluntary substance abuse program under RCW 18.130.175. The program
29 may include any or all of the following:

30 (a) Contracting with providers of treatment programs;

31 (b) Receiving and evaluating reports of suspected impairment from
32 any source;

33 (c) Intervening in cases of verified impairment;

34 (d) Referring impaired license holders to treatment programs;

35 (e) Monitoring the treatment and rehabilitation of impaired license
36 holders including those ordered by the disciplinary authority;

1 (f) Providing education, prevention of impairment, posttreatment
2 monitoring, and support of rehabilitated impaired license holders; and
3 (g) Performing other activities as agreed upon by the disciplinary
4 authority.

5 (2) A contract entered into under subsection (1) of this section
6 may be financed by a surcharge on each license issuance or renewal to
7 be collected by the department (~~(of licensing)~~) from the license
8 holders of the same regulated health profession. These moneys shall be
9 placed in the health professions account to be used solely for the
10 implementation of the program.

11 **Sec. 314.** RCW 18.130.190 and 1991 c 3 s 271 are each amended to
12 read as follows:

13 (1) The (~~(secretary)~~) disciplinary authority shall investigate
14 complaints concerning practice by unlicensed persons of a profession or
15 business for which a license is required by the chapters specified in
16 RCW 18.130.040. In the investigation of the complaints, the
17 (~~(secretary)~~) disciplinary authority shall have the same authority as
18 provided the (~~(secretary)~~) disciplinary authority under RCW 18.130.050.
19 (~~(The secretary shall issue a cease and desist order to a person after~~
20 ~~notice and hearing and upon a determination that the person has~~
21 ~~violated this subsection.)~~)

22 (2) The disciplinary authority may issue a notice of intention to
23 issue a cease and desist order to any person whom the disciplinary
24 authority has reason to believe is engaged in the unlicensed practice
25 of a profession or business for which a license is required by the
26 chapters specified in RCW 18.130.040. The person to whom such notice
27 is issued may request an adjudicative proceeding to contest the
28 charges. The request for hearing must be filed within twenty days
29 after service of the notice of intention to issue a cease and desist
30 order. The failure to request a hearing constitutes a default,
31 whereupon the disciplinary authority may enter a permanent cease and
32 desist order, which may include a civil fine. All proceedings shall be
33 conducted in accordance with chapter 34.05 RCW.

34 (3) If the disciplinary authority makes a final determination that
35 a person has engaged or is engaging in unlicensed practice, the
36 disciplinary authority may issue a cease and desist order. In
37 addition, the disciplinary authority may impose a civil fine in an
38 amount not exceeding five thousand dollars for each day upon which the

1 person engaged in unlicensed practice of a business or profession for
2 which a license is required by one or more of the chapters specified in
3 RCW 18.130.040. The proceeds of such fines shall be deposited to the
4 health professions account.

5 (4) If the (~~secretary~~) disciplinary authority makes a written
6 finding of fact that the public interest will be irreparably harmed by
7 delay in issuing an order, the (~~secretary~~) disciplinary authority may
8 issue a temporary cease and desist order. The person receiving a
9 temporary cease and desist order shall be provided an opportunity for
10 a prompt hearing. The temporary cease and desist order shall remain in
11 effect until further order of the disciplinary authority. The failure
12 to request a prompt or regularly scheduled hearing constitutes a
13 default, whereupon the disciplinary authority may enter a permanent
14 cease and desist order, which may include a civil fine.

15 (5) Neither the issuance of a cease and desist order nor payment of
16 a civil fine shall (~~not~~) relieve the person so practicing or
17 operating a business without a license from criminal prosecution
18 therefor, but the remedy of a cease and desist order or civil fine
19 shall be in addition to any criminal liability. The cease and desist
20 order is conclusive proof of unlicensed practice and may be enforced
21 under RCW 7.21.060. This method of enforcement of the cease and desist
22 order or civil fine may be used in addition to, or as an alternative
23 to, any provisions for enforcement of agency orders set out in chapter
24 34.05 RCW.

25 (~~(2)~~) (6) The attorney general, a county prosecuting attorney,
26 the (~~secretary, a board~~) disciplinary authority, or any person may in
27 accordance with the laws of this state governing injunctions, maintain
28 an action in the name of this state to enjoin any person practicing a
29 profession or business for which a license is required by the chapters
30 specified in RCW 18.130.040 without a license from engaging in such
31 practice or operating such business until the required license is
32 secured. However, the injunction shall not relieve the person so
33 practicing or operating a business without a license from criminal
34 prosecution therefor, but the remedy by injunction shall be in addition
35 to any criminal liability.

36 (~~(3)~~) (7) Unlicensed practice of a profession or operating a
37 business for which a license is required by the chapters specified in
38 RCW 18.130.040, unless otherwise exempted by law, constitutes a gross
39 misdemeanor. All fees, fines, forfeitures, and penalties collected or

1 assessed by a court because of a violation of this section shall be
2 remitted to the health professions account.

3 **Sec. 315.** RCW 18.130.270 and 1991 c 332 s 3 are each amended to
4 read as follows:

5 The ~~((disciplinary authorities))~~ health professional licensing
6 boards are authorized to develop and require licensees' participation
7 in continuing competency pilot projects for the purpose of developing
8 flexible, cost-efficient, effective, and geographically accessible
9 competency assurance methods. The secretary shall establish criteria
10 for development of pilot projects ~~((and shall select the disciplinary~~
11 ~~authorities that will participate from among the professions requesting~~
12 ~~participation))~~. The department shall administer the projects in
13 mutual cooperation with the ~~((disciplinary authority))~~ health
14 professional licensing boards under this title and shall allot and
15 administer the budget for each pilot project. The department shall
16 report to the legislature in January of each odd-numbered year
17 concerning the progress and findings of the projects and shall make
18 recommendations on the expansion of continued competency requirements
19 to other licensed health professions.

20 Each ~~((disciplinary authority))~~ health professional licensing board
21 or the secretary shall establish its pilot project in rule and may
22 support the projects from a surcharge on each of the affected
23 profession's license renewal in an amount established by the secretary.

24 **Sec. 316.** RCW 18.130.300 and 1984 c 279 s 21 are each amended to
25 read as follows:

26 The director of licensing, the secretary, members of the boards, or
27 individuals acting on their behalf are immune from suit in any civil
28 action~~((, civil or criminal,))~~ based on any disciplinary proceedings or
29 other official acts performed in the course of their duties.

30 NEW SECTION. **Sec. 317.** A new section is added to chapter 18.130
31 RCW to read as follows:

32 COSTS OF DISCIPLINARY ACTIVITIES. Except for individuals subject
33 to chapter 18.39 RCW, the disciplinary authority shall assess a
34 surcharge on each license application or renewal to be collected by the
35 department to cover the costs of the provisions of this chapter. These
36 funds shall be placed in the health professions account to be used

1 solely for the implementation of this chapter, except for provisions
2 funded under RCW 18.130.186.

3 NEW SECTION. **Sec. 318.** A new section is added to chapter 18.39
4 RCW to read as follows:

5 PRESERVATION OF EXISTING DISCIPLINARY ORDERS--BOARD RULES--
6 TRANSITION. Nothing in chapter . . . , Laws of 1993 (this act), shall
7 be construed to modify or nullify disciplinary orders or board rules in
8 effect prior to the effective date of this act.

9 (1) Except for disciplinary matters under the jurisdiction of the
10 board of funeral directors and embalmers: (a) Disciplinary cases
11 pending on the effective date of this act come under the jurisdiction
12 of the secretary for disposition, (b) disciplinary orders issued prior
13 to the effective date of this act may be reconsidered by the secretary,
14 (c) when a hearing has been conducted prior to the effective date of
15 this act, and deliberations have been concluded but a disciplinary
16 order not issued, the disciplinary authority shall have thirty days
17 from the effective date of this act to issue disciplinary orders and,
18 (d) when charges are pending on the effective date of this act, the
19 secretary may withdraw or modify the charges or proceed with a hearing
20 including a hearing already scheduled.

21 (2) Except for rules adopted by the board of funeral directors and
22 embalmers: (a) The secretary shall make determinations as to which
23 rules enacted prior to the effective date of this act shall come under
24 the jurisdiction of the secretary or the jurisdiction of the health
25 professional licensing boards, (b) the secretary and health
26 professional licensing boards shall assure enforcement of such rules,
27 and (c) the secretary and the health professional licensing boards may
28 modify or repeal their respective rules pursuant to their rule-making
29 authority.

30 NEW SECTION. **Sec. 319.** FUNERAL DIRECTORS AND EMBALMERS STUDY.
31 The board of funeral directors and embalmers shall report to the health
32 policy committees of the legislature by November 15, 1993, with
33 recommendations for incorporation of the applicable provisions of
34 chapter 18.130 RCW into chapter 18.39 RCW.

35 NEW SECTION. **Sec. 320.** A new section is added to chapter 18.130
36 RCW to read as follows:

1 DISCIPLINARY AUTHORITY--REQUIRED UNIFORM PROCEDURES. In the
2 performance of its responsibilities under this chapter, the
3 disciplinary authority shall:

4 (1) Develop a uniform procedure to respond to public inquiries
5 concerning complaints and their disposition, active investigations,
6 statement of charges, and findings of fact and final orders involving
7 a licensee, applicant, or unlicensed person;

8 (2) Upon making contact with a licensee, applicant, or unlicensed
9 person for the purpose of investigation of a complaint, inform the
10 licensee, applicant, or unlicensed person of the nature of the
11 complaint and the individual's right to obtain legal counsel prior to
12 responding to any inquiries by the disciplinary authority. The
13 licensee, applicant, or unlicensed person shall also be informed that
14 responses to the disciplinary authority's inquiries may be used in
15 adjudicative proceedings;

16 (3) Upon issuance of a statement of charges to the licensee,
17 applicant, or unlicensed person, provide full disclosure of pertinent
18 records and other supporting information used in the investigation;

19 (4) Develop a uniform procedure for the timely and complete
20 response to a licensee, applicant, or unlicensed person request for
21 discovery, including reasonable interrogatories, request for production
22 and depositions, and reasonable and appropriate request for department
23 staff consultation concerning the investigation of the licensee,
24 applicant, or unlicensed person;

25 (5) Not prohibit a licensee, applicant, or unlicensed person from
26 agreeing to sanctions without admitting to a violation of this chapter;

27 (6) Honor a settlement concerning violations of this chapter with
28 a licensee, applicant, or unlicensed person agreed to prior to a
29 hearing, except that such settlements may be disapproved by the
30 disciplinary authority for good cause. In any case, a licensee,
31 applicant, or unlicensed person shall not be denied a hearing in
32 accordance with chapter 34.05 RCW;

33 (7) Inform witnesses in an investigation that their responses to
34 inquiries may be released to the licensee, applicant, or unlicensed
35 person under investigation should a statement of charges be issued by
36 the disciplinary authority;

37 (8) Comply with restrictions on ex parte communications as provided
38 for under RCW 34.05.455;

1 (9) Be responsible for the attorneys' fees and other reasonable
2 costs incurred by a licensee, applicant, or unlicensed person for a
3 frivolous or malicious appeal or judicial review pursued by the
4 disciplinary authority subsequent to the issuance of findings of fact.
5 In addition, a licensee, applicant, or unlicensed person is responsible
6 for attorneys' fees and other reasonable costs incurred by the
7 disciplinary authority for frivolous or malicious appeals or judicial
8 reviews pursued by the licensee, applicant, or unlicensed person
9 subsequent to the issuance of findings of fact for violation of this
10 chapter.

11 **PART 4 - TECHNICAL CHANGES TO THE**
12 **HEALTH PROFESSIONAL PRACTICE ACTS**

13 NEW SECTION. Sec. 401. A new section is added to chapter 18.06
14 RCW to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The secretary of
32 health shall have the authority to adopt rules, standards, guidelines,
33 or judgments relating to the scope of practice of the profession
34 regulated under this chapter in accordance with the provisions of
35 chapter 18.-- RCW (sections 101 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 APPLICATION OF SCOPE OF PRACTICE AUTHORITY. The secretary of
4 health shall have the authority to adopt rules, standards, guidelines,
5 or judgments relating to the scope of practice of the profession
6 regulated under this chapter in accordance with the provisions of
7 chapter 18.-- RCW (sections 101 through 106 of this act).

8 NEW SECTION. **Sec. 425.** A new section is added to chapter 18.78
9 RCW to read as follows:

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

15 NEW SECTION. **Sec. 426.** A new section is added to chapter 18.83
16 RCW to read as follows:

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

22 NEW SECTION. **Sec. 427.** A new section is added to chapter 18.84
23 RCW to read as follows:

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

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

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

1 NEW SECTION. **Sec. 429.** A new section is added to chapter 18.88A
2 RCW to read as follows:

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

8 NEW SECTION. **Sec. 430.** A new section is added to chapter 18.89
9 RCW to read as follows:

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

15 NEW SECTION. **Sec. 431.** A new section is added to chapter 18.92
16 RCW to read as follows:

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

22 NEW SECTION. **Sec. 432.** A new section is added to chapter 18.108
23 RCW to read as follows:

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

29 NEW SECTION. **Sec. 433.** A new section is added to chapter 18.135
30 RCW to read as follows:

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

1 NEW SECTION. **Sec. 434.** A new section is added to chapter 18.138
2 RCW to read as follows:

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

8 NEW SECTION. **Sec. 435.** A new section is added to chapter 18.155
9 RCW to read as follows:

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

15 **Sec. 436.** RCW 18.22.005 and 1990 c 147 s 1 are each amended to
16 read as follows:

17 The legislature finds that the conduct of podiatric physicians and
18 surgeons licensed to practice in this state plays a vital role in
19 preserving the public health and well-being. The purpose of this
20 chapter is to (~~establish an effective public agency to~~) regulate the
21 practice of podiatric medicine and surgery for the protection and
22 promotion of the public health, safety, and welfare (~~and to act as a~~
23 ~~disciplinary body for the licensed podiatric physicians and surgeons of~~
24 ~~this state and to ensure that only individuals who meet and maintain~~
25 ~~minimum standards of competence and conduct may obtain a license to~~
26 ~~provide podiatric services to the public~~)).

27 **Sec. 437.** RCW 18.25.005 and 1992 c 241 s 2 are each amended to
28 read as follows:

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

34 (2) Chiropractic treatment or care includes the use of procedures
35 involving spinal adjustments, and extremity manipulation insofar as any
36 such procedure is complementary or preparatory to a chiropractic spinal

1 adjustment. Chiropractic treatment also includes the use of heat,
2 cold, water, exercise, massage, trigger point therapy, dietary advice
3 and recommendation of nutritional supplementation except for medicines
4 of herbal, animal, or botanical origin, the normal regimen and
5 rehabilitation of the patient, first aid, and counseling on hygiene,
6 sanitation, and preventive measures. Chiropractic care also includes
7 such physiological therapeutic procedures as traction and light, but
8 does not include procedures involving the application of sound,
9 diathermy, or electricity.

10 (3) As part of a chiropractic differential diagnosis, a
11 chiropractor shall perform a physical examination, which may include
12 diagnostic x-rays, to determine the appropriateness of chiropractic
13 care or the need for referral to other health care providers. The
14 (~~chiropractic disciplinary board~~) secretary shall provide by rule for
15 the type and use of diagnostic and analytical devices and procedures
16 consistent with this chapter.

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

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

28 **Sec. 438.** RCW 18.25.019 and 1987 c 150 s 12 are each amended to
29 read as follows:

30 The uniform disciplinary act, chapter 18.130 RCW, governs
31 unlicensed practice and the issuance and denial of licenses and the
32 disciplining of licensees under this chapter.

33 **Sec. 439.** RCW 18.25.180 and 1991 c 222 s 9 are each amended to
34 read as follows:

35 (1) A chiropractor may employ a technician to operate x-ray
36 equipment after the technician has registered with the (~~board~~)
37 secretary.

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

3 **Sec. 440.** RCW 18.26.030 and 1986 c 259 s 25 are each amended to
4 read as follows:

5 (1) In addition to those acts defined in chapter 18.130 RCW, the
6 term "unprofessional conduct" as used in this chapter ((and chapter
7 18.25 RCW)) includes failing to differentiate chiropractic care from
8 any and all other methods of healing at all times.

9 (2) Proceedings involving alleged unprofessional conduct shall be
10 conducted by the attorney general upon the direction of the ((board))
11 secretary.

12 **Sec. 441.** RCW 18.26.330 and 1991 c 320 s 2 are each amended to
13 read as follows:

14 (1) The ((board)) secretary shall appoint the peer review
15 committee, which shall be constituted as follows: The chair of the
16 peer review committee shall be a member of the board and shall not vote
17 except to break a tie; one chiropractor from each congressional
18 district; one independent member representative of the health insurance
19 industry; and one representative from the department of labor and
20 industries. The term of appointment of peer review committee members
21 shall be one year, and no member shall serve more than four consecutive
22 terms. The ((board)) secretary may appoint additional pro tem members
23 as necessary. Chiropractor members shall have at least five years of
24 active practice in this state. The ((board)) secretary shall adopt
25 rules establishing other qualifications for appointment of the
26 chiropractic members to the peer review committee, including rules to
27 avoid conflict of interest or the appearance of conflict of interest.

28 (2) The peer review committee may be compensated in accordance with
29 RCW 43.03.240 and may be paid travel expenses while engaged in the
30 business of the committee in accordance with RCW 43.03.050 and
31 43.03.060.

32 **Sec. 442.** RCW 18.26.340 and 1991 c 320 s 3 are each amended to
33 read as follows:

34 (1) A patient, a patient's representative, an insurer, an agency of
35 the state of Washington, or a chiropractor may request a peer review
36 proceeding by submitting an inquiry about services rendered to a

1 patient by a chiropractor. The ((board)) secretary shall, in ((its))
2 his or her discretion, determine whether the inquiry should be reviewed
3 as a peer review proceeding, as a matter for possible voluntary
4 mediation, or as a disciplinary proceeding. Peer review shall not be
5 used to replace the independent medical/chiropractic examination.

6 (2) Request for peer review constitutes consent to submission by
7 the requesting party of all necessary records and other information
8 concerning the chiropractic services rendered. Chiropractors licensed
9 under this chapter who are a party to the peer review are required to
10 submit all necessary records and other information concerning services
11 rendered by the chiropractor.

12 (3) All costs associated with conducting peer review under this
13 chapter shall be borne by the chiropractic profession as part of the
14 licensing fees. Notwithstanding, the ((board)) secretary shall assess
15 a fee to cover the costs of the review when the requesting party is a
16 chiropractor or a third-party payor.

17 **Sec. 443.** RCW 18.26.350 and 1991 c 320 s 4 are each amended to
18 read as follows:

19 (1) The peer review committee may review matters regarding the
20 appropriateness, quality, utilization, or cost of chiropractic services
21 rendered. The peer review committee on each review shall include in
22 its findings a determination whether appropriate chiropractic treatment
23 was rendered, whether the services rendered were properly utilized
24 services, whether treatment or services rendered or ordered were
25 appropriate in accordance with accepted standards, and whether the fees
26 charged were excessive or not.

27 (2) The committee may appoint subcommittees to assist it in
28 conducting peer review. All activities of the subcommittees shall be
29 reviewed and approved or disapproved by the committee.

30 (3) The peer review committee shall submit to all parties and to
31 the board and the secretary a decision setting forth the committee's
32 findings and recommendations.

33 (4) Any party may appeal the decision to the ((board)) secretary.
34 The ((board)) secretary, on the record of the peer review committee,
35 may return the proceeding with recommendations to the committee for
36 reconsideration, may initiate disciplinary proceedings, or may approve
37 the decision of the peer review committee, or may take any combination
38 of the above actions.

1 **Sec. 444.** RCW 18.26.360 and 1991 c 320 s 5 are each amended to
2 read as follows:

3 The peer review committee shall file with the ((board)) secretary
4 a complaint against a chiropractor if the committee determines that
5 reasonable cause exists to believe the chiropractor has committed
6 unprofessional conduct. The peer review committee shall transmit all
7 information pertinent to the complaint to the ((board)) secretary.
8 Such information shall be confidential and shall be used solely for
9 disciplinary purposes.

10 **Sec. 445.** RCW 18.26.370 and 1991 c 320 s 6 are each amended to
11 read as follows:

12 The ((board)) secretary shall prepare a biennial report summarizing
13 its peer review decisions and shall include such report as part of the
14 ((board's)) secretary's report requirements under RCW 18.130.310. The
15 published summary of peer review decisions shall not be used and shall
16 not serve as the basis for establishing appropriate fee schedules or
17 treatment regimes for the profession.

18 **Sec. 446.** RCW 18.26.390 and 1991 c 320 s 11 are each amended to
19 read as follows:

20 The ((board)) secretary may adopt rules necessary and appropriate
21 to implement RCW 18.26.320 through 18.26.380 (as recodified by this
22 act).

23 **Sec. 447.** RCW 18.32.195 and 1992 c 59 s 1 are each amended to read
24 as follows:

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

27 (1) The board may, upon written request of the dean of the school
28 of dentistry of the University of Washington, issue a license to
29 practice dentistry in this state to persons who have been licensed or
30 otherwise authorized to practice dentistry in another state or country
31 and who have been accepted for employment by the school of dentistry as
32 full-time faculty members. For purposes of this subsection, this means
33 teaching members of the faculty of the school of dentistry of the
34 University of Washington who are so employed on a one hundred percent
35 of work time basis. Such license shall permit the holder thereof to
36 practice dentistry within the confines of the university facilities for

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

8 (2) The board may, upon written request of the dean of the school
9 of dentistry of the University of Washington, issue a limited license
10 to practice dentistry in this state to university residents in
11 postgraduate dental education. The license shall permit the resident
12 dentist to provide dental care only in connection with his or her
13 duties as a university resident.

14 (3) The board may condition the granting of a license under this
15 section with terms the board deems appropriate. All persons licensed
16 under this section (~~((shall be subject to the jurisdiction of the dental
17 disciplinary board to the same extent as other members of the dental
18 profession, in accordance with this chapter, and in addition the
19 licensee))~~) may be disciplined by the (~~((dental disciplinary board))~~)
20 secretary after a hearing has been held in accordance with the
21 provisions set forth in this chapter, and determination by the (~~((dental
22 disciplinary board))~~) secretary that such licensee has violated any of
23 the restrictions set forth in this section.

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

37 **Sec. 448.** RCW 18.32.640 and 1988 c 217 s 1 are each amended to
38 read as follows:

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

3 (2) The ~~((board))~~ secretary may adopt rules governing
4 administration of sedation and general anesthesia by persons licensed
5 under this chapter, including necessary training, education, equipment,
6 and the issuance of any permits, certificates, or registration as
7 required.

8 **Sec. 449.** RCW 18.32.655 and 1986 c 259 s 35 are each amended to
9 read as follows:

10 (1) The ~~((dental-disciplinary-board))~~ secretary has the power and
11 it shall be ~~((its))~~ the secretary's duty to~~((+~~
12 ~~(+))~~) require licensed dentists to keep and maintain a copy of each
13 laboratory referral instruction, describing detailed services rendered,
14 for a period to be determined by the ~~((board))~~ secretary but not more
15 than three years, and to require the production of all such records for
16 examination by the ~~((board))~~ secretary or ~~((its))~~ the secretary's
17 authorized representatives~~((+and))~~.

18 (2) ~~((Promulgate-reasonable-rules-and-regulations-requiring~~
19 ~~licensed-dentists-to-make,maintain-and-produce-for-examination-by-the~~
20 ~~board-or-its-authorized-representatives-such-other-records-as-may-be~~
21 ~~reasonable-and-proper-in-the-performance-of-its-duties-and-enforcing~~
22 ~~the-provisions-of-this-chapter))~~ The secretary may adopt rules as are
23 necessary to carry out the intent of this section.

24 **Sec. 450.** RCW 18.35.110 and 1987 c 150 s 22 are each amended to
25 read as follows:

26 In addition to causes specified under RCW 18.130.170 and
27 18.130.180, any person licensed under this chapter may be subject to
28 disciplinary action by the ~~((council))~~ secretary for any of the
29 following causes:

30 (1) For unethical conduct in dealing in hearing aids. Unethical
31 conduct shall include, but not be limited to:

32 (a) Using or causing or promoting the use of, in any advertising
33 matter, promotional literature, testimonial, guarantee, warranty,
34 label, brand, insignia, or any other representation, however
35 disseminated or published, which is false, misleading or deceptive;

1 (b) Failing or refusing to honor or to perform as represented any
2 representation, promise, agreement, or warranty in connection with the
3 promotion, sale, dispensing, or fitting of the hearing aid;

4 (c) Advertising a particular model, type, or kind of hearing aid
5 for sale which purchasers or prospective purchasers responding to the
6 advertisement cannot purchase or are dissuaded from purchasing and
7 where it is established that the purpose of the advertisement is to
8 obtain prospects for the sale of a different model, type, or kind than
9 that advertised;

10 (d) Falsifying hearing test or evaluation results;

11 (e)(i) Whenever any of the following conditions are found or should
12 have been found to exist either from observations by the licensee or on
13 the basis of information furnished by the prospective hearing aid user
14 prior to fitting and dispensing a hearing aid to any such prospective
15 hearing aid user, failing to advise that prospective hearing aid user
16 in writing that the user should first consult a licensed physician
17 specializing in diseases of the ear or if no such licensed physician is
18 available in the community then to any duly licensed physician:

19 (A) Visible congenital or traumatic deformity of the ear, including
20 perforation of the eardrum;

21 (B) History of, or active drainage from the ear within the previous
22 ninety days;

23 (C) History of sudden or rapidly progressive hearing loss within
24 the previous ninety days;

25 (D) Acute or chronic dizziness;

26 (E) Any unilateral hearing loss;

27 (F) Significant air-bone gap when generally acceptable standards
28 have been established as defined by the food and drug administration;

29 (G) Visible evidence of significant cerumen accumulation or a
30 foreign body in the ear canal;

31 (H) Pain or discomfort in the ear; or

32 (I) Any other conditions that the department may by rule establish.
33 It is a violation of this subsection for any licensee or that
34 licensee's employees and putative agents upon making such required
35 referral for medical opinion to in any manner whatsoever disparage or
36 discourage a prospective hearing aid user from seeking such medical
37 opinion prior to the fitting and dispensing of a hearing aid. No such
38 referral for medical opinion need be made by any licensee in the
39 instance of replacement only of a hearing aid which has been lost or

1 damaged beyond repair within six months of the date of purchase. The
2 licensee or the licensee's employees or putative agents shall obtain a
3 signed statement from the hearing aid user documenting the waiver of
4 medical clearance and the waiver shall inform the prospective user that
5 signing the waiver is not in the user's best health interest:
6 PROVIDED, That the licensee shall maintain a copy of either the
7 physician's statement showing that the prospective hearing aid user has
8 had a medical evaluation or the statement waiving medical evaluation,
9 for a period of three years after the purchaser's receipt of a hearing
10 aid. Nothing in this section required to be performed by a licensee
11 shall mean that the licensee is engaged in the diagnosis of illness or
12 the practice of medicine or any other activity prohibited under the
13 laws of this state;

14 (ii) Fitting and dispensing a hearing aid to any person under
15 eighteen years of age who has not been examined and cleared for hearing
16 aid use within the previous six months by a physician specializing in
17 otolaryngology except in the case of replacement instruments or except
18 in the case of the parents or guardian of such person refusing, for
19 good cause, to seek medical opinion: PROVIDED, That should the parents
20 or guardian of such person refuse, for good cause, to seek medical
21 opinion, the licensee shall obtain from such parents or guardian a
22 certificate to that effect in a form as prescribed by the department;

23 (iii) Fitting and dispensing a hearing aid to any person under
24 eighteen years of age who has not been examined by an audiologist who
25 holds at least a master's degree in audiology for recommendations
26 during the previous six months, without first advising such person or
27 his or her parents or guardian in writing that he or she should first
28 consult an audiologist who holds at least a master's degree in
29 audiology, except in cases of hearing aids replaced within six months
30 of their purchase;

31 (f) Representing that the services or advice of a person licensed
32 to practice medicine and surgery under chapter 18.71 RCW or osteopathy
33 and surgery under chapter 18.57 RCW or of a clinical audiologist will
34 be used or made available in the selection, fitting, adjustment,
35 maintenance, or repair of hearing aids when that is not true, or using
36 the word "doctor," "clinic," or other like words, abbreviations, or
37 symbols which tend to connote a medical or osteopathic profession when
38 such use is not accurate;

39 (g) Permitting another to use his or her license;

1 (h) Stating or implying that the use of any hearing aid will
2 restore normal hearing, preserve hearing, prevent or retard progression
3 of a hearing impairment, or any other false, misleading, or medically
4 or audiologically unsupportable claim regarding the efficiency of a
5 hearing aid;

6 (i) Representing or implying that a hearing aid is or will be
7 "custom-made," "made to order," "prescription made," or in any other
8 sense specially fabricated for an individual when that is not the case;
9 or

10 (j) Directly or indirectly offering, giving, permitting, or causing
11 to be given, money or anything of value to any person who advised
12 another in a professional capacity as an inducement to influence that
13 person, or to have that person influence others to purchase or contract
14 to purchase any product sold or offered for sale by the licensee, or to
15 influence any person to refrain from dealing in the products of
16 competitors.

17 (2) Engaging in any unfair or deceptive practice or unfair method
18 of competition in trade within the meaning of RCW 19.86.020 as now or
19 hereafter amended.

20 (3) Aiding or abetting any violation of the rebating laws as stated
21 in chapter 19.68 RCW.

22 **Sec. 451.** RCW 18.35.161 and 1987 c 150 s 23 are each amended to
23 read as follows:

24 The council shall have the following powers and duties:

25 (1) To establish by rule such minimum standards and procedures in
26 the fitting and dispensing of hearing aids as deemed appropriate and in
27 the public interest;

28 (2) To develop guidelines on the training and supervision of
29 trainees;

30 (3) To adopt any other rules or regulations necessary to implement
31 this chapter and which are not inconsistent with it; and

32 (4) To develop, approve, and administer all licensing examinations
33 required by this chapter(~~and~~

34 ~~(5) To require a licensee to make restitution to any individual
35 injured by a violation of this chapter or chapter 18.130 RCW, the
36 uniform disciplinary act. The authority to require restitution does
37 not limit the council's authority to take other action deemed
38 appropriate and provided for in this chapter or chapter 18.130 RCW)).~~

1 **Sec. 452.** RCW 18.57.035 and 1991 c 160 s 9 are each amended to
2 read as follows:

3 The board may grant approval to issue without examination a license
4 to an osteopathic physician and surgeon in a board-approved
5 postgraduate training program in this state if the applicant files an
6 application and meets all the requirements for licensure set forth in
7 RCW 18.57.020 except for completion of one year of postgraduate
8 training. The secretary shall issue a postgraduate osteopathic
9 medicine and surgery license that permits the physician in postgraduate
10 training to practice osteopathic medicine and surgery only in
11 connection with his or her duties as a physician in postgraduate
12 training and does not authorize the physician to engage in any other
13 form of practice. Each physician in postgraduate training shall
14 practice osteopathic medicine and surgery only under the supervision of
15 a physician licensed in this state under this chapter or chapter 18.71
16 RCW, but such supervision shall not be construed to necessarily require
17 the personal presence of the supervising physician at the place where
18 services are rendered.

19 All persons licensed under this section shall be subject to the
20 jurisdiction of the (~~board of osteopathic medicine and surgery~~)
21 secretary as set forth in this chapter and chapter 18.130 RCW.

22 Persons applying for licensure pursuant to this section shall pay
23 an application and renewal fee determined by the secretary as provided
24 in RCW 43.70.250. Licenses issued hereunder may be renewed annually.
25 Any person who obtains a license pursuant to this section may, apply
26 for licensure under this chapter, but shall submit a new application
27 form and comply with all other licensing requirements of this chapter.

28 **Sec. 453.** RCW 18.64.160 and 1985 c 7 s 60 are each amended to read
29 as follows:

30 (~~The board of pharmacy shall have the power to refuse, suspend, or~~
31 ~~revoke~~) In addition to the grounds under RCW 18.130.170 and
32 18.130.180, the secretary may take disciplinary action against the
33 license of any pharmacist or intern upon proof that:

34 (1) His or her license was procured through fraud,
35 misrepresentation, or deceit;

36 (2) (~~He or she has been convicted of a felony relating to his or~~
37 ~~her practice as a pharmacist;~~

1 ~~(3) He or she has committed any act involving moral turpitude,~~
2 ~~dishonesty, or corruption, if the act committed directly relates to the~~
3 ~~pharmacist's fitness to practice pharmacy. Upon such conviction,~~
4 ~~however, the judgment and sentence shall be conclusive evidence at the~~
5 ~~ensuing disciplinary hearing of the guilt of the respondent pharmacist~~
6 ~~of the crime described in the indictment or information, and of his or~~
7 ~~her violation of the statute upon which it is based;~~

8 ~~(4) He or she is unfit to practice pharmacy because of habitual~~
9 ~~intemperance in the use of alcoholic beverages, drugs, controlled~~
10 ~~substances, or any other substance which impairs the performance of~~
11 ~~professional duties;~~

12 ~~(5) He or she exhibits behavior which may be due to physical or~~
13 ~~mental impairment, which creates an undue risk of causing harm to him~~
14 ~~or herself or to other persons when acting as a licensed pharmacist or~~
15 ~~intern;~~

16 ~~(6) He or she has incompetently or negligently practiced pharmacy,~~
17 ~~creating an unreasonable risk of harm to any individual;~~

18 ~~(7) His or her legal authority to practice pharmacy, issued by any~~
19 ~~other properly constituted licensing authority of any other state, has~~
20 ~~been and is currently suspended or revoked;~~

21 ~~(8))~~ In the event that a pharmacist is determined by a court of
22 competent jurisdiction to be mentally incompetent, the pharmacist shall
23 automatically have his or her license suspended by the board upon the
24 entry of the judgment, regardless of the pendency of an appeal;

25 ~~((9))~~ (3) He or she has knowingly violated or permitted the
26 violation of any provision of any state or federal law, rule, or
27 regulation governing the possession, use, distribution, or dispensing
28 of drugs, including, but not limited to, the violation of any provision
29 of this chapter, Title 69 RCW, or rule or regulation of the board;

30 ~~((10))~~ (4) He or she has knowingly allowed any unlicensed person
31 to take charge of a pharmacy or engage in the practice of pharmacy,
32 except a pharmacy intern or pharmacy assistant acting as authorized in
33 this chapter or chapter 18.64A RCW in the presence of and under the
34 immediate supervision of a licensed pharmacist;

35 ~~((11))~~ (5) He or she has compounded, dispensed, or caused the
36 compounding or dispensing of any drug or device which contains more or
37 less than the equivalent quantity of ingredient or ingredients
38 specified by the person who prescribed such drug or device(~~(÷~~
39 ~~PROVIDED, HOWEVER, That)~~). Nothing herein shall be construed to

1 prevent the pharmacist from exercising professional judgment in the
2 preparation or providing of such drugs or devices.

3 ~~((In any case of the refusal, suspension, or revocation of a
4 license by said board of pharmacy under the provisions of this chapter,
5 said board shall proceed in accordance with chapter 34.05 RCW.))~~

6 **Sec. 454.** RCW 18.64.245 and 1989 1st ex.s. c 9 s 402 and 1989 c
7 352 s 2 are each reenacted and amended to read as follows:

8 Every proprietor or manager of a pharmacy shall keep readily
9 available a suitable record of prescriptions which shall preserve for
10 a period of not less than two years the record of every prescription
11 dispensed at such pharmacy which shall be numbered, dated, and filed,
12 and shall produce the same in court or before any grand jury whenever
13 lawfully required to do so. The record shall be maintained either
14 separately from all other records of the pharmacy or in such form that
15 the information required is readily retrievable from ordinary business
16 records of the pharmacy. All record-keeping requirements for
17 controlled substances must be complied with. Such record of
18 prescriptions shall be for confidential use in the pharmacy, only. The
19 record of prescriptions shall be open for inspection by the board of
20 pharmacy, the secretary, or any officer of the law, who is authorized
21 to enforce chapter 18.64, 69.41, or 69.50 RCW.

22 NEW SECTION. **Sec. 455.** A new section is added to chapter 18.64
23 RCW to read as follows:

24 PHARMACISTS--APPLICATION OF THE UNIFORM DISCIPLINARY ACT. The
25 uniform disciplinary act, chapter 18.130 RCW, governs unlicensed
26 practice, the issuance and denial of licenses, and the discipline of
27 licensees under this chapter.

28 **Sec. 456.** RCW 18.64A.050 and 1989 1st ex.s. c 9 s 424 are each
29 amended to read as follows:

30 ~~((The board of pharmacy shall have the power to refuse, suspend, or
31 revoke))~~ In addition to the grounds under RCW 18.130.170 and
32 18.130.180, the disciplinary authority under chapter 18.130 RCW may
33 take disciplinary action against the certificate of any pharmacy
34 assistant upon proof that:

35 (1) His or her certificate was procured through fraud,
36 misrepresentation or deceit;

1 (2) He or she has been found guilty of any offense in violation of
2 the laws of this state relating to drugs, poisons, cosmetics or drug
3 sundries by any court of competent jurisdiction. Nothing herein shall
4 be construed to affect or alter the provisions of RCW 9.96A.020;

5 ~~((He or she is unfit to perform his or her duties because of
6 habitual intoxication or abuse of controlled substances;~~

7 ~~(4))~~ He or she has exhibited gross incompetency in the performance
8 of his or her duties;

9 ~~((5))~~ (4) He or she has willfully or repeatedly violated any of
10 the rules and regulations of the board of pharmacy or of the
11 department;

12 ~~((6))~~ (5) He or she has willfully or repeatedly performed duties
13 beyond the scope of his or her certificate in violation of the
14 provisions of this chapter; or

15 ~~((7))~~ (6) He or she has impersonated a licensed pharmacist.

16 ~~((In any case of the refusal, suspension or revocation of a
17 certificate by the board, a hearing shall be conducted in accordance
18 with RCW 18.64.160, as now or hereafter amended, and appeal may be
19 taken in accordance with the Administrative Procedure Act, chapter
20 34.05 RCW.))~~

21 NEW SECTION. **Sec. 457.** A new section is added to chapter 18.64
22 RCW to read as follows:

23 PHARMACY ASSISTANTS--APPLICATION OF THE UNIFORM DISCIPLINARY ACT.
24 The uniform disciplinary act, chapter 18.130 RCW, governs unlicensed
25 practice, the issuance and denial of licenses, and the discipline of
26 licensees under this chapter.

27 **Sec. 458.** RCW 18.71.019 and 1987 c 150 s 45 are each amended to
28 read as follows:

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

32 **Sec. 459.** RCW 18.71.030 and 1990 c 196 s 12 and 1990 c 33 s 552
33 are each reenacted and amended to read as follows:

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

- 1 (1) The furnishing of medical assistance in cases of emergency
2 requiring immediate attention;
- 3 (2) The domestic administration of family remedies;
- 4 (3) The administration of oral medication of any nature to students
5 by public school district employees or private elementary or secondary
6 school employees as provided for in chapter 28A.210 RCW;
- 7 (4) The practice of dentistry, osteopathy, osteopathy and surgery,
8 nursing, chiropractic, (~~pediatry~~) podiatric medicine and surgery,
9 optometry, naturopathy or any other healing art licensed under the
10 methods or means permitted by such license;
- 11 (5) The practice of medicine in this state by any commissioned
12 medical officer serving in the armed forces of the United States or
13 public health service or any medical officer on duty with the United
14 States veterans administration while such medical officer is engaged in
15 the performance of the duties prescribed for him or her by the laws and
16 regulations of the United States;
- 17 (6) The practice of medicine by any practitioner licensed by
18 another state or territory in which he or she resides, provided that
19 such practitioner shall not open an office or appoint a place of
20 meeting patients or receiving calls within this state;
- 21 (7) The practice of medicine by a person who is a regular student
22 in a school of medicine approved and accredited by the board, however,
23 the performance of such services be only pursuant to a regular course
24 of instruction or assignments from his or her instructor, or that such
25 services are performed only under the supervision and control of a
26 person licensed pursuant to this chapter;
- 27 (8) The practice of medicine by a person serving a period of
28 postgraduate medical training in a program of clinical medical training
29 sponsored by a college or university in this state or by a hospital
30 accredited in this state, however, the performance of such services
31 shall be only pursuant to his or her duties as a trainee;
- 32 (9) The practice of medicine by a person who is regularly enrolled
33 in a physician assistant program approved by the board, however, the
34 performance of such services (~~{shall}~~) shall be only pursuant to a
35 regular course of instruction in said program and such services are
36 performed only under the supervision and control of a person licensed
37 pursuant to this chapter;

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

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

8 (12) The administration of nondental anesthesia by a dentist who
9 has completed a residency in anesthesiology at a school of medicine
10 approved by the board of medical examiners, however, a dentist allowed
11 to administer nondental anesthesia shall do so only under authorization
12 of the patient's attending surgeon, obstetrician, or psychiatrist and
13 the ((medical disciplinary board)) secretary shall have jurisdiction to
14 discipline a dentist practicing under this exemption and enjoin or
15 suspend such dentist from the practice of nondental anesthesia
16 according to the provisions of chapter ((18.72 RCW and chapter)) 18.130
17 RCW;

18 (13) Emergency lifesaving service rendered by a physician's trained
19 mobile intravenous therapy technician, by a physician's trained mobile
20 airway management technician, or by a physician's trained mobile
21 intensive care paramedic, as defined in RCW 18.71.200, if the emergency
22 lifesaving service is rendered under the responsible supervision and
23 control of a licensed physician;

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

27 **Sec. 460.** RCW 18.71.095 and 1991 c 3 s 164 are each amended to
28 read as follows:

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

31 (1) The board may, upon the written request of the secretary of the
32 department of social and health services or the secretary of
33 corrections, issue a limited license to practice medicine in this state
34 to persons who have been accepted for employment by the department of
35 social and health services or the department of corrections as
36 physicians; who are licensed to practice medicine in another state of
37 the United States or in the country of Canada or any province or

1 territory thereof; and who meet all of the qualifications for licensure
2 set forth in RCW 18.71.050.

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

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

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

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

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

1 permit the recipient to practice medicine only within the confines of
2 the instructional program specified in the application and shall
3 terminate whenever the holder ceases to be involved in that program, or
4 at the end of one year, whichever is earlier. Upon request of the
5 applicant and the institutional authority, the license may be renewed
6 for no more than a total of two years.

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

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

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

34 **Sec. 461.** RCW 18.71.230 and 1986 c 259 s 112 are each amended to
35 read as follows:

36 A right to practice medicine and surgery by an individual in this
37 state pursuant to RCW 18.71.030 (5) through (12) shall be subject to
38 discipline by order of the (~~board~~) secretary upon a finding by the

1 ((board)) secretary of an act of unprofessional conduct as defined in
2 RCW 18.130.180 or that the individual is unable to practice with
3 reasonable skill or safety due to a mental or physical condition as
4 described in RCW 18.130.170. Such physician shall have the same rights
5 of notice, hearing and judicial review as provided licensed physicians
6 generally pursuant to chapter((s 18.72 and)) 18.130 RCW.

7 **Sec. 462.** RCW 18.72.165 and 1986 c 300 s 5 are each amended to
8 read as follows:

9 (1) A licensed health care professional licensed under chapter
10 18.71 RCW shall report to the ((medical disciplinary board)) secretary
11 when he or she has personal knowledge that a practicing physician has
12 either committed an act or acts which may constitute statutorily
13 defined unprofessional conduct or that a practicing physician may be
14 unable to practice medicine with reasonable skill and safety to
15 patients by reason of illness, drunkenness, excessive use of drugs,
16 narcotics, chemicals, or any other type of material, or as a result of
17 any mental or physical conditions.

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

19 (a) An appropriately appointed peer review committee member of a
20 licensed hospital or by an appropriately designated professional review
21 committee member of a county or state medical society during the
22 investigative phase of their respective operations if these
23 investigations are completed in a timely manner; or

24 (b) A treating licensed health care professional of a physician
25 currently involved in a treatment program as long as the physician
26 patient actively participates in the treatment program and the
27 physician patient's impairment does not constitute a clear and present
28 danger to the public health, safety, or welfare.

29 (3) The ((medical disciplinary board)) secretary may impose
30 disciplinary sanctions, including license suspension or revocation, on
31 any health care professional subject to the jurisdiction of the board
32 who has failed to comply with this section.

33 **Sec. 463.** RCW 18.72.265 and 1986 c 259 s 117 are each amended to
34 read as follows:

35 (1) The contents of any report file under RCW 18.130.070 shall be
36 confidential and exempt from public disclosure pursuant to chapter
37 42.17 RCW, except that it may be reviewed (a) by the licensee involved

1 or his counsel or authorized representative who may submit any
2 additional exculpatory or explanatory statements or other information,
3 which statements or other information shall be included in the file, or
4 (b) by ~~((a representative of the medical disciplinary board))~~ the
5 secretary, or investigator thereof, who has been assigned to review the
6 activities of a licensed physician.

7 Upon a determination that a report is without merit, the
8 ~~((board's))~~ secretary's records may be purged of information relating
9 to the report.

10 (2) Every individual, medical association, medical society,
11 hospital, medical service bureau, health insurance carrier or agent,
12 professional liability insurance carrier, professional standards review
13 organization, and agency of the federal, state, or local government
14 shall be immune from civil liability, whether direct or derivative, for
15 providing information to the board subsequent to RCW 18.130.070, or for
16 which an individual health care provider has immunity under the
17 provisions of RCW 4.24.240, 4.24.250, or 4.24.260, as now or hereafter
18 amended.

19 **Sec. 464.** RCW 18.72.340 and 1986 c 300 s 6 are each amended to
20 read as follows:

21 (1) Every institution or organization providing professional
22 liability insurance to physicians shall send a complete report to the
23 ~~((medical disciplinary board))~~ secretary of all malpractice
24 settlements, awards, or payments in excess of ~~((twenty))~~ one hundred
25 thousand dollars as a result of a claim or action for damages alleged
26 to have been caused by an insured physician's incompetency or
27 negligence in the practice of medicine. Such institution or
28 organization shall also report the award, settlement, or payment of
29 three or more claims during a ~~((year))~~ five-year time period as the
30 result of the alleged physician's incompetence or negligence in the
31 practice of medicine regardless of the dollar amount of the award or
32 payment.

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

1 **Sec. 465.** RCW 18.72.345 and 1991 c 215 s 2 are each amended to
2 read as follows:

3 To assist in identifying impairment related to alcohol abuse, the
4 ((board)) secretary may obtain a copy of the driving record of a
5 physician or a physician assistant maintained by the department of
6 licensing.

7 **Sec. 466.** RCW 18.74.090 and 1991 c 3 s 181 are each amended to
8 read as follows:

9 A person who is not licensed with the secretary of health as a
10 physical therapist under the requirements of this chapter shall not
11 represent him or herself as being so licensed and shall not use in
12 connection with his or her name the words or letters "P.T.", "R.P.T.",
13 "L.P.T.", "physical therapy", "physiotherapy", "physical therapist" or
14 "physiotherapist", or any other letters, words, signs, numbers, or
15 insignia indicating or implying that he or she is a physical therapist.
16 No person may practice physical therapy without first having a valid
17 license. Nothing in this chapter prohibits any person licensed in this
18 state under any other act from engaging in the practice for which he or
19 she is licensed. It shall be the duty of the prosecuting attorney of
20 each county to prosecute all cases involving a violation of this
21 chapter arising within his or her county. The attorney general may
22 assist in such prosecution and shall appear at all hearings when
23 requested to do so by the ((board)) secretary.

24 **Sec. 467.** RCW 18.83.050 and 1991 c 3 s 196 are each amended to
25 read as follows:

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

28 (2) The board shall examine the qualifications of applicants for
29 licensing under this chapter, to determine which applicants are
30 eligible for licensing under this chapter and shall forward to the
31 secretary the names of applicants so eligible.

32 (3) The board shall administer examinations to qualified applicants
33 on at least an annual basis. The board shall determine the subject
34 matter and scope of the examinations and shall require both written and
35 oral examinations of each applicant, except as provided in RCW
36 18.83.170. The board may allow applicants to take the written

1 examination upon the granting of their doctoral degree before
2 completion of their internship for supervised experience.

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

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

10 ~~(6) The board shall create a disciplinary committee within the
11 board for the purposes of hearing, examining, and ruling on complaints
12 and evidence of unethical conduct or practices brought by the public,
13 other psychologists, organizations, corporations, public or private
14 agencies, or officers, agencies, or instrumentalities of state, county,
15 or local governments.~~

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

20 **Sec. 468.** RCW 18.83.121 and 1987 c 150 s 52 are each amended to
21 read as follows:

22 In addition to those acts defined in chapter 18.130 RCW, the
23 ~~((board))~~ secretary may take disciplinary action under RCW 18.130.160
24 for the following reasons:

25 (1) Failing to maintain the confidentiality of information under
26 RCW 18.83.110;

27 (2) Violating the ethical code developed by the board under RCW
28 18.83.050;

29 (3) Failing to inform prospective research subjects or their
30 authorized representatives of the possible serious effects of
31 participation in research; and failing to undertake reasonable efforts
32 to remove possible harmful effects of participation;

33 (4) Practicing in an area of psychology for which the person is
34 clearly untrained or incompetent;

35 (5) Failing to exercise appropriate supervision over persons who
36 practice under the supervision of a psychologist;

1 (6) Using fraud or deceit in the procurement of the psychology
2 license, or knowingly assisting another in the procurement of such a
3 license through fraud or deceit;

4 (7) Failing to maintain professional liability insurance when
5 required by the board;

6 (8) Violating any state statute or administrative rule specifically
7 governing the practice of psychology; or

8 (9) Gross, willful, or continued overcharging for professional
9 services.

10 **Sec. 469.** RCW 18.88.280 and 1989 c 114 s 7 are each amended to
11 read as follows:

12 Except as may be authorized by the secretary under chapter 18.--
13 RCW (sections 101 through 106 of this act), this chapter shall not be
14 construed as (1) prohibiting the incidental care of the sick by
15 domestic servants or persons primarily employed as housekeepers, so
16 long as they do not practice professional nursing within the meaning of
17 this chapter, (2) or preventing any person from the domestic
18 administration of family remedies or the furnishing of nursing
19 assistance in case of emergency; (3) nor shall it be construed as
20 prohibiting such practice of nursing by students enrolled in approved
21 schools as may be incidental to their course of study nor shall it
22 prohibit such students working as nursing aides; (4) nor shall it be
23 construed as prohibiting auxiliary services provided by persons
24 carrying out duties necessary for the support of nursing service
25 including those duties which involve minor nursing services for persons
26 performed in hospitals, nursing homes or elsewhere under the direction
27 of licensed physicians or the supervision of licensed, registered
28 nurses; (5) nor shall it be construed as prohibiting or preventing the
29 practice of nursing in this state by any legally qualified nurse of
30 another state or territory whose engagement requires him or her to
31 accompany and care for a patient temporarily residing in this state
32 during the period of one such engagement, not to exceed six months in
33 length, if such person does not represent or hold himself or herself
34 out as a nurse licensed to practice in this state; (6) nor shall it be
35 construed as prohibiting nursing or care of the sick, with or without
36 compensation, when done in connection with the practice of the
37 religious tenets of any church by adherents thereof so long as they do
38 not engage in the practice of nursing as defined in this chapter; (7)

1 nor shall it be construed as prohibiting the practice of any legally
2 qualified nurse of another state who is employed by the United States
3 government or any bureau, division or agency thereof, while in the
4 discharge of his or her official duties; (8) permitting the measurement
5 of the powers or range of human vision, or the determination of the
6 accommodation and refractive state of the human eye or the scope of its
7 functions in general, or the fitting or adaptation of lenses or frames
8 for the aid thereof; (9) permitting the prescribing or directing the
9 use of, or using, any optical device in connection with ocular
10 exercises, visual training, vision training or orthoptics; (10)
11 permitting the prescribing of contact lenses for, or the fitting or
12 adaptation of contact lenses to, the human eye; (11) prohibiting the
13 performance of routine visual screening; (12) permitting the practice
14 of dentistry or dental hygiene as defined in chapters 18.32 and 18.29
15 RCW respectively; (13) permitting the practice of chiropractic as
16 defined in chapter 18.25 RCW including the adjustment or manipulation
17 of the articulations of the spine; (14) permitting the practice of
18 (~~podiatry~~) podiatric medicine and surgery as defined in chapter 18.22
19 RCW; (15) permitting the performance of major surgery, except such
20 minor surgery as the board may have specifically authorized by rule or
21 regulation duly adopted in accordance with the provisions of chapter
22 34.05 RCW; (16) permitting the prescribing of controlled substances as
23 defined in schedules I through IV of the Uniform Controlled Substances
24 Act, chapter 69.50 RCW; (17) prohibiting the determination and
25 pronouncement of death.

26 NEW SECTION. **Sec. 470.** A new section is added to chapter 18.135
27 RCW to read as follows:

28 HEALTH CARE ASSISTANTS--APPLICATION OF THE UNIFORM DISCIPLINARY
29 ACT. The uniform disciplinary act, chapter 18.130 RCW, governs
30 uncertified practice, the issuance and denial of certificates, and the
31 discipline of certificate holders under this chapter. The secretary
32 shall be the disciplining authority under this chapter.

33 **Sec. 471.** RCW 18.135.070 and 1984 c 281 s 7 are each amended to
34 read as follows:

35 The licensing authority of health care facilities or the
36 (~~disciplinary board of the delegating or supervising health care~~
37 ~~practitioner~~) secretary shall investigate all complaints or

1 allegations of violations of proper certification of a health care
2 assistant or violations of delegation of authority or supervision. A
3 substantiated violation shall constitute sufficient cause for
4 disciplinary action by the licensing authority of a health care
5 facility or the (~~disciplinary board of the health care practitioner~~)
6 secretary.

7 **Sec. 472.** RCW 43.70.220 and 1989 1st ex.s. c 9 s 301 are each
8 amended to read as follows:

9 The powers and duties of the department of licensing and the
10 director of licensing under the following statutes are hereby
11 transferred to the department of health and the secretary of health:
12 Chapters 18.06, 18.19, 18.22, 18.25, (~~18.26~~) 18.29, 18.32, 18.34,
13 18.35, 18.36A, 18.50, 18.52, (~~18.52A, 18.52B~~) 18.52C, 18.53, 18.54,
14 18.55, 18.57, 18.57A, 18.59, 18.71, 18.71A, (~~18.72~~) 18.74, 18.78,
15 18.83, 18.84, 18.88, 18.89, 18.92, 18.108, 18.135, and 18.138 RCW.
16 More specifically, the health professions regulatory programs and
17 services presently administered by the department of licensing are
18 hereby transferred to the department of health.

19 **Sec. 473.** RCW 43.70.240 and 1989 1st ex.s. c 9 s 304 are each
20 amended to read as follows:

21 The secretary and each of the professional licensing (~~and~~
22 ~~disciplinary~~) boards under the administration of the department shall
23 enter into written operating agreements on administrative procedures
24 with input from the regulated profession and the public. The intent of
25 these agreements is to provide a process for the department to consult
26 each board on administrative matters and to ensure that the
27 administration and staff functions effectively enable each board to
28 fulfill its statutory responsibilities. The agreements shall include,
29 but not be limited to, the following provisions:

- 30 (1) Administrative activities supporting the board's policies,
31 goals, and objectives;
32 (2) Development and review of the agency budget as it relates to
33 the board; and
34 (3) Board related personnel issues.

35 The agreements shall be reviewed and revised in like manner if
36 appropriate at the beginning of each fiscal year, and at other times
37 upon written request by the secretary or the board.

1 The secretary shall report to the health care committees of the
2 legislature, on or before February 28, 1990, on the implementation of
3 the written operating agreement and the need, if any, for modification
4 of this section.

5 **Sec. 474.** RCW 43.70.300 and 1989 1st ex.s. c 9 s 318 are each
6 amended to read as follows:

7 In order to provide liaison with the department of health, provide
8 continuity between changes in board membership, achieve uniformity as
9 appropriate in licensure or regulated activities under the jurisdiction
10 of the department, and to better represent the public interest, the
11 secretary, or a designee appointed by the secretary, shall serve as an
12 ex officio member of every health professional licensure ((~~or~~
13 ~~disciplinary~~)) board established under Title 18 RCW under the
14 administrative authority of the department of health. The secretary
15 shall have no vote unless otherwise authorized by law.

16 NEW SECTION. **Sec. 475.** The following acts or parts of acts are
17 each repealed:

- 18 (1) RCW 18.26.010 and 1989 c 258 s 7 & 1967 c 171 s 1;
- 19 (2) RCW 18.26.020 and 1991 c 3 s 43, 1989 c 258 s 8, & 1967 c 171
20 s 2;
- 21 (3) RCW 18.26.028 and 1987 c 150 s 13 & 1986 c 259 s 22;
- 22 (4) RCW 18.26.040 and 1989 c 258 s 9 & 1980 c 46 s 1;
- 23 (5) RCW 18.26.050 and 1991 c 3 s 44, 1979 c 158 s 21, & 1967 c 171
24 s 5;
- 25 (6) RCW 18.26.060 and 1967 c 171 s 6;
- 26 (7) RCW 18.26.070 and 1991 c 3 s 45, 1984 c 287 s 28, & 1980 c 46
27 s 2;
- 28 (8) RCW 18.26.080 and 1967 c 171 s 8;
- 29 (9) RCW 18.26.090 and 1989 c 258 s 11 & 1967 c 171 s 9;
- 30 (10) RCW 18.26.110 and 1986 c 259 s 26, 1975 1st ex.s. c 39 s 2, &
31 1967 c 171 s 11;
- 32 (11) RCW 18.26.900 and 1967 c 171 s 31;
- 33 (12) RCW 18.32.500 and 1989 c 202 s 24, 1986 c 259 s 39, & 1977
34 ex.s. c 5 s 37;
- 35 (13) RCW 18.32.510 and 1977 ex.s. c 5 s 1;
- 36 (14) RCW 18.32.520 and 1991 c 3 s 71, 1989 c 202 s 25, 1986 c 259
37 s 40, 1979 c 158 s 36, & 1977 ex.s. c 5 s 2;

1 (15) RCW 18.32.530 and 1989 c 202 s 26, 1986 c 259 s 41, & 1977
2 ex.s. c 5 s 3;
3 (16) RCW 18.32.534 and 1991 c 3 s 72 & 1989 c 125 s 1;
4 (17) RCW 18.32.560 and 1984 c 279 s 51 & 1977 ex.s. c 5 s 6;
5 (18) RCW 18.32.570 and 1977 ex.s. c 5 s 7;
6 (19) RCW 18.32.580 and 1977 ex.s. c 5 s 8;
7 (20) RCW 18.32.590 and 1977 ex.s. c 5 s 9;
8 (21) RCW 18.32.600 and 1984 c 287 s 31 & 1977 ex.s. c 5 s 10;
9 (22) RCW 18.32.610 and 1977 ex.s. c 5 s 11;
10 (23) RCW 18.32.620 and 1984 c 279 s 62 & 1977 ex.s. c 5 s 12;
11 (24) RCW 18.32.665 and 1986 c 259 s 36 & 1935 c 112 s 20;
12 (25) RCW 18.32.745 and 1991 c 3 s 73, 1977 ex.s. c 5 s 31, 1957 c
13 52 s 38, & 1953 c 93 s 7;
14 (26) RCW 18.35.220 and 1987 c 150 s 25 & 1983 c 39 s 17;
15 (27) RCW 18.54.150 and 1963 c 25 s 15;
16 (28) RCW 18.57.174 and 1986 c 300 s 9;
17 (29) RCW 18.64.260 and 1987 c 202 s 184, 1969 ex.s. c 199 s 17,
18 1909 c 213 s 9, & 1899 c 121 s 17;
19 (30) RCW 18.71A.070 and 1990 c 196 s 7, 1979 c 158 s 58, & 1975 1st
20 ex.s. c 190 s 3;
21 (31) RCW 18.72.010 and 1955 c 202 s 1;
22 (32) RCW 18.72.020 and 1986 c 259 s 115 & 1955 c 202 s 2;
23 (33) RCW 18.72.045 and 1991 c 215 s 1;
24 (34) RCW 18.72.090 and 1955 c 202 s 9;
25 (35) RCW 18.72.100 and 1991 c 3 s 166, 1984 c 287 s 45, 1979 ex.s.
26 c 111 s 3, 1979 c 158 s 59, 1975-'76 2nd ex.s. c 34 s 42, & 1955 c 202
27 s 10;
28 (36) RCW 18.72.110 and 1955 c 202 s 11;
29 (37) RCW 18.72.120 and 1991 c 3 s 167 & 1955 c 202 s 12;
30 (38) RCW 18.72.130 and 1979 ex.s. c 111 s 4 & 1955 c 202 s 13;
31 (39) RCW 18.72.150 and 1986 c 259 s 116, 1979 ex.s. c 111 s 5, 1975
32 c 61 s 4, & 1955 c 202 s 15;
33 (40) RCW 18.72.154 and 1986 c 259 s 107;
34 (41) RCW 18.72.155 and 1991 c 3 s 168 & 1979 ex.s. c 111 s 6;
35 (42) RCW 18.72.190 and 1989 c 373 s 18 & 1955 c 202 s 19;
36 (43) RCW 18.72.301 and 1989 c 119 s 1 & 1987 c 416 s 1;
37 (44) RCW 18.72.306 and 1991 c 3 s 169, 1989 c 119 s 2, & 1987 c 416
38 s 2;
39 (45) RCW 18.72.311 and 1987 c 416 s 3;

- 1 (46) RCW 18.72.316 and 1987 c 416 s 4;
2 (47) RCW 18.72.321 and 1987 c 416 s 6;
3 (48) RCW 18.72.380 and 1991 c 3 s 170, 1985 c 7 s 62, & 1983 c 71
4 s 1;
5 (49) RCW 18.72.390 and 1991 sp.s. c 13 s 17, 1985 c 57 s 6, & 1983
6 c 71 s 2;
7 (50) RCW 18.72.400 and 1991 c 3 s 171 & 1983 c 71 s 3;
8 (51) RCW 18.72.900 and 1955 c 202 s 46;
9 (52) RCW 18.72.910 and 1955 c 202 s 48;
10 (53) RCW 18.83.135 and 1992 c 12 s 1, 1987 c 150 s 53, & 1984 c 279
11 s 86;
12 (54) RCW 18.83.155 and 1987 c 150 s 54 & 1984 c 279 s 89;
13 (55) RCW 18.83.168 and 1986 c 27 s 7;
14 (56) RCW 18.92.047 and 1991 c 3 s 241 & 1989 c 125 s 2;
15 (57) RCW 18.130.140 and 1984 c 279 s 14;
16 (58) RCW 18.135.080 and 1991 c 3 s 277 & 1984 c 281 s 8;
17 (59) RCW 43.131.337 and 1987 c 160 s 2; and
18 (60) RCW 43.131.338 and 1987 c 160 s 3.

19

RECODIFICATIONS

20 NEW SECTION. Sec. 476. RECODIFICATION. RCW 18.26.030, 18.26.320,
21 18.26.330, 18.26.340, 18.26.350, 18.26.360, 18.26.370, 18.26.380, and
22 18.26.390 are each recodified as sections in chapter 18.25 RCW.

23 NEW SECTION. **Sec. 477.** CAPTIONS. Captions as used in this act
24 constitute no part of the law.

25 NEW SECTION. **Sec. 478.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.

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