
SENATE BILL 6348

State of Washington**53rd Legislature****1994 Regular Session**

By Senators Quigley, Winsley, Skratek, Drew, Owen, Sheldon, Spanel, Wojahn, Haugen, Franklin, McAuliffe, Ludwig, A. Smith and Snyder; by request of Governor Lowry

Read first time 01/19/94. Referred to Committee on Government Operations.

1 AN ACT Relating to the restructuring of boards, committees,
2 commissions, and councils; amending RCW 18.25.005, 18.25.006,
3 18.25.019, 18.25.020, 18.25.025, 18.25.030, 18.25.035, 18.25.040,
4 18.25.070, 18.25.075, 18.25.180, 18.25.190, 18.32.010, 18.32.030,
5 18.32.040, 18.32.050, 18.32.100, 18.32.120, 18.32.160, 18.32.180,
6 18.32.190, 18.32.195, 18.32.215, 18.32.534, 18.32.640, 18.32.655,
7 18.32.665, 18.32.745, 18.32.755, 18.71.010, 18.71.017, 18.71.019,
8 18.71.050, 18.71.051, 18.71.055, 18.71.060, 18.71.070, 18.71.085,
9 18.71.090, 18.71.095, 18.71.205, 18.71.230, 18.71A.010, 18.71A.020,
10 18.71A.030, 18.71A.040, 18.71A.045, 18.71A.050, 18.71A.060, 18.71A.085,
11 18.72.155, 18.72.165, 18.72.265, 18.72.301, 18.72.306, 18.72.311,
12 18.72.316, 18.72.340, 18.72.345, 18.19.070, 18.06.080, 18.84.020,
13 18.84.040, 18.84.070, 18.84.090, 18.84.110, 18.89.020, 18.89.050,
14 18.89.080, 18.135.030, 18.138.070, 18.130.010, 18.130.020, 18.130.040,
15 18.130.300, 4.24.260, 4.24.290, 5.62.010, 18.32.030, 18.50.032,
16 18.50.040, 18.50.140, 18.50.115, 18.88A.020, 18.88A.030, 18.88A.060,
17 18.88A.080, 18.88A.085, 18.88A.090, 18.88A.130, 18.89.040, 18.100.140,
18 18.120.020, 18.135.020, 28A.210.260, 28A.210.280, 28A.210.290,
19 28C.10.030, 35.21.692, 35A.82.025, 36.32.122, 41.05.075, 41.05.180,
20 42.17.316, 43.70.220, 48.20.393, 48.20.411, 48.21.141, 48.21.225,
21 48.44.026, 48.44.290, 48.44.325, 48.46.275, 50.04.223, 69.41.030,

1 69.45.010, 69.50.101, 69.50.402, 70.02.030, 70.41.200, 70.41.210,
2 70.41.230, 70.127.250, 70.180.030, 71.24.025, 74.09.290, 74.42.010,
3 74.42.230, 74.42.240, 74.42.380, 74.46.020, 41.04.395, 43.19.558,
4 43.19.554, 70.148.030, 70.175.030, 78.52.010, 78.52.025, 78.52.030,
5 78.52.031, 78.52.032, 78.52.033, 78.52.035, 78.52.037, 78.52.040,
6 78.52.050, 78.52.070, 78.52.100, 78.52.120, 78.52.125, 78.52.140,
7 78.52.150, 78.52.155, 78.52.200, 78.52.205, 78.52.210, 78.52.220,
8 78.52.230, 78.52.240, 78.52.245, 78.52.250, 78.52.257, 78.52.260,
9 78.52.270, 78.52.280, 78.52.290, 78.52.300, 78.52.310, 78.52.320,
10 78.52.330, 78.52.335, 78.52.365, 78.52.460, 78.52.463, 78.52.467,
11 78.52.470, 78.52.480, 78.52.490, 78.52.530, 78.52.540, 90.48.366, and
12 90.54.190; reenacting and amending RCW 18.71.015, 18.71.030, 18.71.080,
13 18.71.030, 18.88A.100, 69.41.010, 71.05.210, and 75.30.050; adding new
14 sections to chapter 18.25 RCW; adding new sections to chapter 18.32
15 RCW; adding new sections to chapter 18.71 RCW; adding a new section to
16 chapter 75.30 RCW; adding new sections to chapter 88.46 RCW; creating
17 new sections; adding new chapters to Title 18 RCW; recodifying RCW
18 18.25.130, 18.25.140, 18.25.150, 18.25.160, 18.25.170, 18.72.155,
19 18.72.165, 18.72.265, 18.72.301, 18.72.306, 18.72.311, 18.72.316,
20 18.72.340, 18.72.345, 18.72.010, and 18.72.321; repealing RCW
21 18.22.005, 18.22.010, 18.22.013, 18.22.014, 18.22.015, 18.22.018,
22 18.22.021, 18.22.025, 18.22.035, 18.22.040, 18.22.045, 18.22.060,
23 18.22.082, 18.22.083, 18.22.110, 18.22.120, 18.22.125, 18.22.191,
24 18.22.210, 18.22.220, 18.22.230, 18.22.900, 18.22.910, 18.22.911,
25 18.22.950, 18.36.035, 18.36A.010, 18.36A.020, 18.36A.030, 18.36A.040,
26 18.36A.050, 18.36A.060, 18.36A.070, 18.36A.080, 18.36A.090, 18.36A.100,
27 18.36A.110, 18.36A.120, 18.36A.130, 18.36A.140, 18.36A.900, 18.36A.901,
28 18.57.001, 18.57.003, 18.57.005, 18.57.011, 18.57.020, 18.57.031,
29 18.57.035, 18.57.040, 18.57.045, 18.57.050, 18.57.080, 18.57.130,
30 18.57.140, 18.57.145, 18.57.150, 18.57.160, 18.57.174, 18.57.245,
31 18.57.900, 18.57.910, 18.57.915, 18.57A.010, 18.57A.020, 18.57A.025,
32 18.57A.030, 18.57A.040, 18.57A.050, 18.57A.060, 18.57A.070, 18.25.015,
33 18.25.016, 18.25.017, 18.25.120, 18.26.010, 18.26.020, 18.26.028,
34 18.26.030, 18.26.040, 18.26.050, 18.26.060, 18.26.070, 18.26.080,
35 18.26.090, 18.26.110, 18.26.320, 18.26.330, 18.26.340, 18.26.350,
36 18.26.360, 18.26.370, 18.26.380, 18.26.390, 18.26.900, 18.32.035,
37 18.32.037, 18.32.042, 18.32.500, 18.32.510, 18.32.520, 18.32.560,
38 18.32.570, 18.32.580, 18.32.590, 18.32.600, 18.32.610, 18.32.620,
39 18.34.010, 18.34.020, 18.34.030, 18.34.050, 18.34.060, 18.34.070,

1 18.34.080, 18.34.110, 18.34.115, 18.34.120, 18.34.136, 18.34.141,
2 18.34.900, 18.53.005, 18.53.010, 18.53.021, 18.53.030, 18.53.035,
3 18.53.040, 18.53.050, 18.53.055, 18.53.060, 18.53.070, 18.53.100,
4 18.53.101, 18.53.140, 18.53.145, 18.53.150, 18.53.160, 18.53.165,
5 18.53.170, 18.53.175, 18.53.180, 18.53.185, 18.53.190, 18.53.200,
6 18.53.900, 18.53.901, 18.53.910, 18.53.911, 18.53.912, 18.53.920,
7 18.54.010, 18.54.020, 18.54.030, 18.54.040, 18.54.050, 18.54.060,
8 18.54.070, 18.54.076, 18.54.090, 18.54.130, 18.54.140, 18.54.150,
9 18.54.900, 18.54.910, 18.54.920, 18.72.020, 18.72.045, 18.72.090,
10 18.72.100, 18.72.110, 18.72.120, 18.72.130, 18.72.150, 18.72.154,
11 18.72.190, 18.72.380, 18.72.390, 18.72.400, 18.72.900, 18.72.910,
12 18.78.005, 18.78.010, 18.78.020, 18.78.030, 18.78.040, 18.78.050,
13 18.78.054, 18.78.055, 18.78.058, 18.78.060, 18.78.070, 18.78.072,
14 18.78.080, 18.78.090, 18.78.100, 18.78.160, 18.78.182, 18.78.225,
15 18.78.900, 18.78.901, 18.88.010, 18.88.020, 18.88.030, 18.88.050,
16 18.88.060, 18.88.070, 18.88.080, 18.88.086, 18.88.090, 18.88.100,
17 18.88.110, 18.88.120, 18.88.130, 18.88.140, 18.88.150, 18.88.160,
18 18.88.170, 18.88.175, 18.88.190, 18.88.200, 18.88.220, 18.88.270,
19 18.88.280, 18.88.285, 18.88.290, 18.88.295, 18.88.300, 18.88.900,
20 18.88A.070, 18.59.010, 18.59.020, 18.59.031, 18.59.040, 18.59.050,
21 18.59.060, 18.59.070, 18.59.080, 18.59.090, 18.59.100, 18.59.110,
22 18.59.120, 18.59.130, 18.59.141, 18.59.150, 18.59.900, 18.59.905,
23 18.74.005, 18.74.010, 18.74.012, 18.74.015, 18.74.020, 18.74.023,
24 18.74.025, 18.74.027, 18.74.029, 18.74.030, 18.74.035, 18.74.040,
25 18.74.050, 18.74.060, 18.74.065, 18.74.070, 18.74.075, 18.74.085,
26 18.74.090, 18.74.095, 18.74.120, 18.74.125, 18.74.130, 18.74.135,
27 18.74.140, 18.74.900, 18.74.910, 18.74.911, 18.06.170, 18.84.060,
28 18.89.070, 18.138.080, 18.85.500, 27.34.030, 27.34.040, 27.34.050,
29 43.19.1902, 43.19.556, 43.21A.170, 43.21A.180, 43.21A.190, 43.21A.200,
30 43.21A.210, 43.200.050, 43.230.010, 43.230.020, 43.230.030, 43.230.040,
31 48.17.135, 49.70.120, 49.70.130, 67.34.011, 67.34.021, 70.94.039,
32 73.40.020, 73.40.050, 78.52.020, 88.44.005, 88.44.010, 88.44.020,
33 88.44.030, 88.44.040, 88.44.080, 88.44.090, 88.44.100, 88.44.110,
34 88.44.120, 88.44.130, 88.44.140, 88.44.150, 88.44.160, 88.44.170,
35 88.44.180, 88.44.190, 88.44.200, 88.44.210, 88.44.220, 88.44.900,
36 88.44.901, 88.46.110, and 90.56.450; repealing 1984 c 286 s 13
37 (uncodified); and prescribing penalties.

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

1 **ALLIED PHYSICIANS**

2 NEW SECTION. **Sec. 101.** LEGISLATIVE FINDING--PURPOSE. The
3 legislature finds that the conduct of podiatric physicians and
4 surgeons, osteopathic physicians and surgeons, osteopathic physician
5 assistants, and naturopathic physicians licensed to practice in this
6 state plays a vital role in preserving the public health and well-
7 being. The purpose of this chapter is to establish an effective public
8 agency to regulate the practice of these professions for the protection
9 and promotion of the public health, safety, and welfare and to act as
10 a disciplinary body for the licensed podiatric and osteopathic
11 physicians and surgeons and osteopathic physician assistants of this
12 state and to ensure that only individuals who meet and maintain minimum
13 standards of competence and conduct may obtain a license to provide
14 these services to the public. It is the legislature's intent that the
15 secretary of health will act as the disciplinary authority for
16 naturopathic physicians licensed in this state.

17 It is the purpose of the commission established under section 103
18 of this act to regulate the competency and quality of professional
19 health care providers under its jurisdiction by establishing,
20 monitoring, and enforcing qualifications for licensing, consistent
21 standards of practice, continuing competency mechanisms, and
22 discipline. Rules, policies, and procedures developed by the
23 commission must promote the delivery of quality health care to the
24 residents of the state.

25 NEW SECTION. **Sec. 102.** DEFINITIONS. As used in this chapter, the
26 following terms have the meanings indicated unless the context clearly
27 requires otherwise.

28 (1) "Podiatric physician and surgeon" means an individual licensed
29 under this chapter for the diagnosis and the medical, surgical,
30 mechanical, manipulative, and electrical treatment of ailments of the
31 human foot.

32 (2) "Osteopathic physician and surgeon" means an individual
33 licensed under this chapter for the use of any and all methods in the
34 treatment of disease, injuries, deformities, and all other physical and
35 mental conditions in and of human beings, including the use of
36 osteopathic manipulative therapy. The term means the same as
37 "osteopathy and surgery."

1 (3) "Osteopathic physician assistant" means a person who has
2 satisfactorily completed a commission-approved training program
3 designed to prepare persons to practice osteopathic medicine to a
4 limited extent. "Practice medicine" has the meaning defined in
5 subsection (2) of this section.

6 (4) "Naturopathic physician" or "naturopath" means an individual
7 licensed under this chapter to practice the art and science of
8 diagnosis, prevention, and treatment of disorders of the body by
9 stimulation or support, or both, of the natural processes of the human
10 body. The practice of naturopathic medicine includes manual
11 manipulation (mechanotherapy), the prescription, administration,
12 dispensing, and use, except for the treatment of malignancies or
13 neoplastic disease, of nutrition and food science, physical modalities,
14 homeopathy, certain medicines of mineral, animal, and botanical origin,
15 hygiene, immunization, common diagnostic procedures, and suggestion;
16 however, nothing in this chapter prohibits consultation and treatment
17 of a patient in concert with a physician licensed under this chapter or
18 chapter 18.-- RCW (sections 101 through 144 of this act).

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

20 (6) "Secretary" means the secretary of health or the secretary's
21 designee.

22 (7) "Commission" means the Washington state allied physician
23 quality assurance commission.

24 (8) "Allied physician" means an individual licensed under this
25 chapter as either a podiatric physician and surgeon, an osteopathic
26 physician and surgeon, an osteopathic physician assistant, or a
27 naturopathic physician.

28 NEW SECTION. Sec. 103. COMMISSION ESTABLISHED--MEMBERS APPOINTED.
29 The Washington state allied physicians quality assurance commission is
30 established, consisting of eleven members each appointed by the
31 governor to a four-year term. No member may serve more than two
32 consecutive full terms. In appointing the initial members of the
33 commission, it is the intent of the legislature that, to the extent
34 possible, members of the previous boards and committees regulating
35 these professions be appointed to the commission. Members of the
36 commission hold office until their successors are appointed. Members
37 of the initial commission may be appointed to staggered terms of from

1 one to four years. Thereafter, all members shall be appointed to full
2 four-year terms.

3 NEW SECTION. **Sec. 104.** COMMISSION--REMOVAL OF MEMBERS--VACANCIES.
4 The governor may remove a member of the commission for neglect of duty,
5 misconduct, or malfeasance or misfeasance in office. Whenever the
6 governor is satisfied that a member of the commission has been guilty
7 of neglect of duty, misconduct, or malfeasance or misfeasance in
8 office, the governor shall file with the secretary of state a statement
9 of the causes for and the order of removal from office, and the
10 secretary shall forthwith send a certified copy of the order of removal
11 and statement of causes by certified mail to the last known post office
12 address of the member. If a vacancy occurs on the commission, the
13 governor shall appoint a replacement to fill the remainder of the
14 unexpired term.

15 NEW SECTION. **Sec. 105.** COMMISSION--QUALIFICATIONS FOR MEMBERS.
16 Members must be citizens of the United States and residents of this
17 state. Three members must be licensed podiatric physicians and
18 surgeons for a period of five years before appointment; three members
19 must be licensed osteopathic physicians and surgeons for a period of
20 five years before appointment; and three members must be licensed
21 naturopathic physicians for a period of five years before appointment.
22 Public members of the commission may not be a member of any other
23 health care licensing board or commission, or have a fiduciary
24 obligation to a facility rendering health services regulated by the
25 commission, or have a material or financial interest in the rendering
26 of health services regulated by the commission.

27 NEW SECTION. **Sec. 106.** COMMISSION--ORGANIZATION. The commission
28 shall elect a chairperson, vice-chairperson, and secretary each year.
29 Meetings of the commission are open to the public, except that the
30 commission may hold executive sessions to the extent permitted by
31 chapter 42.30 RCW. The secretary of health shall furnish such
32 secretarial, clerical, and other assistance as the commission may
33 require.

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

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

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

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

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

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

20 NEW SECTION. **Sec. 107.** COMMISSION--POWERS AND DUTIES. The
21 commission has the following powers and duties:

22 (1) To administer examinations to applicants for licensing under
23 this chapter, to determine examination dates, locations, and
24 application deadlines, to determine examination requirements for
25 applicants for licensing under this chapter, and to certify qualified
26 applicants to the secretary for licensing;

27 (2) To adopt such rules as are not inconsistent with the laws of
28 this state as may be deemed necessary or proper to carry out the
29 purposes of this chapter;

30 (3) To establish and administer requirements for continuing
31 professional education as may be necessary or proper to insure the
32 public health and safety as a prerequisite to granting and renewing
33 licenses under this chapter;

34 (4) To keep an official record of all its proceedings, which record
35 shall be evidence of all proceedings of the commission that are set
36 forth in this chapter;

37 (5) To approve curricula and establish criteria for minimum
38 standards for schools preparing persons for licensing under this

1 chapter. The commission shall establish criteria for proof of
2 reasonable currency of knowledge and skill as a basis for safe practice
3 after three years inactive or lapsed status. The commission shall
4 establish criteria for licensing by endorsement.

5 NEW SECTION. **Sec. 108.** LICENSES REQUIRED. (1) It is unlawful for
6 a person to practice or to offer to practice as a podiatric physician
7 and surgeon in this state unless that person has been licensed as a
8 podiatric physician and surgeon under this chapter. A person who holds
9 a license to practice as a podiatric physician in this state may use
10 the title "podiatric physician and surgeon" and the abbreviation
11 "D.P.M." No other person may assume that title or use that
12 abbreviation or any other words, letters, signs, or figures to indicate
13 that the person using them is a podiatric physician and surgeon.

14 (2) It is unlawful for a person to practice or to offer to practice
15 as an osteopathic physician and surgeon in this state unless that
16 person has been licensed as an osteopathic physician and surgeon under
17 this chapter. A person who holds a license to practice as an
18 osteopathic physician and surgeon in this state may use the title
19 "osteopathic physician and surgeon" and the abbreviation "D.O." No
20 other person may assume that title or use that abbreviation or any
21 other words, letters, signs, or figures to indicate that the person
22 using them is an osteopathic physician and surgeon.

23 (3) It is unlawful for a person to practice or to offer to practice
24 as an osteopathic physician assistant in this state unless that person
25 has been licensed as an osteopathic physician assistant under this
26 chapter. A person who holds a license to practice as an osteopathic
27 physician assistant in this state may use the title "osteopathic
28 physician assistant" and the abbreviation "P.A." No other person may
29 assume that title or use that abbreviation or any other words, letters,
30 signs, or figures to indicate that the person using them is an
31 osteopathic physician assistant.

32 (4) It is unlawful for a person to practice or to offer to practice
33 as a naturopath or naturopathic physician unless that person has been
34 licensed as a naturopathic physician under this chapter. A person who
35 holds a license to practice naturopathic medicine in this state may use
36 the title "naturopathic physician" or "naturopath" or the abbreviation
37 "N.D." No other person may assume those titles or use that

1 abbreviation or any other words, letters, signs, or figures to indicate
2 that the person using them is a naturopathic physician.

3 NEW SECTION. **Sec. 109.** EXAMINATIONS--WHEN TAKEN--REEXAMINATION.

4 (1) An applicant who has met the requirements for examination under
5 this chapter will be scheduled for the next examination after the
6 filing of a completed application.

7 (2) An applicant who fails to pass an examination satisfactorily is
8 entitled to reexamination upon the payment of a fee for each
9 reexamination determined by the secretary under RCW 43.70.250.

10 NEW SECTION. **Sec. 110.** APPLICATION OF UNIFORM DISCIPLINARY ACT.

11 The Uniform Disciplinary Act, chapter 18.130 RCW, governs unlicensed
12 practice, the issuance and denial of licenses, and the discipline of
13 licensees under this chapter.

14 The secretary is the disciplining authority for naturopathic
15 physicians. The secretary may delegate to the commission by rule any
16 powers or duties granted under this chapter or by law.

17 NEW SECTION. **Sec. 111.** DISPLAY OF LICENSE. Every holder of a
18 license under this chapter shall display the license in a conspicuous
19 place in the holder's office or place of business.

20 NEW SECTION. **Sec. 112.** LICENSE RENEWAL. The commission shall
21 establish by rule the requirements for renewal of licenses. The
22 secretary shall establish a renewal and late renewal penalty fee under
23 RCW 43.70.250, and the term for renewal of a license under RCW
24 43.70.280. Failure to renew invalidates the license and all privileges
25 granted by it. The commission shall determine by rule when a license
26 shall be canceled for failure to renew and shall establish
27 prerequisites for relicensing.

28 NEW SECTION. **Sec. 113.** INACTIVE LICENSE. (1) An individual may
29 place his or her license on inactive status. The holder of an inactive
30 license shall not practice as an allied physician under this chapter in
31 this state without first activating the license.

32 (2) The secretary shall establish the inactive renewal fee under
33 RCW 43.70.250, but it may not exceed twenty-five percent of the active

1 license renewal fee. Failure to renew an inactive license results in
2 cancellation in the same manner as an active license.

3 (3) An inactive license may be placed in an active status upon
4 compliance with the rules adopted by the commission.

5 (4) The provisions of this chapter relating to the denial,
6 suspension, and revocation of a license are applicable to an inactive
7 license, except that when proceedings to suspend or revoke an inactive
8 license have been initiated, the license remains inactive until the
9 proceedings have been completed.

10 NEW SECTION. **Sec. 114.** SECRETARY--POWERS AND DUTIES. The
11 secretary shall adopt such rules as may be reasonable for the proper
12 administration of this chapter. In addition to any other authority
13 provided by law, the secretary may:

14 (1) Set all fees required in this chapter in accordance with RCW
15 43.70.250;

16 (2) Establish forms necessary to administer this chapter; and

17 (3) Maintain the official department record of all applicants and
18 licensees.

19 NEW SECTION. **Sec. 115.** REGULATED PRACTICES. It is prima facie
20 evidence of the practice of a profession regulated under this chapter
21 or of holding oneself out as a practitioner within the meaning of this
22 chapter for a person to:

23 (1) Treat in any manner ailments of the human foot by medical,
24 surgical, or mechanical means or appliances, or to use the title
25 "podiatrist," "podiatric physician and surgeon," or any other words or
26 letters that designate or tend to designate to the public that the
27 person so treating or holding himself or herself out to treat, is a
28 podiatric physician and surgeon;

29 (2) Use any and all methods in the treatment of disease, injuries,
30 deformities, and all other physical and mental conditions in and of
31 human beings, including the use of osteopathic manipulative therapy, or
32 to hold himself or herself out as an osteopathic physician and surgeon,
33 or to use the title "osteopathic physician and surgeon" or other
34 designation indicating that the person is an osteopathic physician or
35 surgeon;

36 (3) Represent himself or herself as a naturopath or use a title or
37 description of services that incorporates one or more of the following

1 terms or designations: Naturopath or doctor of naturopathic medicine;
2 or

3 (4) Represent himself or herself as an osteopathic physician
4 assistant or to practice as an osteopathic physician assistant.

5 NEW SECTION. **Sec. 116.** PENALTY. A person violating or failing to
6 comply with this chapter is guilty of a gross misdemeanor.

7 NEW SECTION. **Sec. 117.** EXCEPTIONS. The following practices,
8 acts, and operations are excepted from this chapter:

9 (1) The practice of a profession by an allied physician employed by
10 the government of the United States while the individual is engaged in
11 the performance of duties prescribed by the laws and regulations of the
12 United States;

13 (2) The practice of an allied physician while a student enrolled in
14 a school approved by the commission. The performance of services must
15 be pursuant to a course of instruction or assignments from an
16 instructor and under the supervision of the instructor;

17 (3) The practice of an allied physician by licensed podiatric
18 physicians and surgeons of other states or countries while appearing at
19 educational seminars;

20 (4) The use of roentgen and other rays for making radiograms or
21 similar records, under the supervision of a licensed allied physician;

22 (5) The performing of services of an allied physician by externs,
23 interns, and residents in training programs approved by the commission;

24 (6) The performing of professional services by persons not licensed
25 under this chapter when performed under the supervision of a licensed
26 allied physician, if those services are authorized by commission rule
27 or other law to be so performed;

28 (7) The domestic administration of family remedies or treatment by
29 prayer or spiritual means in accordance with the creed or tenets of any
30 well-recognized church or religious denomination.

31 NEW SECTION. **Sec. 118.** APPLICABILITY OF HEALTH REGULATIONS.
32 Persons granted licenses or certificates under this chapter are subject
33 to the state and municipal regulations relating to the control of
34 contagious diseases, the reporting and certifying to births and deaths,
35 and all matters pertaining to public health; and all such reports shall
36 be accepted as legal.

1 NEW SECTION. **Sec. 119.** FALSIFICATION OF CERTIFICATE. A person
2 falsely claiming himself or herself to be the person named in a
3 certificate issued to another, or falsely claiming himself or herself
4 to be the person entitled to the certificate, is guilty of a felony,
5 and upon conviction, is subject to the penalties for forgery under RCW
6 9A.60.020.

7 NEW SECTION. **Sec. 120.** DUTY TO REPORT UNPROFESSIONAL CONDUCT--
8 EXCEPTIONS. (1) An allied physician shall report to the commission
9 when he or she has personal knowledge that an allied physician has
10 either committed an act or acts that may constitute statutorily defined
11 unprofessional conduct or that an allied physician may be unable to
12 practice with reasonable skill and safety to patients by reason of
13 illness, drunkenness, excessive use of drugs, narcotics, chemicals, or
14 any other type of material, or as a result of an impairing mental or
15 physical condition.

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

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

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

27 (3) The appropriate disciplinary authority, whether the commission
28 or the secretary, may impose disciplinary sanctions, including license
29 suspension or revocation, on an allied physician subject to the
30 jurisdiction of the commission who has failed to comply with this
31 section.

32 NEW SECTION. **Sec. 121.** PODIATRIC PHYSICIANS AND SURGEONS. (1) A
33 podiatric physician and surgeon is responsible for the quality of
34 podiatric care.

35 (2) The practice of podiatric medicine and surgery is the diagnosis
36 and the medical, surgical, mechanical, manipulative, and electrical
37 treatments of ailments of the human foot.

1 (3) Podiatric physicians and surgeons may issue prescriptions valid
2 at any pharmacy for any drug, including narcotics, necessary in the
3 practice of podiatry.

4 (4) Podiatrists shall not:

5 (a) Amputate the foot;

6 (b) Administer spinal anesthetic or any anesthetic that renders the
7 patient unconscious; or

8 (c) Treat systemic conditions.

9 NEW SECTION. **Sec. 122.** PODIATRIC PHYSICIANS AND SURGEONS--
10 EXAMINATIONS. Before being issued a license to practice podiatric
11 medicine and surgery, an applicant must successfully pass the
12 examinations administered by the national board of podiatry examiners
13 and an examination administered or approved by the commission to
14 determine his or her professional qualifications. The examination
15 administered by the commission must include the subject areas the
16 commission may require by rule.

17 The commission may approve an examination prepared or administered,
18 or both, by a private testing agency, other licensing authority, or
19 association of licensing authorities.

20 The commission may by rule establish the passing grade for the
21 examination.

22 All persons licensed under this section are subject to the
23 jurisdiction of the commission as set forth in this chapter and chapter
24 18.130 RCW.

25 NEW SECTION. **Sec. 123.** PODIATRIC PHYSICIANS AND SURGEONS--
26 APPLICATION FOR LICENSE EXAMINATION. Before a person may take an
27 examination for the issuance of a podiatric physician and surgeon
28 license, the applicant shall submit to the commission a completed
29 application and a fee determined by the secretary under RCW 43.70.250.
30 The applicant shall also furnish the commission with satisfactory proof
31 that:

32 (1) The applicant has not engaged in unprofessional conduct as
33 defined in chapter 18.130 RCW and is able to practice with reasonable
34 skill and safety;

35 (2) The applicant has satisfactorily completed a course in an
36 approved school of podiatric medicine and surgery; and

1 (3) The applicant has completed one year of postgraduate podiatric
2 medical training in a program approved by the commission, except that
3 applicants graduating before July 1, 1993, are exempt from the
4 postgraduate training requirement.

5 NEW SECTION. **Sec. 124.** PODIATRIC PHYSICIANS AND SURGEONS--
6 POSTGRADUATE LICENSE. The commission may grant approval to issue a
7 license without examination to a podiatric physician and surgeon in a
8 commission-approved postgraduate training program in this state if the
9 applicant files an application and meets all the requirements for
10 licensing set forth in this chapter other than completion of one year
11 of postgraduate training. The secretary shall issue a postgraduate
12 podiatric medicine and surgery license that permits the physician to
13 practice podiatric medicine and surgery only in connection with his or
14 her duties in the postgraduate training program. The postgraduate
15 training license does not authorize the podiatric physician to engage
16 in any other form of practice. Each podiatric physician and surgeon in
17 postgraduate training may practice podiatric medicine and surgery only
18 under the supervision of a podiatric physician licensed in this state
19 under this chapter, but the supervision shall not be construed to
20 necessarily require the personal presence of the supervising physician
21 at the place where services are rendered.

22 NEW SECTION. **Sec. 125.** OSTEOPATHIC PHYSICIANS AND SURGEONS--
23 QUALIFICATIONS FOR LICENSE. In order to procure a license to practice
24 osteopathic medicine and surgery, the applicant must provide the
25 commission with evidence that a diploma has been issued to the
26 applicant by an accredited school of osteopathic medicine and surgery,
27 approved by the commission. The application must be made upon a form
28 approved by the commission, and it must contain such information
29 concerning the osteopathic medical instruction and the preliminary
30 education of the applicant as the commission may require by rule. The
31 commission shall reject an applicant who fails to meet these
32 requirements.

33 An applicant for a license to practice osteopathic medicine and
34 surgery must furnish evidence satisfactory to the commission that he or
35 she has served for not less than one year in a postgraduate training
36 program approved by the commission.

1 In addition, the applicant may be required to furnish evidence
2 satisfactory to the commission that he or she is physically and
3 mentally capable of safely carrying on the practice of osteopathic
4 medicine and surgery. The commission may require an applicant to
5 submit to such examination or examinations as it deems necessary to
6 determine an applicant's physical and mental capability to safely
7 practice osteopathic medicine and surgery. The applicant shall also
8 show that he or she has not been guilty of any conduct that would
9 constitute grounds for denial, suspension, or revocation of the license
10 under the laws of the state of Washington.

11 Nothing in this section prohibits the commission from requiring
12 such additional information from applicants as it deems necessary.

13 Nothing in this chapter requires an applicant for licensing, or a
14 licensee, as a requisite of retaining or renewing the license under
15 this chapter, to be a member of any political or professional
16 organization.

17 NEW SECTION. **Sec. 126.** OSTEOPATHIC PHYSICIANS AND SURGEONS--
18 POSTGRADUATE LICENSE. The commission may grant approval to issue a
19 license without examination to an osteopathic physician and surgeon in
20 a commission-approved postgraduate training program in this state if
21 the applicant files an application and meets all the requirements for
22 licensing set forth in this chapter other than completion of one year
23 of postgraduate training. The secretary shall issue a postgraduate
24 osteopathic medicine and surgery license that permits the physician in
25 postgraduate training to practice osteopathic medicine and surgery only
26 in connection with his or her duties as a physician in postgraduate
27 training and does not authorize the physician to engage in any other
28 form of practice. Each physician in postgraduate training may practice
29 osteopathic medicine and surgery only under the supervision of a
30 physician licensed in this state under this chapter or chapter 18.--
31 RCW (sections 101 through 144 of this act), but the supervision shall
32 not be construed to necessarily require the personal presence of the
33 supervising physician at the place where services are rendered.

34 All persons licensed under this section are subject to the
35 jurisdiction of the commission as set forth in this chapter and chapter
36 18.130 RCW.

37 Persons applying for licensing under this section shall pay an
38 application and renewal fee determined by the secretary under RCW

1 43.70.250. Licenses issued under this section may be renewed annually.
2 A person who obtains a postgraduate license under this section may
3 apply for regular licensing under this chapter, but shall submit a new
4 application form and comply with all other licensing requirements of
5 this chapter.

6 NEW SECTION. **Sec. 127.** OSTEOPATHIC PHYSICIANS AND SURGEONS--
7 DISCIPLINE--LICENSE RENEWAL. The commission may approve, deny, or take
8 other disciplinary action upon the application for a license as
9 provided in the Uniform Disciplinary Act, chapter 18.130 RCW. The
10 license may be renewed on a periodic basis as determined by the
11 secretary under RCW 43.70.280, upon payment of a fee determined by the
12 secretary under RCW 43.70.250 and submission of a completed renewal
13 application, in addition to any late renewal penalty fees as determined
14 by the secretary under RCW 43.70.250.

15 NEW SECTION. **Sec. 128.** OSTEOPATHIC PHYSICIANS AND SURGEONS--
16 LICENSE QUALIFICATIONS. Applicants for a license to practice
17 osteopathic medicine and surgery must successfully complete an
18 examination prepared or approved by the commission. The examination
19 must be conducted in the English language, must determine the
20 applicant's fitness to practice osteopathic medicine and surgery, and
21 may be in whole or in part in writing or by practical application on
22 those general subjects and topics of which knowledge is commonly and
23 generally required of applicants who have obtained the doctor of
24 osteopathic medicine and surgery conferred by an accredited school of
25 osteopathic medicine and surgery approved by the commission. If an
26 examination does not encompass the subject of osteopathic principles
27 and practice, the commission shall require the applicant to complete
28 the commission-administered examination. The commission may prepare
29 and administer or approve preparation and administration of
30 examinations on such subjects as the commission deems advisable. The
31 examination papers of an examination administered by the commission
32 form a part of the applicant's records and must be retained as
33 determined by the secretary for a period of not less than one year.
34 All applicants for examination or reexamination shall pay a fee
35 determined by the secretary under RCW 43.70.250.

1 NEW SECTION. **Sec. 129.** OSTEOPATHIC PHYSICIANS AND SURGEONS--
2 LICENSE BY ENDORSEMENT. An osteopathic physician and surgeon who meets
3 the requirements of section 125 of this act and has been examined and
4 licensed to practice osteopathic medicine and surgery by a state board
5 of examiners of another state or the duly constituted authorities of
6 another state authorized to issue licenses to practice osteopathic
7 medicine and surgery upon examination, is, upon approval of the
8 commission, entitled to receive a license to practice osteopathic
9 medicine and surgery in this state. The applicant shall pay a fee
10 determined by the secretary under RCW 43.70.250 to the state treasurer
11 and file a copy of his or her license from the other state, certified
12 by the authorities granting the license to be a full, true, and correct
13 copy, and certifying also that the standard of requirements adopted by
14 the authorities as provided by the law of that state is substantially
15 equal to that provided for by this chapter. The commission shall not
16 issue a license without examination to a person who has previously
17 failed in an examination held in this state. The commission may revoke
18 a license issued under this section for unprofessional conduct, in the
19 same manner and upon the same grounds as if issued otherwise under this
20 chapter. The commission may not permit anyone to practice surgery
21 under this chapter who does not have a license to practice osteopathic
22 medicine and surgery.

23 NEW SECTION. **Sec. 130.** OSTEOPATHIC PHYSICIANS AND SURGEONS--USE
24 OF TITLE. On all cards, signs, letterheads, envelopes, and billheads
25 used by persons licensed under this chapter to practice osteopathy or
26 osteopathy and surgery the word "osteopathic" must always immediately
27 precede the word "physician," and if the word "surgeon" is used in
28 connection with the person's name, the word "osteopathic" must also
29 immediately precede the word "surgeon."

30 NEW SECTION. **Sec. 131.** OSTEOPATHIC PHYSICIANS AND SURGEONS--USE
31 OF DESIGNATIONS IN COMBINATION WITH NAME. No provision of this chapter
32 or of any other law prevents a person who holds a valid, unrevoked
33 certificate to practice osteopathic medicine and surgery from using in
34 combination with his or her name the designation "Osteopathic Physician
35 and Surgeon" or the abbreviation of his or her professional degree,
36 Doctor of Osteopathy (D.O.), if he or she holds that professional
37 degree, or any combination thereof upon his or her stationery, in

1 professional lists or directories, or in other places where they may
2 properly appear as permitted within the canons of ethics approved by
3 the commission.

4 NEW SECTION. **Sec. 132.** OSTEOPATHIC PHYSICIANS AND SURGEONS--
5 MALPRACTICE REPORTING. An institution or organization providing
6 professional liability insurance to osteopathic physicians shall send
7 a complete report to the commission of all malpractice settlements,
8 awards, or payments in excess of twenty thousand dollars as a result of
9 a claim or action for damages alleged to have been caused by an insured
10 osteopathic physician's incompetency or negligence in the practice of
11 osteopathic medicine. The institution or organization shall also
12 report the award, settlement, or payment of three or more claims during
13 a year as the result of the physician's alleged incompetence or
14 negligence in the practice of medicine regardless of the dollar amount
15 of the award or payment.

16 Reports required by this section must be made within sixty days of
17 the date of the settlement or verdict. Failure to comply with this
18 section is punishable by a civil penalty not to exceed two hundred
19 fifty dollars.

20 NEW SECTION. **Sec. 133.** OSTEOPATHIC PHYSICIAN ASSISTANTS--LICENSE
21 QUALIFICATIONS. (1) The commission shall adopt rules fixing the
22 qualifications and the educational and training requirements for
23 licensing as an osteopathic physician assistant or for those enrolled
24 in any physician assistant training program. The requirements must
25 include completion of an accredited physician assistant training
26 program approved by the commission and eligibility to take an
27 examination approved by the commission, if the examination tests
28 subjects substantially equivalent to the curriculum of an accredited
29 physician assistant training program.

30 (2)(a) The commission shall also adopt rules governing the extent
31 to which:

32 (i) Physician assistant students may practice medicine during
33 training; and

34 (ii) Physician assistants may practice after successful completion
35 of a training course.

36 (b) The rules must provide:

1 (i) That the practice of an osteopathic physician assistant is
2 limited to the performance of those services for which he or she is
3 trained; and

4 (ii) That each osteopathic physician assistant may practice
5 osteopathic medicine only under the supervision and control of an
6 osteopathic physician licensed in this state, but that the supervision
7 and control shall not be construed to necessarily require the personal
8 presence of the supervising physicians at the place where services are
9 rendered. The commission may authorize the use of alternative
10 supervisors who are licensed under chapter 18.71 RCW.

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

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

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

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

28 (4) The commission may approve, deny, or take other disciplinary
29 action upon the application for a license as provided in the Uniform
30 Disciplinary Act, chapter 18.130 RCW. The license may be renewed on a
31 periodic basis as determined by the secretary under RCW 43.70.280, upon
32 payment of a fee determined by the secretary under RCW 43.70.250 and
33 submission of a completed renewal application, in addition to any late
34 renewal penalty fees as determined by the secretary under RCW
35 43.70.250.

36 NEW SECTION. **Sec. 134.** OSTEOPATHIC PHYSICIAN ASSISTANTS--PRACTICE
37 PLAN. An osteopathic physician assistant may practice osteopathic
38 medicine in this state only with the approval of the practice

1 arrangement plan by the commission and only to the extent permitted by
2 the commission. An osteopathic physician assistant who has received a
3 license but who has not received commission approval of the practice
4 arrangement plan under section 135 of this act may not practice. An
5 osteopathic physician assistant is subject to discipline by the
6 commission under chapter 18.130 RCW.

7 NEW SECTION. **Sec. 135.** OSTEOPATHIC PHYSICIAN ASSISTANTS--APPROVAL
8 OF PRACTICE PLAN. (1) An osteopathic physician or physician group may
9 not employ or supervise an osteopathic physician assistant practicing
10 in this state without the approval of the commission.

11 (2) Before commencing practice, an osteopathic physician assistant
12 licensed in this state shall apply to the commission for permission to
13 be employed or supervised by an osteopathic physician or physician
14 group. The practice arrangement plan shall be jointly submitted by the
15 osteopathic physician or physician group and the osteopathic physician
16 assistant. The secretary may charge a fee under RCW 43.70.250 to
17 recover the cost for the plan review. The practice arrangement plan
18 must delineate the manner and extent to which the physician assistant
19 would practice and be supervised. Whenever an osteopathic physician
20 assistant is practicing in a manner inconsistent with the approved
21 practice arrangement plan, the commission may take disciplinary action
22 under chapter 18.130 RCW.

23 NEW SECTION. **Sec. 136.** OSTEOPATHIC PHYSICIAN ASSISTANTS--
24 OSTEOPATHIC PHYSICIAN'S LIABILITY, RESPONSIBILITY. An osteopathic
25 physician who supervises a licensed osteopathic physician assistant in
26 accordance with and within the terms of any permission granted by the
27 commission shall not be considered as aiding and abetting an unlicensed
28 person to practice osteopathic medicine within the meaning of this
29 chapter. However, the supervising osteopathic physician and the
30 osteopathic physician assistant retain professional and personal
31 responsibility for any act that constitutes the practice of osteopathic
32 medicine as defined in this chapter when performed by the physician
33 assistant.

34 NEW SECTION. **Sec. 137.** OSTEOPATHIC PHYSICIAN ASSISTANTS--
35 LIMITATIONS ON HEALTH CARE SERVICES. (1) An osteopathic physician

1 assistant may not perform health care services under this chapter in
2 any of the following areas:

3 (a) The measurement of the powers or range of human vision, or the
4 determination of the accommodation and refractive state of the human
5 eye or the scope of its functions in general, or the fitting or
6 adaptation of lenses or frames for the aid of vision;

7 (b) The prescribing or directing the use of, or using, any optical
8 device in connection with ocular exercises, visual training, vision
9 training, or orthoptics;

10 (c) The prescribing of contact lenses for, or the fitting or
11 adaptation of contact lenses to, the human eye;

12 (d) The practice of chiropractic as defined in chapter 18.-- RCW
13 (sections 101 through 144 of this act), including the adjustment or
14 manipulation of the articulations of the spine;

15 (e) The practice of dentistry or dental hygiene as defined in
16 chapters 18.32 and 18.29 RCW, respectively. The exemptions set forth
17 in RCW 18.32.030 (1) and (8) do not apply to a physician's assistant.

18 (2) Nothing in subsection (1)(a), (b), or (c) of this section
19 precludes the performance of routine visual screening.

20 NEW SECTION. **Sec. 138.** OSTEOPATHIC PHYSICIAN ASSISTANTS--
21 PERFORMANCE OF ACUPUNCTURE. (1) The performance of acupuncture for the
22 purpose of demonstration, therapy, or the induction of analgesia by an
23 osteopathic physician assistant is within the scope of practice
24 authorized. However, an osteopathic physician assistant licensed to
25 perform acupuncture under this section may do so only under the direct
26 supervision of a licensed osteopathic physician.

27 (2) The commission shall determine the qualifications of a person
28 authorized to perform acupuncture under subsection (1) of this section.
29 In establishing a procedure for certification of acupuncture
30 practitioners the commission shall consider a license or certificate
31 that acknowledges that the person has the qualifications to practice
32 acupuncture issued by the government of the Republic of China (Taiwan),
33 the People's Republic of China, the British Crown Colony of Hong Kong,
34 Korea, Great Britain, France, Germany, Italy, Japan, or any other
35 country or state that has generally equivalent standards of practices
36 for acupuncture as determined by the commission as evidence of the
37 person's qualification.

1 (3) As used in this section "acupuncture" means the insertion of
2 needles into the human body by piercing the skin of the body for the
3 purpose of relieving pain, treating disease, or to produce analgesia,
4 or as further defined by rules of the commission.

5 NEW SECTION. **Sec. 139.** NATUROPATHIC PHYSICIANS--DEFINITIONS.
6 Unless the context clearly requires otherwise, the definitions in this
7 section apply throughout this chapter to any and all references to
8 naturopathic physicians, naturopaths, or the practice of naturopathic
9 medicine.

10 (1) "Naturopath" means an individual licensed under this chapter.

11 (2) "Educational program" means a program preparing persons for the
12 practice of naturopathy.

13 (3) "Nutrition and food science" means the prevention and treatment
14 of disease or other human conditions through the use of foods, water,
15 herbs, roots, bark, or natural food elements.

16 (4) "Manual manipulation" or "mechanotherapy" means manipulation of
17 a part or the whole of the body by hand or by mechanical means.

18 (5) "Physical modalities" means use of physical, chemical,
19 electrical, and other noninvasive modalities including, but not limited
20 to heat, cold, air, light, water in any of its forms, sound, massage,
21 and therapeutic exercise.

22 (6) "Homeopathy" means a system of medicine based on the use of
23 infinitesimal doses of medicines capable of producing symptoms similar
24 to those of the disease treated, as listed in the homeopathic
25 pharmacopoeia of the United States.

26 (7) "Medicines of mineral, animal, and botanical origin" means
27 medicines derived from animal organs, tissues, and oils, minerals, and
28 plants administered orally and topically, excluding legend drugs with
29 the following exceptions: Vitamins, minerals, whole gland thyroid, and
30 substances as exemplified in traditional botanical and herbal
31 pharmacopoeia, and nondrug contraceptive devices excluding intrauterine
32 devices. The use of intermuscular injections are limited to vitamin
33 B-12 preparations and combinations when clinical or laboratory
34 evaluation has indicated vitamin B-12 deficiency. The use of
35 controlled substances regulated by chapter 69.50 RCW is prohibited.

36 (8) "Hygiene and immunization" means the use of such preventative
37 techniques as personal hygiene, asepsis, public health, and
38 immunizations, to the extent allowed by rule of the commission.

1 (9) "Minor office procedures" means care incident to treatment of
2 superficial lacerations and abrasions, and the removal of foreign
3 bodies located in superficial structures, not to include the eye, and
4 the use of antiseptics and topical local anesthetics in connection with
5 the procedures.

6 (10) "Common diagnostic procedures" means the use of venipuncture
7 to withdraw blood, commonly used diagnostic modalities consistent with
8 naturopathic practice, health history taking, physical examination,
9 radiography, examination of body orifices excluding endoscopy, and
10 laboratory medicine that obtains samples of human tissue products,
11 including superficial scrapings but excluding procedures that would
12 require surgical incision.

13 (11) "Suggestion" means techniques including but not limited to
14 counseling, biofeedback, and hypnosis.

15 (12) "Radiography" means the ordering but not the interpretation of
16 radiographic diagnostic studies and the taking and interpretation of
17 standard radiographs.

18 NEW SECTION. **Sec. 140.** NATUROPATHIC PHYSICIANS--LICENSE
19 REQUIREMENTS. The secretary shall issue a license to an applicant who
20 meets the following requirements:

21 (1) Successful completion of an educational program approved by the
22 commission, the minimum standard of which is the successful completion
23 of a doctorate degree program in naturopathy or successful completion
24 of equivalent alternate training that meets the criteria established by
25 the commission;

26 (2) Successful completion of any equivalent experience requirement
27 established by the commission;

28 (3) Successful completion of an examination administered or
29 approved by the commission;

30 (4) Good moral character; and

31 (5) Not having engaged in unprofessional conduct and being able to
32 practice with reasonable skill and safety.

33 The commission shall establish what constitutes adequate proof of
34 meeting the requirements of this section. A person holding a valid
35 license to practice drugless therapeutics under chapter 18.36 RCW upon
36 January 1, 1988, is deemed to be licensed under this chapter.

1 NEW SECTION. **Sec. 141.** NATUROPATHIC PHYSICIANS--LICENSE REQUIRED.

2 (1) No person may practice naturopathy or represent himself or herself
3 as a naturopath without first applying for and receiving a license from
4 the secretary to practice naturopathy.

5 (2) A person represents himself or herself as a naturopath when
6 that person adopts or uses a title or a description of services that
7 incorporates one or more of the following terms or designations:
8 Naturopath or doctor of naturopathic medicine.

9 NEW SECTION. **Sec. 142.** NATUROPATHIC PHYSICIANS--PRACTICE DEFINED.

10 Naturopathic medicine or naturopathy is the practice by naturopaths of
11 the art and science of the diagnosis, prevention, and treatment of
12 disorders of the body by stimulation or support, or both, of the
13 natural processes of the human body. A naturopath is responsible and
14 accountable to the consumer for the quality of naturopathic care
15 rendered.

16 The practice of naturopathy includes manual manipulation
17 (mechanotherapy), the prescription, administration, dispensing, and
18 use, except for the treatment of malignancies or neoplastic disease, of
19 nutrition and food science, physical modalities, homeopathy, certain
20 medicines of mineral, animal, and botanical origin, hygiene and
21 immunization, common diagnostic procedures, and suggestion; however,
22 nothing in this chapter prohibits consultation and treatment of a
23 patient in concert with an osteopathic physician and surgeon licensed
24 under this chapter or a physician and surgeon licensed under chapter
25 18.71 RCW. No person licensed under this chapter may employ the term
26 "chiropractic" to describe any services provided by a naturopathic
27 physician under this chapter.

28 NEW SECTION. **Sec. 143.** NATUROPATHIC PHYSICIANS--EXCEPTIONS TO
29 REGULATION. Nothing in this chapter prohibits or restricts:

30 (1) The practice of naturopathic medicine by students enrolled in
31 a school approved by the commission. The performance of services must
32 be under a course of instruction or assignments from an instructor and
33 under the supervision of the instructor. The instructor must be a
34 naturopath licensed under this chapter; or

35 (2) The practice of oriental medicine or oriental herbology, or the
36 rendering of other dietary or nutritional advice.

1 NEW SECTION. **Sec. 144.** SAVINGS. The commission is the successor
2 in interest of the board of podiatry, the board of osteopathic
3 physicians, and the naturopathic practice advisory committee. All
4 contracts, undertakings, agreements, rules, regulations, and policies
5 continue in full force and effect on the effective date of this act,
6 unless otherwise repealed or rejected by this chapter or by the
7 commission.

8 NEW SECTION. **Sec. 145.** Sections 101 through 144 of this act
9 constitute a new chapter in Title 18 RCW.

10 NEW SECTION. **Sec. 146.** REPEALER. The following acts or parts of
11 acts are each repealed:

- 12 (1) RCW 18.22.005 and 1990 c 147 s 1 & 1982 c 21 s 1;
- 13 (2) RCW 18.22.010 and 1990 c 147 s 2, 1982 c 21 s 2, 1973 c 77 s 1,
14 1955 c 149 s 1, 1941 c 31 s 1, 1921 c 120 s 1, & 1917 c 38 s 1;
- 15 (3) RCW 18.22.013 and 1990 c 147 s 3 & 1982 c 21 s 8;
- 16 (4) RCW 18.22.014 and 1990 c 147 s 4, 1984 c 287 s 26, & 1982 c 21
17 s 9;
- 18 (5) RCW 18.22.015 and 1990 c 147 s 5, 1986 c 259 s 18, & 1982 c 21
19 s 10;
- 20 (6) RCW 18.22.018 and 1987 c 150 s 10 & 1986 c 259 s 17;
- 21 (7) RCW 18.22.021 and 1987 c 150 s 11;
- 22 (8) RCW 18.22.025 and 1990 c 147 s 7;
- 23 (9) RCW 18.22.035 and 1990 c 147 s 6;
- 24 (10) RCW 18.22.040 and 1993 c 29 s 2, 1990 c 147 s 8, 1982 c 21 s
25 5, 1979 c 158 s 18, 1973 c 77 s 4, 1971 ex.s. c 292 s 19, 1955 c 149 s
26 2, 1935 c 48 s 3, 1921 c 120 s 3, & 1917 c 38 s 6;
- 27 (11) RCW 18.22.045 and 1993 c 29 s 1;
- 28 (12) RCW 18.22.060 and 1990 c 147 s 9, 1985 c 7 s 11, 1982 c 21 s
29 7, 1975 1st ex.s. c 30 s 16, 1973 c 77 s 6, 1965 c 97 s 1, & 1957 c 52
30 s 14;
- 31 (13) RCW 18.22.082 and 1990 c 147 s 10;
- 32 (14) RCW 18.22.083 and 1990 c 147 s 11 & 1982 c 21 s 13;
- 33 (15) RCW 18.22.110 and 1990 c 147 s 12, 1973 c 77 s 9, & 1957 c 52
34 s 15;
- 35 (16) RCW 18.22.120 and 1990 c 147 s 13, 1985 c 7 s 13, 1982 c 21 s
36 14, 1975 1st ex.s. c 30 s 18, 1973 c 77 s 10, 1971 ex.s. c 266 s 4,
37 1965 c 97 s 2, & 195 c 149 s 6;

1 (17) RCW 18.22.125 and 1990 c 147 s 14;
2 (18) RCW 18.22.191 and 1990 c 147 s 15 & 1955 c 149 s 13;
3 (19) RCW 18.22.210 and 1990 c 147 s 16, 1982 c 21 s 17, 1973 c 77
4 s 17, 1935 c 48 s 4, 1921 c 120 s 6, & 1917 c 38 s 10;
5 (20) RCW 18.22.220 and 1955 c 149 s 10 & 1917 c 38 s 21;
6 (21) RCW 18.22.230 and 1990 c 147 s 17, 1982 c 21 s 19, 1973 c 77
7 s 19, & 1955 c 149 s 12;
8 (22) RCW 18.22.900 and 1917 c 38 s 19;
9 (23) RCW 18.22.910 and 1955 c 149 s 16;
10 (24) RCW 18.22.911 and 1982 c 21 s 20;
11 (25) RCW 18.22.950 and 1990 c 147 s 19;
12 (26) RCW 18.36.035 and 1987 c 150 s 28;
13 (27) RCW 18.36A.010 and 1987 c 447 s 1;
14 (28) RCW 18.36A.020 and 1991 c 3 s 87 & 1987 c 447 s 4;
15 (29) RCW 18.36A.030 and 1991 c 3 s 88 & 1987 c 447 s 2;
16 (30) RCW 18.36A.040 and 1991 c 3 s 89, 1988 c 246 s 1, & 1987 c 447
17 s 3;
18 (31) RCW 18.36A.050 and 1991 c 3 s 90 & 1987 c 447 s 5;
19 (32) RCW 18.36A.060 and 1991 c 3 s 91 & 1987 c 447 s 6;
20 (33) RCW 18.36A.070 and 1991 c 3 s 92 & 1987 c 447 s 7;
21 (34) RCW 18.36A.080 and 1991 c 3 s 93 & 1987 c 447 s 8;
22 (35) RCW 18.36A.090 and 1991 c 3 s 94 & 1987 c 447 s 9;
23 (36) RCW 18.36A.100 and 1991 c 3 s 95 & 1987 c 447 s 10;
24 (37) RCW 18.36A.110 and 1991 c 3 s 96 & 1987 c 447 s 11;
25 (38) RCW 18.36A.120 and 1991 c 3 s 97 & 1987 c 447 s 12;
26 (39) RCW 18.36A.130 and 1991 c 3 s 98 & 1987 c 447 s 13;
27 (40) RCW 18.36A.140 and 1991 c 3 s 99 & 1987 c 447 s 14;
28 (41) RCW 18.36A.900 and 1987 c 447 s 20;
29 (42) RCW 18.36A.901 and 1987 c 447 s 25;
30 (43) RCW 18.57.001 and 1991 c 160 s 1, 1991 c 3 s 147, & 1979 c 117
31 s 1;
32 (44) RCW 18.57.003 and 1991 c 160 s 2, 1984 c 287 s 42, & 1979 c
33 117 s 2;
34 (45) RCW 18.57.005 and 1986 c 259 s 94 & 1979 c 117 s 3;
35 (46) RCW 18.57.011 and 1987 c 150 s 41 & 1986 c 259 s 92;
36 (47) RCW 18.57.020 and 1991 c 160 s 3, 1979 c 117 s 11, 1959 c 110
37 s 1, & 1919 c 4 s 4;
38 (48) RCW 18.57.031 and 1987 c 150 s 42;
39 (49) RCW 18.57.035 and 1991 c 160 s 9;

- 1 (50) RCW 18.57.040 and 1991 c 160 s 5 & 1919 c 4 s 19;
2 (51) RCW 18.57.045 and 1991 c 160 s 4;
3 (52) RCW 18.57.050 and 1991 c 160 s 6, 1985 c 7 s 55, 1979 c 117 s
4 12, 1975 1st ex.s. c 30 s 58, 1971 ex.s. c 266 s 11, & 1919 c 4 s 6;
5 (53) RCW 18.57.080 and 1991 c 160 s 7, 1979 c 117 s 13, & 1919 c 4
6 s 5;
7 (54) RCW 18.57.130 and 1991 c 160 s 10, 1991 c 3 s 151, 1985 c 7
8 s 56, 1979 c 117 s 15, 1975 1st ex.s. c 30 s 59, 1921 c 82 s 1, & 1919
9 c 4 s 17;
10 (55) RCW 18.57.140 and 1919 c 4 s 20;
11 (56) RCW 18.57.145 and 1991 c 160 s 8 & 1959 c 110 s 2;
12 (57) RCW 18.57.150 and 1919 c 4 s 18;
13 (58) RCW 18.57.160 and 1981 c 277 s 9 & 1919 c 4 s 15;
14 (59) RCW 18.57.174 and 1986 c 300 s 9;
15 (60) RCW 18.57.245 and 1986 c 300 s 10;
16 (61) RCW 18.57.900 and 1919 c 4 s 21;
17 (62) RCW 18.57.910 and 1919 c 4 s 22;
18 (63) RCW 18.57.915 and 1979 c 117 s 19;
19 (64) RCW 18.57A.010 and 1979 c 117 s 17 & 1971 ex.s. c 30 s 7;
20 (65) RCW 18.57A.020 and 1993 c 28 s 1, 1992 c 28 s 1, & 1971 ex.s.
21 c 30 s 8;
22 (66) RCW 18.57A.025 and 1986 c 259 s 93;
23 (67) RCW 18.57A.030 and 1993 c 28 s 2, 1986 c 259 s 95, & 1971
24 ex.s. c 30 s 9;
25 (68) RCW 18.57A.040 and 1993 c 28 s 3 & 1991 c 3 s 152;
26 (69) RCW 18.57A.050 and 1993 c 28 s 4, 1986 c 259 s 97, & 1971
27 ex.s. c 30 s 11;
28 (70) RCW 18.57A.060 and 1973 c 77 s 20 & 1971 ex.s. c 30 s 12; and
29 (71) RCW 18.57A.070 and 1977 ex.s. c 233 s 1.

30

CHIROPRACTIC

31 NEW SECTION. **Sec. 201.** A new section is added to chapter 18.25
32 RCW to read as follows:

33 This chapter is enacted:

34 (1) In the exercise of the police power of the state and to provide
35 an adequate public agency to act as a disciplinary body for the members
36 of the chiropractic profession licensed to practice chiropractic in
37 this state;

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

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

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

10 It is the purpose of the commission established under section 204
11 of this act to regulate the competency and quality of professional
12 health care providers under its jurisdiction by establishing,
13 monitoring, and enforcing qualifications for licensing, consistent
14 standards of practice, continuing competency mechanisms, and
15 discipline. Rules, policies, and procedures developed by the
16 commission must promote the delivery of quality health care to the
17 residents of the state.

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

32 **Sec. 202.** RCW 18.25.005 and 1992 c 241 s 2 are each amended to
33 read as follows:

34 (1) Chiropractic is the practice of health care that deals with the
35 diagnosis or analysis and care or treatment of the vertebral
36 subluxation complex and its effects, articular dysfunction, and
37 musculoskeletal disorders, all for the restoration and maintenance of
38 health and recognizing the recuperative powers of the body.

1 (2) Chiropractic treatment or care includes the use of procedures
2 involving spinal adjustments, and extremity manipulation insofar as any
3 such procedure is complementary or preparatory to a chiropractic spinal
4 adjustment. Chiropractic treatment also includes the use of heat,
5 cold, water, exercise, massage, trigger point therapy, dietary advice
6 and recommendation of nutritional supplementation except for medicines
7 of herbal, animal, or botanical origin, the normal regimen and
8 rehabilitation of the patient, first aid, and counseling on hygiene,
9 sanitation, and preventive measures. Chiropractic care also includes
10 such physiological therapeutic procedures as traction and light, but
11 does not include procedures involving the application of sound,
12 diathermy, or electricity.

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

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

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

31 **Sec. 203.** RCW 18.25.006 and 1992 c 241 s 3 are each amended to
32 read as follows:

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

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

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

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

1 (4) (~~"Board" means the Washington state board of chiropractic~~
2 ~~examiners.~~) "Commission" means the Washington state chiropractic
3 quality assurance commission.

4 (5) "Vertebral subluxation complex" means a functional defect or
5 alteration of the biomechanical and physiological dynamics in a joint
6 that may cause neuronal disturbances, with or without displacement
7 detectable by x-ray. The effects of the vertebral subluxation complex
8 may include, but are not limited to, any of the following: Fixation,
9 hypomobility, hypermobility, periarticular muscle spasm, edema, or
10 inflammation.

11 (6) "Articular dysfunction" means an alteration of the
12 biomechanical and physiological dynamics of a joint of the axial or
13 appendicular skeleton.

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

16 (8) "Chiropractic differential diagnosis" means a diagnosis to
17 determine the existence of a vertebral subluxation complex, articular
18 dysfunction, or musculoskeletal disorder, and the appropriateness of
19 chiropractic care or the need for referral to other health care
20 providers.

21 (9) "Chiropractic adjustment" means chiropractic care of a
22 vertebral subluxation complex, articular dysfunction, or
23 musculoskeletal disorder. Such care includes manual or mechanical
24 adjustment of any vertebral articulation and contiguous articulations
25 beyond the normal passive physiological range of motion.

26 (10) "Extremity manipulation" means a corrective thrust or maneuver
27 applied to a joint of the appendicular skeleton. The use of extremity
28 manipulation shall be complementary and preparatory to a chiropractic
29 spinal adjustment to support correction of a vertebral subluxation
30 complex and is considered a part of a spinal adjustment and shall not
31 be billed separately from or in addition to a spinal adjustment.

32 NEW SECTION. Sec. 204. A new section is added to chapter 18.25
33 RCW to read as follows:

34 COMMISSION ESTABLISHED--MEMBERS APPOINTED BY THE GOVERNOR. The
35 Washington state chiropractic quality assurance commission is
36 established, consisting of fourteen members appointed by the governor
37 to four-year terms, and including eleven practicing chiropractors and
38 three public members. No member may serve more than two consecutive

1 full terms. In appointing the initial members of the commission, it is
2 the intent of the legislature that, to the extent possible, the
3 governor appoint members of the previous boards and committees
4 regulating this profession to the commission. Members of the
5 commission hold office until their successors are appointed. The
6 governor may appoint the members of the initial commissions to
7 staggered terms of from one to four years. Thereafter, all members
8 shall be appointed to full four-year terms. The governor may consider
9 persons who are recommended for appointment by chiropractic
10 associations of this state.

11 NEW SECTION. **Sec. 205.** A new section is added to chapter 18.25
12 RCW to read as follows:

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

24 NEW SECTION. **Sec. 206.** A new section is added to chapter 18.25
25 RCW to read as follows:

26 COMMISSION--QUALIFICATIONS OF MEMBERS. Members must be citizens of
27 the United States and residents of this state. Members must be
28 licensed chiropractors for a period of five years before appointment.
29 Public members of the commission may not be a member of any other
30 health care licensing board or commission, or have a fiduciary
31 obligation to a facility rendering health services regulated by the
32 commission, or have a material or financial interest in the rendering
33 of health services regulated by the commission.

34 NEW SECTION. **Sec. 207.** A new section is added to chapter 18.25
35 RCW to read as follows:

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

7 Each member of the commission shall be compensated in accordance
8 with RCW 43.03.240. Members shall be reimbursed for travel expenses
9 incurred in the actual performance of their duties, as provided in RCW
10 43.03.050 and 43.03.060.

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

16 The commission may appoint members of panels of at least three
17 members. A quorum for transaction of any business by a panel is a
18 minimum of three members. A majority vote of a quorum of the panel is
19 required to transact business delegated to it by the commission.

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

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

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

30 **Sec. 208.** RCW 18.25.019 and 1987 c 150 s 12 are each amended to
31 read as follows:

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

35 **Sec. 209.** RCW 18.25.020 and 1991 c 3 s 38 are each amended to read
36 as follows:

1 (1) Any person not now licensed to practice chiropractic in this
2 state and who desires to practice chiropractic in this state, before it
3 shall be lawful for him or her to do so, shall make application
4 therefor to the secretary, upon such form and in such manner as may be
5 adopted and directed by the secretary. Each applicant who matriculates
6 to a chiropractic college after January 1, 1975, shall have completed
7 not less than one-half of the requirements for a baccalaureate degree
8 at an accredited and approved college or university and shall be a
9 graduate of a chiropractic school or college accredited and approved by
10 the ((board of chiropractic examiners)) commission and shall show
11 satisfactory evidence of completion by each applicant of a resident
12 course of study of not less than four thousand classroom hours of
13 instruction in such school or college. Applications shall be in
14 writing and shall be signed by the applicant in his or her own
15 handwriting and shall be sworn to before some officer authorized to
16 administer oaths, and shall recite the history of the applicant as to
17 his or her educational advantages, his or her experience in matters
18 pertaining to a knowledge of the care of the sick, how long he or she
19 has studied chiropractic, under what teachers, what collateral
20 branches, if any, he or she has studied, the length of time he or she
21 has engaged in clinical practice; accompanying the same by reference
22 therein, with any proof thereof in the shape of diplomas, certificates,
23 and shall accompany said application with satisfactory evidence of good
24 character and reputation.

25 (2) There shall be paid to the secretary by each applicant for a
26 license, a fee determined by the secretary as provided in RCW 43.70.250
27 which shall accompany application and a fee determined by the secretary
28 as provided in RCW 43.70.250, which shall be paid upon issuance of
29 license. Like fees shall be paid for any subsequent examination and
30 application.

31 **Sec. 210.** RCW 18.25.025 and 1980 c 51 s 3 are each amended to read
32 as follows:

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

35 The ((board)) commission shall have authority to adopt educational
36 standards which may include standards of any accreditation agency
37 recognized by the office of education of the department of health and
38 human services or its successor agency, or any portion of such

1 standards, as the ((board's)) commission's standards: PROVIDED, That
2 such standards, so adopted, shall contain, as a minimum of on-campus
3 instruction in chiropractic, the following: Principles of
4 chiropractic, two hundred hours; adjustive technique, four hundred
5 hours; spinal roentgenology, one hundred seventy-five hours;
6 symptomatology and diagnosis, four hundred twenty-five hours; clinic,
7 six hundred twenty-five hours: PROVIDED FURTHER, That such standards
8 shall not mandate, as a requirement for either graduation or
9 accreditation, or include in the computation of hours of chiropractic
10 instruction required by this section, instruction in the following:
11 Mechanotherapy, physiotherapy, acupuncture, acupressure, or any other
12 therapy.

13 The ((board)) commission shall approve and accredit chiropractic
14 colleges and schools which apply for ((board)) commission accreditation
15 and approval and which meet to the ((board's)) commission's
16 satisfaction the educational standards adopted by the ((board))
17 commission. It shall be the responsibility of the college to apply for
18 accreditation and approval, and of a student to ascertain whether a
19 college or school has been accredited or approved by the ((board))
20 commission.

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

23 **Sec. 211.** RCW 18.25.030 and 1989 c 258 s 4 are each amended to
24 read as follows:

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

32 All examinations shall be in whole or in part in writing, the
33 subject of which shall be as follows: Anatomy, physiology, spinal
34 anatomy, microbiology-public health, general diagnosis,
35 neuromuscularskeletal diagnosis, x-ray, principles of chiropractic and
36 adjusting, as taught by chiropractic schools and colleges. ~~((The board~~
37 ~~shall administer a practical examination to applicants which shall~~
38 ~~consist of diagnosis, principles and practice, x ray, and adjustive~~

1 technique consistent with chapter 18.25 RCW.)) A license shall be
2 granted to all applicants whose score over each subject tested is
3 seventy-five percent. The ((board)) commission may enact additional
4 requirements for testing administered by the national board of
5 chiropractic examiners.

6 **Sec. 212.** RCW 18.25.035 and 1971 ex.s. c 227 s 5 are each amended
7 to read as follows:

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

15 **Sec. 213.** RCW 18.25.040 and 1991 c 320 s 8 are each amended to
16 read as follows:

17 Persons licensed to practice chiropractic under the laws of any
18 other state, territory of the United States, the District of Columbia,
19 Puerto Rico, or province of Canada, having qualifications substantially
20 equivalent to those required by this chapter, may, in the discretion of
21 the ((~~board of chiropractic examiners~~)) commission, and after such
22 examination as may be required by rule of the ((board)) commission, be
23 issued a license to practice in this state without further examination,
24 upon payment of a fee determined by the secretary as provided in RCW
25 43.70.250.

26 **Sec. 214.** RCW 18.25.070 and 1991 c 3 s 40 are each amended to read
27 as follows:

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

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

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

8 (c) Rules shall be adopted by the ~~((board))~~ commission for
9 licensees practicing and residing outside the state who shall meet all
10 requirements established by rule of the ~~((board by rules and~~
11 ~~regulations))~~ commission.

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

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

35 **Sec. 215.** RCW 18.25.075 and 1991 c 3 s 41 are each amended to read
36 as follows:

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

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

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

9 (4) The provisions relating to the denial, suspension, and
10 revocation of a license shall be applicable to an inactive license,
11 except that when proceedings to suspend or revoke an inactive license
12 have been initiated, the license shall remain inactive until the
13 proceedings have been completed.

14 NEW SECTION. Sec. 216. A new section is added to chapter 18.25
15 RCW to read as follows:

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

20 (2) Proceedings involving alleged unprofessional conduct shall be
21 prosecuted by the attorney general upon the direction of the
22 commission.

23 **Sec. 217.** RCW 18.25.180 and 1991 c 222 s 9 are each amended to
24 read as follows:

25 (1) A chiropractor may employ a technician to operate x-ray
26 equipment after the technician has registered with the ((board))
27 commission.

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

30 **Sec. 218.** RCW 18.25.190 and 1991 c 320 s 10 are each amended to
31 read as follows:

32 Nothing in this chapter shall be construed to prohibit:

33 (1) The temporary practice in this state of chiropractic by any
34 chiropractor licensed by another state, territory, or country in which
35 he or she resides. However, the chiropractor shall not establish a
36 practice open to the general public and shall not engage in temporary

1 practice under this section for a period longer than thirty days. The
2 chiropractor shall register his or her intention to engage in the
3 temporary practice of chiropractic in this state with the (~~board of~~
4 ~~chiropractic examiners~~) commission before engaging in the practice of
5 chiropractic, and shall agree to be bound by such conditions as may be
6 prescribed by rule by the (~~board~~) commission.

7 (2) The practice of chiropractic, except the administration of a
8 chiropractic adjustment, by a person who is a regular senior student in
9 an accredited school of chiropractic approved by the (~~board~~)
10 commission if the practice is part of a regular course of instruction
11 offered by the school and the student is under the direct supervision
12 and control of a chiropractor duly licensed pursuant to this chapter
13 and approved by the (~~board~~) commission.

14 (3) The practice of chiropractic by a person serving a period of
15 postgraduate chiropractic training in a program of clinical
16 chiropractic training sponsored by a school of chiropractic accredited
17 in this state if the practice is part of his or her duties as a
18 clinical postgraduate trainee and the trainee is under the direct
19 supervision and control of a chiropractor duly licensed pursuant to
20 this chapter and approved by the (~~board~~) commission.

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

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

35 NEW SECTION. Sec. 219. A new section is added to chapter 18.25
36 RCW to read as follows:

37 The commission is the successor in interest of the board of
38 chiropractic examiners, the chiropractic disciplinary board, and the

1 chiropractic peer review committee. All contracts, undertakings,
2 agreements, rules, regulations, and policies of those bodies continue
3 in full force and effect on the effective date of this act, unless
4 otherwise repealed or rejected by chapter . . . , Laws of 1994 (this
5 act) or by the commission.

6 NEW SECTION. **Sec. 220.** RCW 18.25.130, 18.25.140, 18.25.150,
7 18.25.160, and 18.25.170 are each recodified within chapter 18.25 RCW
8 between RCW 18.25.019 and 18.25.020.

9 NEW SECTION. **Sec. 221.** The following acts or parts of acts are
10 each repealed:

11 (1) RCW 18.25.015 and 1989 c 258 s 1, 1984 c 279 s 49, 1980 c 51 s
12 1, 1965 ex.s. c 50 s 1, & 1959 c 53 s 1;

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

14 (3) RCW 18.25.017 and 1991 c 3 s 37, 1986 c 259 s 23, 1984 c 287 s
15 27, 1975-'76 2nd ex.s. c 34 s 32, 1974 ex.s. c 97 s 8, & 1959 c 53 s 2;

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

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

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

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

21 (8) RCW 18.26.030 and 1986 c 259 s 25, 1979 ex.s. c 111 s 17, 1975
22 1st ex.s. c 39 s 1, 1974 ex.s. c 97 s 12, & 1967 c 171 s 3;

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

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

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

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

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

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

31 (15) RCW 18.26.110 and 1986 c 259 s 26, 1975 1st ex.s. c 39 s 2, &
32 1967 c 171 s 11;

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

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

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

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

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

- 1 (21) RCW 18.26.370 and 1991 c 320 s 6;
2 (22) RCW 18.26.380 and 1991 c 320 s 7;
3 (23) RCW 18.26.390 and 1991 c 320 s 11; and
4 (24) RCW 18.26.900 and 1967 c 171 s 31.

5 **DENTAL**

6 NEW SECTION. **Sec. 301.** A new section is added to chapter 18.32
7 RCW to read as follows:

8 The legislature finds that the health and well-being of the people
9 of this state are of paramount importance.

10 The legislature further finds that the conduct of members of the
11 dental profession licensed to practice dentistry in this state plays a
12 vital role in preserving the health and well-being of the people of the
13 state.

14 The legislature further finds that there is no effective means of
15 handling disciplinary proceedings against members of the dental
16 profession licensed in this state when such proceedings are necessary
17 for the protection of the public health.

18 Therefore, the legislature declares its intention to exercise the
19 police power of the state to protect the public health, to promote the
20 welfare of the state, and to provide a commission to act as a
21 disciplinary and regulatory body for the members of the dental
22 profession licensed to practice dentistry in this state.

23 It is the purpose of the commission established in section 304 of
24 this act to regulate the competency and quality of professional health
25 care providers under its jurisdiction by establishing, monitoring, and
26 enforcing qualifications for licensure, consistent standards of
27 practice, continuing competency mechanisms, and discipline. Rules,
28 policies, and procedures developed by the commission must promote the
29 delivery of quality health care to the residents of the state.

30 **Sec. 302.** RCW 18.32.010 and 1991 c 3 s 58 are each amended to read
31 as follows:

32 Words used in the singular in this chapter may also be applied to
33 the plural of the persons and things; words importing the plural may be
34 applied to the singular; words importing the masculine gender may be
35 extended to females also; the term "~~(board)~~ commission" used in this
36 chapter shall mean the Washington state (~~board of dental examiners~~)

1 dental quality assurance commission; and the term "secretary" shall
2 mean the secretary of health of the state of Washington.

3 **Sec. 303.** RCW 18.32.030 and 1991 c 3 s 59 are each amended to read
4 as follows:

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

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

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

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

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

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

31 (6) The making, repairing, altering, or supplying of artificial
32 restorations, substitutions, appliances, or materials for the
33 correction of disease, loss, deformity, malposition, dislocation,
34 fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or
35 associated tissues or parts; providing the same are made, repaired,
36 altered, or supplied pursuant to the written instructions and order of
37 a licensed dentist which may be accompanied by casts, models, or
38 impressions furnished by the dentist, and the prescriptions shall be

1 retained and filed for a period of not less than three years and shall
2 be available to and subject to the examination of the secretary or the
3 secretary's authorized representatives;

4 (7) The removal of deposits and stains from the surfaces of the
5 teeth, the application of topical preventative or prophylactic agents,
6 and the polishing and smoothing of restorations, when performed or
7 prescribed by a dental hygienist licensed under the laws of this state;

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

11 (9) The performing of dental operations or services by persons not
12 licensed under this chapter when performed under the supervision of a
13 licensed dentist: PROVIDED HOWEVER, That such nonlicensed person shall
14 in no event perform the following dental operations or services unless
15 permitted to be performed by the person under this chapter or chapters
16 18.29, 18.57, 18.71, and 18.88 RCW:

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

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

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

25 (d) Any oral prophylaxis;

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

29 NEW SECTION. **Sec. 304.** A new section is added to chapter 18.32
30 RCW to read as follows:

31 COMMISSION ESTABLISHED--MEMBERS APPOINTED. The Washington state
32 dental quality assurance commission is established, consisting of
33 fifteen members each appointed by the governor to a four-year term. No
34 member may serve more than two consecutive full terms. In appointing
35 the initial members of the commission, it is the intent of the
36 legislature that, to the extent possible, members of the previous
37 boards and committees regulating these professions be appointed to the
38 commission. Members of the commission hold office until their

1 successors are appointed. The governor may appoint members of the
2 initial commission to staggered terms of from one to four years.
3 Thereafter, all members shall be appointed to full four-year terms.
4 Twelve members of the commission must be dentists, two members must be
5 public members, and one nonvoting member must be a licensed dental
6 hygienist.

7 NEW SECTION. **Sec. 305.** A new section is added to chapter 18.32
8 RCW to read as follows:

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

20 NEW SECTION. **Sec. 306.** A new section is added to chapter 18.32
21 RCW to read as follows:

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

1 commission who is in any way connected with a dental college or dental
2 department of an institution of learning.

3 NEW SECTION. **Sec. 307.** A new section is added to chapter 18.32
4 RCW to read as follows:

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

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

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

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

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

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

30 The attorney general shall advise the commission and represent it
31 in all legal proceedings.

32 NEW SECTION. **Sec. 308.** A new section is added to chapter 18.32
33 RCW to read as follows:

34 Each member of the commission shall be compensated in accordance
35 with RCW 43.03.240. Members shall be reimbursed for travel expenses
36 incurred in the actual performance of their duties, as provided in RCW
37 43.03.050 and 43.03.060. Commission members shall be compensated and

1 reimbursed for their activities in developing or administering a
2 multistate licensing examination, as provided in this chapter.

3 NEW SECTION. **Sec. 309.** A new section is added to chapter 18.32
4 RCW to read as follows:

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

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

17 NEW SECTION. **Sec. 310.** A new section is added to chapter 18.32
18 RCW to read as follows:

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

21 **Sec. 311.** RCW 18.32.040 and 1991 c 3 s 61 are each amended to read
22 as follows:

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

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

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

30 (3) Pass an examination prepared or approved by and administered
31 under the direction of the ((board)) commission. The dentistry
32 licensing examination shall consist of practical and written tests upon
33 such subjects and of such scope as the ((board)) commission determines.
34 The ((board)) commission may accept, in lieu of all or part of a
35 written examination, a certificate granted by a national or regional
36 testing organization approved by the ((board)) commission. The

1 ((board)) commission shall set the standards for passing the
2 examination. The secretary shall keep on file the examination papers
3 and records of examination for at least one year. This file shall be
4 open for inspection by the applicant or the applicant's agent unless
5 the disclosure will compromise the examination process as determined by
6 the ((board)) commission or is exempted from disclosure under RCW
7 42.17.250 through 42.17.340.

8 **Sec. 312.** RCW 18.32.050 and 1984 c 287 s 30 are each amended to
9 read as follows:

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

22 **Sec. 313.** RCW 18.32.100 and 1991 c 3 s 62 are each amended to read
23 as follows:

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

33 The application shall be signed by the applicant and sworn to by
34 the applicant before some person authorized to administer oaths, and
35 shall be accompanied by proof of the applicant's school attendance and
36 graduation.

1 **Sec. 314.** RCW 18.32.120 and 1991 c 3 s 64 are each amended to read
2 as follows:

3 When the application and the accompanying proof are found
4 satisfactory, the secretary shall notify the applicant to appear before
5 the ((board)) commission at a time and place to be fixed by the
6 ((board)) commission.

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

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

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

17 **Sec. 315.** RCW 18.32.160 and 1991 c 3 s 65 are each amended to read
18 as follows:

19 All licenses issued by the secretary on behalf of the ((board))
20 commission shall be signed by the secretary or chairperson and
21 secretary of the ((board)) commission.

22 **Sec. 316.** RCW 18.32.180 and 1991 c 3 s 67 are each amended to read
23 as follows:

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

33 (2) A person who fails to renew the license for a period of three
34 years may not renew the license under subsection (1) of this section.
35 In order to obtain a license to practice dentistry in this state, such
36 a person shall file an original application as provided for in this
37 chapter, along with the requisite fees. The ((board)) commission, in

1 its sole discretion, may permit the applicant to be licensed without
2 examination, and with or without conditions, if it is satisfied that
3 the applicant meets all the requirements for licensure in this state
4 and is competent to engage in the practice of dentistry.

5 **Sec. 317.** RCW 18.32.190 and 1991 c 3 s 68 are each amended to read
6 as follows:

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

16 **Sec. 318.** RCW 18.32.195 and 1992 c 59 s 1 are each amended to read
17 as follows:

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

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

1 (2) The (~~board~~) commission may, upon written request of the dean
2 of the school of dentistry of the University of Washington, issue a
3 limited license to practice dentistry in this state to university
4 residents in postgraduate dental education. The license shall permit
5 the resident dentist to provide dental care only in connection with his
6 or her duties as a university resident.

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

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

32 **Sec. 319.** RCW 18.32.215 and 1989 c 202 s 30 are each amended to
33 read as follows:

34 An applicant holding a valid license and currently engaged in
35 practice in another state may be granted a license without examination
36 required by this chapter, on the payment of any required fees, if the
37 (~~board~~) commission determines that the other state's licensing
38 standards are substantively equivalent to the standards in this

1 state(~~(: PROVIDED, That)~~). The ((~~board~~)) commission may also require
2 the applicant to: (1) File with the ((~~board~~)) commission documentation
3 certifying the applicant is licensed to practice in another state; and
4 (2) provide information as the ((~~board~~)) commission deems necessary
5 pertaining to the conditions and criteria of the Uniform Disciplinary
6 Act, chapter 18.130 RCW, and to demonstrate to the ((~~board~~)) commission
7 a knowledge of Washington law pertaining to the practice of dentistry.

8 **Sec. 320.** RCW 18.32.534 and 1991 c 3 s 72 are each amended to read
9 as follows:

10 (1) To implement an impaired dentist program as authorized by RCW
11 18.130.175, the ((~~dental disciplinary board~~)) commission shall enter
12 into a contract with a voluntary substance abuse monitoring program.
13 The impaired dentist program may include any or all of the following:

14 (a) Contracting with providers of treatment programs;
15 (b) Receiving and evaluating reports of suspected impairment from
16 any source;

17 (c) Intervening in cases of verified impairment;

18 (d) Referring impaired dentists to treatment programs;

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

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

23 (g) Performing other related activities as determined by the
24 ((~~board~~)) commission.

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

31 **Sec. 321.** RCW 18.32.640 and 1988 c 217 s 1 are each amended to
32 read as follows:

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

35 (2) The ((~~board~~)) commission may adopt rules governing
36 administration of sedation and general anesthesia by persons licensed
37 under this chapter, including necessary training, education, equipment,

1 and the issuance of any permits, certificates, or registration as
2 required.

3 **Sec. 322.** RCW 18.32.655 and 1986 c 259 s 35 are each amended to
4 read as follows:

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

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

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

19 **Sec. 323.** RCW 18.32.665 and 1986 c 259 s 36 are each amended to
20 read as follows:

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

1 rendered. The (~~dental disciplinary board~~) commission may adopt such
2 rules as are necessary to carry out the intent of this section.

3 **Sec. 324.** RCW 18.32.745 and 1991 c 3 s 73 are each amended to read
4 as follows:

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

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

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

30 **Sec. 325.** RCW 18.32.755 and 1986 c 259 s 37 are each amended to
31 read as follows:

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

35 Any violation of the provisions of this section (~~shall~~
36 ~~constitute~~) is improper, unprofessional, and dishonorable conduct; it
37 (~~shall~~) also (~~constitute~~) is grounds for injunction proceedings as

1 provided by RCW 18.130.190(~~(+2)~~) (4), and in addition (~~shall~~
2 ~~constitute~~) is a gross misdemeanor.

3 NEW SECTION. Sec. 326. A new section is added to chapter 18.32
4 RCW to read as follows:

5 The commission is the successor in interest of the board of dental
6 examiners and the dental disciplinary board. All contracts,
7 undertakings, agreements, rules, regulations, and policies continue in
8 full force and effect on the effective date of this act, unless
9 otherwise repealed or rejected by chapter ..., Laws of 1994 (this act)
10 or by the commission.

11 NEW SECTION. Sec. 327. The following acts or parts of acts are
12 each repealed:

13 (1) RCW 18.32.035 and 1989 c 202 s 14, 1984 c 279 s 50, 1979 c 38
14 s 1, 1975 c 49 s 1, 1953 c 93 s 2, 1941 c 92 s 1, & 1935 c 112 s 2;

15 (2) RCW 18.32.037 and 1991 c 3 s 60, 1989 c 202 s 15, & 1935 c 112
16 s 3;

17 (3) RCW 18.32.042 and 1989 c 202 s 28;

18 (4) RCW 18.32.500 and 1989 c 202 s 24, 1986 c 259 s 39, & 1977
19 ex.s. c 5 s 37;

20 (5) RCW 18.32.510 and 1977 ex.s. c 5 s 1;

21 (6) RCW 18.32.520 and 1991 c 3 s 71, 1989 c 202 s 25, 1986 c 259 s
22 40, 1979 c 158 s 36, & 1977 ex.s. c 5 s 2;

23 (7) RCW 18.32.560 and 1984 c 279 s 51 & 1977 ex.s. c 5 s 6;

24 (8) RCW 18.32.570 and 1977 ex.s. c 5 s 7;

25 (9) RCW 18.32.580 and 1977 ex.s. c 5 s 8;

26 (10) RCW 18.32.590 and 1977 ex.s. c 5 s 9;

27 (11) RCW 18.32.600 and 1984 c 287 s 31 & 1977 ex.s. c 5 s 10;

28 (12) RCW 18.32.610 and 1977 ex.s. c 5 s 11; and

29 (13) RCW 18.32.620 and 1984 c 279 s 62 & 1977 ex.s. c 5 s 12.

30 **VISION CARE**

31 NEW SECTION. Sec. 401. LEGISLATIVE INTENT. The legislature finds
32 that vision care practitioners provide a vital service that affects the
33 health and welfare of the people of this state and should be regulated
34 in the public interest and to ensure that practitioners are limited to

1 qualified persons licensed and authorized to practice under this
2 chapter.

3 It is the purpose of the commission established under section 407
4 of this act to regulate the competency and quality of professional
5 health care providers under its jurisdiction by establishing,
6 monitoring, and enforcing qualifications for licensing, consistent
7 standards of practice, continuing competency mechanisms, and
8 discipline. Rules, policies, and procedures developed by the
9 commission must promote the delivery of quality health care to the
10 residents of the state.

11 NEW SECTION. **Sec. 402.** DEFINITIONS. Unless the context clearly
12 requires otherwise, the definitions set forth in this section apply
13 throughout this chapter.

14 (1) "Apprentice" is a person registered by the secretary to a
15 physician, optometrist, or dispensing optician for the purpose of
16 obtaining training and direct supervision in the practice of a
17 dispensing optician.

18 (2) "Commission" means the vision care quality assurance
19 commission.

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

21 (4) "Dispensing optician" means a person licensed under this
22 chapter to practice as a dispensing optician.

23 (5) "Optometrist" means a person licensed under this chapter to
24 practice optometry.

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

28 (7) "Physician" is a person licensed under chapter 18.57 or 18.71
29 RCW.

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

32 (9) "Vision care practitioner" means either a licensed dispensing
33 optician or optometrist.

34 NEW SECTION. **Sec. 403.** OPTOMETRY--DEFINITION--SCOPE OF PRACTICE.

35 (1) The practice of optometry is defined as the examination of the
36 human eye, the examination and ascertaining any defects of the human
37 vision system, and the analysis of the process of vision. The practice

1 of optometry may include, but not necessarily be limited to, the
2 following:

3 (a) The employment of objective or subjective means or methods
4 including the use of drugs topically applied to the eye for diagnostic
5 and therapeutic purposes by those licensed under this chapter and who
6 meet the requirements of subsections (2) and (3) of this section, and
7 the use of diagnostic instruments or devices for the examination or
8 analysis of the human vision system, the measurement of the powers or
9 range of human vision, or the determination of the refractive powers of
10 the human eye or its functions in general;

11 (b) The prescription and provision of visual therapy, therapeutic
12 aids, and other optical devices, and the treatment with topically
13 applied drugs by those licensed under this chapter and who meet the
14 requirements of subsections (2) and (3) of this section;

15 (c) The ascertainment of the perceptive, neural, muscular, or
16 pathological condition of the visual system; and

17 (d) The adaptation of prosthetic eyes.

18 (2) Those persons using drugs for diagnostic purposes in the
19 practice of optometry must have a minimum of sixty hours of didactic
20 and clinical instruction in general and ocular pharmacology as applied
21 to optometry, and for therapeutic purposes, an additional minimum of
22 seventy-five hours of didactic and clinical instruction as established
23 by the commission and certification from an institution of higher
24 learning, accredited by those agencies recognized by the United States
25 office of education or the council on postsecondary accreditation to
26 qualify for certification by the commission to use drugs for
27 diagnostic and therapeutic purposes. The courses are the fiscal
28 responsibility of the participating and attending optometrist.

29 (3) The commission shall establish a schedule of drugs for
30 diagnostic and treatment purposes limited to the practice of optometry,
31 and no person licensed under this chapter may prescribe, dispense,
32 purchase, possess, or administer drugs except as authorized and to the
33 extent permitted by the commission.

34 (4) The commission shall develop a means of identification and
35 verification of optometrists certified to use therapeutic drugs for the
36 purpose of issuing prescriptions as authorized by this section.

37 NEW SECTION. **Sec. 404.** DISPENSING OPTICIAN. A dispensing
38 optician is a person who prepares duplication of, or prepares and

1 dispenses lenses, spectacles, eyeglasses, or appurtenances to them on
2 written prescriptions from physicians or optometrists, and in
3 accordance with the prescriptions, measures, adapts, adjusts, and
4 fabricates the lenses, spectacles, eyeglasses, or appurtenances to them
5 to the human face for the aid or correction of visual or ocular
6 anomalies of the human eye. However, contact lenses may be fitted only
7 upon written prescription of a physician or optometrist.

8 NEW SECTION. **Sec. 405.** APPRENTICE. (1) A vision care
9 practitioner shall not register more than two apprentices in the
10 apprenticeship training program at one time.

11 (2) The vision care practitioner is responsible for the acts of his
12 or her apprentices in the performance of their work in the
13 apprenticeship program.

14 (3) An apprentice must complete the apprenticeship program within
15 six years of the initial registration. An apprentice may request an
16 extension from the secretary if the apprentice feels that unforeseen
17 circumstances beyond his or her control prevented the apprentice from
18 completing the program within the six-year period.

19 NEW SECTION. **Sec. 406.** EXEMPTIONS. Nothing in this chapter:

20 (1) Limits or restricts a duly licensed physician or optometrist or
21 employees working under the personal supervision of a duly licensed
22 physician or optometrist from the practices enumerated in this chapter
23 that accrue to dispensing opticians licensed under this chapter, but
24 this subsection does not permit a dispensing optician to practice
25 optometry;

26 (2) Prohibits an unlicensed person from performing mechanical work
27 upon inert matter in an optical office, laboratory, or shop;

28 (3) Prohibits an unlicensed person from engaging in the sale of
29 spectacles, eyeglasses, magnifying glasses, goggles, sunglasses,
30 telescopes, binoculars, or any such articles that are completely
31 preassembled and sold only as merchandise;

32 (4) Authorizes or permits a dispensing optician to hold himself or
33 herself out as being able to, or to offer to, or to undertake to
34 attempt, by any manner of means, to examine or exercise the eyes,
35 diagnose, treat, correct, relieve, operate, or prescribe for any human
36 ailment, deficiency, deformity, disease, or injury.

1 NEW SECTION. **Sec. 407.** COMMISSION ESTABLISHED--MEMBERS APPOINTED.

2 The Washington state vision care quality assurance commission is
3 established, consisting of nine members each appointed by the governor
4 to a four-year term. No member may serve more than two consecutive
5 full terms. In appointing the initial members of the commission, it is
6 the intent of the legislature that, to the extent possible, members of
7 the previous boards and committees regulating these professions be
8 appointed to the commission. Members of the commission hold office
9 until their successors are appointed. The governor may appoint members
10 of the initial commissions to staggered terms of from one to four
11 years. Thereafter, all members shall be appointed to full four-year
12 terms.

13 NEW SECTION. **Sec. 408.** COMMISSION--REMOVAL OF MEMBERS--VACANCIES.

14 The governor may remove a member of the commission for neglect of duty,
15 misconduct, or malfeasance or misfeasance in office. Whenever the
16 governor is satisfied that a member of the commission has been guilty
17 of neglect of duty, misconduct, or malfeasance or misfeasance in
18 office, the governor shall file with the secretary of state a statement
19 of the causes for and the order of removal from office, and the
20 secretary shall forthwith send a certified copy of the order of removal
21 and statement of causes by certified mail to the last known post office
22 address of the member. If a vacancy occurs on the commission, the
23 governor shall appoint a replacement to fill the remainder of the
24 unexpired term.

25 NEW SECTION. **Sec. 409.** COMMISSION--QUALIFICATIONS FOR MEMBERS.

26 Members must be citizens of the United States and residents of this
27 state, and no commission member may have a connection with a school or
28 college embracing the teaching of optometry or opticianry or with an
29 optical supply business. Three members must be licensed practicing
30 optometrists for a period of four years before appointment; three
31 members must be licensed practicing dispensing opticians for a period
32 of four years before appointment; two members must be public members;
33 and one nonvoting member must be a licensed practicing ophthalmologist
34 who is a physician holding certification in that specialty from the
35 American Academy of Ophthalmology. Public members of the commission
36 may not be a member of any other health care licensing board or
37 commission, or have a fiduciary obligation to a facility rendering

1 health services regulated by the commission, or have a material or
2 financial interest in the rendering of health services regulated by the
3 commission.

4 NEW SECTION. **Sec. 410.** COMMISSION--DUTIES AND POWERS. The
5 commission shall elect a chairperson, vice-chairperson, and secretary
6 each year. Meetings of the commission are open to the public, except
7 that the commission may hold executive sessions to the extent permitted
8 by chapter 42.30 RCW. The secretary of health shall furnish such
9 secretarial, clerical, and other assistance as the commission may
10 require.

11 Each member of the commission shall be compensated in accordance
12 with RCW 43.03.240. Members shall be reimbursed for travel expenses
13 incurred in the actual performance of their duties, as provided in RCW
14 43.03.050 and 43.03.060.

15 A majority of the commission members appointed and serving
16 constitutes a quorum for the transaction of commission business. The
17 affirmative vote of a majority of a quorum of the commission is
18 required to carry a motion or resolution, to adopt a rule, or to pass
19 a measure.

20 The commission may appoint members of panels consisting of not less
21 than three members. A quorum for transaction of any business is a
22 minimum of three members. A majority vote of a quorum of the panel is
23 required to transact business delegated to it by the commission.

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

27 The commission may, whenever the workload of the commission
28 requires, request that the secretary appoint pro tempore members.
29 While serving as members pro tempore, persons have all the powers,
30 duties, and immunities, and are entitled to the emoluments, including
31 travel expenses, of the commission.

32 The commission shall prepare or determine the nature of the
33 examinations for applicants for optometrist and dispensing optician
34 licenses.

35 NEW SECTION. **Sec. 411.** LICENSE APPLICATIONS--ELIGIBILITY--
36 QUALIFICATIONS. (1) Persons applying for licensing under this chapter
37 must:

1 (a) Submit a completed application on forms provided by the
2 department;

3 (b) Pay an application fee as determined by the secretary as
4 provided in RCW 43.70.250;

5 (c) Be eighteen years of age or older;

6 (d) Be a graduate of a state-accredited high school or its
7 equivalent;

8 (e) Be of good moral character;

9 (f) Have no contagious or infectious disease;

10 (g) Successfully complete an examination prepared and administered
11 or approved for administration, or both, by the commission.

12 (2) Optometrists applying for licensing must, in addition to the
13 requirements of subsection (1) of this section, meet the following
14 requirements: Have a diploma or other certificate of completion from
15 an accredited college of optometry or school of optometry, maintaining
16 a course of four scholastic years in addition to preprofessional
17 college level studies, and teaching substantially all of the following
18 subjects: General anatomy, anatomy of the eyes, physiology, physics,
19 chemistry, pharmacology, biology, bacteriology, general pathology,
20 ocular pathology, ocular neurology, ocular mechanics, clinical
21 optometry, visual field charting and orthoptics, general laws of optics
22 and refraction, and use of the ophthalmoscope, retinoscope, and other
23 clinical instruments necessary in the practice of optometry.

24 (3) Dispensing opticians applying for licensing must, in addition
25 to the requirements of subsection (1) of this section, have either:

26 (a) Had at least three years of apprenticeship training;

27 (b) Successfully completed a prescribed course in opticianry in a
28 college or university approved by the secretary; or

29 (c) Been principally engaged in practicing as a dispensing optician
30 outside the state of Washington.

31 NEW SECTION. **Sec. 412.** LICENSE REQUIRED. It is a violation of
32 RCW 18.130.190 for a person to practice or represent himself or herself
33 as a vision care practitioner in this state without first obtaining a
34 license under this chapter from the secretary.

35 NEW SECTION. **Sec. 413.** ANNUAL RENEWAL--FEE--REINSTATEMENT--
36 PENALTY--CONTINUING EDUCATION. Each licensee under this chapter shall

1 pay an annual renewal registration fee determined by the secretary as
2 provided in RCW 43.70.250, on the date prescribed by the secretary.

3 Failure to pay the annual renewal registration fee renders the
4 license invalid, but the license shall be reinstated upon written
5 application to the secretary as provided in RCW 43.70.250, together
6 with all delinquent annual license renewal fees. In addition, the
7 commission may adopt rules establishing mandatory continuing education
8 or continuing competence requirements to be met by persons applying for
9 license renewal.

10 NEW SECTION. **Sec. 414.** CREDENTIALING BY ENDORSEMENT. An
11 applicant holding a credential in another state may be credentialed to
12 practice in this state without examination if the commission determines
13 that the other state's credentialing standards are substantially
14 equivalent to the standards in this state.

15 NEW SECTION. **Sec. 415.** INTERIM PERMITS. The commission may, in
16 its discretion, issue a permit to practice optometry during the interim
17 between examinations, to a person who has filed an application for
18 examination that has been accepted by the commission as admitting the
19 applicant to the next examination. The permit is valid only until the
20 date of the next examination and may not be issued sooner than thirty
21 days after a regular examination. No permit may be issued to a person
22 who has failed before the commission, nor where a certificate has been
23 revoked.

24 NEW SECTION. **Sec. 416.** DISCIPLINING AUTHORITY. The Uniform
25 Disciplinary Act, chapter 18.130 RCW, governs unlicensed practice, the
26 issuance of licenses, and the discipline of licensees under this
27 chapter.

28 The commission is the disciplining authority for optometrists
29 licensed under this chapter. The secretary is the disciplining
30 authority for dispensing opticians licensed under this chapter. The
31 secretary may delegate by rule any powers or duties granted under this
32 chapter or by law, to the commission.

33 NEW SECTION. **Sec. 417.** DISCIPLINARY ACTIONS--GROUNDS. The
34 following are grounds for disciplinary action under chapter 18.130 RCW:

35 (1) Fraud or deceit used in securing a license;

1 (2) Unprofessional conduct of a nature likely to deceive or defraud
2 the public;

3 (3) Employing either directly or indirectly a person or persons
4 commonly known as "cappers" or "steerers" to obtain business;

5 (4) Employing a person to solicit from house to house, or to
6 personally solicit from house to house;

7 (5) Placing or presenting an advertisement in which untruthful,
8 improbable, or impossible statements are made regarding treatments,
9 cures, or values; or

10 (6) Using the term "eye specialist" in connection with the name of
11 the vision care practitioner.

12 NEW SECTION. **Sec. 418.** UNLAWFUL ACTS--OPTOMETRISTS. It is
13 unlawful for an optometrist to:

14 (1) Sell or barter, or offer to sell or barter, a license issued by
15 the secretary;

16 (2) Purchase or procure by barter a license with the intent to use
17 it as evidence of the holder's qualification to practice optometry;

18 (3) Alter the license with fraudulent intent in a material regard;

19 (4) Use or attempt to use a license that has been purchased,
20 fraudulently issued, counterfeited, or materially altered as a valid
21 license;

22 (5) Practice optometry under a false or assumed name, or as a
23 representative or agent of a person, firm, or corporation with which
24 the licensee has no connection; but nothing in this chapter makes it
25 unlawful for a licensed optometrist or association of licensed
26 optometrists to practice optometry under the name of a lawfully
27 licensed optometrist who may transfer by inheritance or otherwise the
28 right to use the name;

29 (6) Barter or give away as premiums either on his or her own
30 account or as agent or representative, any eyeglasses, spectacles,
31 lenses, or frames;

32 (7) Use drugs in the practice of optometry, except those topically
33 applied for diagnostic or therapeutic purposes;

34 (8) Use advertising, whether printed, radio, display, or of any
35 other nature, that is misleading or inaccurate in a material
36 particular, or misrepresents goods or services (including but without
37 limitation, its use, trademark, grade quality, size, origin, substance,
38 character, nature, finish, material, content, or preparation) or credit

1 terms, values, policies, services, or the nature or form of the
2 business conducted;

3 (9) Advertise the "free examination of eyes," "free consultation,"
4 "consultation without obligation," "free advice," or use words or
5 phrases of similar import that convey the impression to the public that
6 eyes are examined free, or are of a character tending to deceive or
7 mislead the public, or are in the nature of "bait advertising";

8 (10) Use an advertisement of a frame or mounting that is not
9 truthful in describing the frame or mounting and all of its component
10 parts, or advertise a frame or mounting at a price, unless the
11 advertisement contains a statement immediately following or adjacent to
12 the advertised price, in type as large as that used for the price, that
13 the price is for frame or mounting only, and does not include lenses,
14 eye examination, and professional services; or advertise lenses or
15 complete glasses, such as frame or mounting with lenses included, at a
16 price either alone or in conjunction with professional services; or

17 (11) Use advertising, whether printed, radio, display, or of any
18 other nature, that:

19 (a) Inaccurately lays claim to a policy or continuing practice of
20 generally underselling competitors; or

21 (b) Refers inaccurately in any material particular to competitors
22 or their goods, prices, values, credit terms, policies, or services; or

23 (c) States a definite amount of money as "down payment" and a
24 definite amount of money as a subsequent payment, whether daily,
25 weekly, monthly, or at the end of a period of time.

26 NEW SECTION. **Sec. 419.** UNLAWFUL ADVERTISING OF INDEMNITY
27 BENEFITS. It is unlawful for a person licensed under this chapter to
28 advertise to the effect that benefits in the form of indemnity will
29 accrue to subscribers of health care service contracts for services
30 performed by the licensee for a subscriber when the licensee is neither
31 a health care service contractor nor a participant. A violation of
32 this section is punishable as provided in chapter 18.130 RCW.

33 NEW SECTION. **Sec. 420.** DISCRIMINATION PROHIBITED--LEGISLATIVE
34 FINDING AND DECLARATION. The legislature finds and declares that the
35 costs of health care to the people are rising disproportionately to
36 other costs and that there is a paramount concern that the right of the
37 people to obtain access to health care in all its facets is being

1 impaired thereby. For this reason, the reliance on the mechanism of
2 insurance, whether profit or nonprofit, is the only effective manner in
3 which the large majority of the people can attain access to quality
4 health care, and it is therefore declared to be in the public interest
5 that health care insurance be regulated to assure that all the people
6 have access to health care rendered by whatever means, and to the
7 greatest extent possible. Sections 421 through 425 of this act,
8 prohibiting discrimination against the legally recognized and vision
9 care practitioners, are necessary in the interest of the public health,
10 welfare, and safety.

11 NEW SECTION. **Sec. 421.** DISCRIMINATION PROHIBITED--ACCEPTANCE OF
12 SERVICES BY STATE AGENCIES AND SUBDIVISIONS. Notwithstanding any
13 other provision of law, the state and its political subdivisions shall
14 accept the services of vision care practitioners for any service
15 covered by their licenses with relation to any person receiving
16 benefits, salaries, wages, or any other type of compensation from the
17 state, its agencies, or subdivisions.

18 NEW SECTION. **Sec. 422.** DISCRIMINATION PROHIBITED--STATE AGENCIES
19 AND SUBDIVISIONS--OFFICIALS AND EMPLOYEES. The state and its political
20 subdivisions and all officials, agents, employees, or representatives
21 of the state, are prohibited from discriminating against vision care
22 practitioners in performing and receiving compensation for services
23 covered by their licenses.

24 NEW SECTION. **Sec. 423.** DISCRIMINATION PROHIBITED--AGREEMENTS OR
25 CONTRACTS BY STATE AND SUBDIVISIONS. Notwithstanding any other
26 provision of law, the state and its political subdivisions, and all
27 officials, agents, employees, or representatives of the state, are
28 prohibited from entering into any agreement or contract with an
29 individual, group, association, or corporation that discriminates
30 against vision care practitioners in performing and receiving
31 compensation for services covered by their licenses.

32 NEW SECTION. **Sec. 424.** DISCRIMINATION PROHIBITED--COSTS
33 IMMATERIAL. Notwithstanding any other provision of law, for the
34 purpose of sections 421 through 425 of this act it is immaterial

1 whether the cost of a policy, plan agreement, or contract is additional
2 compensation for services, or otherwise.

3 NEW SECTION. **Sec. 425.** DISCRIMINATION PROHIBITED--APPLICATION OF
4 LAW. Sections 421 through 425 of this act apply to all agreements,
5 renewals, or contracts issued on or after the effective date of this
6 act. Health care service contracts having a participant agreement with
7 a majority of the vision care practitioners within its service area may
8 provide benefits to persons or groups of persons through contracts that
9 allow a subscriber to use on an equal participation basis the services
10 of any participant provided in the contract, and such contracts must
11 not be discriminatory.

12 NEW SECTION. **Sec. 426.** PRIVILEGED COMMUNICATIONS. The
13 information and records of a vision care practitioner pertaining to a
14 patient are privileged communications, the same as now or hereafter may
15 exist in the relationship of physician and patient and shall not be
16 released or subjected to disclosure without the consent of the patient
17 or as otherwise required by law.

18 NEW SECTION. **Sec. 427.** VIOLATIONS--PENALTY. A person violating
19 this chapter is guilty of a misdemeanor.

20 NEW SECTION. **Sec. 428.** COMMISSION--RULES--CONTINUATION IN EFFECT.
21 The commission may adopt rules that are not inconsistent with the laws
22 of this state as it determines are necessary to carry out the purpose
23 of this chapter. The commission may adopt rules in accordance with
24 chapter 34.05 RCW to implement this chapter.

25 The commission is the successor in interest of the examining board
26 of dispensing opticians and the optometry board. All contracts,
27 undertakings, agreements, rules, regulations, and policies of those
28 boards continue in full force and effect on the effective date of this
29 act, unless otherwise repealed or rejected by this chapter or by the
30 commission.

31 NEW SECTION. **Sec. 429.** LEGISLATIVE DIRECTIVE. Sections 401
32 through 428 of this act constitute a new chapter in Title 18 RCW.

1 NEW SECTION. **Sec. 430.** REPEALER. The following acts or parts of
2 acts are each repealed:

3 (1) RCW 18.34.010 and 1957 c 43 s 1;
4 (2) RCW 18.34.020 and 1991 c 3 s 74, 1979 c 158 s 37, & 1957 c 43
5 s 2;
6 (3) RCW 18.34.030 and 1991 c 3 s 75 & 1957 c 43 s 3;
7 (4) RCW 18.34.050 and 1984 c 287 s 32 & 1957 c 43 s 5;
8 (5) RCW 18.34.060 and 1957 c 43 s 6;
9 (6) RCW 18.34.070 and 1991 c 3 s 76, 1985 c 7 s 29, 1975 1st ex.s.
10 c 30 s 34, 1971 ex.s. c 292 s 22, & 1957 c 43 s 7;
11 (7) RCW 18.34.080 and 1991 c 3 s 77 & 1957 c 43 s 8;
12 (8) RCW 18.34.110 and 1991 c 3 s 78 & 1957 c 43 s 11;
13 (9) RCW 18.34.115 and 1991 c 332 s 33;
14 (10) RCW 18.34.120 and 1991 c 3 s 79, 1984 c 279 s 52, 1975 1st
15 ex.s. c 30 s 35, & 1957 c 43 s 12;
16 (11) RCW 18.34.136 and 1987 c 150 s 19 & 1986 c 259 s 45;
17 (12) RCW 18.34.141 and 1987 c 150 s 20;
18 (13) RCW 18.34.900 and 1957 c 43 s 16;
19 (14) RCW 18.53.005 and 1981 c 58 s 1 & 1975 1st ex.s. c 69 s 1;
20 (15) RCW 18.53.010 and 1989 c 36 s 1, 1981 c 58 s 2, 1975 1st ex.s.
21 c 69 s 2, & 1919 c 144 s 1;
22 (16) RCW 18.53.021 and 1991 c 3 s 133 & 1987 c 150 s 38;
23 (17) RCW 18.53.030 and 1986 c 259 s 80 & 1919 c 144 s 8;
24 (18) RCW 18.53.035 and 1991 c 332 s 30;
25 (19) RCW 18.53.040 and 1975 1st ex.s. c 69 s 15, 1937 c 155 s 3, &
26 1919 c 144 s 15;
27 (20) RCW 18.53.050 and 1991 c 3 s 134, 1985 c 7 s 51, 1983 c 168 s
28 8, 1981 c 277 s 8, 1975 1st ex.s. c 30 s 56, 1971 ex.s. c 266 s 10,
29 1955 c 275 s 1, & 1919 c 144 s 13;
30 (21) RCW 18.53.055 and 1955 c 275 s 2;
31 (22) RCW 18.53.060 and 1991 c 3 s 135, 1975 1st ex.s. c 69 s 4,
32 1937 c 155 s 1, & 1919 c 144 s 5;
33 (23) RCW 18.53.070 and 1991 c 3 s 136, 1985 c 7 s 52, & 1981 c 260
34 s 5;
35 (24) RCW 18.53.100 and 1991 c 3 s 137, 1986 c 259 s 81, 1975 1st
36 ex.s. c 69 s 6, & 1919 c 144 s 11;
37 (25) RCW 18.53.101 and 1987 c 150 s 36 & 1986 c 259 s 78;

1 (26) RCW 18.53.140 and 1991 c 3 s 138, 1989 c 36 s 2, 1986 c 259 s
2 82, 1981 c 58 s 3, 1979 c 158 s 47, 1975 1st ex.s. c 69 s 7, 1945 c 78
3 s 1, 1935 c 134 s 1, & 1919 c 144 s 7;
4 (27) RCW 18.53.145 and 1969 c 143 s 2;
5 (28) RCW 18.53.150 and 1986 c 259 s 83 & 1919 c 144 s 22;
6 (29) RCW 18.53.160 and 1949 c 149 s 1;
7 (30) RCW 18.53.165 and 1973 c 48 s 1;
8 (31) RCW 18.53.170 and 1973 c 48 s 2;
9 (32) RCW 18.53.175 and 1973 c 48 s 3;
10 (33) RCW 18.53.180 and 1973 c 48 s 4;
11 (34) RCW 18.53.185 and 1973 c 48 s 5;
12 (35) RCW 18.53.190 and 1975 1st ex.s. c 69 s 8 & 1973 c 48 s 6;
13 (36) RCW 18.53.200 and 1975 1st ex.s. c 69 s 14;
14 (37) RCW 18.53.900 and 1919 c 144 s 20;
15 (38) RCW 18.53.901 and 1973 c 48 s 7;
16 (39) RCW 18.53.910 and 1919 c 144 s 18;
17 (40) RCW 18.53.911 and 1975 1st ex.s. c 69 s 17;
18 (41) RCW 18.53.912 and 1981 c 58 s 4;
19 (42) RCW 18.53.920 and 1919 c 144 s 19;
20 (43) RCW 18.54.010 and 1963 c 25 s 1;
21 (44) RCW 18.54.020 and 1963 c 25 s 2;
22 (45) RCW 18.54.030 and 1984 c 279 s 54 & 1963 c 25 s 3;
23 (46) RCW 18.54.040 and 1963 c 25 s 4;
24 (47) RCW 18.54.050 and 1991 c 3 s 139, 1989 c 175 s 65, 1979 c 158
25 s 48, 1975 1st ex.s. c 69 s 9, & 1963 c 25 s 5;
26 (48) RCW 18.54.060 and 1963 c 25 s 6;
27 (49) RCW 18.54.070 and 1991 c 3 s 140, 1986 c 259 s 84, 1979 c 158
28 s 49, 1975 1st ex.s. c 69 s 10, & 1963 c 25 s 7;
29 (50) RCW 18.54.076 and 1987 c 150 s 37 & 1986 c 259 s 79;
30 (51) RCW 18.54.090 and 1963 c 25 s 9;
31 (52) RCW 18.54.130 and 1984 c 287 s 41, 1975-'76 2nd ex.s. c 34 s
32 39, 1967 c 188 s 3, & 1963 c 25 s 13;
33 (53) RCW 18.54.140 and 1991 c 3 s 141, 1983 c 168 s 9, 1979 c 158
34 s 50, 1975 1st ex.s. c 69 s 12, & 1963 c 25 s 14;
35 (54) RCW 18.54.150 and 1963 c 25 s 15;
36 (55) RCW 18.54.900 and 1963 c 25 s 16;
37 (56) RCW 18.54.910 and 1963 c 25 s 17; and
38 (57) RCW 18.54.920 and 1963 c 25 s 18.

1 **MEDICAL**

2 NEW SECTION. Sec. 501. A new section is added to chapter 18.71
3 RCW to read as follows:

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

12 **Sec. 502.** RCW 18.71.010 and 1991 c 3 s 158 are each amended to
13 read as follows:

14 The following terms used in this chapter shall have the meanings
15 set forth in this section unless the context clearly indicates
16 otherwise:

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

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

20 (3) "Resident physician" means an individual who has graduated from
21 a school of medicine which meets the requirements set forth in RCW
22 18.71.055 and is serving a period of postgraduate clinical medical
23 training sponsored by a college or university in this state or by a
24 hospital accredited by this state. For purposes of this chapter, the
25 term shall include individuals designated as intern or medical fellow.

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

28 **Sec. 503.** RCW 18.71.015 and 1991 c 44 s 1 and 1991 c 3 s 159 are
29 each reenacted and amended to read as follows:

30 (~~(There is hereby created a board of medical examiners consisting
31 of six individuals licensed to practice medicine in the state of
32 Washington, one individual who is licensed as a physician assistant
33 under chapter 18.71A RCW, and two individuals who are not physicians,
34 to be known as the Washington state board of medical examiners.))~~) The
35 Washington state medical quality assurance commission is established,
36 consisting of thirteen individuals licensed to practice medicine in the

1 state of Washington under this chapter, two individuals who are
2 licensed as physician assistants under chapter 18.71A RCW, and four
3 individuals who are members of the public. Each congressional district
4 now existing or hereafter created in the state must be represented by
5 at least one physician member of the commission. The terms of office
6 of members of the commission are not affected by changes in
7 congressional district boundaries. Public members of the commission
8 may not be a member of any other health care licensing board or
9 commission, or have a fiduciary obligation to a facility rendering
10 health services regulated by the commission, or have a material or
11 financial interest in the rendering of health services regulated by the
12 commission.

13 The ~~((board))~~ members of the commission shall be appointed by the
14 governor. ~~((On expiration of the term of any member, the governor~~
15 ~~shall appoint for a period of five years an individual of similar~~
16 ~~qualifications to take the place of such member.))~~ Members of the
17 initial commission may be appointed to staggered terms of one to four
18 years, and thereafter all terms of appointment shall be for four years.
19 The governor shall consider such physician and physician assistant
20 members who are recommended for appointment by the appropriate
21 professional associations in the state. In appointing the initial
22 members of the commission, it is the intent of the legislature that, to
23 the extent possible, the existing members of the board of medical
24 examiners and medical disciplinary board repealed under section 536,
25 chapter . . . , Laws of 1994 (this act) be appointed to the commission.
26 No member may serve more than two consecutive full terms. Each member
27 shall hold office until ~~((the expiration of the term for which such~~
28 member is appointed or until)) a successor ~~((shall have been))~~ is
29 appointed ~~((and shall have qualified))~~.

30 Each member of the ~~((board shall))~~ commission must be a citizen of
31 the United States, must be an actual resident of this state, and, if a
32 physician, must have been licensed to practice medicine in this state
33 for at least five years.

34 The ~~((board))~~ commission shall meet as soon as practicable after
35 appointment and elect a chair ~~((and)),~~ a vice-chair, and a secretary
36 from its members. Meetings shall be held at least four times a year
37 and at such place as the ~~((board shall))~~ commission determines and at
38 such other times and places as the ~~((board))~~ commission deems
39 necessary. A majority of the ~~((board))~~ commission members appointed

1 and serving (~~shall~~) constitutes a quorum for the transaction of
2 (~~board~~) commission business.

3 (~~It shall require~~) The affirmative vote of a majority of a quorum
4 of the (~~board~~) commission is required to carry any motion or
5 resolution, to adopt any rule, or to pass any measure. The commission
6 may appoint panels consisting of at least three members. A quorum for
7 the transaction of any business by a panel is a minimum of three
8 members. A majority vote of (~~the members appointed to a panel of the~~
9 ~~board shall constitute~~) a quorum (~~for~~) of the panel is required to
10 transact business delegated to it by the (~~board~~) commission.

11 Each member of the (~~board~~) commission shall be compensated in
12 accordance with RCW 43.03.240 and in addition thereto shall be
13 reimbursed for travel expenses incurred in carrying out the duties of
14 the (~~board~~) commission in accordance with RCW 43.03.050 and
15 43.03.060. Any such expenses shall be paid from funds appropriated to
16 the department of health.

17 (~~Any member of the board may be removed by the governor for~~)
18 Whenever the governor is satisfied that a member of a commission has
19 been guilty of neglect of duty, misconduct, or malfeasance or
20 misfeasance in office, the governor shall file with the secretary of
21 state a statement of the causes for and the order of removal from
22 office, and the secretary shall forthwith send a certified copy of the
23 statement of causes and order of removal to the last known post office
24 address of the member.

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

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

30 Whenever the workload of the commission requires, the commission
31 may request that the secretary appoint pro tempore members of the
32 commission. When serving, pro tempore members of the commission have
33 all of the powers, duties, and immunities, and are entitled to all of
34 the emoluments, including travel expenses, of regularly appointed
35 members of the commission.

36 **Sec. 504.** RCW 18.71.017 and 1961 c 284 s 11 are each amended to
37 read as follows:

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

9 **Sec. 505.** RCW 18.71.019 and 1987 c 150 s 45 are each amended to
10 read as follows:

11 The Uniform Disciplinary Act, chapter 18.130 RCW, governs
12 unlicensed practice and the issuance and denial of licenses and
13 discipline of licensees under this chapter.

14 **Sec. 506.** RCW 18.71.030 and 1990 c 196 s 12 and 1990 c 33 s 552
15 are each reenacted and amended to read as follows:

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

19 (1) The furnishing of medical assistance in cases of emergency
20 requiring immediate attention;

21 (2) The domestic administration of family remedies;

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

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

29 (5) The practice of medicine in this state by any commissioned
30 medical officer serving in the armed forces of the United States or
31 public health service or any medical officer on duty with the United
32 States veterans administration while such medical officer is engaged in
33 the performance of the duties prescribed for him or her by the laws and
34 regulations of the United States;

35 (6) The practice of medicine by any practitioner licensed by
36 another state or territory in which he or she resides, provided that

1 such practitioner shall not open an office or appoint a place of
2 meeting patients or receiving calls within this state;

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

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

14 (9) The practice of medicine by a person who is regularly enrolled
15 in a physician assistant program approved by the (~~board~~) commission,
16 however, the performance of such services (~~shall~~) shall be only
17 pursuant to a regular course of instruction in said program and such
18 services are performed only under the supervision and control of a
19 person licensed pursuant to this chapter;

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

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

27 (12) The administration of nondental anesthesia by a dentist who
28 has completed a residency in anesthesiology at a school of medicine
29 approved by the (~~board of medical examiners~~) commission, however, a
30 dentist allowed to administer nondental anesthesia shall do so only
31 under authorization of the patient's attending surgeon, obstetrician,
32 or psychiatrist, and the (~~medical disciplinary board shall have~~)
33 commission has jurisdiction to discipline a dentist practicing under
34 this exemption and enjoin or suspend such dentist from the practice of
35 nondental anesthesia according to (~~the provisions of chapter 18.72~~
36 RCW) this chapter and chapter 18.130 RCW;

37 (13) Emergency lifesaving service rendered by a physician's trained
38 mobile intravenous therapy technician, by a physician's trained mobile
39 airway management technician, or by a physician's trained mobile

1 intensive care paramedic, as defined in RCW 18.71.200, if the emergency
2 lifesaving service is rendered under the responsible supervision and
3 control of a licensed physician;

4 (14) The provision of clean, intermittent bladder catheterization
5 for students by public school district employees or private school
6 employees as provided for in RCW ((18.88.295)) 18.--.--- (section 629
7 of this act) and 28A.210.280.

8 **Sec. 507.** RCW 18.71.050 and 1991 c 3 s 161 are each amended to
9 read as follows:

10 (1) Each applicant who has graduated from a school of medicine
11 located in any state, territory, or possession of the United States,
12 the District of Columbia, or the Dominion of Canada, shall file an
13 application for licensure with the ((board)) commission on a form
14 prepared by the secretary with the approval of the ((board))
15 commission. Each applicant shall furnish proof satisfactory to the
16 ((board)) commission of the following:

17 (a) That the applicant has attended and graduated from a school of
18 medicine approved by the ((board)) commission;

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

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

24 (d) That the applicant is physically and mentally capable of safely
25 carrying on the practice of medicine. The ((board)) commission may
26 require any applicant to submit to such examination or examinations as
27 it deems necessary to determine an applicant's physical and/or mental
28 capability to safely practice medicine.

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

33 **Sec. 508.** RCW 18.71.051 and 1991 c 3 s 162 are each amended to
34 read as follows:

35 Applicants for licensure to practice medicine who have graduated
36 from a school of medicine located outside of the states, territories,
37 and possessions of the United States, the District of Columbia, or the

1 Dominion of Canada, shall file an application for licensure with the
2 ((board)) commission on a form prepared by the secretary with the
3 approval of the ((board)) commission. Each applicant shall furnish
4 proof satisfactory to the ((board)) commission of the following:

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

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

12 (3) That he or she has satisfactorily passed the examination given
13 by the educational council for foreign medical graduates or has met the
14 requirements in lieu thereof as set forth in rules ((and regulations))
15 adopted by the ((board)) commission;

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

18 **Sec. 509.** RCW 18.71.055 and 1975 1st ex.s. c 171 s 8 are each
19 amended to read as follows:

20 The ((board)) commission may approve any school of medicine which
21 is located in any state, territory, or possession of the United States,
22 the District of Columbia, or in the Dominion of Canada, provided that
23 it:

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

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

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

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

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

6 **Sec. 510.** RCW 18.71.060 and 1975 1st ex.s. c 171 s 9 are each
7 amended to read as follows:

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

14 **Sec. 511.** RCW 18.71.070 and 1985 c 322 s 3 are each amended to
15 read as follows:

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

29 The ((board)) commission may by rule establish the passing grade
30 for the examination.

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

33 **Sec. 512.** RCW 18.71.080 and 1991 c 195 s 1 and 1991 c 3 s 163 are
34 each reenacted and amended to read as follows:

35 Every person licensed to practice medicine in this state shall
36 register with the secretary of health annually, and pay an annual

1 renewal registration fee determined by the secretary as provided in RCW
2 43.70.250. The ((board)) commission may establish rules governing
3 mandatory continuing education requirements which shall be met by
4 physicians applying for renewal of licenses. The rules ((and
5 regulations)) shall provide that mandatory continuing education
6 requirements may be met in part by physicians showing evidence of the
7 completion of approved activities relating to professional liability
8 risk management. Any failure to register and pay the annual renewal
9 registration fee shall render the license invalid, but such license
10 shall be reinstated upon written application therefor to the secretary,
11 and payment to the state of a penalty fee determined by the secretary
12 as provided in RCW 43.70.250, together with all delinquent annual
13 license renewal fees: PROVIDED, HOWEVER, That any person who fails to
14 renew the license for a period of three years, shall in no event be
15 entitled to renew the license under this section. Such a person in
16 order to obtain a license to practice medicine in this state, shall
17 file an original application as provided for in this chapter, along
18 with the requisite fee therefor. The ((board)) commission, in its sole
19 discretion, may permit such applicant to be licensed without
20 examination if it is satisfied that such applicant meets all the
21 requirements for licensure in this state, and is competent to engage in
22 the practice of medicine.

23 **Sec. 513.** RCW 18.71.085 and 1991 c 44 s 2 are each amended to read
24 as follows:

25 The ((board)) commission may adopt rules pursuant to this section
26 authorizing an inactive license status.

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

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

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

36 (4) Provisions relating to disciplinary action against a person
37 with a license shall be applicable to a person with an inactive
38 license, except that when disciplinary proceedings against a person

1 with an inactive license have been initiated, the license shall remain
2 inactive until the proceedings have been completed.

3 **Sec. 514.** RCW 18.71.090 and 1985 c 322 s 5 are each amended to
4 read as follows:

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

17 **Sec. 515.** RCW 18.71.095 and 1991 c 3 s 164 are each amended to
18 read as follows:

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

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

30 Such license shall permit the holder thereof to practice medicine
31 only in connection with patients, residents, or inmates of the state
32 institutions under the control and supervision of the secretary of the
33 department of social and health services or the department of
34 corrections.

35 (2) The ((board)) commission may issue a limited license to
36 practice medicine in this state to persons who have been accepted for
37 employment by a county or city health department as physicians; who are

1 licensed to practice medicine in another state of the United States or
2 in the country of Canada or any province or territory thereof; and who
3 meet all of the qualifications for licensure set forth in RCW
4 18.71.050.

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

8 (3) Upon receipt of a completed application showing that the
9 applicant meets all of the requirements for licensure set forth in RCW
10 18.71.050 except for completion of two years of postgraduate medical
11 training, and that the applicant has been appointed as a resident
12 physician in a program of postgraduate clinical training in this state
13 approved by the ((~~board~~)) commission, the ((~~board~~)) commission may
14 issue a limited license to a resident physician. Such license shall
15 permit the resident physician to practice medicine only in connection
16 with his or her duties as a resident physician and shall not authorize
17 the physician to engage in any other form of practice. Each resident
18 physician shall practice medicine only under the supervision and
19 control of a physician licensed in this state, but such supervision and
20 control shall not be construed to necessarily require the personal
21 presence of the supervising physician at the place where services are
22 rendered.

23 (4)(a) Upon nomination by the dean of the school of medicine at the
24 University of Washington or the chief executive officer of a hospital
25 or other appropriate health care facility licensed in the state of
26 Washington, the ((~~board~~)) commission may issue a limited license to a
27 physician applicant invited to serve as a teaching-research member of
28 the institution's instructional staff if the sponsoring institution and
29 the applicant give evidence that he or she has graduated from a
30 recognized medical school and has been licensed or otherwise privileged
31 to practice medicine at his or her location of origin. Such license
32 shall permit the recipient to practice medicine only within the
33 confines of the instructional program specified in the application and
34 shall terminate whenever the holder ceases to be involved in that
35 program, or at the end of one year, whichever is earlier. Upon request
36 of the applicant and the institutional authority, the license may be
37 renewed for no more than a total of two years.

38 (b) Upon nomination by the dean of the school of medicine of the
39 University of Washington or the chief executive officer of any hospital

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

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

17 Persons applying for licensure pursuant to this section shall pay
18 an application fee determined by the secretary as provided in RCW
19 43.70.250 and, in the event the license applied for is issued, a
20 license fee at the rate provided for renewals of licenses generally.
21 Licenses issued hereunder may be renewed annually pursuant to the
22 provisions of RCW 18.71.080. Any person who obtains a limited license
23 pursuant to this section may, without an additional application fee,
24 apply for licensure under this chapter, but shall submit a new
25 application form and comply with all other licensing requirements of
26 this chapter.

27 **Sec. 516.** RCW 18.71.205 and 1992 c 128 s 1 are each amended to
28 read as follows:

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

33 (a) Minimum standards and performance requirements for the
34 certification and recertification of physician's trained intravenous
35 therapy technicians, airway management technicians, and mobile
36 intensive care paramedics; and

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

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

5 (3) Recertification shall be granted upon proof of continuing
6 satisfactory performance and education, and shall be for a period of
7 three years.

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

10 (a) Is licensed to practice medicine and surgery pursuant to
11 chapter 18.71 RCW or osteopathy and surgery pursuant to chapter 18.57
12 RCW; and

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

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

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

26 **Sec. 517.** RCW 18.71.230 and 1986 c 259 s 112 are each amended to
27 read as follows:

28 A right to practice medicine and surgery by an individual in this
29 state pursuant to RCW 18.71.030 (5) through (12) shall be subject to
30 discipline by order of the ((~~board~~)) commission upon a finding by the
31 ((~~board~~)) commission of an act of unprofessional conduct as defined in
32 RCW 18.130.180 or that the individual is unable to practice with
33 reasonable skill or safety due to a mental or physical condition as
34 described in RCW 18.130.170. Such physician shall have the same rights
35 of notice, hearing, and judicial review as provided licensed physicians
36 generally ((~~pursuant to chapters 18.72 and~~)) under this chapter and
37 chapter 18.130 RCW.

1 **Sec. 518.** RCW 18.71A.010 and 1990 c 196 s 1 are each amended to
2 read as follows:

3 The definitions set forth in this section apply throughout this
4 chapter.

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

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

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

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

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

18 **Sec. 519.** RCW 18.71A.020 and 1993 c 28 s 5 are each amended to
19 read as follows:

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

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

33 (i) Physician assistant students may practice medicine during
34 training; and

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

37 (b) Such rules shall provide:

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

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

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

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

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

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

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

36 **Sec. 520.** RCW 18.71A.030 and 1993 c 28 s 6 are each amended to
37 read as follows:

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

9 **Sec. 521.** RCW 18.71A.040 and 1993 c 28 s 7 are each amended to
10 read as follows:

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

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

26 **Sec. 522.** RCW 18.71A.045 and 1988 c 113 s 2 are each amended to
27 read as follows:

28 Foreign medical school graduates shall not be eligible for
29 (~~(registration)~~) licensing as physician assistants after July 1, 1989.
30 (~~(Those applying on or before that date shall remain eligible to~~
31 ~~register as a physician assistant after July 1, 1989: PROVIDED, That~~
32 ~~the graduate does not violate chapter 18.130 RCW or the rules of the~~
33 ~~board. The board shall adopt rules regarding applications for~~
34 ~~registration. The rules shall include board approval of training as~~
35 ~~required in RCW 18.71.051(1) and receipt of original translated~~
36 ~~transcripts directly from the medical school.))~~

1 **Sec. 523.** RCW 18.71A.050 and 1993 c 28 s 8 are each amended to
2 read as follows:

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

11 **Sec. 524.** RCW 18.71A.060 and 1990 c 196 s 6 are each amended to
12 read as follows:

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

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

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

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

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

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

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

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

35 **Sec. 525.** RCW 18.71A.085 and 1990 c 196 s 10 are each amended to
36 read as follows:

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

5 **Sec. 526.** RCW 18.72.155 and 1991 c 3 s 168 are each amended to
6 read as follows:

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

16 **Sec. 527.** RCW 18.72.165 and 1986 c 300 s 5 are each amended to
17 read as follows:

18 (1) A licensed health care professional licensed under this chapter
19 (~~18.71 RCW~~) shall report to the (~~medical disciplinary board~~)
20 commission when he or she has personal knowledge that a practicing
21 physician has either committed an act or acts which may constitute
22 statutorily defined unprofessional conduct or that a practicing
23 physician may be unable to practice medicine with reasonable skill and
24 safety to patients by reason of illness, drunkenness, excessive use of
25 drugs, narcotics, chemicals, or any other type of material, or as a
26 result of any mental or physical conditions.

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

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

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

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

5 **Sec. 528.** RCW 18.72.265 and 1986 c 259 s 117 are each amended to
6 read as follows:

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

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

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

28 **Sec. 529.** RCW 18.72.301 and 1989 c 119 s 1 are each amended to
29 read as follows:

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

33 (1) (~~"Board" means the medical disciplinary board of this state.~~
34 ~~(2)~~) "Committee" means a nonprofit corporation formed by
35 physicians who have expertise in the areas of alcoholism, drug abuse,
36 or mental illness and who broadly represent the physicians of the state
37 and that has been designated to perform any or all of the activities

1 set forth in RCW 18.72.306(1) (as recodified by this act) pursuant to
2 rules adopted by the ~~((board))~~ commission under chapter 34.05 RCW.

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

6 ~~((+4))~~ (3) "Impaired physician program" means the program for the
7 prevention, detection, intervention, and monitoring of impaired
8 physicians established by the ~~((board))~~ commission pursuant to RCW
9 18.72.306(1) (as recodified by this act).

10 ~~((+5))~~ (4) "Physician" means a person licensed under this chapter
11 ~~((18.71 RCW))~~.

12 ~~((+6))~~ (5) "Treatment program" means a plan of care and
13 rehabilitation services provided by those organizations or persons
14 authorized to provide such services to be approved by the ~~((board))~~
15 commission for impaired physicians taking part in the impaired
16 physician program created by RCW 18.72.306 (as recodified by this act).

17 **Sec. 530.** RCW 18.72.306 and 1991 c 3 s 169 are each amended to
18 read as follows:

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

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

34 (2) A contract entered into under subsection (1) of this section
35 shall be financed by a surcharge of up to twenty-five dollars on each
36 license renewal or issuance of a new license to be collected by the
37 department of health from every physician and surgeon licensed under
38 this chapter ~~((18.71 RCW))~~ in addition to other license fees ~~((and the~~

1 ~~medical discipline assessment fee established under RCW 18.72.380~~).
2 These moneys shall be placed in the health professions account to be
3 used solely for the implementation of the impaired physician program.

4 **Sec. 531.** RCW 18.72.311 and 1987 c 416 s 3 are each amended to
5 read as follows:

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

8 (1) Periodic reporting of statistical information regarding
9 impaired physician activity;

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

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

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

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

31 **Sec. 532.** RCW 18.72.316 and 1987 c 416 s 4 are each amended to
32 read as follows:

33 If the ((~~board~~)) commission has reasonable cause to believe that a
34 physician is impaired, the ((~~board~~)) commission shall cause an
35 evaluation of such physician to be conducted by the committee or the
36 committee's designee or the ((~~board's~~)) commission's designee for the
37 purpose of determining if there is an impairment. The committee or

1 appropriate designee shall report the findings of its evaluation to the
2 ((board)) commission.

3 **Sec. 533.** RCW 18.72.340 and 1993 c 367 s 17 are each amended to
4 read as follows:

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

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

20 **Sec. 534.** RCW 18.72.345 and 1991 c 215 s 2 are each amended to
21 read as follows:

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

26 NEW SECTION. **Sec. 535.** (1) RCW 18.72.155, 18.72.165, 18.72.265,
27 18.72.301, 18.72.306, 18.72.311, 18.72.316, 18.72.340, and 18.72.345,
28 as amended by this act, are each recodified as sections in chapter
29 18.71 RCW.

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

32 NEW SECTION. **Sec. 536.** The following acts or parts of acts are
33 each repealed:

34 (1) RCW 18.72.020 and 1986 c 259 s 115 & 1955 c 202 s 2;

35 (2) RCW 18.72.045 and 1991 c 215 s 1;

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

19

NURSING CARE

20 NEW SECTION. **Sec. 601.** It is the purpose of the nursing care
21 quality assurance commission to regulate the competency and quality of
22 professional health care providers under its jurisdiction by
23 establishing, monitoring, and enforcing qualifications for licensing,
24 consistent standards of practice, continuing competency mechanisms, and
25 discipline. Rules, policies, and procedures developed by the
26 commission must promote the delivery of quality health care to the
27 residents of the state of Washington.

28 NEW SECTION. **Sec. 602.** Unless a different meaning is plainly
29 required by the context, the definitions set forth in this section
30 apply throughout this chapter.

31 (1) "Commission" means the Washington state nursing care quality
32 assurance commission.

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

34 (3) "Secretary" means the secretary of health or the secretary's
35 designee.

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

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

7 (6) "Nurse" or "nursing," unless otherwise specified as a practical
8 nurse or practical nursing, means a registered nurse or registered
9 nursing.

10 NEW SECTION. **Sec. 603.** (1) It is unlawful for a person to
11 practice or to offer to practice as a registered nurse in this state
12 unless that person has been licensed under this chapter. A person who
13 holds a license to practice as a registered nurse in this state may use
14 the title "registered nurse" and the abbreviation "R.N." No other
15 person may assume that title or use the abbreviation or any other
16 words, letters, signs, or figures to indicate that the person using
17 them is a registered nurse.

18 (2) It is unlawful for a person to practice or to offer to practice
19 as an advanced registered nurse practitioner or as a nurse practitioner
20 in this state unless that person has been licensed under this chapter.
21 A person who holds a license to practice as an advanced registered
22 nurse practitioner in this state may use the titles "advanced
23 registered nurse practitioner" and "nurse practitioner" and the
24 abbreviations "A.R.N.P." and "N.P." No other person may assume those
25 titles or use those abbreviations or any other words, letters, signs,
26 or figures to indicate that the person using them is an advanced
27 registered nurse practitioner or nurse practitioner.

28 (3) It is unlawful for a person to practice or to offer to practice
29 as a licensed practical nurse in this state unless that person has been
30 licensed under this chapter. A person who holds a license to practice
31 as a licensed practical nurse in this state may use the title "licensed
32 practical nurse" and the abbreviation "L.P.N." No other person may
33 assume that title or use that abbreviation or any other words, letters,
34 signs, or figures to indicate that the person using them is a licensed
35 practical nurse.

36 NEW SECTION. **Sec. 604.** (1) "Registered nursing practice" means
37 the performance of acts requiring substantial specialized knowledge,

1 judgment, and skill based on the principles of the biological,
2 physiological, behavioral, and sociological sciences in either:

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

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

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

14 (d) The teaching of nursing;

15 (e) The executing of medical regimen as prescribed by a licensed
16 physician and surgeon, dentist, osteopathic physician and surgeon,
17 podiatric physician and surgeon, physician assistant, osteopathic
18 physician assistant, or advanced registered nurse practitioner.

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

23 (3) This section does not prohibit (a) the nursing care of the
24 sick, without compensation, by an unlicensed person who does not hold
25 himself or herself out to be a registered nurse, or (b) the practice of
26 licensed practical nursing by a licensed practical nurse.

27 NEW SECTION. **Sec. 605.** "Advanced registered nursing practice"
28 means the performance of the acts of a registered nurse and the
29 performance of an expanded role in providing health care services, the
30 scope of which is defined by rule by the commission. Upon approval by
31 the commission, an advanced registered nurse practitioner may prescribe
32 legend drugs and controlled substances contained in Schedule V of the
33 Uniform Controlled Substances Act, chapter 69.50 RCW.

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

1 This section does not prohibit (1) the nursing care of the sick,
2 without compensation, by an unlicensed person who does not hold himself
3 or herself out to be an advanced registered nurse practitioner, or (2)
4 the practice of registered nursing by a licensed registered nurse or
5 the practice of licensed practical nursing by a licensed practical
6 nurse.

7 NEW SECTION. **Sec. 606.** "Licensed practical nursing practice"
8 means the performance of services requiring the knowledge, skill, and
9 judgment necessary for carrying out selected aspects of the designated
10 nursing regimen under the direction and supervision of a licensed
11 physician and surgeon, dentist, osteopathic physician and surgeon,
12 physician assistant, osteopathic physician assistant, podiatric
13 physician and surgeon, advanced registered nurse practitioner, or
14 registered nurse.

15 Nothing in this section prohibits a person from practicing a
16 profession for which a license has been issued under the laws of this
17 state or specifically authorized by any other law of the state of
18 Washington.

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

22 NEW SECTION. **Sec. 607.** (1) The state nursing care quality
23 assurance commission is established, consisting of eleven members to be
24 appointed by the governor to four-year terms. No person may serve as
25 a member of the commission for more than two consecutive full terms.

26 (2) There must be three registered nurse members, two advanced
27 registered nurse practitioner members, three licensed practical nurse
28 members, two public members, and one nonvoting midwife member licensed
29 under chapter 18.50 RCW, on the commission. Each member of the
30 commission must be a citizen of the United States and a resident of
31 this state.

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

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

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

1 (4) Advanced registered nurse practitioner members of the
2 commission must:

3 (a) Be licensed as advanced registered nurse practitioners under
4 this chapter; and

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

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

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

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

14 (6) Public members of the commission may not be a member of any
15 other health care licensing board or commission, or have a fiduciary
16 obligation to a facility rendering health services regulated by the
17 commission, or have a material or financial interest in the rendering
18 of health services regulated by the commission.

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

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

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

24 In appointing the initial members of the commission, it is the
25 intent of the legislature that, to the extent possible, the governor
26 appoint the existing members of the board of nursing and the board of
27 practical nursing repealed under chapter . . . , Laws of 1994 (this
28 act). The governor may appoint initial members of the commission to
29 staggered terms of from one to four years. Thereafter, all members
30 shall be appointed to full four-year terms. Members of the commission
31 hold office until their successors are appointed.

32 NEW SECTION. **Sec. 608.** The governor may remove a member of the
33 commission for neglect of duty, misconduct, malfeasance or misfeasance
34 in office, or for incompetency or unprofessional conduct as defined in
35 chapter 18.130 RCW. Whenever the governor is satisfied that a member
36 of the commission has been guilty of neglect of duty, misconduct,
37 malfeasance or misfeasance in office, or of incompetency or
38 unprofessional conduct, the governor shall file with the secretary of

1 state a statement of the causes for and the order of removal from
2 office, and the secretary shall forthwith send a certified copy of the
3 statement of causes and order of removal to the last known post office
4 address of the member. If a vacancy occurs on the commission, the
5 governor shall appoint a replacement member to fill the remainder of
6 the unexpired term.

7 NEW SECTION. **Sec. 609.** Each commission member shall be
8 compensated in accordance with RCW 43.03.240 and shall be paid travel
9 expenses when away from home in accordance with RCW 43.03.050 and
10 43.03.060.

11 NEW SECTION. **Sec. 610.** The commission shall annually elect from
12 its members a chairperson, a vice-chairperson, and a secretary. The
13 commission shall meet at least quarterly at times and places it
14 designates. It shall hold such other meetings during the year as may
15 be deemed necessary to transact its business. A majority of the
16 commission members appointed and serving constitutes a quorum at a
17 meeting. All meetings of the commission must be open and public,
18 except that the commission may hold executive sessions to the extent
19 permitted by chapter 42.30 RCW.

20 Carrying a motion or resolution, adopting a rule, or passing a
21 measure requires the affirmative vote of a majority of a quorum of the
22 commission. The commission may appoint panels consisting of at least
23 three members. A quorum for transaction of any business by a panel is
24 a minimum of three members. A majority vote of a quorum of the panel
25 is required to transact business delegated to it by the commission.

26 NEW SECTION. **Sec. 611.** The commission shall keep a record of all
27 of its proceedings and make such reports to the governor as may be
28 required. The commission may adopt rules or issue advisory opinions in
29 response to questions put to it by professional health associations,
30 licensed nurses, and consumers in this state concerning the authority
31 of various categories of licensed nurses to perform particular acts.
32 The commission shall define by rule the criteria for granting to
33 advanced registered nurse practitioners the authority to prescribe
34 legend drugs and Schedule V controlled substances.

35 The commission shall approve curricula and shall establish criteria
36 for minimum standards for schools preparing persons for licensing as

1 registered nurses, advanced registered nurse practitioners, and
2 licensed practical nurses under this chapter. The commission shall
3 approve such schools of nursing as meet the requirements of this
4 chapter and the commission, and the commission shall approve
5 establishment of basic nursing education programs and shall establish
6 criteria as to the need for and the size of a program and the type of
7 program and the geographical location. The commission shall establish
8 criteria for proof of reasonable currency of knowledge and skill as a
9 basis for safe practice after three years' inactive or lapsed status.
10 The commission shall establish criteria for licensing by endorsement.
11 The commission shall determine examination requirements for applicants
12 for licensing as registered nurses, advanced registered nurse
13 practitioners, and licensed practical nurses under this chapter, and
14 shall certify to the secretary for licensing duly qualified applicants.

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

17 The commission is the successor in interest of the board of nursing
18 and the board of practical nursing. All contracts, undertakings,
19 agreements, rules, regulations, decisions, orders, and policies of the
20 former board of nursing or the board of practical nursing continue in
21 full force and effect under the commission until the commission amends
22 or rescinds those rules, regulations, decisions, orders, or policies.

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

26 Whenever the workload of the commission requires, the commission
27 may request that the secretary appoint pro tempore members of the
28 commission. When serving, pro tempore members of the commission have
29 all of the powers, duties, and immunities, and are entitled to all of
30 the emoluments, including travel expenses, of regularly appointed
31 members of the commission.

32 NEW SECTION. **Sec. 612.** The Uniform Disciplinary Act, chapter
33 18.130 RCW, governs unlicensed practice, the issuance and denial of
34 licenses, and the discipline of licensees under this chapter.

35 NEW SECTION. **Sec. 613.** The secretary shall appoint, after
36 consultation with the commission, an executive director who shall act
37 to carry out this chapter. The secretary shall also employ such

1 professional, secretarial, clerical, and other assistants as may be
2 necessary to effectively administer this chapter. The secretary shall
3 fix the compensation and provide for travel expenses for the executive
4 director and all such employees, in accordance with RCW 43.03.050 and
5 43.03.060.

6 NEW SECTION. **Sec. 614.** The executive director must be a graduate
7 of an approved nursing education program and of a college or
8 university, with a masters' degree, and currently licensed as a
9 registered nurse under this chapter; have a minimum of eight years'
10 experience in nursing in any combination of administration and nursing
11 education; and have been actively engaged in the practice of registered
12 nursing or nursing education within two years immediately before the
13 time of appointment.

14 NEW SECTION. **Sec. 615.** An institution desiring to conduct a
15 school of registered nursing or a school or program of practical
16 nursing, or both, shall apply to the commission and submit evidence
17 satisfactory to the commission that:

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

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

23 The commission shall make, or cause to be made, such surveys of the
24 schools and programs, and of institutions and agencies to be used by
25 the schools and programs, as it determines are necessary. If in the
26 opinion of the commission, the requirements for an approved school of
27 registered nursing or a school or program of practical nursing, or
28 both, are met, the commission shall approve the school or program.

29 NEW SECTION. **Sec. 616.** (1) An applicant for a license to practice
30 as a registered nurse shall submit to the commission:

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

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

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

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

- 1 (a) An attested written application on a department form;
- 2 (b) Written official evidence of completion of an advanced
3 registered nurse practitioner training program meeting criteria
4 established by the commission; and
- 5 (c) Any other official records specified by the commission.
- 6 (3) An applicant for a license to practice as a licensed practical
7 nurse shall submit to the commission:
- 8 (a) An attested written application on a department form;
- 9 (b) Written official evidence that the applicant is over the age of
10 eighteen;
- 11 (c) Written official evidence of a high school diploma or general
12 education development certificate or diploma;
- 13 (d) Written official evidence of completion of an approved
14 practical nursing program, or its equivalent; and
- 15 (e) Any other official records specified by the commission.
- 16 (4) At the time of submission of the application, the applicant for
17 a license to practice as a registered nurse, advanced registered nurse
18 practitioner, or licensed practical nurse must not be in violation of
19 chapter 18.130 RCW or this chapter.
- 20 (5) The commission shall establish by rule the criteria for
21 evaluating the education of all applicants.

22 NEW SECTION. **Sec. 617.** An applicant for a license to practice as
23 a registered nurse, advanced registered nurse practitioner, or licensed
24 practical nurse must pass an examination in subjects determined by the
25 commission. The examination may be supplemented by an oral or
26 practical examination. The commission shall establish by rule the
27 requirements for applicants who have failed the examination to qualify
28 for reexamination.

29 NEW SECTION. **Sec. 618.** When authorized by the commission, the
30 department shall issue an interim permit authorizing the applicant to
31 practice registered nursing, advanced registered nursing, or licensed
32 practical nursing, as appropriate, from the time of verification of the
33 completion of the school or training program until notification of the
34 results of the examination. Upon the applicant passing the
35 examination, and if all other requirements established by the
36 commission for licensing are met, the department shall issue the
37 applicant a license to practice registered nursing, advanced registered

1 nursing, or licensed practical nursing, as appropriate. If the
2 applicant fails the examination, the interim permit expires upon
3 notification to the applicant, and is not renewable. The holder of an
4 interim permit is subject to chapter 18.130 RCW.

5 NEW SECTION. **Sec. 619.** Upon approval of the application by the
6 commission, the department shall issue a license by endorsement without
7 examination to practice as a registered nurse or as a licensed
8 practical nurse to a person who is licensed as a registered nurse or
9 licensed practical nurse under the laws of another state, territory, or
10 possession of the United States, and who meets all other qualifications
11 for licensing.

12 An applicant who has graduated from a school or program of nursing
13 outside the United States and is licensed as a registered nurse or
14 licensed practical nurse, or their equivalents, outside the United
15 States must meet all qualifications required by this chapter and pass
16 examinations as determined by the commission.

17 NEW SECTION. **Sec. 620.** An applicant for a license to practice as
18 a registered nurse, advanced registered nurse practitioner, or licensed
19 practical nurse shall pay a fee as determined by the secretary under
20 RCW 43.70.250 to the state treasurer.

21 NEW SECTION. **Sec. 621.** A license issued under this chapter,
22 whether in an active or inactive status, must be renewed, except as
23 provided in this chapter. The licensee shall send the renewal form to
24 the department with a renewal fee, as determined by the secretary under
25 RCW 43.70.250, before the expiration date. Upon receipt of the renewal
26 form and the appropriate fee, the department shall issue the licensee
27 a license, which declares the holder to be a legal practitioner of
28 registered nursing, advanced registered nursing practice, or licensed
29 practical nursing, as appropriate, in either active or inactive status,
30 for the period of time stated on the license.

31 NEW SECTION. **Sec. 622.** A person licensed under this chapter who
32 allows his or her license to lapse by failing to renew the license,
33 shall on application for renewal pay a penalty determined by the
34 secretary under RCW 43.70.250. If the licensee fails to renew the
35 license before the end of the current licensing period, the department

1 shall issue the license for the next licensing period upon receipt of
2 a written application and fee determined by the secretary under RCW
3 43.70.250. Persons on lapsed status for three or more years must
4 provide evidence of knowledge and skill of current practice as required
5 by the commission.

6 NEW SECTION. **Sec. 623.** A person licensed under this chapter who
7 desires to retire temporarily from registered nursing practice,
8 advanced registered nursing practice, or licensed practical nursing
9 practice in this state shall send a written notice to the secretary.

10 Upon receipt of the notice the department shall place the name of
11 the person on inactive status. While remaining on this status the
12 person shall not practice in this state any form of nursing provided
13 for in this chapter. When the person desires to resume practice, the
14 person shall apply to the commission for renewal of the license and pay
15 a renewal fee to the state treasurer. Persons on inactive status for
16 three years or more must provide evidence of knowledge and skill of
17 current practice as required by the commission or as provided in this
18 chapter.

19 NEW SECTION. **Sec. 624.** (1) For persons licensed as registered
20 nurses or advanced registered nurse practitioners, this chapter shall
21 not be construed as:

22 (a) Prohibiting the incidental care of the sick by domestic
23 servants or persons primarily employed as housekeepers, so long as they
24 do not practice registered nursing within the meaning of this chapter;

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

27 (c) Prohibiting the practice of nursing by students enrolled in
28 approved schools as may be incidental to their course of study or
29 prohibiting the students from working as nursing aides;

30 (d) Prohibiting auxiliary services provided by persons carrying out
31 duties necessary for the support of nursing services, including those
32 duties that involve minor nursing services for persons performed in
33 hospitals, nursing homes, or elsewhere under the direction of licensed
34 physicians or the supervision of licensed registered nurses;

35 (e) Prohibiting the practice of nursing in this state by a legally
36 qualified nurse of another state or territory whose engagement requires
37 him or her to accompany and care for a patient temporarily residing in

1 this state during the period of one such engagement, not to exceed six
2 months in length, if the person does not represent or hold himself or
3 herself out as a registered nurse licensed to practice in this state;

4 (f) Prohibiting nursing or care of the sick, with or without
5 compensation, when done in connection with the practice of the
6 religious tenets of a church by adherents of the church so long as they
7 do not engage in the practice of nursing as defined in this chapter;

8 (g) Prohibiting the practice of a legally qualified nurse of
9 another state who is employed by the United States government or a
10 bureau, division, or agency thereof, while in the discharge of his or
11 her official duties;

12 (h) Permitting the measurement of the powers or range of human
13 vision, or the determination of the accommodation and refractive state
14 of the human eye or the scope of its functions in general, or the
15 fitting or adaptation of lenses for the aid thereof;

16 (i) Permitting the prescribing or directing the use of, or using,
17 an optical device in connection with ocular exercises, visual training,
18 vision training, or orthoptics;

19 (j) Permitting the prescribing of contact lenses for, or the
20 fitting and adaptation of contact lenses to, the human eye;

21 (k) Prohibiting the performance of routine visual screening;

22 (l) Permitting the practice of dentistry or dental hygiene as
23 defined in chapters 18.32 and 18.29 RCW, respectively;

24 (m) Permitting the practice of chiropractic as defined in chapter
25 18.25 RCW including the adjustment or manipulation of the articulation
26 of the spine;

27 (n) Permitting the practice of podiatric medicine and surgery as
28 defined in chapter 18.-- RCW (sections 101 through 144 of this act);

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

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

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

36 (r) Prohibiting advanced registered nurse practitioners, approved
37 by the commission as certified registered nurse anesthetists from
38 selecting, ordering, or administering controlled substances as defined
39 in Schedules II through IV of the Uniform Controlled Substances Act,

1 chapter 69.50 RCW, consistent with their commission-recognized scope of
2 practice; subject to facility-specific protocols, and subject to a
3 request for certified registered nurse anesthetist anesthesia services
4 issued by a physician licensed under chapter 18.71 RCW, an osteopathic
5 physician and surgeon licensed under chapter 18.-- RCW (sections 101
6 through 144 of this act), a dentist licensed under chapter 18.32 RCW,
7 or a podiatric physician and surgeon licensed under chapter 18.-- RCW
8 (sections 101 through 144 of this act); the authority to select, order,
9 or administer Schedule II through IV controlled substances being
10 limited to those drugs that are to be directly administered to patients
11 who require anesthesia for diagnostic, operative, obstetrical, or
12 therapeutic procedures in a hospital, clinic, ambulatory surgical
13 facility, or the office of a practitioner licensed under chapter 18.71,
14 18.-- (sections 101 through 144 of this act), or 18.32 RCW; "select"
15 meaning the decision-making process of choosing a drug, dosage, route,
16 and time of administration; and "order" meaning the process of
17 directing licensed individuals pursuant to their statutory authority to
18 directly administer a drug or to dispense, deliver, or distribute a
19 drug for the purpose of direct administration to a patient, under
20 instructions of the certified registered nurse anesthetist. "Protocol"
21 means a statement regarding practice and documentation concerning such
22 items as categories of patients, categories of medications, or
23 categories of procedures rather than detailed case-specific formulas
24 for the practice of nurse anesthesia.

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

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

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

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

35 (d) Prohibiting auxiliary services provided by persons carrying out
36 duties necessary for the support of nursing services, including those
37 duties that involve minor nursing services for persons performed in
38 hospitals, nursing homes, or elsewhere under the direction of licensed
39 physicians or the supervision of licensed registered nurses;

1 (e) Prohibiting or preventing the practice of nursing in this state
2 by a legally qualified nurse of another state or territory whose
3 engagement requires him or her to accompany and care for a patient
4 temporarily residing in this state during the period of one such
5 engagement, not to exceed six months in length, if the person does not
6 represent or hold himself or herself out as a licensed practical nurse
7 licensed to practice in this state;

8 (f) Prohibiting nursing or care of the sick, with or without
9 compensation, when done in connection with the practice of the
10 religious tenets of a church by adherents of the church so long as they
11 do not engage in licensed practical nurse practice as defined in this
12 chapter;

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

17 NEW SECTION. **Sec. 625.** An advanced registered nurse practitioner
18 under his or her license may perform for compensation nursing care, as
19 that term is usually understood, of the ill, injured, or infirm, and in
20 the course thereof, she or he may do the following things that shall
21 not be done by a person not so licensed, except as provided in sections
22 626 and 627 of this act:

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

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

28 (3) Perform all acts provided in section 626 of this act;

29 (4) Hold herself or himself out to the public or designate herself
30 or himself as an advanced registered nurse practitioner or as a nurse
31 practitioner.

32 NEW SECTION. **Sec. 626.** A registered nurse under his or her
33 license may perform for compensation nursing care, as that term is
34 usually understood, of the ill, injured, or infirm, and in the course
35 thereof, she or he may do the following things that shall not be done
36 by a person not so licensed, except as provided in section 627 of this
37 act:

1 (1) At or under the general direction of a licensed physician and
2 surgeon, dentist, osteopathic physician and surgeon, podiatric
3 physician and surgeon, physician assistant, osteopathic physician
4 assistant, or advanced registered nurse practitioner acting within the
5 scope of his or her license, administer medications, treatments, tests,
6 and inoculations, whether or not the severing or penetrating of tissues
7 is involved and whether or not a degree of independent judgment and
8 skill is required;

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

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

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

14 NEW SECTION. **Sec. 627.** A licensed practical nurse under his or
15 her license may perform nursing care, as that term is usually
16 understood, of the ill, injured, or infirm, and in the course thereof
17 may, under the direction of a licensed physician and surgeon,
18 osteopathic physician and surgeon, dentist, podiatric physician and
19 surgeon, physician assistant, osteopathic physician assistant, advanced
20 registered nurse practitioner acting under the scope of his or her
21 license, or at the direction and under the supervision of a registered
22 nurse, administer drugs, medications, treatments, tests, injections,
23 and inoculations, whether or not the piercing of tissues is involved
24 and whether or not a degree of independent judgment and skill is
25 required, when selected to do so by one of the licensed practitioners
26 designated in this section, or by a registered nurse who need not be
27 physically present; if the order given is reduced to writing within a
28 reasonable time and made a part of the patient's record.

29 NEW SECTION. **Sec. 628.** It is not a violation of chapter 18.71 or
30 18.57 RCW for a registered nurse, at or under the general direction of
31 a licensed physician and surgeon, or osteopathic physician and surgeon,
32 to administer prescribed drugs, injections, inoculations, tests, or
33 treatment whether or not the piercing of tissues is involved.

34 NEW SECTION. **Sec. 629.** (1) In accordance with rules adopted by
35 the commission, public school districts and private schools that offer
36 classes for any of grades kindergarten through twelve may provide for

1 clean, intermittent bladder catheterization of students or assisted
2 self-catheterization of students who are in the custody of the school
3 district or private school at the time. After consultation with staff
4 of the superintendent of public instruction, the commission shall adopt
5 rules in accordance with chapter 34.05 RCW, that provide for the
6 following and such other matters as the commission deems necessary to
7 the proper implementation of this section:

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

12 (b) A requirement for a written, current, and unexpired request
13 from a physician licensed under chapter 18.71 or 18.57 RCW that
14 catheterization of the student be provided for during the hours when
15 school is in session or the hours when the student is under the
16 supervision of school officials;

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

23 (d) The nature and extent of acceptable training that shall (i) be
24 provided by a physician, advanced registered nurse practitioner, or
25 registered nurse licensed under chapter 18.71 or 18.57 RCW, or this
26 chapter, and (ii) be required of school district or private school
27 employees who provide for the catheterization of a student under this
28 section, except that a licensed practical nurse licensed under this
29 chapter is exempt from training.

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

32 NEW SECTION. **Sec. 630.** The department, subject to chapter 34.05
33 RCW, the Washington Administrative Procedure Act, may adopt such
34 reasonable rules as may be necessary to carry out the duties imposed
35 upon it in the administration of this chapter.

36 NEW SECTION. **Sec. 631.** As of the effective date of this act, all
37 rules, regulations, decisions, and orders of the board of nursing under

1 chapter 18.88 RCW or the board of practical nursing under chapter 18.78
2 RCW continue to be in effect under the commission, until the commission
3 acts to modify the rules, regulations, decisions, or orders.

4 NEW SECTION. **Sec. 632.** Sections 601 through 631 of this act
5 constitute a new chapter in Title 18 RCW.

6 NEW SECTION. **Sec. 633.** The following acts or parts of acts are
7 each repealed:

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

9 (2) RCW 18.78.010 and 1991 c 84 s 13, 1991 c 3 s 185, 1983 c 55 s
10 2, 1967 c 79 s 1, 1963 c 15 s 1, & 1949 c 222 s 1;

11 (3) RCW 18.78.020 and 1991 c 84 s 2, 1983 c 55 s 3, 1967 c 79 s 2,
12 & 1949 c 222 s 2;

13 (4) RCW 18.78.030 and 1991 c 84 s 3, 1983 c 55 s 4, & 1949 c 222 s
14 3;

15 (5) RCW 18.78.040 and 1991 c 84 s 4, 1984 c 287 s 47, 1983 c 55 s
16 5, 1975-'76 2nd ex.s. c 34 s 45, 1967 c 188 s 4, & 1949 c 222 s 4;

17 (6) RCW 18.78.050 and 1991 c 84 s 5, 1988 c 211 s 4, 1986 c 259 s
18 129, 1983 c 55 s 6, 1979 c 158 s 64, 1967 c 79 s 3, & 1949 c 222 s 5;

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

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

21 (9) RCW 18.78.058 and 1987 c 150 s 50;

22 (10) RCW 18.78.060 and 1991 c 84 s 7, 1988 c 212 s 1, 1983 c 55 s
23 8, 1971 ex.s. c 292 s 26, 1963 c 15 s 2, & 1949 c 222 s 6;

24 (11) RCW 18.78.070 and 1986 c 259 s 130, 1983 c 55 s 9, & 1949 c
25 222 s 7;

26 (12) RCW 18.78.072 and 1988 c 211 s 3;

27 (13) RCW 18.78.080 and 1991 c 84 s 8, 1985 c 7 s 65, 1979 c 158 s
28 65, 1975 1st ex.s. c 30 s 68, 1963 c 15 s 3, & 1949 c 222 s 9;

29 (14) RCW 18.78.090 and 1991 c 84 s 9, 1986 c 259 s 131, 1985 c 7 s
30 66, 1983 c 55 s 10, 1979 c 158 s 66, 1975 1st ex.s. c 30 s 69, 1971
31 ex.s. c 266 s 14, 1967 c 79 s 4, 1963 c 15 s 4, & 1949 c 222 s 10;

32 (15) RCW 18.78.100 and 1991 c 84 s 10, 1991 c 3 s 190, 1983 c 55 s
33 11, 1971 c 68 s 1, & 1949 c 222 s 11;

34 (16) RCW 18.78.160 and 1991 c 84 s 12, 1983 c 55 s 15, & 1949 c 222
35 s 17;

36 (17) RCW 18.78.182 and 1991 c 84 s 11, 1983 c 55 s 19, 1971 c 68 s
37 2, & 1967 c 79 s 6;

1 (18) RCW 18.78.225 and 1991 c 3 s 192 & 1988 c 211 s 12;
2 (19) RCW 18.78.900 and 1949 c 222 s 19;
3 (20) RCW 18.78.901 and 1983 c 55 s 22;
4 (21) RCW 18.88.010 and 1973 c 133 s 1 & 1949 c 202 s 1;
5 (22) RCW 18.88.020 and 1973 c 133 s 2 & 1949 c 202 s 2;
6 (23) RCW 18.88.030 and 1991 c 3 s 213, 1989 c 114 s 1, 1979 c 158
7 s 69, 1973 c 133 s 3, 1961 c 288 s 1, & 1949 c 202 s 4;
8 (24) RCW 18.88.050 and 1989 c 114 s 2, 1973 c 133 s 4, & 1949 c 202
9 s 5;
10 (25) RCW 18.88.060 and 1973 c 133 s 5, 1961 c 288 s 3, & 1949 c 202
11 s 6;
12 (26) RCW 18.88.070 and 1989 c 114 s 3, 1973 c 133 s 6, & 1949 c 202
13 s 7;
14 (27) RCW 18.88.080 and 1991 c 3 s 214, 1988 c 211 s 8, 1984 c 287
15 s 50, 1977 c 75 s 12, 1975-'76 2nd ex.s. c 34 s 50, 1973 c 133 s 7,
16 1961 c 288 s 4, & 1949 c 202 s 8;
17 (28) RCW 18.88.086 and 1987 c 150 s 57 & 1986 c 259 s 135;
18 (29) RCW 18.88.090 and 1991 c 3 s 215, 1975-'76 2nd ex.s. c 34 s
19 51, 1973 c 133 s 8, 1961 c 288 s 5, & 1949 c 202 s 9;
20 (30) RCW 18.88.100 and 1973 c 133 s 9, 1961 c 288 s 6, & 1949 c 202
21 s 10;
22 (31) RCW 18.88.110 and 1973 c 133 s 10 & 1949 c 202 s 11;
23 (32) RCW 18.88.120 and 1973 c 133 s 11 & 1949 c 202 s 12;
24 (33) RCW 18.88.130 and 1989 c 114 s 4, 1973 c 133 s 12, 1961 s 288
25 s 7, & 1949 c 202 s 13;
26 (34) RCW 18.88.140 and 1989 c 114 s 5, 1973 c 133 s 13, 1961 c 288
27 s 8, & 1949 c 202 s 14;
28 (35) RCW 18.88.150 and 1989 c 114 s 6, 1988 c 211 s 5, 1973 c 133
29 s 14, 1961 c 288 s 9, & 1949 c 202 s 15;
30 (36) RCW 18.88.160 and 1991 c 3 s 216, 1985 c 7 s 68, 1975 1st
31 ex.s. c 30 s 77, 1973 c 133 s 15, 1961 c 288 s 10, & 1949 c 202 s 16;
32 (37) RCW 18.88.170 and 1973 c 133 s 16 & 1949 c 202 s 17;
33 (38) RCW 18.88.175 and 1991 c 3 s 217 & 1988 c 211 s 13;
34 (39) RCW 18.88.190 and 1991 c 3 s 218, 1988 c 211 s 9, 1985 c 7 s
35 69, 1979 ex.s. c 106 s 1, 1975 1st ex.s. c 30 s 78, 1973 c 133 s 18,
36 1971 ex.s. c 266 s 18, 1961 c 288 s 11, & 1949 c 202 s 19;
37 (40) RCW 18.88.200 and 1991 c 3 s 219, 1988 c 211 s 10, 1985 c 7 s
38 70, 1975 1st ex.s. c 30 s 79, 1973 c 133 s 19, 1961 c 288 s 12, & 1949
39 c 202 s 20;

1 (41) RCW 18.88.220 and 1991 c 3 s 220, 1988 c 211 s 11, 1973 c 133
2 s 20, & 1949 c 202 s 22;

3 (42) RCW 18.88.270 and 1986 c 259 s 136, 1973 c 133 s 26, & 1949 c
4 202 s 27;

5 (43) RCW 18.88.280 and 1993 c 225 s 1, 1989 c 114 s 7, 1988 c 37 s
6 1, 1973 c 133 s 27, 1961 c 288 s 13, & 1949 c 202 s 28;

7 (44) RCW 18.88.285 and 1989 c 114 s 8, 1973 c 133 s 28, 1967 c 79
8 s 9, & 1961 c 288 s 14;

9 (45) RCW 18.88.290 and 1955 c 62 s 1;

10 (46) RCW 18.88.295 and 1988 c 48 s 1;

11 (47) RCW 18.88.300 and 1973 c 133 s 29;

12 (48) RCW 18.88.900 and 1949 c 202 s 29; and

13 (49) RCW 18.88A.070 and 1991 c 16 s 9, 1991 c 3 s 223, 1989 c 300
14 s 9, & 1988 c 267 s 9.

15

PHYSICAL HEALTH THERAPIES

16 NEW SECTION. **Sec. 701.** PURPOSE. It is the purpose of the
17 physical health therapies quality assurance commission to regulate the
18 competency and quality of professional health care providers under its
19 jurisdiction by establishing, monitoring, and enforcing qualifications
20 for licensing, consistent standards of practice, continuing competency
21 mechanisms, and discipline. Rules, policies, and procedures developed
22 by the commission must promote the delivery of quality health care to
23 the residents of the state of Washington.

24 NEW SECTION. **Sec. 702.** DEFINITIONS. Unless the context otherwise
25 requires, the definitions in this section apply throughout this
26 chapter.

27 (1) "Commission" means the physical health therapies quality
28 assurance commission created under section 703 of this act.

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

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

31 (4) Words importing the masculine gender may be applied to females.

32 (5) "Person" means an individual, partnership, unincorporated
33 organization, or corporate body, except that only an individual may be
34 licensed under this chapter.

35 (6) "Authorized health care practitioner" means licensed
36 physicians, osteopathic physicians, chiropractors, naturopaths,

1 podiatric physicians and surgeons, and dentists. Nothing in this
2 chapter alters the scope of practice of those practitioners as defined
3 in their respective licensing laws.

4 (7) "Physical therapy" means the treatment of a bodily or mental
5 condition of a person by the use of the physical, chemical, and other
6 properties of heat, cold, air, light, water, electricity, sound,
7 massage, and therapeutic exercise, which includes posture and
8 rehabilitation procedures; the performance of tests and measurements of
9 neuromuscular function as an aid to the diagnosis or treatment of a
10 human condition; performance of treatments on the basis of test
11 findings after consultation with and periodic review by an authorized
12 health care practitioner except as provided in section 707 of this act;
13 supervision of selective forms of treatment by trained supportive
14 personnel; and provision of consultative services for health,
15 education, and community agencies. The use of roentgen rays and radium
16 for diagnostic and therapeutic purposes, the use of electricity for
17 surgical purposes, including cauterization, and the use of spinal
18 manipulation or manipulative mobilization of the spine and its
19 immediate articulations, are not included under the term "physical
20 therapy" as used in this chapter.

21 (8) "Physical therapist" means a person licensed to practice
22 physical therapy under this chapter but does not include massage
23 practitioners.

24 (9) "Occupational therapy" is the scientifically based use of
25 purposeful activity with individuals who are limited by physical injury
26 or illness, psychosocial dysfunction, developmental or learning
27 disabilities, or the aging process, in order to maximize independence,
28 prevent disability, and maintain health. The practice encompasses
29 evaluation, treatment, and consultation. Specific occupational therapy
30 services include but are not limited to using specifically designed
31 activities and exercises to enhance neurodevelopmental, cognitive,
32 perceptual motor, sensory integrative, and psychomotor functioning;
33 administering and interpreting tests such as manual muscle and sensory
34 integration; teaching daily living skills; developing prevocational
35 skills and play and avocational capabilities; designing, fabricating,
36 or applying selected orthotic and prosthetic devices or selected
37 adaptive equipment; and adapting environments for the handicapped.
38 These services may be provided individually, in groups, or through
39 social systems.

1 (10) "Occupational therapist" means a person licensed to practice
2 occupational therapy under this chapter.

3 (11) "Occupational therapy assistant" means a person licensed to
4 assist in the practice of occupational therapy under the supervision or
5 with the regular consultation of an occupational therapist.

6 (12) "Occupational therapy aide" means a person who is trained to
7 perform specific occupational therapy techniques under professional
8 supervision as defined by the commission but who does not perform
9 activities that require advanced training in the sciences or practices
10 involved in the profession of occupational therapy.

11 (13) "Massage" and "massage therapy" mean a health care service
12 involving the external manipulation or pressure of soft tissue for
13 therapeutic purposes. Massage therapy includes massage techniques such
14 as methods of effleurage, petrissage, tapotement, tapping,
15 compressions, vibration, friction, nerve strokes, and Swedish gymnastics
16 or movements either by manual means, as they relate to massage, with or
17 without the aids of superficial heat, cold, water, lubricants, or
18 salts. Massage therapy does not include diagnosis or attempts to
19 adjust or manipulate any articulations of the body or spine or
20 mobilization of these articulations by the use of a thrusting force.

21 (14) "Massage practitioner" means an individual licensed under this
22 chapter.

23 (15) "Massage business" means the operation of a business where
24 massages are given.

25 NEW SECTION. **Sec. 703.** PHYSICAL HEALTH THERAPIES QUALITY
26 ASSURANCE COMMISSION--GENERALLY. The Washington state physical health
27 therapies quality assurance commission is established, consisting of
28 eight members appointed by the governor. The governor may appoint the
29 initial members of the commission to staggered terms of from one to
30 four years. Thereafter, all members shall be appointed to full four-
31 year terms. Members of the commission hold office until their
32 successors are appointed. No person may serve as a member of the
33 commission for more than two consecutive full terms. In appointing the
34 initial members of the commission, it is the intent of the legislature
35 that, to the extent possible, the governor appoint to the commission
36 the existing members of the board of occupational therapy practice, the
37 board of physical therapy, and board of massage repealed under chapter
38 . . ., Laws of 1994 (this act).

1 Members of the commission must include two occupational therapists,
2 two physical therapists, two massage practitioners, and two public
3 members. The occupational therapist members, the physical therapist
4 members, and the massage practitioner members must be citizens of the
5 United States and residents of this state and have not less than five
6 years' experience in the practice of their respective professions
7 immediately before their appointments and must be actively engaged in
8 the practice of their professions during their incumbency. Public
9 members of the commission may not be a member of any other health care
10 licensing board or commission, or have a fiduciary obligation to a
11 facility rendering health services regulated by the commission, or have
12 a material or financial interest in the rendering of health services
13 regulated by the commission.

14 The governor may remove a member of the commission for neglect of
15 duty, misconduct, malfeasance or misfeasance in office, or for
16 incompetency or unprofessional conduct as defined in chapter 18.130
17 RCW. Whenever the governor is satisfied that a member of a commission
18 has been guilty of neglect of duty, misconduct, malfeasance or
19 misfeasance in office, or of incompetency or unprofessional conduct,
20 the governor shall file with the secretary of state a statement of the
21 causes for and the order of removal from office, and the secretary
22 shall forthwith send a certified copy of the statement of causes and
23 order of removal to the last known post office address of the member.
24 If a vacancy occurs on the commission, the governor shall appoint a
25 replacement member to fill the remainder of the unexpired term.

26 Each member of the commission shall be compensated in accordance
27 with RCW 43.03.240. Members shall be reimbursed for travel expenses
28 incurred in the actual performance of their duties, as provided in RCW
29 43.03.050 and 43.03.060.

30 The commission shall annually elect a chairperson, a vice-
31 chairperson, and a secretary. The commission shall meet as called by
32 the chairperson or the secretary. Meetings of the commission must be
33 open and public, except the commission may hold executive sessions to
34 the extent permitted by chapter 42.30 RCW.

35 A majority of the commission members appointed and serving
36 constitutes a quorum for the transaction of commission business. The
37 affirmative vote of a majority of a quorum of the commission is
38 required to carry a motion or resolution, to adopt a rule, or to pass
39 a measure. The commission may appoint panels consisting of not less

1 than three members. A quorum for transaction of any business by a
2 panel is a minimum of three members. A majority vote of a quorum of
3 the panel is required to transact business delegated to it by the
4 commission.

5 The secretary of health shall furnish such secretarial, clerical,
6 and other assistance as the commission may require.

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

10 Whenever the workload of the commission requires, the commission
11 may request that the secretary appoint pro tempore members of the
12 commission. When serving, pro tempore members of the commission have
13 all of the powers, duties, and immunities, and are entitled to all of
14 the emoluments, including travel expenses, of regularly appointed
15 members of the commission.

16 NEW SECTION. Sec. 704. POWERS AND DUTIES OF COMMISSION RELATED TO
17 OCCUPATIONAL THERAPISTS AND PHYSICAL THERAPISTS--APPLICATION OF UNIFORM
18 DISCIPLINARY ACT. (1) The commission has the following powers and
19 duties:

20 (a) Administer examinations to applicants for physical therapist
21 and occupational therapist licenses;

22 (b) Pass upon the qualifications of applicants for licensing and
23 certify to the secretary qualified applicants;

24 (c) Make such rules not inconsistent with the laws of this state as
25 may be deemed necessary or proper to carry out the purposes of this
26 chapter;

27 (d) Establish and administer requirements for continuing
28 competency;

29 (e) Keep an official record of all its proceedings, which record is
30 evidence of all proceedings of the commission that are set forth in the
31 record;

32 (f) Adopt rules not inconsistent with the laws of this state, when
33 it deems appropriate, in response to questions put to it by
34 professional health associations, massage practitioners, occupational
35 therapists, physical therapists, and consumers in this state concerning
36 the authority of occupational therapists, and physical therapists to
37 perform particular acts; and recommend such rules related to massage

1 practitioners for adoption by the secretary in areas under the
2 authority of the secretary;

3 (g) Determine and approve definitions, evaluations, and
4 designations of massage practitioner schools, programs, and
5 apprenticeship programs including such areas as curriculum, faculty,
6 and health, sanitation, and facility standards, from which graduation
7 will be accepted as proof of a massage practitioner applicant's
8 eligibility to take the massage practitioner licensing examination;

9 (h) Periodically review approved colleges, schools, and programs
10 under its jurisdiction.

11 (2) The Uniform Disciplinary Act, chapter 18.130 RCW, governs the
12 issuance and denial of licenses and the disciplining of persons under
13 this chapter. The commission is the disciplining authority for
14 occupational therapists and physical therapists under this chapter.

15 (3) The commission is the successor in interest of the board of
16 occupational therapy practice and the board of physical therapy. All
17 contracts, undertakings, agreements, rules, regulations, and policies
18 continue in full force and effect on the effective date of this act,
19 unless otherwise repealed or rejected by this chapter or by the
20 commission.

21 NEW SECTION. **Sec. 705.** POWERS AND DUTIES OF SECRETARY RELATED TO
22 MASSAGE PRACTITIONERS--APPLICATION OF UNIFORM DISCIPLINARY ACT. (1) In
23 addition to any other authority provided by law, the secretary may:

24 (a) Adopt rules, in accordance with chapter 34.05 RCW necessary to
25 implement the provisions of this chapter related to massage
26 practitioners;

27 (b) Set all license, examination, and renewal fees for massage
28 practitioners under RCW 43.70.250;

29 (c) Establish forms and procedures necessary to administer this
30 chapter;

31 (d) Issue a license to an applicant who has met the education,
32 training, and examination requirements for licensing as a massage
33 practitioner; and

34 (e) Hire clerical, administrative, and investigative staff as
35 necessary to implement this chapter, and hire individuals licensed as
36 massage practitioners under this chapter to serve as examiners for any
37 practical examinations for massage practitioner.

1 (2) The Uniform Disciplinary Act, chapter 18.130 RCW, governs the
2 issuance and denial of licenses and the disciplining of persons under
3 this chapter. The secretary is the disciplining authority for massage
4 practitioners under this chapter.

5 (3) The secretary shall keep an official record of all proceedings
6 under this section, a part of which record must consist of a register
7 of all applicants for licensing under this chapter, with the result of
8 each application.

9 (4) The commission is the successor in interest of the board of
10 massage. All contracts, undertakings, agreements, rules, regulations,
11 and policies continue in full force and effect on the effective date of
12 this act, unless otherwise repealed or rejected by this chapter or by
13 the commission.

14 (5) The secretary may by rule delegate to the commission the powers
15 and duties granted under this section related to massage practitioners.

16 NEW SECTION. **Sec. 706.** POWERS AND DUTIES OF COMMISSION RELATED TO
17 MASSAGE PRACTITIONERS. The commission has the following powers and
18 duties:

19 (1) Prepare and administer examinations to applicants for licensing
20 as massage practitioners under this chapter;

21 (2) Determine and approve definitions, evaluations, and
22 designations of massage practitioner schools, programs, and
23 apprenticeship programs including such areas as curriculum, faculty,
24 and health, sanitation, and facility standards from which graduation
25 will be accepted as proof of a massage practitioner applicant's
26 eligibility to take the massage practitioner licensing examination.
27 The determinations must apply equally to schools and training within
28 the United States of America and those in foreign jurisdictions;

29 (3) Periodically review approved schools and programs;

30 (4) Determine which states have educational and licensing
31 requirements equivalent to those of this state.

32 **PHYSICAL THERAPISTS**

33 NEW SECTION. **Sec. 707.** PHYSICAL THERAPIST CONSULTATION WITH
34 HEALTH CARE PRACTITIONER NOT REQUIRED FOR CERTAIN TREATMENTS.
35 Notwithstanding section 702(7) of this act, a consultation and periodic
36 review by an authorized health care practitioner is not required for

1 treatment of neuromuscular or musculoskeletal conditions. However, a
2 physical therapist may only provide treatment using orthoses that
3 support, align, prevent, or correct any structural problems intrinsic
4 to the foot or ankle by referral or consultation from an authorized
5 health care practitioner.

6 NEW SECTION. **Sec. 708.** PHYSICAL THERAPIST REFERRAL TO HEALTH CARE
7 PRACTITIONERS--WHEN REQUIRED. (1) Physical therapists shall refer
8 persons under their care to authorized health care practitioners if
9 they have reasonable cause to believe symptoms or conditions are
10 present that require services beyond the scope of their practice or for
11 which physical therapy is contraindicated.

12 (2) A violation of this section is unprofessional conduct under
13 this chapter and chapter 18.130 RCW.

14 NEW SECTION. **Sec. 709.** STANDARDS FOR APPROPRIATENESS OF PHYSICAL
15 THERAPY CARE--VIOLATION. Under the commission's power in section 704
16 of this act, the commission shall adopt rules relating to standards for
17 appropriateness of physical therapy care. Violation of the standards
18 adopted under this section is unprofessional conduct under this chapter
19 and chapter 18.130 RCW.

20 NEW SECTION. **Sec. 710.** QUALIFICATIONS OF PHYSICAL THERAPIST
21 APPLICANTS. An applicant for a license as a physical therapist must
22 have the following minimum qualifications:

23 (1) Be of good moral character; and

24 (2) Have obtained either (a) a baccalaureate degree in physical
25 therapy from an institution of higher learning approved by the
26 commission or (b) a baccalaureate degree from an institution of higher
27 learning and a certificate or advanced degree from a school of physical
28 therapy approved by the commission.

29 The applicant shall present proof of qualification to the
30 commission in the manner and on the forms prescribed by it.

31 NEW SECTION. **Sec. 711.** PHYSICAL THERAPIST LICENSING
32 EXAMINATIONS--SCOPE--TIME AND PLACE. The commission shall examine all
33 qualified applicants for a license as a physical therapist at such time
34 and place as the commission determines. The examination must embrace
35 the following subjects: The applied sciences of anatomy, neuroanatomy,

1 kinesiology, physiology, pathology, psychology, physics; physical
2 therapy as applied to medicine, neurology, orthopedics, pediatrics,
3 psychiatry, surgery; medical ethics; technical procedures in the
4 practice of physical therapy; and such other subjects as the commission
5 may deem useful to test the applicant's fitness to practice physical
6 therapy, but not including the adjustment or manipulation of the spine
7 or use of a thrusting force as mobilization. Examinations must be held
8 within the state at least once a year, at such time and place as the
9 commission determines. An applicant who fails an examination may apply
10 for reexamination upon payment of a reexamination fee determined by the
11 secretary.

12 NEW SECTION. **Sec. 712.** PHYSICAL THERAPIST LICENSES. The
13 secretary shall license as a physical therapist, and shall furnish a
14 license to each applicant, who successfully passes the examination for
15 licensing as a physical therapist.

16 NEW SECTION. **Sec. 713.** PHYSICAL THERAPIST LICENSES--FEES. The
17 secretary shall furnish a license upon the authority of the commission
18 to any person who applies and who has qualified under this chapter. At
19 the time of applying, the applicant shall pay to the state treasurer a
20 fee determined by the secretary under RCW 43.70.250. No person
21 registered or licensed on July 24, 1983, as a physical therapist may be
22 required to pay an additional fee for a license under this chapter.

23 NEW SECTION. **Sec. 714.** PHYSICAL THERAPIST LICENSING BY
24 ENDORSEMENT. Upon the recommendation of the commission, the secretary
25 shall license as a physical therapist and shall furnish a license to a
26 person who is a physical therapist registered or licensed under the
27 laws of another state or territory, or the District of Columbia, if the
28 qualifications for registration or license that were required of the
29 applicant were substantially equal to the requirements under this
30 chapter. At the time of applying for licensing by endorsement, the
31 applicant shall pay to the state treasurer a fee determined by the
32 secretary under RCW 43.70.250.

33 NEW SECTION. **Sec. 715.** PHYSICAL THERAPIST LICENSES--ISSUANCE TO
34 PERSONS LICENSED OR REGISTERED BEFORE JULY 24, 1983. The secretary
35 shall issue a license under this chapter to a person holding a valid

1 license or certificate of registration to practice physical therapy
2 issued by authority of this state before July 24, 1983.

3 NEW SECTION. **Sec. 716.** RENEWAL OF PHYSICAL THERAPIST LICENSE--
4 LAPSED LICENSE--FEES. A licensed physical therapist shall apply to the
5 secretary for a renewal of the license and pay to the state treasurer
6 a fee determined by the secretary under RCW 43.70.250. The license of
7 a physical therapist who fails to renew the license within thirty days
8 of the date set by the secretary for renewal will automatically lapse.
9 Within three years from the date of lapsing and upon the recommendation
10 of the commission, the secretary may revive a lapsed license upon the
11 payment of all past unpaid renewal fees and a penalty fee to be
12 determined by the secretary. The commission may require reexamination
13 of an applicant whose license has lapsed for more than three years and
14 who has not continuously engaged in lawful practice in another state or
15 territory, or waive reexamination in favor of evidence of continuing
16 education satisfactory to the commission.

17 NEW SECTION. **Sec. 717.** PHYSICAL THERAPIST INTERIM PERMITS. (1)
18 The department, upon approval by the commission, shall issue an interim
19 permit authorizing an applicant for physical therapist licensing who
20 meets the minimum qualifications of section 720 of this act to practice
21 physical therapy under graduate supervision pending notification of the
22 results of the first licensing examination for which the applicant is
23 eligible, but not to exceed six months.

24 (2) For purposes of this section, "graduate supervision" means
25 supervision of a holder of an interim permit by a licensed physical
26 therapist who is on the premises at all times. Graduate supervision
27 must include consultation regarding evaluation, treatment plan,
28 treatment program, and progress of each assigned patient at appropriate
29 intervals and be documented by cosignature of notes by the licensed
30 physical therapist. Section 707 of this act does not apply to holders
31 of interim permits.

32 (3) If the holder of the interim permit fails the examination, the
33 permit expires upon notification and is not renewable.

34 NEW SECTION. **Sec. 718.** ADVERTISING BY PHYSICAL THERAPIST OF
35 SPINAL MANIPULATION OR MOBILIZATION PROHIBITED. (1) Physical

1 therapists shall not advertise that they perform spinal manipulation or
2 manipulative mobilization of the spine.

3 (2) A violation of this section is unprofessional conduct under
4 this chapter and chapter 18.130 RCW.

5 NEW SECTION. **Sec. 719.** FALSE ADVERTISING--USE OF NAME AND WORDS--
6 LICENSE REQUIRED--PROSECUTIONS OF VIOLATIONS. A person who is not
7 licensed with the secretary as a physical therapist under the
8 requirements of this chapter shall not represent himself or herself as
9 being so licensed and shall not use in connection with his or her name
10 the words or letters "P.T.," "R.P.T.," "L.P.T.," "physical therapy,"
11 "physiotherapy," "physical therapist," or "physiotherapist," or any
12 other letters, words, signs, numbers, or insignia indicating or
13 implying that he or she is a physical therapist. No person may
14 practice physical therapy without first having a valid license. The
15 prosecuting attorney of each county shall prosecute all cases involving
16 a violation of this chapter arising within that county. The attorney
17 general may assist in the prosecution and shall appear at all hearings
18 when requested to do so by the commission.

19 NEW SECTION. **Sec. 720.** FALSE ADVERTISING--INJUNCTIONS. If a
20 person violates this chapter, the attorney general, prosecuting
21 attorney, the secretary, the commission, or any citizen of the county
22 where the violation occurred may maintain an action in the name of the
23 state to enjoin the violator from practicing or holding himself or
24 herself out as practicing physical therapy. The injunction does not
25 relieve criminal prosecution, but the remedy of injunction is in
26 addition to the liability of the offender for criminal prosecution and
27 the suspension or revocation of his or her license.

28 NEW SECTION. **Sec. 721.** ACTIVITIES NOT PROHIBITED--USE OF LETTERS
29 OR WORDS IN CONNECTION WITH NAME. Nothing in this chapter prohibits a
30 person licensed in this state under any other law from engaging in the
31 practice for which he or she is licensed. Nothing in this chapter
32 prohibits a person who, at any time before January 1, 1961, was
33 practicing a healing or manipulative art in the state of Washington and
34 designating the practice as physical therapy or physiotherapy, from
35 continuing to do so after the effective date of this act. However, no
36 such person may represent himself or herself as being registered and

1 may not use in connection with his or her name the words or letters
2 "registered" or "licensed" or "R.P.T."

3 NEW SECTION. **Sec. 722.** PRACTICES AND SERVICES NOT REGULATED OR
4 PROHIBITED BY PHYSICAL THERAPY PROVISIONS. This chapter does not
5 prohibit or regulate:

6 (1) The practice of physical therapy by students enrolled in
7 approved schools as may be incidental to their course of study so long
8 as the activities do not go beyond the scope of practice defined by
9 this chapter;

10 (2) Auxiliary services provided by physical therapy aides carrying
11 out duties necessary for the support of physical therapy, including
12 those duties that involve minor physical therapy services when
13 performed under the direct supervision of licensed physical therapists
14 so long as the activities do not go beyond the scope of practice
15 defined by this chapter;

16 (3) The practice of physical therapy by licensed or registered
17 physical therapists of other states or countries while appearing as
18 clinicians of bona fide educational seminars sponsored by physical
19 therapy, medical, or other healing art professional associations so
20 long as the activities do not go beyond the scope of practice defined
21 by this chapter;

22 (4) The practice of physical therapists in the armed services or
23 employed by any other branch of the federal government.

24 NEW SECTION. **Sec. 723.** INSURANCE COVERAGE AND BENEFITS NOT
25 MANDATED OR REGULATED. This chapter does not restrict the ability of
26 an insurance entity regulated by Title 48 RCW, or a state agency or
27 program, from limiting or controlling the use of physical therapy
28 services through the use of a gatekeeper function; nor does it require
29 or prohibit that individual or group policies or contracts of an
30 insurance carrier, health care service contractor, or health
31 maintenance organization provide benefits or coverage for services and
32 supplies provided by a person licensed under this chapter. For the
33 purpose of this chapter, "gatekeeper function" means a provision in a
34 contract that establishes a threshold requirement, such as a
35 recommendation from a case manager or a primary care provider, that
36 must be satisfied before a covered person is eligible to receive
37 benefits under the contract.

1 (7) A person with a limited permit. The commission may grant a
2 limited permit to a person who has completed the education and
3 experience requirements of this chapter, or education and experience
4 requirements that the commission deems equivalent to those specified as
5 requirements for licensing. The limited permit allows the applicant to
6 practice in association with an occupational therapist. The limited
7 permit is valid until the results of the next examination have been
8 made public. The commission may grant one extension of this permit if
9 the applicant has failed the examination, but during this period the
10 person must be under the direct supervision of an occupational
11 therapist;

12 (8) A person who teaches daily living skills, develops
13 prevocational skills or play and avocational capabilities, adapts
14 equipment or environments for the handicapped, or who does specific
15 activities to enhance cognitive, perceptual motor, sensory integrative,
16 and psychomotor skills, but who does not hold himself or herself out to
17 the public by a title, initials, or description of services as being
18 engaged in the practice of occupational therapy; or

19 (9) A person who designs, fabricates, or applies orthotic or
20 prosthetic devices that are prescribed by a health care professional
21 authorized by the laws of this state to prescribe the device or to
22 direct the design, fabrication, or application of the device.

23 NEW SECTION. **Sec. 727.** OCCUPATIONAL THERAPIST LICENSES--
24 APPLICATION--REQUIREMENTS--WAIVER. (1) An applicant for a license as
25 an occupational therapist or an occupational therapy assistant shall
26 file a written application on forms provided by the department showing
27 to the satisfaction of the commission that the applicant meets the
28 requirements of this subsection.

29 (a) The applicant must be of good moral character.

30 (b) The applicant shall present evidence satisfactory to the
31 commission of having successfully completed the academic requirements
32 of an educational program in occupational therapy recognized by the
33 commission, with concentration in biological or physical science,
34 psychology, sociology, and with education in selected manual skills.

35 (i) For an occupational therapist, the program must be nationally
36 accredited and approved by rules of the commission.

37 (ii) For an occupational therapy assistant, the program must be
38 nationally accredited and approved by rules of the commission.

1 (c) The applicant shall submit to the commission evidence of having
2 successfully completed a period of supervised fieldwork experience at
3 a recognized educational institution or a training program approved by
4 the educational institution at which the applicant met the academic
5 requirements.

6 (i) For an occupational therapist, a minimum of six months of
7 supervised fieldwork experience is required.

8 (ii) For an occupational therapy assistant, a minimum of two months
9 of supervised fieldwork experience is required.

10 (d) An applicant for licensure as an occupational therapist or as
11 an occupational therapy assistant shall pass an examination as provided
12 in section 728 of this act.

13 (2) The commission may waive the educational requirements specified
14 under subsection (1)(b)(ii) of this section for an occupational therapy
15 assistant who has met the experience and any other requirements
16 established by the commission. Upon successful completion of the
17 examination required of the occupational therapist, the commission
18 shall grant the individual a license.

19 NEW SECTION. **Sec. 728.** OCCUPATIONAL THERAPIST LICENSING
20 EXAMINATIONS. (1) A person applying for licensing shall demonstrate
21 eligibility in accordance with section 727 of this act and shall apply
22 for examination upon a form and in such a manner as the department
23 prescribes. The application must be accompanied by the fee prescribed
24 by section 733 of this act, which fee is not refundable. A person who
25 fails an examination may apply for reexamination. The reexamination
26 application must be accompanied by the prescribed fee.

27 (2) An applicant for licensing under this chapter shall be given a
28 written examination to test the applicant's knowledge of the basic and
29 clinical sciences relating to occupational therapy and occupational
30 therapy theory and practice, including the applicant's professional
31 skills of occupational therapy techniques and methods, and such other
32 subjects as the commission deems useful to determine the applicant's
33 fitness to practice. The commission shall approve the examination and
34 establish standards for acceptable performance.

35 (3) Applicants for licensing shall be examined at a time and place
36 and under such supervision as the commission may determine. The
37 examination must be given at least twice each year at such places as
38 the commission determines, and the commission shall give reasonable

1 public notice of the examinations in accordance with its rules at least
2 sixty days before the administration of the examination.

3 (4) Applicants may obtain their examination scores and may review
4 their tests in accordance with rules of the commission.

5 NEW SECTION. **Sec. 729.** WAIVER OF OCCUPATIONAL THERAPIST
6 EXAMINATION AND LICENSING REQUIREMENTS--APPLICANTS LICENSED IN OTHER
7 STATES OR TERRITORIES. (1) The commission shall waive the examination
8 and grant a license to a person engaged in the profession of an
9 occupational therapist or an occupational therapy assistant on June 7,
10 1984, if the commission determines that the person meets commonly
11 accepted standards for the profession, as established by rule of the
12 commission. The commission may waive the examination, education, or
13 experience requirements and grant a license to a person meeting the
14 standards adopted by the commission under this section after June 7,
15 1984, if the commission considers the requirements for licensing in
16 this chapter as having been met.

17 (2) The commission may grant a license to an applicant who presents
18 proof of current licensing as an occupational therapist or occupational
19 therapy assistant in another state, the District of Columbia, or a
20 territory of the United States, that requires standards for licensing
21 that the commission considers to be equivalent to the requirements for
22 licensing under this chapter.

23 (3) The commission shall waive the education and experience
24 requirements for licensing in section 727(1) (c) and (d) of this act
25 for an applicant who presents evidence to the commission that he or she
26 has been engaged in the practice of occupational therapy for the three
27 years immediately before June 7, 1984. The applicant shall present
28 proof of actual practice to the commission in the manner prescribed by
29 rule of the commission. To obtain the waiver, an applicant shall file
30 an application for examination no later than six months from June 7,
31 1984. An applicant who has filed for examination under this subsection
32 is excused from the licensing requirement until the date the results of
33 the examination are made public.

34 NEW SECTION. **Sec. 730.** LICENSE ISSUANCE--POSTING. The secretary
35 shall issue a license to a person who meets the licensing requirements
36 of this chapter upon payment of the prescribed license fee. The

1 license must be posted in a conspicuous location at the person's work
2 site.

3 NEW SECTION. **Sec. 731.** RENEWAL OF OCCUPATIONAL THERAPIST
4 LICENSES--REINSTATEMENT OF SUSPENDED OR REVOKED LICENSES--INACTIVE
5 STATUS. (1) Licenses under this chapter may be renewed at the time and
6 in the manner determined by the secretary and with the payment of a
7 renewal fee. The commission shall establish requirements for license
8 renewal that provide evidence of continued competency. The secretary
9 may provide for the late renewal of a license upon the payment of a
10 late fee in accordance with commission rules. The rules may include
11 additional continuing education or examination requirements.

12 (2) A suspended occupational therapist license is subject to
13 expiration and may be renewed as provided in this section, but the
14 renewal does not entitle the licensee, while the license remains
15 suspended and until it is reinstated, to engage in the licensed
16 activity, or in any other conduct or activity in violation of the order
17 or judgment by which the license was suspended. If a license revoked
18 on disciplinary grounds is reinstated, the licensee, as a condition of
19 reinstatement, shall pay the renewal fee and any applicable late fee.

20 (3) An occupational therapist or occupational therapy assistant not
21 practicing occupational therapy or providing services may place his or
22 her license in an inactive status. The secretary may prescribe
23 requirements for maintaining an inactive status and converting from an
24 inactive or active status.

25 NEW SECTION. **Sec. 732.** DUTY TO REFER MEDICAL CASES. An
26 occupational therapist shall, after evaluating a patient and if the
27 case is a medical one, refer the case to a physician for appropriate
28 medical direction if that direction is lacking. Treatment by an
29 occupational therapist of such a medical case may take place only upon
30 the referral of a physician or a podiatric physician and surgeon
31 licensed to practice in this state.

32 NEW SECTION. **Sec. 733.** FEES. The secretary shall prescribe and
33 publish occupational therapist fees in amounts determined by the
34 secretary under RCW 43.70.250 for the following purposes:

- 35 (1) Application for examination;
36 (2) Initial license fee;

- 1 (3) Renewal of license fee;
- 2 (4) Late renewal fee; and
- 3 (5) Limited permit fee.

4 The secretary shall set the fees in amounts that will reimburse the
5 state, to the extent feasible, for the cost of the services rendered.

6 **MESSAGE PRACTITIONERS**

7 NEW SECTION. **Sec. 734.** INTENT OF MESSAGE PRACTITIONERS
8 REGULATION--HEALTH CARE INSURANCE NOT AFFECTED. The legislature finds
9 it necessary to license the practice of massage and massage therapy in
10 order to protect the public health and safety. It is the legislature's
11 intent that only individuals who meet and maintain minimum standards of
12 competence and conduct may provide services to the public. This
13 chapter does not require or prohibit individual or group policies or
14 contracts of an insurance carrier, health care service contractor, or
15 health maintenance organization from providing benefits or coverage for
16 services and supplies provided by a person registered or certified
17 under this chapter.

18 NEW SECTION. **Sec. 735.** MESSAGE PRACTITIONER LICENSE REQUIRED.
19 (1) No person may practice or represent himself or herself as a massage
20 practitioner without first applying for and receiving from the
21 department a license to practice.

22 (2) A person represents himself or herself as a massage
23 practitioner when the person adopts or uses any title or any
24 description of services that incorporates one or more of the following
25 terms or designations: Massage, massage practitioner, massage
26 therapist, massage therapy, therapeutic massage, massage technician,
27 massage technology, massagist, masseur, masseuse, myotherapist or
28 myotherapy, touch therapist, reflexologist, acupressurist, body therapy
29 or body therapist, or any derivation of those terms that implies a
30 massage technique or method.

31 NEW SECTION. **Sec. 736.** ADVERTISING PRACTICE OF MESSAGE BY
32 UNLICENSED PERSON UNLAWFUL. It is unlawful to advertise the practice
33 of massage using the term massage or any other term that implies a
34 massage technique or method in a public or private publication or
35 communication by a person not licensed by the secretary as a massage

1 practitioner. A person who holds a license to practice as a massage
2 practitioner in this state may use the title "licensed massage
3 practitioner" and the abbreviation "L.M.P." No other persons may
4 assume that title or use that abbreviation or any other word, letters,
5 signs, or figures to indicate that the person using the title is a
6 licensed massage practitioner.

7 NEW SECTION. **Sec. 737.** EXEMPTIONS. This chapter does not apply
8 to:

9 (1) An individual giving massage to members of his or her immediate
10 family;

11 (2) The practice of a profession by individuals who are licensed,
12 certified, or registered under other laws of this state and who are
13 performing services within their authorized scope of practice;

14 (3) Massage practiced at the athletic department of an institution
15 maintained by the public funds of the state, or any of its political
16 subdivisions;

17 (4) Massage practiced at the athletic department of a school or
18 college approved by the department by rule using recognized national
19 professional standards.

20 NEW SECTION. **Sec. 738.** MASSAGE PRACTITIONER LICENSE--ISSUANCE--
21 EXPIRATION--RENEWAL--FEES. Licenses issued under sections 739 through
22 742 of this act, unless otherwise provided, expire on the annual
23 anniversary date of the individual's date of birth.

24 The secretary shall prorate the licensing fee for a massage
25 practitioner based on one-twelfth of the annual license fee for each
26 full calendar month between the issue date and the next anniversary of
27 the applicant's birth date, a date used as the expiration date of the
28 license.

29 An applicant for a license shall pay an examination fee determined
30 by the secretary under RCW 43.70.250, which fee must accompany the
31 application. Applications for licensing must be submitted on forms
32 provided by the secretary.

33 An applicant granted a license under sections 739 through 742 of
34 this act shall pay to the secretary a license fee determined by the
35 secretary under RCW 43.70.250, before the issuance of the license, and
36 an annual renewal fee determined by the secretary under RCW 43.70.250.
37 Failure to renew invalidates the license and all privileges granted to

1 the licensee, but the license may be reinstated upon written
2 application to the secretary and payment to the state of all delinquent
3 fees and penalties as determined by the secretary. If a license has
4 lapsed for a period longer than three years, the licensee shall
5 demonstrate competence to the satisfaction of the secretary by proof of
6 continuing education or other standard determined by the secretary with
7 the advice of the commission.

8 NEW SECTION. **Sec. 739.** QUALIFICATIONS FOR MASSAGE PRACTITIONER
9 LICENSE. The secretary shall issue a massage practitioner's license to
10 an applicant who demonstrates to the secretary's satisfaction that the
11 following requirements have been met:

12 (1) Successful completion of a course of study in an approved
13 massage program or approved apprenticeship program;

14 (2) Successful completion of an examination administered or
15 approved by the commission; and

16 (3) Be eighteen years of age or older.

17 In addition, applicants are subject to the grounds for denial or
18 issuance of a conditional license under chapter 18.130 RCW.

19 The secretary may require information and documentation that
20 reasonably relates to the need to determine whether the applicant meets
21 the criteria for licensing provided for in this section and chapter
22 18.130 RCW. The secretary shall establish by rule what constitutes
23 adequate proof of meeting the criteria. The commission shall give an
24 appropriate alternate form of examination for persons who cannot read
25 or speak English to determine equivalent competency.

26 NEW SECTION. **Sec. 740.** MASSAGE PRACTITIONER LICENSE EXAMINATION.

27 (1) The secretary shall establish the date and location of the
28 examination. Applicants who demonstrate to the secretary's
29 satisfaction that the following requirements have been met shall be
30 scheduled for the next examination after the filing of the application:

31 (a) Successful completion of a course of study in an approved
32 massage program; or

33 (b) Successful completion of an apprenticeship program established
34 by the commission; and

35 (c) Be eighteen years of age or older.

36 In addition, completed and approved applications must be received
37 sixty days before the scheduled examination.

1 (2) The commission or its designee shall examine each applicant in
2 a written and practical examination determined most effective on
3 subjects appropriate to the massage scope of practice. The subjects
4 may include anatomy, kinesiology, physiology, pathology, principles of
5 human behavior, massage theory and practice, hydrotherapy, hygiene,
6 first aid, Washington law pertaining to the practice of massage, and
7 such other subjects as the commission may deem useful to test the
8 applicant's fitness to practice massage therapy. The examinations must
9 be limited in purpose to determining whether the applicant possesses
10 the minimum skill and knowledge necessary to practice competently.

11 (3) The commission shall preserve the examination papers, all
12 grading of examinations, and the grading of any practical work for at
13 least one year after the commission has made and published decisions
14 upon them. The commission shall conduct all examinations under fair
15 and impartial methods as determined by the secretary.

16 (4) An applicant who fails to make the required grade in the first
17 examination is entitled to take up to two additional examinations upon
18 the payment of a fee for each subsequent examination determined by the
19 secretary under RCW 43.70.250. Upon failure of three examinations, the
20 secretary may invalidate the original application and require such
21 remedial education as is required by the commission before admission to
22 future examinations.

23 (5) The commission may approve an examination prepared or
24 administered, or both, by a private testing agency or association of
25 licensing commissions for use by an applicant in meeting the licensing
26 requirement.

27 NEW SECTION. **Sec. 741.** OUT-OF-STATE MASSAGE PRACTITIONER
28 LICENSING APPLICANTS. The secretary may grant a Washington massage
29 practitioner's license without examination to an applicant holding a
30 license in another state or foreign jurisdiction if, in the opinion of
31 the commission, the other state's or foreign jurisdiction's examination
32 and educational requirements are substantially equivalent to
33 Washington's and the applicant demonstrates to the satisfaction of the
34 secretary a working knowledge of Washington law pertaining to the
35 practice of massage. The applicant shall provide proof in a manner
36 approved by the department that the examination and requirements are
37 equivalent to Washington's.

1 NEW SECTION. **Sec. 742.** PERSONS LICENSED TO PRACTICE MASSAGE UNDER
2 PRIOR LAW. A person holding a valid license to practice massage issued
3 by authority of the state before the effective date of this act
4 continues to be licensed as a massage practitioner under this chapter.

5 NEW SECTION. **Sec. 743.** INSPECTION OF MASSAGE PREMISES BY LAW
6 ENFORCEMENT PERSONNEL. State and local law enforcement personnel may
7 inspect massage premises at any time, including business hours.

8 NEW SECTION. **Sec. 744.** PROVISIONS RELATING TO LICENSING OF
9 MASSAGE BUSINESSES NONEXCLUSIVE--AUTHORITY OF LOCAL POLITICAL
10 SUBDIVISIONS. The provisions of this chapter relating to the
11 registration and licensing of a massage business are not exclusive and
12 any political subdivision of the state of Washington within whose
13 jurisdiction the massage business is located may require any
14 registrations or licenses, or charge any fee for the same or similar
15 purpose; and nothing in this chapter limits or abridges the authority
16 of a political subdivision to levy and collect a general and
17 nondiscriminatory license fee levied upon all businesses, or to levy a
18 tax based upon gross business conducted by a firm within that political
19 subdivision.

20 NEW SECTION. **Sec. 745.** SAVINGS. This chapter does not affect any
21 existing right acquired or liability or obligations incurred under the
22 sections repealed in chapter . . . , Laws of 1994 (this act) or under
23 any rule, regulation, or order adopted under those sections, nor as
24 affecting any proceeding instituted under those sections.

25 NEW SECTION. **Sec. 746.** Sections 701 through 745 of this act
26 constitute a new chapter in Title 18 RCW.

27 NEW SECTION. **Sec. 747.** The following acts or parts of acts are
28 each repealed:

- 29 (1) RCW 18.59.010 and 1984 c 9 s 2;
30 (2) RCW 18.59.020 and 1991 c 3 s 153 & 1984 c 9 s 3;
31 (3) RCW 18.59.031 and 1987 c 150 s 44;
32 (4) RCW 18.59.040 and 1985 c 296 s 1 & 1984 c 9 s 5;
33 (5) RCW 18.59.050 and 1984 c 9 s 6;
34 (6) RCW 18.59.060 and 1984 c 9 s 7;

1 (7) RCW 18.59.070 and 1984 c 9 s 8;
2 (8) RCW 18.59.080 and 1991 c 3 s 154 & 1984 c 9 s 9;
3 (9) RCW 18.59.090 and 1991 c 3 s 155, 1990 c 13 s 1, & 1984 c 9 s
4 10;
5 (10) RCW 18.59.100 and 1986 c 259 s 101 & 1984 c 9 s 11;
6 (11) RCW 18.59.110 and 1991 c 3 s 156, 1985 c 7 s 58, & 1984 c 9 s
7 12;
8 (12) RCW 18.59.120 and 1984 c 9 s 13;
9 (13) RCW 18.59.130 and 1986 c 259 s 102 & 1984 c 9 s 14;
10 (14) RCW 18.59.141 and 1987 c 150 s 43 & 1986 c 259 s 100;
11 (15) RCW 18.59.150 and 1991 c 3 s 157 & 1984 c 9 s 15;
12 (16) RCW 18.59.900 and 1984 c 9 s 1;
13 (17) RCW 18.59.905 and 1984 c 9 s 21;
14 (18) RCW 18.74.005 and 1983 c 116 s 1;
15 (19) RCW 18.74.010 and 1991 c 12 s 1, 1988 c 185 s 1, 1983 c 116 s
16 2, 1961 c 64 s 1, & 1949 c 239 s 1;
17 (20) RCW 18.74.012 and 1991 c 12 s 2, 1990 c 297 s 19, & 1988 c 185
18 s 2;
19 (21) RCW 18.74.015 and 1988 c 185 s 3;
20 (22) RCW 18.74.020 and 1991 c 3 s 174, 1984 c 287 s 46, 1983 c 116
21 s 3, 1979 c 158 s 62, 1975-'76 2nd ex.s. c 34 s 44, & 1949 c 239 s 2;
22 (23) RCW 18.74.023 and 1991 c 12 s 3, 1991 c 3 s 175, 1986 c 259 s
23 124, & 1983 c 116 s 4;
24 (24) RCW 18.74.025 and 1991 c 12 s 5;
25 (25) RCW 18.74.027 and 1983 c 116 s 5;
26 (26) RCW 18.74.029 and 1993 c 133 s 2, 1987 c 150 s 47, & 1986 c
27 259 s 123;
28 (27) RCW 18.74.030 and 1983 c 116 s 6, 1961 c 64 s 2, & 1949 c 239
29 s 3;
30 (28) RCW 18.74.035 and 1991 c 3 s 176, 1983 c 116 s 7, & 1961 c 64
31 s 3;
32 (29) RCW 18.74.040 and 1991 c 3 s 177, 1983 c 116 s 8, & 1949 c 239
33 s 4;
34 (30) RCW 18.74.050 and 1991 c 3 s 178, 1985 c 7 s 63, 1983 c 116 s
35 9, 1975 1st ex.s. c 30 s 65, 1961 c 64 s 4, & 1949 c 239 s 5;
36 (31) RCW 18.74.060 and 1991 c 3 s 179, 1985 c 7 s 64, 1983 c 116 s
37 10, 1975 1st ex.s. c 30 s 66, 1961 c 64 s 5, & 1949 c 239 s 6;
38 (32) RCW 18.74.065 and 1983 c 116 s 11;

1 (33) RCW 18.74.070 and 1991 c 3 s 180, 1983 c 116 s 12, 1975 1st
2 ex.s. c 30 s 67, 1971 ex.s. c 266 s 13, 1961 c 64 s 6, & 1949 c 239 s
3 7;

4 (34) RCW 18.74.075 and 1993 c 133 s 1;

5 (35) RCW 18.74.085 and 1988 c 185 s 4;

6 (36) RCW 18.74.090 and 1991 c 3 s 181, 1987 c 150 s 48, 1986 c 259
7 s 125, 1983 c 116 s 18, 1961 c 64 s 8, & 1949 c 239 s 9;

8 (37) RCW 18.74.095 and 1991 c 3 s 182, 1983 c 116 s 19, & 1961 c 64
9 s 9;

10 (38) RCW 18.74.120 and 1991 c 3 s 183, 1983 c 116 s 21, 1979 c 158
11 s 63, 1977 c 75 s 11, & 1949 c 239 s 12;

12 (39) RCW 18.74.125 and 1961 c 64 s 10;

13 (40) RCW 18.74.130 and 1983 c 116 s 22;

14 (41) RCW 18.74.135 and 1988 c 185 s 5;

15 (42) RCW 18.74.140 and 1991 c 12 s 4;

16 (43) RCW 18.74.900 and 1949 c 239 s 13;

17 (44) RCW 18.74.910 and 1961 c 64 s 11; and

18 (45) RCW 18.74.911 and 1983 c 116 s 24.

19

MENTAL HEALTH CARE

20 **Sec. 801.** RCW 18.19.070 and 1991 c 3 s 22 are each amended to read
21 as follows:

22 (1) (~~Within sixty days of July 26, 1987, the secretary shall have~~
23 ~~authority to appoint advisory committees to further the purposes of~~
24 ~~this chapter. Each such committee shall be composed of five members,~~
25 ~~one member initially appointed for a term of one year, two for terms of~~
26 ~~two years, and two for terms of three years. No person may serve as a~~
27 ~~member of the committee for more than two consecutive terms.)) The
28 Washington state mental health quality assurance council is created,
29 consisting of nine members appointed by the secretary. All
30 appointments shall be for a term of four years. No person may serve as
31 a member of the council for more than two consecutive full terms.~~

32 Voting members of the council must include one social worker
33 certified under RCW 18.19.110, one mental health counselor certified
34 under RCW 18.19.120, one marriage and family therapist certified under
35 RCW 18.19.130, one counselor registered under RCW 18.19.090, one
36 hypnotherapist registered under RCW 18.19.090, and two public members.
37 Nonvoting members of the council must include one psychiatrist licensed

1 under chapter 18.71 RCW and one psychologist licensed under chapter
2 18.83 RCW. Each member of the council must be a citizen of the United
3 States and a resident of this state. Public members of the council may
4 not be a member of any other health care licensing board or commission,
5 or have a fiduciary obligation to a facility rendering health services
6 regulated by the council, or have a material or financial interest in
7 the rendering of health services regulated by the council.

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

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

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

19 Each member of (~~(an advisory committee)~~) the council shall be
20 reimbursed for travel expenses as authorized in RCW 43.03.050 and
21 43.03.060. In addition, members of the (~~(committees)~~) council shall be
22 compensated in accordance with RCW 43.03.240 when engaged in the
23 authorized business of (~~(their committee.~~

24 (~~(3) Members of an advisory committee shall be residents of this~~
25 ~~state. Each committee shall be composed of four individuals registered~~
26 ~~or certified in the category designated by the committee title, and one~~
27 ~~member who is a member of the public)) the council. The members of the
28 council are immune from suit in an action, civil or criminal, based on
29 their official acts performed in good faith as members of the council.~~

30 **ACUPUNCTURE**

31 **Sec. 802.** RCW 18.06.080 and 1992 c 110 s 3 are each amended to
32 read as follows:

33 (1) The secretary is hereby authorized and empowered to execute the
34 provisions of this chapter and shall offer examinations in acupuncture
35 at least twice a year at such times and places as the secretary may

1 select. The examination shall be a written examination and may include
2 a practical examination.

3 (2) The secretary shall develop or approve a certification
4 examination in the subjects that the secretary determines are within
5 the scope of and commensurate with the work performed by certified
6 acupuncturists and shall include but not necessarily be limited to
7 anatomy, physiology, microbiology, biochemistry, pathology, hygiene,
8 and acupuncture. All application papers shall be deposited with the
9 secretary and there retained for at least one year, when they may be
10 destroyed.

11 (3) If the examination is successfully passed, the secretary shall
12 confer on such candidate the title of Certified Acupuncturist.

13 (4) The secretary may appoint members of the profession to serve in
14 an ad hoc advisory capacity to the secretary in carrying out this
15 chapter. The members will serve for designated times and provide
16 advice on matters specifically identified and requested by the
17 secretary. The members shall be compensated in accordance with RCW
18 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and
19 43.03.060.

20 (5) The secretary, ad hoc committee members, or individuals acting
21 in their behalf are immune from suit in a civil action based on any
22 certification or disciplinary proceedings or other official acts
23 performed in the course of their duties.

24 NEW SECTION. Sec. 803. RCW 18.06.170 and 1991 c 3 s 16 & 1985 c
25 326 s 17 are each repealed.

26 **RADIOLOGIC TECHNOLOGISTS**

27 **Sec. 804.** RCW 18.84.020 and 1991 c 222 s 2 are each amended to
28 read as follows:

29 Unless the context clearly requires otherwise, the definitions in
30 this section apply throughout this chapter.

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

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

33 (3) "Licensed practitioner" means any licensed health care
34 practitioner performing services within the person's authorized scope
35 of practice.

1 (4) "Radiologic technologist" means an individual certified under
2 this chapter, other than a licensed practitioner, who practices
3 radiologic technology as a:

4 (a) Diagnostic radiologic technologist, who is a person who
5 actually handles x-ray equipment in the process of applying radiation
6 on a human being for diagnostic purposes at the direction of a licensed
7 practitioner; or

8 (b) Therapeutic radiologic technologist, who is a person who uses
9 radiation-generating equipment for therapeutic purposes on human
10 subjects at the direction of a licensed practitioner; or

11 (c) Nuclear medicine technologist, who is a person who prepares
12 radiopharmaceuticals and administers them to human beings for
13 diagnostic and therapeutic purposes and who performs in vivo and in
14 vitro detection and measurement of radioactivity for medical purposes
15 at the direction of a licensed practitioner.

16 (5) (~~("Advisory committee" means the Washington state radiologic
17 technology advisory committee.~~

18 ~~(6))~~ "Approved school of radiologic technology" means a school of
19 radiologic technology approved by the council on medical education of
20 the American medical association or a school found to maintain the
21 equivalent of such a course of study as determined by the department.
22 Such school may be operated by a medical or educational institution,
23 and for the purpose of providing the requisite clinical experience,
24 shall be affiliated with one or more general hospitals.

25 (~~((7))~~) (6) "Radiologic technology" means the use of ionizing
26 radiation upon a human being for diagnostic or therapeutic purposes.

27 (~~((8))~~) (7) "Radiologist" means a physician certified by the
28 American board of radiology or the American osteopathic board of
29 radiology.

30 (~~((9))~~) (8) "Registered x-ray technician" means a person who is
31 registered with the department, and who applies ionizing radiation at
32 the direction of a licensed practitioner.

33 **Sec. 805.** RCW 18.84.040 and 1991 c 222 s 11 are each amended to
34 read as follows:

35 (1) In addition to any other authority provided by law, the
36 secretary may (~~(in consultation with the advisory committee))~~):

37 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to
38 implement this chapter;

1 (b) Set all registration, certification, and renewal fees in
2 accordance with RCW 43.70.250;

3 (c) Establish forms and procedures necessary to administer this
4 chapter;

5 (d) Evaluate and designate those schools from which graduation will
6 be accepted as proof of an applicant's eligibility to receive a
7 certificate;

8 (e) Determine whether alternative methods of training are
9 equivalent to formal education, and to establish forms, procedures, and
10 criteria for evaluation of an applicant's alternative training to
11 determine the applicant's eligibility to receive a certificate;

12 (f) Issue a certificate to any applicant who has met the education,
13 training, and conduct requirements for certification; and

14 (g) Issue a registration to an applicant who meets the requirement
15 for a registration.

16 (2) The secretary may hire clerical, administrative, and
17 investigative staff as needed to implement this chapter.

18 (3) The Uniform Disciplinary Act, chapter 18.130 RCW, governs the
19 issuance and denial of registrations and certifications, unregistered
20 and uncertified practice, and the discipline of registrants and
21 certificants under this chapter. The secretary is the disciplining
22 authority under this chapter.

23 (4) The secretary may appoint ad hoc members of the profession to
24 serve in an ad hoc advisory capacity to the secretary in carrying out
25 this chapter. The members will serve for designated times and provide
26 advice on matters specifically identified and requested by the
27 secretary. The members shall be compensated in accordance with RCW
28 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and
29 43.03.060.

30 **Sec. 806.** RCW 18.84.070 and 1991 c 3 s 208 are each amended to
31 read as follows:

32 The secretary, ad hoc committee members (~~(of the committee)~~), or
33 individuals acting on their behalf are immune from suit in any civil
34 action based on any certification or disciplinary proceedings or other
35 official acts performed in the course of their duties.

36 **Sec. 807.** RCW 18.84.090 and 1991 c 3 s 210 are each amended to
37 read as follows:

1 The secretary(~~(, in consultation with the advisory committee,)~~)
2 shall establish by rule the standards and procedures for approval of
3 schools and alternate training, and may contract with individuals or
4 organizations having expertise in the profession or in education to
5 assist in evaluating those applying for approval. The standards and
6 procedures set shall apply equally to schools and training within the
7 United States and those in foreign jurisdictions.

8 **Sec. 808.** RCW 18.84.110 and 1991 c 3 s 212 are each amended to
9 read as follows:

10 The secretary(~~(, in consultation with the advisory committee,)~~)
11 shall establish by rule the requirements and fees for renewal of
12 certificates. Failure to renew invalidates the certificate and all
13 privileges granted by the certificate. In the event a certificate has
14 lapsed for a period longer than three years, the certificant shall
15 demonstrate competence to the satisfaction of the secretary by
16 continuing education or under the other standards determined by the
17 secretary.

18 NEW SECTION. **Sec. 809.** RCW 18.84.060 and 1991 c 3 s 207 & 1987 c
19 412 s 7 are each repealed.

20 **RESPIRATORY CARE PRACTITIONERS**

21 **Sec. 810.** RCW 18.89.020 and 1991 c 3 s 227 are each amended to
22 read as follows:

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

25 (1) (~~("Advisory committee" means the Washington state advisory~~
26 ~~respiratory care committee.~~

27 ~~(2))~~ "Department" means the department of health.

28 ~~((3))~~ (2) "Secretary" means the secretary of health or the
29 secretary's designee.

30 ~~((4))~~ (3) "Respiratory care practitioner" means an individual
31 certified under this chapter.

32 ~~((5))~~ (4) "Physician" means an individual licensed under chapter
33 18.57 or 18.71 RCW.

34 ~~((6))~~ (5) "Rural hospital" means a hospital located anywhere in
35 the state except the following areas:

1 (a) The entire counties of Snohomish (including Camano Island),
2 King, Kitsap, Pierce, Thurston, Clark, and Spokane;

3 (b) Areas within a twenty-mile radius of an urban area with a
4 population exceeding thirty thousand persons; and

5 (c) Those cities or city-clusters located in rural counties but
6 which for all practical purposes are urban. These areas are
7 Bellingham, Aberdeen-Hoquiam, Longview-Kelso, Wenatchee, Yakima,
8 Sunnyside, Richland-Kennewick-Pasco, and Walla Walla.

9 **Sec. 811.** RCW 18.89.050 and 1991 c 3 s 228 are each amended to
10 read as follows:

11 (1) In addition to any other authority provided by law, the
12 secretary(~~(, in consultation with the advisory committee,)~~) may:

13 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to
14 implement this chapter;

15 (b) Set all certification, examination, and renewal fees in
16 accordance with RCW 43.70.250;

17 (c) Establish forms and procedures necessary to administer this
18 chapter;

19 (d) Issue a certificate to any applicant who has met the education,
20 training, and examination requirements for certification;

21 (e) Hire clerical, administrative, and investigative staff as
22 needed to implement this chapter and hire individuals certified under
23 this chapter to serve as examiners for any practical examinations;

24 (f) Approve those schools from which graduation will be accepted as
25 proof of an applicant's eligibility to take the certification
26 examination;

27 (g) Prepare, grade, and administer, or determine the nature of, and
28 supervise the grading and administration of, examinations for
29 applicants for certification;

30 (h) Determine whether alternative methods of training are
31 equivalent to formal education and establish forms, procedures, and
32 criteria for evaluation of an applicant's alternative training to
33 determine the applicant's eligibility to take the examination;

34 (i) Determine which states have legal credentialing requirements
35 equivalent to those of this state and issue certificates to individuals
36 legally credentialed in those states without examination; ~~((and))~~

37 (j) Define and approve any experience requirement for
38 certification; and

- 1 (1) The education and occupational qualifications for the health
2 care assistant category;
- 3 (2) The work experience for the health care assistant category;
- 4 (3) The instruction and training provided for the health care
5 assistant category; and
- 6 (4) The types of drugs or diagnostic agents which may be
7 administered by injection by health care assistants working in a
8 hospital or nursing home. The rules established pursuant to this
9 subsection shall not prohibit health care assistants working in a
10 health care facility other than a nursing home or hospital from
11 performing the functions authorized under this chapter.

12 **DIETITIANS AND NUTRITIONISTS**

13 **Sec. 815.** RCW 18.138.070 and 1991 c 3 s 284 are each amended to
14 read as follows:

15 In addition to any other authority provided by law, the secretary
16 may:

- 17 (1) Adopt rules in accordance with chapter 34.05 RCW necessary to
18 implement this chapter;
- 19 (2) Establish forms necessary to administer this chapter;
- 20 (3) Issue a certificate to an applicant who has met the
21 requirements for certification and deny a certificate to an applicant
22 who does not meet the minimum qualifications;
- 23 (4) Hire clerical, administrative, and investigative staff as
24 needed to implement and administer this chapter and hire individuals,
25 including those certified under this chapter, to serve as consultants
26 as necessary to implement and administer this chapter;
- 27 (5) Maintain the official departmental record of all applicants and
28 certificate holders;
- 29 (6) Conduct a hearing, pursuant to chapter 34.05 RCW, on an appeal
30 of a denial of certification based on the applicant's failure to meet
31 the minimum qualifications for certification;
- 32 (7) Investigate alleged violations of this chapter and consumer
33 complaints involving the practice of persons representing themselves as
34 certified dietitians or certified nutritionists;
- 35 (8) Issue subpoenas, statements of charges, statements of intent to
36 deny certifications, and orders and delegate in writing to a designee

1 the authority to issue subpoenas, statements of charges, and statements
2 on intent to deny certifications;

3 (9) Conduct disciplinary proceedings, impose sanctions, and assess
4 fines for violations of this chapter or any rules adopted under it in
5 accordance with chapter 34.05 RCW;

6 (10) Set all certification, renewal, and late renewal fees in
7 accordance with RCW 43.70.250; (~~and~~)

8 (11) Set certification expiration dates and renewal periods for all
9 certifications under this chapter; and

10 (12) Appoint members of the profession to serve in an ad hoc
11 advisory capacity to the secretary in carrying out this chapter. The
12 members will serve for designated time and provide advice on matters
13 specifically identified and requested by the secretary. The members
14 shall be compensated in accordance with RCW 43.03.220 and reimbursed
15 for travel expenses under RCW 43.03.040 and 43.03.060. The secretary,
16 ad hoc committee members, or individuals acting in their behalf are
17 immune from suit in a civil action based on any certification or
18 disciplinary proceedings or other official acts performed in the course
19 of their duties.

20 NEW SECTION. Sec. 816. RCW 18.138.080 and 1991 c 3 s 285 & 1988
21 c 277 s 8 are each repealed.

22 **UNIFORM DISCIPLINARY ACT**

23 **Sec. 901.** RCW 18.130.010 and 1991 c 332 s 1 are each amended to
24 read as follows:

25 It is the intent of the legislature to strengthen and consolidate
26 disciplinary and licensure procedures for the licensed health and
27 health-related professions and businesses by providing a uniform
28 disciplinary act with standardized procedures for the licensure of
29 health care professionals and the enforcement of laws the purpose of
30 which is to assure the public of the adequacy of professional
31 competence and conduct in the healing arts.

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

35 Further, the legislature declares that the addition of public
36 members on all health care commissions and boards can give both the

1 state and the public, which it has a statutory responsibility to
2 protect, assurances of accountability and confidence in the various
3 practices of health care.

4 **Sec. 902.** RCW 18.130.020 and 1989 1st ex.s. c 9 s 312 are each
5 amended to read as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

8 (1) "Disciplining authority" means (~~((a) the board of medical~~
9 ~~examiners, the board of dental examiners, and the board of chiropractic~~
10 ~~examiners with respect to applicants for a license for the respective~~
11 ~~professions, (b) the medical disciplinary board, the dental~~
12 ~~disciplinary board, and the chiropractic disciplinary board with~~
13 ~~respect to holders of licenses for the respective professions, or (c))~~)
14 the agency (~~(or)~~), board, or commission having the authority to take
15 disciplinary action against a holder of, or applicant for, a
16 professional or business license upon a finding of a violation of this
17 chapter or a chapter specified under RCW 18.130.040.

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

19 (3) "Secretary" means the secretary of health or the secretary's
20 designee.

21 (4) "Board" means any of those boards specified in RCW 18.130.040.

22 (5) "Commission" means any of the commissions specified in RCW
23 18.130.040.

24 (6) "Unlicensed practice" means:

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

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

33 (~~((6))~~) (7) "Disciplinary action" means sanctions identified in RCW
34 18.130.160.

35 (~~((7))~~) (8) "Practice review" means an investigative audit of
36 records related to the complaint, without prior identification of
37 specific patient or consumer names, to determine whether unprofessional
38 conduct may have been committed.

1 (~~(8)~~) (9) "Health agency" means city and county health
2 departments and the department of health.

3 (~~(9)~~) (10) "License," "licensing," and "licensure" shall be
4 deemed equivalent to the terms "license," "licensing," "licensure,"
5 "certificate," "certification," and "registration" as those terms are
6 defined in RCW 18.120.020.

7 **Sec. 903.** RCW 18.130.040 and 1993 c 367 s 4 are each amended to
8 read as follows:

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

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

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

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

18 (iii) Midwives licensed under chapter 18.50 RCW;

19 (iv) Ocularists licensed under chapter 18.55 RCW;

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

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

23 (vii) Acupuncturists certified under chapter 18.06 RCW;

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

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

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

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

31 (xii) Nursing assistants registered or certified under chapter
32 (~~18.88A~~) 18.-- (sections 601 through 631 of this act) RCW;

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

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

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

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

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

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

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

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

12 (iv) The ~~((council)) board on fitting and dispensing of hearing
13 aids as established in chapter 18.35 RCW;~~

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

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

18 (vii) The ~~((optometry board)) vision care quality assurance
19 commission as established in chapter ~~((18.54)) 18.-- RCW (sections 401~~
20 ~~through 428 of this act) governing licenses issued under chapter 18.53~~
21 ~~RCW;~~~~

22 (viii) The ~~((board of osteopathic medicine and surgery)) allied
23 physicians quality assurance commission as established in chapter
24 ~~((18.57)) 18.-- RCW (sections 101 through 144 of this act) governing~~
25 ~~licenses issued under ((chapters 18.57 and 18.57A RCW)) that chapter;~~~~

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

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

31 (xi) The ~~((board of)) physical ((therapy)) health therapies quality
32 assurance commission as established in chapter ~~((18.74)) 18.-- RCW~~
33 ~~(sections 701 through 745 of this act) governing licenses issued under~~
34 ~~that chapter;~~~~

35 (xii) ~~((The board of occupational therapy practice as established~~
36 ~~in chapter 18.59 RCW;~~

37 ~~((xiii) The board of practical)) The nursing care quality assurance
38 commission as established in chapter ~~((18.78)) 18.-- RCW (sections 601~~
39 ~~through 631 of this act) governing licenses issued under that chapter;~~~~

1 board of pharmacy under RCW 18.64.160 shall be immune from civil action
2 for damages arising out of such activities.

3 **Sec. 1002.** RCW 4.24.290 and 1985 c 326 s 26 are each amended to
4 read as follows:

5 In any civil action for damages based on professional negligence
6 against a hospital which is licensed by the state of Washington or
7 against the personnel of any such hospital, or against a member of the
8 healing arts including, but not limited to, an acupuncturist certified
9 under chapter 18.06 RCW, a physician licensed under chapter 18.71 RCW,
10 an osteopathic physician licensed under chapter 18.57 RCW, a
11 chiropractor licensed under chapter 18.25 RCW, a dentist licensed under
12 chapter 18.32 RCW, a (~~podiatrist~~) podiatric physician and surgeon
13 licensed under chapter 18.22 RCW, or a nurse licensed under (~~chapters~~
14 ~~18.78 or 18.88~~) chapter 18.-- RCW (sections 601 through 631 of this
15 act), the plaintiff in order to prevail shall be required to prove by
16 a preponderance of the evidence that the defendant or defendants failed
17 to exercise that degree of skill, care, and learning possessed at that
18 time by other persons in the same profession, and that as a proximate
19 result of such failure the plaintiff suffered damages, but in no event
20 shall the provisions of this section apply to an action based on the
21 failure to obtain the informed consent of a patient.

22 **Sec. 1003.** RCW 5.62.010 and 1987 c 198 s 1 are each amended to
23 read as follows:

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

26 (1) "Registered nurse" means a registered nurse or advanced nurse
27 practitioner licensed under chapter (~~18.88~~) 18.-- RCW (sections 601
28 through 631 of this act).

29 (2) "Protocol" means a regimen to be carried out by a registered
30 nurse and prescribed by a licensed physician under chapter 18.71 RCW,
31 or a licensed osteopathic physician under chapter 18.57 RCW, which is
32 consistent with chapter (~~18.88~~) 18.-- RCW (sections 601 through 631
33 of this act) and the rules adopted under that chapter (~~18.88~~ RCW).

34 (3) "Primary care" means screening, assessment, diagnosis, and
35 treatment for the purpose of promotion of health and detection of
36 disease or injury, as authorized by chapter (~~18.88~~) 18.-- RCW

1 (sections 601 through 631 of this act) and the rules adopted under that
2 chapter (~~(18.88-RCW)~~).

3 **Sec. 1004.** RCW 18.32.030 and 1991 c 3 s 59 are each amended to
4 read as follows:

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

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

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

18 (3) Dental schools or colleges approved under RCW 18.32.040, and
19 the practice of dentistry by students in Washington state dental
20 schools or colleges approved by the board, when acting under the
21 direction and supervision of Washington state-licensed dental school
22 faculty;

23 (4) The practice of dentistry by licensed dentists of other states
24 or countries while appearing as clinicians at meetings of the
25 Washington state dental association, or component parts thereof, or at
26 meetings sanctioned by them, or other groups approved by the board of
27 dental examiners;

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

31 (6) The making, repairing, altering, or supplying of artificial
32 restorations, substitutions, appliances, or materials for the
33 correction of disease, loss, deformity, malposition, dislocation,
34 fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or
35 associated tissues or parts; providing the same are made, repaired,
36 altered, or supplied pursuant to the written instructions and order of
37 a licensed dentist which may be accompanied by casts, models, or
38 impressions furnished by the dentist, and the prescriptions shall be

1 retained and filed for a period of not less than three years and shall
2 be available to and subject to the examination of the secretary or the
3 secretary's authorized representatives;

4 (7) The removal of deposits and stains from the surfaces of the
5 teeth, the application of topical preventative or prophylactic agents,
6 and the polishing and smoothing of restorations, when performed or
7 prescribed by a dental hygienist licensed under the laws of this state;

8 (8) A qualified and licensed physician and surgeon extracting teeth
9 or performing oral surgery pursuant to the scope of practice under
10 chapter 18.71 or (~~18.57~~) 18.-- (sections 101 through 144 of this act)
11 RCW;

12 (9) The performing of dental operations or services by persons not
13 licensed under this chapter when performed under the supervision of a
14 licensed dentist: PROVIDED HOWEVER, That such nonlicensed person shall
15 in no event perform the following dental operations or services unless
16 permitted to be performed by the person under this chapter or chapters
17 18.29, (~~18.57~~) 18.-- (sections 101 through 144 of this act), 18.71,
18 and (~~18.88~~) 18.-- (sections 601 through 631 of this act) RCW:

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

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

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

27 (d) Any oral prophylaxis;

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

31 **Sec. 1005.** RCW 18.50.032 and 1981 c 53 s 10 are each amended to
32 read as follows:

33 Registered nurses and nurse midwives certified by the (~~board of~~)
34 nursing care quality assurance commission under chapter (~~18.88~~) 18.--
35 RCW (sections 601 through 631 of this act) shall be exempt from the
36 requirements and provisions of this chapter.

1 **Sec. 1006.** RCW 18.50.040 and 1991 c 3 s 106 are each amended to
2 read as follows:

3 (1) Any person seeking to be examined shall present to the
4 secretary, at least forty-five days before the commencement of the
5 examination, a written application on a form or forms provided by the
6 secretary setting forth under affidavit such information as the
7 secretary may require and proof the candidate has received a high
8 school degree or its equivalent; that the candidate is twenty-one years
9 of age or older; that the candidate has received a certificate or
10 diploma from a midwifery program accredited by the secretary and
11 licensed under chapter 28C.10 RCW, when applicable, or a certificate or
12 diploma in a foreign institution on midwifery of equal requirements
13 conferring the full right to practice midwifery in the country in which
14 it was issued. The diploma must bear the seal of the institution from
15 which the applicant was graduated. Foreign candidates must present
16 with the application a translation of the foreign certificate or
17 diploma made by and under the seal of the consulate of the country in
18 which the certificate or diploma was issued.

19 (2) The candidate shall meet the following conditions:

20 (a) Obtaining a minimum period of midwifery training for at least
21 three years including the study of the basic nursing skills that the
22 department shall prescribe by rule. However, if the applicant is a
23 registered nurse or licensed practical nurse under chapter (~~18.88 RCW,~~
24 ~~a licensed practical nurse under chapter 18.78 RCW~~) 18.-- RCW
25 (sections 601 through 631 of this act), or has had previous nursing
26 education or practical midwifery experience, the required period of
27 training may be reduced depending upon the extent of the candidate's
28 qualifications as determined under rules adopted by the department. In
29 no case shall the training be reduced to a period of less than two
30 years.

31 (b) Meeting minimum educational requirements which shall include
32 studying obstetrics; neonatal pediatrics; basic sciences; female
33 reproductive anatomy and physiology; behavioral sciences; childbirth
34 education; community care; obstetrical pharmacology; epidemiology;
35 gynecology; family planning; genetics; embryology; neonatology; the
36 medical and legal aspects of midwifery; nutrition during pregnancy and
37 lactation; breast feeding; nursing skills, including but not limited to
38 injections, administering intravenous fluids, catheterization, and
39 aseptic technique; and such other requirements prescribed by rule.

1 (c) For a student midwife during training, undertaking the care of
2 not less than fifty women in each of the prenatal, intrapartum, and
3 early postpartum periods, but the same women need not be seen through
4 all three periods. A student midwife may be issued a permit upon the
5 satisfactory completion of the requirements in (a), (b), and (c) of
6 this subsection and the satisfactory completion of the licensure
7 examination required by RCW 18.50.060. The permit permits the student
8 midwife to practice under the supervision of a midwife licensed under
9 this chapter, a physician or a certified nurse-midwife licensed under
10 the authority of chapter (~~18.88~~) 18.-- RCW (sections 601 through 631
11 of this act). The permit shall expire within one year of issuance and
12 may be extended as provided by rule.

13 (d) Observing an additional fifty women in the intrapartum period
14 before the candidate qualifies for a license.

15 (3) Notwithstanding subsections (1) and (2) of this section, the
16 department shall adopt rules to provide credit toward the educational
17 requirements for licensure before July 1, 1988, of nonlicensed
18 midwives, including rules to provide:

19 (a) Credit toward licensure for documented deliveries;

20 (b) The substitution of relevant experience for classroom time; and

21 (c) That experienced lay midwives may sit for the licensing
22 examination without completing the required coursework.

23 The training required under this section shall include training in
24 either hospitals or alternative birth settings or both with particular
25 emphasis on learning the ability to differentiate between low-risk and
26 high-risk pregnancies.

27 **Sec. 1007.** RCW 18.50.140 and 1991 c 3 s 114 are each amended to
28 read as follows:

29 The midwifery advisory committee is created.

30 The committee shall be composed of one physician who is a
31 practicing obstetrician; one practicing physician; one certified nurse
32 midwife licensed under chapter (~~18.88~~) 18.-- RCW (sections 601
33 through 631 of this act); three midwives licensed under this chapter;
34 and one public member, who shall have no financial interest in the
35 rendering of health services. The committee may seek other consultants
36 as appropriate, including persons trained in childbirth education and
37 perinatology or neonatology.

1 The members are appointed by the secretary and serve at the
2 pleasure of the secretary but may not serve more than five years
3 consecutively. The terms of office shall be staggered. Members of the
4 committee shall be reimbursed for travel expenses as provided in RCW
5 43.03.050 and 43.03.060 (~~as now or hereafter amended~~).

6 **Sec. 1008.** RCW 18.50.115 and 1991 c 3 s 112 are each amended to
7 read as follows:

8 A midwife licensed under this chapter may obtain and administer
9 prophylactic ophthalmic medication, postpartum oxytocic, vitamin K, Rho
10 immune globulin (human), and local anesthetic and may administer such
11 other drugs or medications as prescribed by a physician. A pharmacist
12 who dispenses such drugs to a licensed midwife shall not be liable for
13 any adverse reactions caused by any method of use by the midwife.

14 The secretary, after consultation with representatives of the
15 midwife advisory committee, the board of pharmacy, and the (~~board of~~)
16 medical (~~examiners~~) quality assurance commission, may (~~issue~~
17 ~~regulations which~~) adopt rules that authorize licensed midwives to
18 purchase and use legend drugs and devices in addition to the drugs
19 authorized in this chapter.

20 **Sec. 1009.** RCW 18.88A.020 and 1991 c 16 s 2 are each amended to
21 read as follows:

22 Unless the context clearly requires otherwise, the definitions in
23 this section apply throughout this chapter.

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

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

26 (3) "~~(Board)~~ Commission" means the Washington (~~state board of~~)
27 nursing care quality assurance commission.

28 (4) "Nursing assistant" means an individual, regardless of title,
29 who, under the direction and supervision of a registered nurse or
30 licensed practical nurse, assists in the delivery of nursing and
31 nursing-related activities to patients in a health care facility. The
32 two levels of nursing assistants are (a) "nursing assistant-certified,"
33 an individual certified under this chapter, (b) "nursing assistant-
34 registered," an individual registered under this chapter.

35 (5) (~~"Committee" means the Washington state nursing assistant~~
36 ~~advisory committee.~~

1 ~~(6))~~ "Approved training program" means a nursing assistant-
2 certified training program approved by the ~~((board))~~ commission. For
3 community college, vocational-technical institutes, skill centers, and
4 secondary school as defined in chapter 28B.50 RCW, nursing assistant-
5 certified training programs shall be approved by the ~~((board))~~
6 commission in cooperation with the board for community and technical
7 colleges ~~((education))~~ or the superintendent of public instruction.

8 ~~((7))~~ (6) "Health care facility" means a nursing home, hospital,
9 hospice care facility, home health care agency, hospice agency, or
10 other entity for delivery of health care services as defined by the
11 ~~((board))~~ commission.

12 ~~((8))~~ (7) "Competency evaluation" means the measurement of an
13 individual's knowledge and skills as related to safe, competent
14 performance as a nursing assistant.

15 **Sec. 1010.** RCW 18.88A.030 and 1991 c 16 s 3 are each amended to
16 read as follows:

17 (1) A nursing assistant may assist in the care of individuals as
18 delegated by and under the direction and supervision of a licensed
19 (registered) nurse or licensed practical nurse.

20 (2) A health care facility shall not assign a nursing assistant-
21 registered to provide care until the nursing assistant-registered has
22 demonstrated skills necessary to perform competently all assigned
23 duties and responsibilities.

24 (3) Nothing in this chapter shall be construed to confer on a
25 nursing assistant the authority to administer medication or to practice
26 as a licensed (registered) nurse ~~((as defined in chapter 18.88 RCW))~~ or
27 licensed practical nurse as defined in chapter ~~((18.78))~~ 18.-- RCW
28 (sections 601 through 631 of this act).

29 (4) Certification is voluntary for nursing assistants working in
30 health care facilities other than nursing homes unless otherwise
31 required by state or federal law or regulation.

32 (5) The ~~((board of nursing shall have the authority to))~~ commission
33 may adopt rules to implement the provisions of this chapter.

34 **Sec. 1011.** RCW 18.88A.060 and 1991 c 16 s 8 are each amended to
35 read as follows:

36 In addition to any other authority provided by law, the ~~((state~~
37 ~~board of nursing has the authority to))~~ commission may:

1 (1) Determine minimum education requirements and approve training
2 programs;

3 (2) Prepare, grade, and administer, or determine the nature of, and
4 supervise the grading and administration of, examinations of training
5 and competency for applicants for certification;

6 (3) Determine whether alternative methods of training are
7 equivalent to approved training programs, and establish forms,
8 procedures, and criteria for evaluation of an applicant's alternative
9 training to determine the applicant's eligibility to take any
10 qualifying examination for certification;

11 (4) Define and approve any experience requirement for
12 certification;

13 (5) Adopt rules implementing a continuing competency evaluation
14 program;

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

17 **Sec. 1012.** RCW 18.88A.080 and 1991 c 16 s 10 are each amended to
18 read as follows:

19 (1) The secretary shall issue a registration to any applicant who
20 pays any applicable fees and submits, on forms provided by the
21 secretary, the applicant's name, address, and other information as
22 determined by the secretary, provided there are no grounds for denial
23 of registration or issuance of a conditional registration under this
24 chapter or chapter 18.130 RCW.

25 (2) Applicants must file an application with the ((board))
26 commission for registration within three days of employment.

27 **Sec. 1013.** RCW 18.88A.085 and 1991 c 16 s 11 are each amended to
28 read as follows:

29 (1) After January 1, 1990, the secretary shall issue a certificate
30 to any applicant who demonstrates to the secretary's satisfaction that
31 the following requirements have been met:

32 (a) Completion of an approved training program or successful
33 completion of alternate training meeting established criteria approved
34 by the ((board)) commission; and

35 (b) Successful completion of a competency evaluation.

36 (2) In addition, applicants shall be subject to the grounds for
37 denial of certification under chapter 18.130 RCW.

1 **Sec. 1014.** RCW 18.88A.090 and 1991 c 3 s 225 are each amended to
2 read as follows:

3 (1) The date and location of examinations shall be established by
4 the secretary. Applicants who have been found by the secretary to meet
5 the requirements for certification shall be scheduled for the next
6 examination following the filing of the application. The secretary
7 shall establish by rule the examination application deadline.

8 (2) The ((~~board~~)) commission shall examine each applicant, by a
9 written or oral and a manual component of competency evaluation.
10 Examinations shall be limited to the purpose of determining whether the
11 applicant possesses the minimum skill and knowledge necessary to
12 practice competently.

13 (3) The examination papers, all grading of the papers, and the
14 grading of skills demonstration shall be preserved for a period of not
15 less than one year after the ((~~board~~)) commission has made and
16 published the decisions. All examinations shall be conducted under
17 fair and wholly impartial methods.

18 (4) Any applicant failing to make the required grade in the first
19 examination may take up to three subsequent examinations as the
20 applicant desires upon prepaying a fee determined by the secretary
21 under RCW 43.70.250 for each subsequent examination. Upon failing four
22 examinations, the secretary may invalidate the original application and
23 require such remedial education before the person may take future
24 examinations.

25 (5) The ((~~board~~)) commission may approve an examination prepared or
26 administered by a private testing agency or association of licensing
27 agencies for use by an applicant in meeting the credentialing
28 requirements.

29 **Sec. 1015.** RCW 18.88A.100 and 1991 c 16 s 12 and 1991 c 3 s 226
30 are each reenacted and amended to read as follows:

31 The secretary shall waive the competency evaluation and certify a
32 person to practice within the state of Washington if the ((~~board~~))
33 commission determines that the person meets commonly accepted standards
34 of education and experience for the nursing assistants. This section
35 applies only to those individuals who file an application for waiver by
36 December 31, 1991.

1 **Sec. 1016.** RCW 18.88A.130 and 1991 c 16 s 15 are each amended to
2 read as follows:

3 The secretary shall establish by rule the procedural requirements
4 and fees for renewal of a registration or certificate. Failure to
5 renew shall invalidate the credential and all privileges granted by the
6 credential. If a certificate has lapsed for a period longer than three
7 years, the person shall demonstrate competence to the satisfaction of
8 the ((board)) commission by taking continuing education courses, or
9 meeting other standards determined by the ((board)) commission.

10 **Sec. 1017.** RCW 18.89.040 and 1987 c 415 s 5 are each amended to
11 read as follows:

12 A respiratory care practitioner certified under this chapter is
13 employed in the treatment, management, diagnostic testing,
14 rehabilitation, and care of patients with deficiencies and
15 abnormalities which affect the cardiopulmonary system and associated
16 aspects of other systems, and is under the direct order and under the
17 qualified medical direction of a physician. The practice of
18 respiratory care includes, but is not limited to:

19 (1) The use and administration of medical gases, exclusive of
20 general anesthesia;

21 (2) The use of air and oxygen administering apparatus;

22 (3) The use of humidification and aerosols;

23 (4) The administration of prescribed pharmacologic agents related
24 to respiratory care;

25 (5) The use of mechanical or physiological ventilatory support;

26 (6) Postural drainage, chest percussion, and vibration;

27 (7) Bronchopulmonary hygiene;

28 (8) Cardiopulmonary resuscitation as it pertains to establishing
29 airways and external cardiac compression;

30 (9) The maintenance of natural and artificial airways and
31 insertion, without cutting tissues, of artificial airways, as ordered
32 by the attending physician;

33 (10) Diagnostic and monitoring techniques such as the measurement
34 of cardiorespiratory volumes, pressures, and flows; and

35 (11) The drawing and analyzing of arterial, capillary, and mixed
36 venous blood specimens as ordered by the attending physician or an
37 advanced registered nurse practitioner as authorized by the ((board

1 of)) nursing care quality assurance commission under chapter ((18-88))
2 18.-- RCW (sections 601 through 631 of this act).

3 **Sec. 1018.** RCW 18.100.140 and 1987 c 447 s 16 are each amended to
4 read as follows:

5 Nothing in this chapter shall authorize a director, officer,
6 shareholder, agent or employee of a corporation organized under this
7 chapter, or a corporation itself organized under this chapter, to do or
8 perform any act which would be illegal, unethical or unauthorized
9 conduct under the provisions of the following acts: (1) ((~~Medical~~
10 ~~disciplinary act~~)) Physicians and surgeons, chapter ((18-72)) 18.71
11 RCW; (2) anti-rebating act, chapter 19.68 RCW; (3) state bar act,
12 chapter 2.48 RCW; (4) professional accounting act, chapter 18.04 RCW;
13 (5) professional architects act, chapter 18.08 RCW; (6) professional
14 auctioneers act, chapter 18.11 RCW; (7) cosmetologists, barbers, and
15 manicurists, chapter 18.16 RCW; (8) boarding homes act, chapter 18.20
16 RCW; (9) ((~~podiatry~~)) podiatric medicine and surgery, chapter 18.22
17 RCW; (10) chiropractic act, chapter 18.25 RCW; (11) registration of
18 contractors, chapter 18.27 RCW; (12) debt adjusting act, chapter 18.28
19 RCW; (13) dental hygienist act, chapter 18.29 RCW; (14) dentistry,
20 chapter 18.32 RCW; (15) dispensing opticians, chapter ((18-34)) 18.--
21 RCW (sections 401 through 428 of this act); (16) ((~~naturopathic act~~))
22 naturopathic physicians, chapter ((18-36A)) 18.-- RCW (sections 101
23 through 144 of this act); (17) embalmers and funeral directors, chapter
24 18.39 RCW; (18) engineers and land surveyors, chapter 18.43 RCW; (19)
25 escrow agents registration act, chapter 18.44 RCW; (20) maternity
26 homes, chapter 18.46 RCW; (21) midwifery, chapter 18.50 RCW; (22)
27 nursing homes, chapter 18.51 RCW; (23) optometry, chapter ((18-53))
28 18.-- RCW (sections 401 through 428 of this act); (24) ((~~osteopathy~~))
29 osteopathic physicians and surgeons, chapter ((18-57)) 18.-- RCW
30 (sections 101 through 144 of this act); (25) pharmacists, chapter 18.64
31 RCW; (26) physical therapy, chapter 18.74 RCW; (27) registered nurses,
32 advanced registered nurse practitioners, and practical nurses, chapter
33 ((18-78)) 18.-- RCW (sections 601 through 631 of this act); (28)
34 psychologists, chapter 18.83 RCW; (29) real estate brokers and
35 salesmen, chapter 18.85 RCW; (30) ((~~registered professional nurses,~~
36 ~~chapter 18.88 RCW;~~ (31))) veterinarians, chapter 18.92 RCW.

1 **Sec. 1019.** RCW 18.120.020 and 1989 c 300 s 14 are each amended to
2 read as follows:

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

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

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

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

21 (4) "Health professions" means and includes the following health
22 and health-related licensed or regulated professions and occupations:
23 (~~Podiatry~~) Podiatric medicine and surgery under chapter ((18.22))
24 18.-- RCW (sections 101 through 144 of this act); chiropractic under
25 chapter(~~s~~) 18.25 (~~and 18.26 RCW~~); dental hygiene under chapter
26 18.29 RCW; dentistry under chapter 18.32 RCW; dispensing opticians
27 under chapter ((18.34)) 18.-- RCW (sections 401 through 428 of this
28 act); hearing aids under chapter 18.35 RCW; naturopaths under chapter
29 ((18.36A)) 18.-- RCW (sections 101 through 144 of this act); embalming
30 and funeral directing under chapter 18.39 RCW; midwifery under chapter
31 18.50 RCW; nursing home administration under chapter 18.52 RCW;
32 optometry under chapter(~~s 18.53 and 18.54~~) 18.-- RCW (sections 401
33 through 428 of this act); ocularists under chapter 18.55 RCW;
34 osteopathy and osteopathic medicine and surgery under chapter(~~s 18.57~~
35 ~~and 18.57A~~) 18.-- RCW (sections 101 through 144 of this act); pharmacy
36 under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71(~~(7)~~)
37 and 18.71A((7 and 18.72)) RCW; emergency medicine under chapter 18.73
38 RCW; physical therapy under chapter ((18.74)) 18.-- RCW (sections 701
39 through 745 of this act); practical nurses under chapter ((18.78)) 18.-

1 - RCW (sections 601 through 631 of this act); psychologists under
2 chapter 18.83 RCW; registered nurses under chapter ((18.88)) 18.-- RCW
3 (sections 601 through 631 of this act); occupational therapists
4 licensed ((pursuant to)) under chapter ((18.59)) 18.-- RCW (sections
5 701 through 745 of this act); respiratory care practitioners certified
6 under chapter 18.89 RCW; veterinarians and animal technicians under
7 chapter 18.92 RCW; health care assistants under chapter 18.135 RCW;
8 massage practitioners under chapter ((18.108)) 18.-- RCW (sections 701
9 through 745 of this act); acupuncturists certified under chapter 18.06
10 RCW; persons registered or certified under chapter 18.19 RCW;
11 dietitians and nutritionists certified by chapter 18.138 RCW;
12 radiologic technicians under chapter 18.84 RCW; and nursing assistants
13 registered or certified under chapter 18.88A RCW.

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

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

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

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

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

35 (10) "Public member" means an individual who is not, and never was,
36 a member of the health profession being regulated or the spouse of a
37 member, or an individual who does not have and never has had a material
38 financial interest in either the rendering of the health professional

1 service being regulated or an activity directly related to the
2 profession being regulated.

3 (11) "Registration" means the formal notification which, prior to
4 rendering services, a practitioner shall submit to a state agency
5 setting forth the name and address of the practitioner; the location,
6 nature and operation of the health activity to be practiced; and, if
7 required by the regulatory entity, a description of the service to be
8 provided.

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

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

17 **Sec. 1020.** RCW 18.135.020 and 1991 c 3 s 272 are each amended to
18 read as follows:

19 As used in this chapter:

20 (1) "Secretary" means the secretary of health.

21 (2) "Health care assistant" means an unlicensed person who assists
22 a licensed health care practitioner in providing health care to
23 patients pursuant to this chapter.

24 (3) "Health care practitioner" means:

25 (a) A physician licensed under chapter 18.71 RCW;

26 (b) An osteopathic physician or surgeon licensed under chapter
27 (~~(18.57)~~) 18.-- RCW (sections 101 through 144 of this act); or

28 (c) Acting within the scope of their respective licensure, a
29 (~~(podiatrist)~~) podiatric physician and surgeon licensed under chapter
30 (~~(18.22)~~) 18.-- RCW (sections 101 through 144 of this act) or a
31 registered nurse or advanced registered nurse practitioner licensed
32 under chapter (~~(18.88)~~) 18.-- RCW (sections 601 through 631 of this
33 act).

34 (4) "Supervision" means supervision of procedures permitted
35 pursuant to this chapter by a health care practitioner who is
36 physically present and is immediately available in the facility during
37 the administration of injections, as defined in this chapter, but need
38 not be present during procedures to withdraw blood.

1 (5) "Health care facility" means any hospital, hospice care center,
2 licensed or certified health care facility, health maintenance
3 organization regulated under chapter 48.46 RCW, federally qualified
4 health maintenance organization, renal dialysis center or facility
5 federally approved under 42 C.F.R. 405.2100, blood bank federally
6 licensed under 21 C.F.R. 607, or clinical laboratory certified under 20
7 C.F.R. 405.1301-16.

8 (6) "Delegation" means direct authorization granted by a licensed
9 health care practitioner to a health care assistant to perform the
10 functions authorized in this chapter which fall within the scope of
11 practice of the delegator and which are not within the scope of
12 practice of the delegatee.

13 **Sec. 1021.** RCW 28A.210.260 and 1982 c 195 s 1 are each amended to
14 read as follows:

15 Public school districts and private schools which conduct any of
16 grades kindergarten through the twelfth grade may provide for the
17 administration of oral medication of any nature to students who are in
18 the custody of the school district or school at the time of
19 administration, but are not required to do so by this section, subject
20 to the following conditions:

21 (1) The board of directors of the public school district or the
22 governing board of the private school or, if none, the chief
23 administrator of the private school shall adopt policies which address
24 the designation of employees who may administer oral medications to
25 students, the acquisition of parent requests and instructions, and the
26 acquisition of dentist and physician requests and instructions
27 regarding students who require medication for more than fifteen
28 consecutive school days, the identification of the medication to be
29 administered, the means of safekeeping medications with special
30 attention given to the safeguarding of legend drugs as defined in
31 chapter 69.41 RCW, and the means of maintaining a record of the
32 administration of such medication;

33 (2) The board of directors shall seek advice from one or more
34 licensed physicians or nurses in the course of developing the foregoing
35 policies;

36 (3) The public school district or private school is in receipt of
37 a written, current and unexpired request from a parent, or a legal

1 guardian, or other person having legal control over the student to
2 administer the medication to the student;

3 (4) The public school district or the private school is in receipt
4 of (a) a written, current and unexpired request from a licensed
5 physician or dentist for administration of the medication, as there
6 exists a valid health reason which makes administration of such
7 medication advisable during the hours when school is in session or the
8 hours in which the student is under the supervision of school
9 officials, and (b) written, current and unexpired instructions from
10 such physician or dentist regarding the administration of prescribed
11 medication to students who require medication for more than fifteen
12 consecutive work days;

13 (5) The medication is administered by an employee designated by or
14 pursuant to the policies adopted pursuant to subsection (1) of this
15 section and in substantial compliance with the prescription of a
16 physician or dentist or the written instructions provided pursuant to
17 subsection (4) of this section;

18 (6) The medication is first examined by the employee administering
19 the same to determine in his or her judgment that it appears to be in
20 the original container and to be properly labeled; and

21 (7) The board of directors shall designate a professional person
22 licensed pursuant to chapter 18.71 or (~~18.88~~) 18.-- RCW (sections 601
23 through 631 of this act) to train and supervise the designated school
24 district personnel in proper medication procedures.

25 **Sec. 1022.** RCW 28A.210.280 and 1988 c 48 s 2 are each amended to
26 read as follows:

27 (1) Public school districts and private schools that offer classes
28 for any of grades kindergarten through twelve may provide for clean,
29 intermittent bladder catheterization of students, or assisted self-
30 catheterization of students pursuant to (~~RCW 18.88.295:—PROVIDED,~~
31 ~~That~~) section 629 of this act, if the catheterization is provided for
32 in substantial compliance with:

33 (a) Rules adopted by the state (~~board of~~) nursing care quality
34 assurance commission and the instructions of a registered nurse or
35 advanced registered nurse practitioner issued under such rules; and

36 (b) Written policies of the school district or private school which
37 shall be adopted in order to implement this section and shall be

1 developed in accordance with such requirements of chapters 41.56 and
2 41.59 RCW as may be applicable.

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

5 **Sec. 1023.** RCW 28A.210.290 and 1990 c 33 s 209 are each amended to
6 read as follows:

7 (1) In the event a school employee provides for the catheterization
8 of a student pursuant to RCW (~~(18.88.295)~~) 18.--.--- (section 629 of
9 this act) and 28A.210.280 in substantial compliance with (a) rules
10 adopted by the state (~~(board of)~~) nursing care quality assurance
11 commission and the instructions of a registered nurse or advanced
12 registered nurse practitioner issued under such rules, and (b) written
13 policies of the school district or private school, then the employee,
14 the employee's school district or school of employment, and the members
15 of the governing board and chief administrator thereof shall not be
16 liable in any criminal action or for civil damages in their individual,
17 marital, governmental, corporate, or other capacity as a result of
18 providing for the catheterization.

19 (2) Providing for the catheterization of any student pursuant to
20 RCW (~~(18.88.295)~~) 18.--.--- (section 629 of this act) and 28A.210.280
21 may be discontinued by a public school district or private school and
22 the school district or school, its employees, its chief administrator,
23 and members of its governing board shall not be liable in any criminal
24 action or for civil damages in their individual, marital, governmental,
25 corporate, or other capacity as a result of the discontinuance:
26 PROVIDED, That the chief administrator of the public school district or
27 private school, or his or her designee, has first provided actual
28 notice orally or in writing in advance of the date of discontinuance to
29 a parent or legal guardian of the student or other person having legal
30 control over the student: PROVIDED FURTHER, That the public school
31 district otherwise provides for the catheterization of the student to
32 the extent required by federal or state law.

33 **Sec. 1024.** RCW 28C.10.030 and 1990 c 188 s 6 are each amended to
34 read as follows:

35 This chapter does not apply to:

36 (1) Bona fide trade, business, professional, or fraternal
37 organizations sponsoring educational programs primarily for that

1 organization's membership or offered by that organization on a no-fee
2 basis;

3 (2) Entities offering education that is exclusively avocational or
4 recreational;

5 (3) Education not requiring payment of money or other consideration
6 if this education is not advertised or promoted as leading toward
7 educational credentials;

8 (4) Entities that are established, operated, and governed by this
9 state or its political subdivisions under Title 28A, 28B, or 28C RCW;

10 (5) Degree-granting programs in compliance with the rules of the
11 higher education coordinating board;

12 (6) Any other entity to the extent that it has been exempted from
13 some or all of the provisions of this chapter under RCW 28C.10.100;

14 (7) Entities not otherwise exempt that are of a religious
15 character, but only as to those educational programs exclusively
16 devoted to religious or theological objectives and represented
17 accurately in institutional catalogs or other official publications;

18 (8) Entities offering only courses certified by the federal
19 aviation administration;

20 (9) Barber and cosmetology schools licensed under chapter 18.16
21 RCW;

22 (10) Entities which only offer courses approved to meet the
23 continuing education requirements for licensure under chapter(~~(§)~~)
24 18.04, (~~(18.78, 18.88)~~) 18.-- (sections 601 through 631 of this act),
25 or 48.17 RCW; and

26 (11) Entities not otherwise exempt offering only workshops or
27 seminars lasting no longer than three calendar days.

28 **Sec. 1025.** RCW 35.21.692 and 1991 c 182 s 1 are each amended to
29 read as follows:

30 (1) A state licensed massage practitioner seeking a city or town
31 license to operate a massage business must provide verification of his
32 or her state massage license as provided for in RCW (~~(18.108.030)~~)
33 18.--.--- (section 735 of this act).

34 (2) The city or town may charge a licensing or operating fee, but
35 the fee charged a state licensed massage practitioner shall not exceed
36 the licensing or operating fee imposed on similar health care
37 providers, such as physical therapists or occupational therapists,
38 operating within the same city or town.

1 (3) A state licensed massage practitioner is not subject to
2 additional licensing requirements not currently imposed on similar
3 health care providers, such as physical therapists or occupational
4 therapists.

5 **Sec. 1026.** RCW 35A.82.025 and 1991 c 182 s 2 are each amended to
6 read as follows:

7 (1) A state licensed massage practitioner seeking a city license to
8 operate a massage business must provide verification of his or her
9 state massage license as provided for in RCW (~~(18.108.030)~~) 18.--.---
10 (section 735 of this act).

11 (2) The city may charge a licensing or operating fee, but the fee
12 charged a state licensed massage practitioner shall not exceed the
13 licensing or operating fee imposed on similar health care providers,
14 such as physical therapists or occupational therapists, operating
15 within the same city.

16 (3) A state licensed massage practitioner is not subject to
17 additional licensing requirements not currently imposed on similar
18 health care providers, such as physical therapists or occupational
19 therapists.

20 **Sec. 1027.** RCW 36.32.122 and 1991 c 182 s 3 are each amended to
21 read as follows:

22 (1) A state licensed massage practitioner seeking a county license
23 to operate a massage business must provide verification of his or her
24 state massage license as provided for in RCW (~~(18.108.030)~~) 18.--.---
25 (section 735 of this act).

26 (2) The county may charge a licensing or operating fee, but the fee
27 charged a state licensed massage practitioner shall not exceed the
28 licensing or operating fee imposed on similar health care providers,
29 such as physical therapists or occupational therapists, operating
30 within the same county.

31 (3) A state licensed massage practitioner is not subject to
32 additional licensing requirements not currently imposed on similar
33 health care providers, such as physical therapists or occupational
34 therapists.

35 **Sec. 1028.** RCW 41.05.075 and 1993 c 386 s 10 are each amended to
36 read as follows:

1 (1) The administrator shall provide benefit plans designed by the
2 board through a contract or contracts with insuring entities, through
3 self-funding, self-insurance, or other methods of providing insurance
4 coverage authorized by RCW 41.05.140.

5 (2) The administrator shall establish a contract bidding process
6 that encourages competition among insuring entities, is timely to the
7 state budgetary process, and sets conditions for awarding contracts to
8 any insuring entity.

9 (3) The administrator shall establish a requirement for review of
10 utilization and financial data from participating insuring entities on
11 a quarterly basis.

12 (4) The administrator shall centralize the enrollment files for all
13 employee and retired or disabled school employee health plans offered
14 under chapter 41.05 RCW and develop enrollment demographics on a plan-
15 specific basis.

16 (5) The administrator shall establish methods for collecting,
17 analyzing, and disseminating to covered individuals information on the
18 cost and quality of services rendered by individual health care
19 providers.

20 (6) All claims data shall be the property of the state. The
21 administrator may require of any insuring entity that submits a bid to
22 contract for coverage all information deemed necessary to fulfill the
23 administrator's duties as set forth in this chapter.

24 (7) All contracts with insuring entities for the provision of
25 health care benefits shall provide that the beneficiaries of such
26 benefit plans may use on an equal participation basis the services of
27 practitioners licensed pursuant to chapters 18.22, 18.25, 18.32,
28 ~~((18.53))~~ 18.-- (sections 401 through 428 of this act), ~~((18.57))~~ 18.--
29 (sections 101 through 144 of this act), 18.71, ~~((18.74))~~ 18.--
30 (sections 701 through 745 of this act), 18.83, and 18.88 RCW. However,
31 nothing in this subsection may preclude the administrator from
32 establishing appropriate utilization controls approved pursuant to RCW
33 41.05.065(2) (a)~~((i))~~, (b), and (d).

34 (8) Beginning in January 1990, and each January thereafter, the
35 administrator shall publish and distribute to each school district a
36 description of health care benefit plans available through the
37 authority and the estimated cost if school district employees were
38 enrolled.

1 **Sec. 1029.** RCW 41.05.180 and 1989 c 338 s 5 are each amended to
2 read as follows:

3 Each health plan offered to public employees and their covered
4 dependents under this chapter that is not subject to the provisions of
5 Title 48 RCW and is established or renewed after January 1, 1990, and
6 that provides benefits for hospital or medical care shall provide
7 benefits for screening or diagnostic mammography services, provided
8 that such services are delivered upon the recommendation of the
9 patient's physician or advanced registered nurse practitioner as
10 authorized by the ((board of)) nursing care quality assurance
11 commission pursuant to chapter ((18.88)) 18.-- RCW (sections 601
12 through 631 of this act) or physician((s)) assistant pursuant to
13 chapter 18.71A RCW.

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

22 **Sec. 1030.** RCW 42.17.316 and 1987 c 416 s 7 are each amended to
23 read as follows:

24 The disclosure requirements of this chapter shall not apply to
25 records of the committee obtained in an action under RCW 18.72.301
26 through 18.72.321 (as recodified by this act).

27 **Sec. 1031.** RCW 43.70.220 and 1989 1st ex.s. c 9 s 301 are each
28 amended to read as follows:

29 The powers and duties of the department of licensing and the
30 director of licensing under the following statutes are hereby
31 transferred to the department of health and the secretary of health:
32 Chapters 18.06, 18.19, ((18.22)) 18.25, ((18.26)) 18.29, 18.32,
33 ((18.34)) 18.35, ((18.36A)) 18.50, 18.52, ((18.52A, 18.52B)) 18.52C,
34 ((18.53, 18.54)) 18.55, ((18.57, 18.57A, 18.59)) 18.-- (sections 101
35 through 144 of this act), 18.71, 18.71A, ((18.72, 18.74)) 18.--
36 (sections 701 through 745 of this act), 18.78, 18.83, 18.84, 18.88,
37 18.89, 18.92, ((18.108)) 18.-- (sections 701 through 745 of this act),

1 18.135, and 18.138 RCW. More specifically, the health professions
2 regulatory programs and services presently administered by the
3 department of licensing are hereby transferred to the department of
4 health.

5 **Sec. 1032.** RCW 48.20.393 and 1989 c 338 s 1 are each amended to
6 read as follows:

7 Each disability insurance policy issued or renewed after January 1,
8 1990, that provides coverage for hospital or medical expenses shall
9 provide coverage for screening or diagnostic mammography services,
10 provided that such services are delivered upon the recommendation of
11 the patient's physician or advanced registered nurse practitioner as
12 authorized by the (~~board of~~) nursing care quality assurance
13 commission pursuant to chapter (~~18.88~~) 18.-- RCW (sections 601
14 through 631 of this act) or physician(~~s~~) assistant pursuant to
15 chapter 18.71A RCW.

16 This section shall not be construed to prevent the application of
17 standard policy provisions applicable to other benefits such as
18 deductible or copayment provisions. This section does not limit the
19 authority of an insurer to negotiate rates and contract with specific
20 providers for the delivery of mammography services. This section shall
21 not apply to medicare supplement policies or supplemental contracts
22 covering a specified disease or other limited benefits.

23 **Sec. 1033.** RCW 48.20.411 and 1973 1st ex.s. c 188 s 3 are each
24 amended to read as follows:

25 Notwithstanding any provision of any disability insurance contract
26 as provided for in this chapter, benefits shall not be denied
27 thereunder for any health care service performed by a holder of a
28 license for registered nursing practice or advanced registered nursing
29 practice issued pursuant to chapter (~~18.88~~) 18.-- RCW (sections 601
30 through 631 of this act) if (1) the service performed was within the
31 lawful scope of such person's license, and (2) such contract would have
32 provided benefits if such service had been performed by a holder of a
33 license issued pursuant to chapter 18.71 RCW: PROVIDED, HOWEVER, That
34 no provision of chapter 18.71 RCW shall be asserted to deny benefits
35 under this section.

1 The provisions of this section are intended to be remedial and
2 procedural to the extent they do not impair the obligation of any
3 existing contract.

4 **Sec. 1034.** RCW 48.21.141 and 1973 1st ex.s. c 188 s 4 are each
5 amended to read as follows:

6 Notwithstanding any provision of any group disability insurance
7 contract or blanket disability insurance contract as provided for in
8 this chapter, benefits shall not be denied thereunder for any health
9 service performed by a holder of a license for registered nursing
10 practice or advanced registered nursing practice issued pursuant to
11 chapter ~~((18.88))~~ 18.-- RCW (sections 601 through 631 of this act) if
12 (1) the service performed was within the lawful scope of such person's
13 license, and (2) such contract would have provided benefits if such
14 service had been performed by a holder of a license issued pursuant to
15 chapter 18.71 RCW: PROVIDED, HOWEVER, That no provision of chapter
16 18.71 RCW shall be asserted to deny benefits under this section.

17 The provisions of this section are intended to be remedial and
18 procedural to the extent they do not impair the obligation of any
19 existing contract.

20 **Sec. 1035.** RCW 48.21.225 and 1989 c 338 s 2 are each amended to
21 read as follows:

22 Each group disability insurance policy issued or renewed after
23 January 1, 1990, that provides coverage for hospital or medical
24 expenses shall provide coverage for screening or diagnostic mammography
25 services, provided that such services are delivered upon the
26 recommendation of the patient's physician or advanced registered nurse
27 practitioner as authorized by the ~~((board of))~~ nursing care quality
28 assurance commission pursuant to chapter ~~((18.88))~~ 18.-- RCW (sections
29 601 through 631 of this act) or physician~~((s))~~ assistant pursuant to
30 chapter 18.71A RCW.

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

1 **Sec. 1036.** RCW 48.44.026 and 1990 c 120 s 6 are each amended to
2 read as follows:

3 Checks in payment for claims pursuant to any health care service
4 contract for health care services provided by persons licensed or
5 regulated under chapters (~~(18.22)~~) 18.-- (sections 101 through 144 of
6 this act), 18.25, 18.29, 18.32, (~~(18.53)~~) 18.-- (sections 401 through
7 428 of this act), (~~(18.57)~~) 18.-- (sections 101 through 144 of this
8 act), 18.64, 18.71, 18.73, (~~(18.74)~~) 18.-- (sections 701 through 745 of
9 this act), 18.83, or 18.88 RCW, where the provider is not a
10 participating provider under a contract with the health care service
11 contractor, shall be made out to both the provider and the enrolled
12 participant with the provider as the first named payee, jointly, to
13 require endorsement by each: PROVIDED, That payment shall be made in
14 the single name of the enrolled participant if the enrolled participant
15 as part of his or her claim furnishes evidence of prepayment to the
16 health care service provider: AND PROVIDED FURTHER, That nothing in
17 this section shall preclude a health care service contractor from
18 voluntarily issuing payment in the single name of the provider.

19 **Sec. 1037.** RCW 48.44.290 and 1986 c 223 s 6 are each amended to
20 read as follows:

21 Notwithstanding any provision of this chapter, for any health care
22 service contract thereunder which is entered into or renewed after July
23 26, 1981, benefits shall not be denied under such contract for any
24 health care service performed by a holder of a license for registered
25 nursing practice or advanced registered nursing practice issued
26 pursuant to chapter (~~(18.88)~~) 18.-- RCW (sections 601 through 631 of
27 this act) if (1) the service performed was within the lawful scope of
28 such person's license, and (2) such contract would have provided
29 benefits if such service had been performed by a holder of a license
30 issued pursuant to chapter 18.71 RCW: PROVIDED, HOWEVER, That no
31 provision of chapter 18.71 RCW shall be asserted to deny benefits under
32 this section.

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

36 **Sec. 1038.** RCW 48.44.325 and 1989 c 338 s 3 are each amended to
37 read as follows:

1 Each health care service contract issued or renewed after January
2 1, 1990, that provides benefits for hospital or medical care shall
3 provide benefits for screening or diagnostic mammography services,
4 provided that such services are delivered upon the recommendation of
5 the patient's physician or advanced registered nurse practitioner as
6 authorized by the ((board of)) nursing care quality assurance
7 commission pursuant to chapter ((18-88)) 18.-- RCW (sections 601
8 through 631 of this act) or physician((('s))) assistant pursuant to
9 chapter 18.71A RCW.

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

17 **Sec. 1039.** RCW 48.46.275 and 1989 c 338 s 4 are each amended to
18 read as follows:

19 Each health maintenance agreement issued or renewed after January
20 1, 1990, that provides benefits for hospital or medical care shall
21 provide benefits for screening or diagnostic mammography services,
22 provided that such services are delivered upon the recommendation of
23 the patient's physician or advanced registered nurse practitioner as
24 authorized by the ((board of)) nursing care quality assurance
25 commission pursuant to chapter ((18-88)) 18.-- RCW (sections 601
26 through 631 of this act) or physician((('s))) assistant pursuant to
27 chapter 18.71A RCW.

28 All services must be provided by the health maintenance
29 organization or rendered upon referral by the health maintenance
30 organization. This section shall not be construed to prevent the
31 application of standard agreement provisions applicable to other
32 benefits such as deductible or copayment provisions. This section does
33 not limit the authority of a health maintenance organization to
34 negotiate rates and contract with specific providers for the delivery
35 of mammography services. This section shall not apply to medicare
36 supplement policies or supplemental contracts covering a specified
37 disease or other limited benefits.

1 **Sec. 1040.** RCW 50.04.223 and 1993 c 167 s 1 are each amended to
2 read as follows:

3 The term "employment" does not include services performed by a
4 massage practitioner licensed under chapter ~~((18.108))~~ 18.-- RCW
5 (sections 701 through 745 of this act) in a massage business if the use
6 of the business facilities is contingent upon compensation to the owner
7 of the business facilities and the person receives no compensation from
8 the owner for the services performed.

9 **Sec. 1041.** RCW 69.41.010 and 1989 1st ex.s. c 9 s 426 and 1989 c
10 36 s 3 are each reenacted and amended to read as follows:

11 As used in this chapter, the following terms ~~((has-[have]))~~ have
12 the ~~((meaning[s]))~~ meanings indicated unless the context clearly
13 requires otherwise:

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

17 (a) A practitioner; or

18 (b) The patient or research subject at the direction of the
19 practitioner.

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

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

24 (4) "Dispense" means the interpretation of a prescription or order
25 for a legend drug and, pursuant to that prescription or order, the
26 proper selection, measuring, compounding, labeling, or packaging
27 necessary to prepare that prescription or order for delivery.

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

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

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

32 (8) "Drug" means:

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

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

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

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

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

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

12 (11) "Practitioner" means:

13 (a) A physician under chapter 18.71 RCW, an osteopathic physician
14 or an osteopathic physician and surgeon under chapter ~~((18.57))~~ 18.--
15 (sections 101 through 144 of this act) RCW, a dentist under chapter
16 18.32 RCW, a ~~((podiatrist))~~ podiatric physician and surgeon under
17 chapter ~~((18.22))~~ 18.-- RCW (sections 101 through 144 of this act), a
18 veterinarian under chapter 18.92 RCW, a registered nurse ~~((under~~
19 ~~chapter 18.88 RCW, a))~~, advanced registered nurse practitioner, or
20 licensed practical nurse under chapter ((18.78)) 18.-- RCW (sections
21 601 through 631 of this act), an optometrist under chapter ~~((18.53))~~
22 18.-- RCW (sections 401 through 428 of this act) who is certified by
23 the ~~((optometry board))~~ vision care quality assurance commission under
24 ~~((RCW 18.53.010))~~ section 403 of this act, an osteopathic
25 physician~~((s))~~ assistant under chapter ~~((18.57A))~~ 18.-- RCW (sections
26 101 through 144 of this act), ~~((or))~~ a physician~~((s))~~ assistant under
27 chapter 18.71A RCW, or a pharmacist under chapter 18.64 RCW;

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

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

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

1 **Sec. 1042.** RCW 69.41.030 and 1991 c 30 s 1 are each amended to
2 read as follows:

3 It shall be unlawful for any person to sell, deliver, or possess
4 any legend drug except upon the order or prescription of a physician
5 under chapter 18.71 RCW, an osteopathic physician or an osteopathic
6 physician and surgeon under chapter ~~((18.57))~~ 18.-- RCW (sections 101
7 through 144 of this act), a dentist under chapter 18.32 RCW, a
8 podiatric physician and surgeon under chapter ~~((18.22))~~ 18.-- RCW
9 (sections 101 through 144 of this act), a veterinarian under chapter
10 18.92 RCW, a commissioned medical or dental officer in the United
11 States armed forces or public health service in the discharge of his or
12 her official duties, a duly licensed physician or dentist employed by
13 the veterans administration in the discharge of his or her official
14 duties, a registered nurse or advanced registered nurse practitioner
15 under chapter ~~((18.88))~~ 18.-- RCW (sections 601 through 631 of this
16 act) when authorized by the ~~((board of))~~ nursing care quality assurance
17 commission, an osteopathic physician~~((s))~~ assistant under chapter
18 ~~((18.57A))~~ 18.-- RCW (sections 101 through 144 of this act) when
19 authorized by the ~~((committee of osteopathic examiners))~~ allied
20 physicians quality assurance commission, a physician assistant under
21 chapter 18.71A RCW when authorized by the ~~((board of))~~ medical
22 ~~((examiners))~~ quality assurance commission, a physician licensed to
23 practice medicine and surgery or a physician licensed to practice
24 osteopathy and surgery, a dentist licensed to practice dentistry, a
25 podiatric physician and surgeon licensed to practice podiatric medicine
26 and surgery, or a veterinarian licensed to practice veterinary
27 medicine, in any province of Canada which shares a common border with
28 the state of Washington or in any state of the United States:
29 PROVIDED, HOWEVER, That the above provisions shall not apply to sale,
30 delivery, or possession by drug wholesalers or drug manufacturers, or
31 their agents or employees, or to any practitioner acting within the
32 scope of his or her license, or to a common or contract carrier or
33 warehouseman, or any employee thereof, whose possession of any legend
34 drug is in the usual course of business or employment: PROVIDED
35 FURTHER, That nothing in this chapter or chapter 18.64 RCW shall
36 prevent a family planning clinic that is under contract with the
37 department of social and health services from selling, delivering,
38 possessing, and dispensing commercially prepackaged oral contraceptives
39 prescribed by authorized, licensed health care practitioners.

1 **Sec. 1043.** RCW 69.45.010 and 1989 1st ex.s. c 9 s 444 are each
2 amended to read as follows:

3 The definitions in this section apply throughout this chapter.

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

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

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

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

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

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

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

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

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

32 (10) "Practitioner" means a physician under chapter 18.71 RCW, an
33 osteopathic physician or an osteopathic physician and surgeon under
34 chapter ((18.57)) 18.-- RCW (sections 101 through 144 of this act), a
35 dentist under chapter 18.32 RCW, a ((~~podiatrist~~)) podiatric physician
36 and surgeon under chapter ((18.22)) 18.-- RCW (sections 101 through 144
37 of this act), a veterinarian under chapter 18.92 RCW, a pharmacist
38 under chapter 18.64 RCW, a commissioned medical or dental officer in
39 the United States armed forces or the public health service in the

1 discharge of his or her official duties, a duly licensed physician or
2 dentist employed by the veterans administration in the discharge of his
3 or her official duties, a registered nurse or advanced registered nurse
4 practitioner under chapter ~~((18.88))~~ 18.-- RCW (sections 601 through
5 631 of this act) when authorized to prescribe by the ~~((board of))~~
6 nursing care quality assurance commission, an osteopathic
7 ~~((physician's))~~ physician assistant under chapter ~~((18.57A))~~ 18.-- RCW
8 (sections 101 through 144 of this act) when authorized by the ~~((board~~
9 ~~of osteopathic medicine and surgery))~~ allied physicians quality
10 assurance commission, or a ~~((physician's))~~ physician assistant under
11 chapter 18.71A RCW when authorized by the ~~((board of))~~ medical
12 ~~((examiners))~~ quality assurance commission.

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

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

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

21 (14) "Secretary" means the secretary of health or the secretary's
22 designee.

23 **Sec. 1044.** RCW 69.50.101 and 1993 c 187 s 1 are each amended to
24 read as follows:

25 Unless the context clearly requires otherwise, definitions of terms
26 shall be as indicated where used in this chapter:

27 (a) "Administer" means to apply a controlled substance, whether by
28 injection, inhalation, ingestion, or any other means, directly to the
29 body of a patient or research subject by:

30 (1) a practitioner authorized to prescribe (or, by the
31 practitioner's authorized agent); or

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

34 (b) "Agent" means an authorized person who acts on behalf of or at
35 the direction of a manufacturer, distributor, or dispenser. It does
36 not include a common or contract carrier, public warehouseperson, or
37 employee of the carrier or warehouseperson.

38 (c) "Board" means the state board of pharmacy.

1 (d) "Controlled substance" means a drug, substance, or immediate
2 precursor included in Schedules I through V as set forth in federal or
3 state laws, or federal or board rules.

4 (e)(1) "Controlled substance analog" means a substance the chemical
5 structure of which is substantially similar to the chemical structure
6 of a controlled substance in Schedule I or II and:

7 (i) that has a stimulant, depressant, or hallucinogenic effect on
8 the central nervous system substantially similar to the stimulant,
9 depressant, or hallucinogenic effect on the central nervous system of
10 a controlled substance included in Schedule I or II; or

11 (ii) with respect to a particular individual, that the individual
12 represents or intends to have a stimulant, depressant, or
13 hallucinogenic effect on the central nervous system substantially
14 similar to the stimulant, depressant, or hallucinogenic effect on the
15 central nervous system of a controlled substance included in Schedule
16 I or II.

17 (2) The term does not include:

18 (i) a controlled substance;

19 (ii) a substance for which there is an approved new drug
20 application;

21 (iii) a substance with respect to which an exemption is in effect
22 for investigational use by a particular person under Section 505 of the
23 federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the extent
24 conduct with respect to the substance is pursuant to the exemption; or

25 (iv) any substance to the extent not intended for human consumption
26 before an exemption takes effect with respect to the substance.

27 (f) "Deliver" or "delivery," means the actual or constructive
28 transfer from one person to another of a substance, whether or not
29 there is an agency relationship.

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

31 (h) "Dispense" means the interpretation of a prescription or order
32 for a controlled substance and, pursuant to that prescription or order,
33 the proper selection, measuring, compounding, labeling, or packaging
34 necessary to prepare that prescription or order for delivery.

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

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

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

1 (1) "Drug" means (1) a controlled substance recognized as a drug in
2 the official United States pharmacopoeia/national formulary or the
3 official homeopathic pharmacopoeia of the United States, or any
4 supplement to them; (2) controlled substances intended for use in the
5 diagnosis, cure, mitigation, treatment, or prevention of disease in
6 individuals or animals; (3) controlled substances (other than food)
7 intended to affect the structure or any function of the body of
8 individuals or animals; and (4) controlled substances intended for use
9 as a component of any article specified in (1), (2), or (3) of this
10 subsection. The term does not include devices or their components,
11 parts, or accessories.

12 (m) "Drug enforcement administration" means the drug enforcement
13 administration in the United States Department of Justice, or its
14 successor agency.

15 (n) "Immediate precursor" means a substance:

16 (1) that the state board of pharmacy has found to be and by rule
17 designates as being the principal compound commonly used, or produced
18 primarily for use, in the manufacture of a controlled substance;

19 (2) that is an immediate chemical intermediary used or likely to be
20 used in the manufacture of a controlled substance; and

21 (3) the control of which is necessary to prevent, curtail, or limit
22 the manufacture of the controlled substance.

23 (o) "Isomer" means an optical isomer, but in RCW 69.50.101(r)(5),
24 69.50.204(a) (12) and (34), and 69.50.206(a)(4), the term includes any
25 geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c)
26 the term includes any positional isomer; and in RCW 69.50.204(a)(35),
27 69.50.204(c), and 69.50.208(a) the term includes any positional or
28 geometric isomer.

29 (p) "Manufacture" means the production, preparation, propagation,
30 compounding, conversion, or processing of a controlled substance,
31 either directly or indirectly or by extraction from substances of
32 natural origin, or independently by means of chemical synthesis, or by
33 a combination of extraction and chemical synthesis, and includes any
34 packaging or repackaging of the substance or labeling or relabeling of
35 its container. The term does not include the preparation, compounding,
36 packaging, repackaging, labeling, or relabeling of a controlled
37 substance:

1 (1) by a practitioner as an incident to the practitioner's
2 administering or dispensing of a controlled substance in the course of
3 the practitioner's professional practice; or

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

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

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

21 (1) Opium, opium derivative, and any derivative of opium or opium
22 derivative, including their salts, isomers, and salts of isomers,
23 whenever the existence of the salts, isomers, and salts of isomers is
24 possible within the specific chemical designation. The term does not
25 include the isoquinoline alkaloids of opium.

26 (2) Synthetic opiate and any derivative of synthetic opiate,
27 including their isomers, esters, ethers, salts, and salts of isomers,
28 esters, and ethers, whenever the existence of the isomers, esters,
29 ethers, and salts is possible within the specific chemical designation.

30 (3) Poppy straw and concentrate of poppy straw.

31 (4) Coca leaves, except coca leaves and extracts of coca leaves
32 from which cocaine, ecgonine, and derivatives or ecgonine or their
33 salts have been removed.

34 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

35 (6) Cocaine base.

36 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
37 thereof.

38 (8) Any compound, mixture, or preparation containing any quantity
39 of any substance referred to in subparagraphs (1) through (7).

1 (s) "Opiate" means any substance having an addiction-forming or
2 addiction-sustaining liability similar to morphine or being capable of
3 conversion into a drug having addiction-forming or addiction-sustaining
4 liability. The term includes opium, substances derived from opium
5 (opium derivatives), and synthetic opiates. The term does not include,
6 unless specifically designated as controlled under RCW 69.50.201, the
7 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts
8 (dextromethorphan). The term includes the racemic and levorotatory
9 forms of dextromethorphan.

10 (t) "Opium poppy" means the plant of the species *Papaver somniferum*
11 L., except its seeds.

12 (u) "Person" means individual, corporation, business trust, estate,
13 trust, partnership, association, joint venture, government,
14 governmental subdivision or agency, or any other legal or commercial
15 entity.

16 (v) "Poppy straw" means all parts, except the seeds, of the opium
17 poppy, after mowing.

18 (w) "Practitioner" means:

19 (1) A physician under chapter 18.71 RCW, a physician assistant
20 under chapter 18.71A RCW, an osteopathic physician and surgeon under
21 chapter ~~((18.57))~~ 18.-- RCW (sections 101 through 144 of this act), a
22 dentist under chapter 18.32 RCW, a podiatric physician and surgeon
23 under chapter ~~((18.22))~~ 18.-- RCW (sections 101 through 144 of this
24 act), a veterinarian under chapter 18.92 RCW, a registered nurse,
25 advanced registered nurse practitioner, or licensed practical nurse
26 under chapter ~~((18.88))~~ 18.-- RCW (sections 601 through 632 of this
27 act), ~~((a licensed practical nurse under chapter 18.78 RCW,))~~ a
28 pharmacist under chapter 18.64 RCW or a scientific investigator under
29 this chapter, licensed, registered or otherwise permitted insofar as is
30 consistent with those licensing laws to distribute, dispense, conduct
31 research with respect to or administer a controlled substance in the
32 course of their professional practice or research in this state.

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

37 (3) A physician licensed to practice medicine and surgery, a
38 physician licensed to practice osteopathy and surgery, a dentist
39 licensed to practice dentistry, a podiatric physician and surgeon

1 licensed to practice podiatric medicine and surgery, or a veterinarian
2 licensed to practice veterinary medicine in any state of the United
3 States.

4 (x) "Prescription" means an order for controlled substances issued
5 by a practitioner duly authorized by law or rule in the state of
6 Washington to prescribe controlled substances within the scope of his
7 or her professional practice for a legitimate medical purpose.

8 (y) "Production" includes the manufacturing, planting, cultivating,
9 growing, or harvesting of a controlled substance.

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

12 (aa) "State," unless the context otherwise requires, means a state
13 of the United States, the District of Columbia, the Commonwealth of
14 Puerto Rico, or a territory or insular possession subject to the
15 jurisdiction of the United States.

16 (bb) "Ultimate user" means an individual who lawfully possesses a
17 controlled substance for the individual's own use or for the use of a
18 member of the individual's household or for administering to an animal
19 owned by the individual or by a member of the individual's household.

20 **Sec. 1045.** RCW 69.50.402 and 1980 c 138 s 6 are each amended to
21 read as follows:

22 (a) It is unlawful for any person:

23 (1) who is subject to Article III to distribute or dispense a
24 controlled substance in violation of RCW 69.50.308;

25 (2) who is a registrant, to manufacture a controlled substance not
26 authorized by his registration, or to distribute or dispense a
27 controlled substance not authorized by his registration to another
28 registrant or other authorized person;

29 (3) who is a practitioner, to prescribe, order, dispense,
30 administer, supply, or give to any person:

31 (i) any amphetamine, including its salts, optical isomers, and
32 salts of optical isomers classified as a schedule II controlled
33 substance by the board of pharmacy pursuant to chapter 34.05 RCW; or

34 (ii) any nonnarcotic stimulant classified as a schedule II
35 controlled substance and designated as a nonnarcotic stimulant by the
36 board of pharmacy pursuant to chapter 34.05 RCW;

37 except for the treatment of narcolepsy or for the treatment of
38 hyperkinesia, or for the treatment of drug-induced brain dysfunction,

1 or for the treatment of epilepsy, or for the differential diagnostic
2 psychiatric evaluation of depression, or for the treatment of
3 depression shown to be refractory to other therapeutic modalities, or
4 for the clinical investigation of the effects of such drugs or
5 compounds, in which case an investigative protocol therefor shall have
6 been submitted to and reviewed and approved by the state board of
7 pharmacy before the investigation has been begun: PROVIDED, That the
8 board of pharmacy, in consultation with the medical (~~(disciplinary~~
9 ~~board)~~) quality assurance commission and the (~~(osteopathic disciplinary~~
10 ~~board)~~) allied physicians quality assurance commission, may establish
11 by rule, pursuant to chapter 34.05 RCW, disease states or conditions in
12 addition to those listed in this subsection for the treatment of which
13 Schedule II nonnarcotic stimulants may be prescribed, ordered,
14 dispensed, administered, supplied, or given to patients by
15 practitioners: AND PROVIDED, FURTHER, That investigations by the board
16 of pharmacy of abuse of prescriptive authority by physicians, licensed
17 pursuant to chapter 18.71 RCW, pursuant to subsection (a)(3) of this
18 section shall be done in consultation with the medical (~~(disciplinary~~
19 ~~board)~~) quality assurance commission;

20 (4) to refuse or fail to make, keep or furnish any record,
21 notification, order form, statement, invoice, or information required
22 under this chapter;

23 (5) to refuse an entry into any premises for any inspection
24 authorized by this chapter; or

25 (6) knowingly to keep or maintain any store, shop, warehouse,
26 dwelling, building, vehicle, boat, aircraft, or other structure or
27 place, which is resorted to by persons using controlled substances in
28 violation of this chapter for the purpose of using these substances, or
29 which is used for keeping or selling them in violation of this chapter.

30 (b) Any person who violates this section is guilty of a crime and
31 upon conviction may be imprisoned for not more than two years, fined
32 not more than two thousand dollars, or both.

33 **Sec. 1046.** RCW 70.02.030 and 1993 c 448 s 3 are each amended to
34 read as follows:

35 (1) A patient may authorize a health care provider to disclose the
36 patient's health care information. A health care provider shall honor
37 an authorization and, if requested, provide a copy of the recorded

1 health care information unless the health care provider denies the
2 patient access to health care information under RCW 70.02.090.

3 (2) A health care provider may charge a reasonable fee for
4 providing the health care information and is not required to honor an
5 authorization until the fee is paid.

6 (3) To be valid, a disclosure authorization to a health care
7 provider shall:

8 (a) Be in writing, dated, and signed by the patient;

9 (b) Identify the nature of the information to be disclosed;

10 (c) Identify the name, address, and institutional affiliation of
11 the person to whom the information is to be disclosed;

12 (d) Except for third-party payors, identify the provider who is to
13 make the disclosure; and

14 (e) Identify the patient.

15 (4) Except as provided by this chapter, the signing of an
16 authorization by a patient is not a waiver of any rights a patient has
17 under other statutes, the rules of evidence, or common law.

18 (5) A health care provider shall retain each authorization or
19 revocation in conjunction with any health care information from which
20 disclosures are made. This requirement shall not apply to disclosures
21 to third-party payors.

22 (6) Except for authorizations given pursuant to an agreement with
23 a treatment or monitoring program or disciplinary authority under
24 chapter (~~18.72~~) 18.71 or 18.130 RCW or to provide information to
25 third-party payors, an authorization may not permit the release of
26 health care information relating to future health care that the patient
27 receives more than ninety days after the authorization was signed.
28 Patients shall be advised of the period of validity of their
29 authorization on the disclosure authorization form. If the
30 authorization does not contain an expiration date, it expires ninety
31 days after it is signed.

32 **Sec. 1047.** RCW 70.41.200 and 1993 c 492 s 415 are each amended to
33 read as follows:

34 (1) Every hospital shall maintain a coordinated quality improvement
35 program for the improvement of the quality of health care services
36 rendered to patients and the identification and prevention of medical
37 malpractice. The program shall include at least the following:

1 (a) The establishment of a quality improvement committee with the
2 responsibility to review the services rendered in the hospital, both
3 retrospectively and prospectively, in order to improve the quality of
4 medical care of patients and to prevent medical malpractice. The
5 committee shall oversee and coordinate the quality improvement and
6 medical malpractice prevention program and shall insure that
7 information gathered pursuant to the program is used to review and to
8 revise hospital policies and procedures;

9 (b) A medical staff privileges sanction procedure through which
10 credentials, physical and mental capacity, and competence in delivering
11 health care services are periodically reviewed as part of an evaluation
12 of staff privileges;

13 (c) The periodic review of the credentials, physical and mental
14 capacity, and competence in delivering health care services of all
15 persons who are employed or associated with the hospital;

16 (d) A procedure for the prompt resolution of grievances by patients
17 or their representatives related to accidents, injuries, treatment, and
18 other events that may result in claims of medical malpractice;

19 (e) The maintenance and continuous collection of information
20 concerning the hospital's experience with negative health care outcomes
21 and incidents injurious to patients, patient grievances, professional
22 liability premiums, settlements, awards, costs incurred by the hospital
23 for patient injury prevention, and safety improvement activities;

24 (f) The maintenance of relevant and appropriate information
25 gathered pursuant to (a) through (e) of this subsection concerning
26 individual physicians within the physician's personnel or credential
27 file maintained by the hospital;

28 (g) Education programs dealing with quality improvement, patient
29 safety, injury prevention, staff responsibility to report professional
30 misconduct, the legal aspects of patient care, improved communication
31 with patients, and causes of malpractice claims for staff personnel
32 engaged in patient care activities; and

33 (h) Policies to ensure compliance with the reporting requirements
34 of this section.

35 (2) Any person who, in substantial good faith, provides information
36 to further the purposes of the quality improvement and medical
37 malpractice prevention program or who, in substantial good faith,
38 participates on the quality improvement committee shall not be subject

1 to an action for civil damages or other relief as a result of such
2 activity.

3 (3) Information and documents, including complaints and incident
4 reports, created specifically for, and collected, and maintained by a
5 quality improvement committee are not subject to discovery or
6 introduction into evidence in any civil action, and no person who was
7 in attendance at a meeting of such committee or who participated in the
8 creation, collection, or maintenance of information or documents
9 specifically for the committee shall be permitted or required to
10 testify in any civil action as to the content of such proceedings or
11 the documents and information prepared specifically for the committee.
12 This subsection does not preclude: (a) In any civil action, the
13 discovery of the identity of persons involved in the medical care that
14 is the basis of the civil action whose involvement was independent of
15 any quality improvement activity; (b) in any civil action, the
16 testimony of any person concerning the facts which form the basis for
17 the institution of such proceedings of which the person had personal
18 knowledge acquired independently of such proceedings; (c) in any civil
19 action by a health care provider regarding the restriction or
20 revocation of that individual's clinical or staff privileges,
21 introduction into evidence information collected and maintained by
22 quality improvement committees regarding such health care provider; (d)
23 in any civil action, disclosure of the fact that staff privileges were
24 terminated or restricted, including the specific restrictions imposed,
25 if any and the reasons for the restrictions; or (e) in any civil
26 action, discovery and introduction into evidence of the patient's
27 medical records required by regulation of the department of health to
28 be made regarding the care and treatment received.

29 (4) Each quality improvement committee shall, on at least a
30 semiannual basis, report to the governing board of the hospital in
31 which the committee is located. The report shall review the quality
32 improvement activities conducted by the committee, and any actions
33 taken as a result of those activities.

34 (5) The department of health shall adopt such rules as are deemed
35 appropriate to effectuate the purposes of this section.

36 (6) The medical (~~(disciplinary board)~~) quality assurance commission
37 or the (~~board of osteopathic medicine and surgery~~) allied physicians
38 quality assurance commission, as appropriate, may review and audit the
39 records of committee decisions in which a physician's privileges are

1 terminated or restricted. Each hospital shall produce and make
2 accessible to the ((board)) commission the appropriate records and
3 otherwise facilitate the review and audit. Information so gained shall
4 not be subject to the discovery process and confidentiality shall be
5 respected as required by subsection (3) of this section. Failure of a
6 hospital to comply with this subsection is punishable by a civil
7 penalty not to exceed two hundred fifty dollars.

8 (7) Violation of this section shall not be considered negligence
9 per se.

10 **Sec. 1048.** RCW 70.41.210 and 1986 c 300 s 7 are each amended to
11 read as follows:

12 The chief administrator or executive officer of a hospital shall
13 report to the ((board)) medical quality assurance commission when a
14 physician's clinical privileges are terminated or are restricted based
15 on a determination, in accordance with an institution's bylaws, that a
16 physician has either committed an act or acts which may constitute
17 unprofessional conduct. The officer shall also report if a physician
18 accepts voluntary termination in order to foreclose or terminate actual
19 or possible hospital action to suspend, restrict, or terminate a
20 physician's clinical privileges. Such a report shall be made within
21 sixty days of the date action was taken by the hospital's peer review
22 committee or the physician's acceptance of voluntary termination or
23 restriction of privileges. Failure of a hospital to comply with this
24 section is punishable by a civil penalty not to exceed two hundred
25 fifty dollars.

26 **Sec. 1049.** RCW 70.41.230 and 1993 c 492 s 416 are each amended to
27 read as follows:

28 (1) Prior to granting or renewing clinical privileges or
29 association of any physician or hiring a physician, a hospital or
30 facility approved pursuant to this chapter shall request from the
31 physician and the physician shall provide the following information:

32 (a) The name of any hospital or facility with or at which the
33 physician had or has any association, employment, privileges, or
34 practice;

35 (b) If such association, employment, privilege, or practice was
36 discontinued, the reasons for its discontinuation;

1 (c) Any pending professional medical misconduct proceedings or any
2 pending medical malpractice actions in this state or another state, the
3 substance of the allegations in the proceedings or actions, and any
4 additional information concerning the proceedings or actions as the
5 physician deems appropriate;

6 (d) The substance of the findings in the actions or proceedings and
7 any additional information concerning the actions or proceedings as the
8 physician deems appropriate;

9 (e) A waiver by the physician of any confidentiality provisions
10 concerning the information required to be provided to hospitals
11 pursuant to this subsection; and

12 (f) A verification by the physician that the information provided
13 by the physician is accurate and complete.

14 (2) Prior to granting privileges or association to any physician or
15 hiring a physician, a hospital or facility approved pursuant to this
16 chapter shall request from any hospital with or at which the physician
17 had or has privileges, was associated, or was employed, the following
18 information concerning the physician:

19 (a) Any pending professional medical misconduct proceedings or any
20 pending medical malpractice actions, in this state or another state;

21 (b) Any judgment or settlement of a medical malpractice action and
22 any finding of professional misconduct in this state or another state
23 by a licensing or disciplinary board; and

24 (c) Any information required to be reported by hospitals pursuant
25 to RCW 18.72.265 (as recodified by this act).

26 (3) The medical (~~(disciplinary board)~~) quality assurance commission
27 shall be advised within thirty days of the name of any physician denied
28 staff privileges, association, or employment on the basis of adverse
29 findings under subsection (1) of this section.

30 (4) A hospital or facility that receives a request for information
31 from another hospital or facility pursuant to subsections (1) and (2)
32 of this section shall provide such information concerning the physician
33 in question to the extent such information is known to the hospital or
34 facility receiving such a request, including the reasons for
35 suspension, termination, or curtailment of employment or privileges at
36 the hospital or facility. A hospital, facility, or other person
37 providing such information in good faith is not liable in any civil
38 action for the release of such information.

1 (5) Information and documents, including complaints and incident
2 reports, created specifically for, and collected, and maintained by a
3 quality improvement committee are not subject to discovery or
4 introduction into evidence in any civil action, and no person who was
5 in attendance at a meeting of such committee or who participated in the
6 creation, collection, or maintenance of information or documents
7 specifically for the committee shall be permitted or required to
8 testify in any civil action as to the content of such proceedings or
9 the documents and information prepared specifically for the committee.
10 This subsection does not preclude: (a) In any civil action, the
11 discovery of the identity of persons involved in the medical care that
12 is the basis of the civil action whose involvement was independent of
13 any quality improvement activity; (b) in any civil action, the
14 testimony of any person concerning the facts which form the basis for
15 the institution of such proceedings of which the person had personal
16 knowledge acquired independently of such proceedings; (c) in any civil
17 action by a health care provider regarding the restriction or
18 revocation of that individual's clinical or staff privileges,
19 introduction into evidence information collected and maintained by
20 quality improvement committees regarding such health care provider; (d)
21 in any civil action, disclosure of the fact that staff privileges were
22 terminated or restricted, including the specific restrictions imposed,
23 if any and the reasons for the restrictions; or (e) in any civil
24 action, discovery and introduction into evidence of the patient's
25 medical records required by regulation of the department of health to
26 be made regarding the care and treatment received.

27 (6) Hospitals shall be granted access to information held by the
28 medical (~~(disciplinary board)~~) quality assurance commission and the
29 (~~(board of osteopathic medicine and surgery)~~) allied physicians quality
30 assurance commission pertinent to decisions of the hospital regarding
31 credentialing and recredentialing of practitioners.

32 (7) Violation of this section shall not be considered negligence
33 per se.

34 **Sec. 1050.** RCW 70.127.250 and 1993 c 42 s 10 are each amended to
35 read as follows:

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

1 (a) Establishment of case management guidelines for acute and
2 maintenance care patients;

3 (b) Establishment of guidelines for periodic review of the home
4 health care plan of care and plan of treatment by appropriate health
5 care professionals; and

6 (c) Maintenance of written policies regarding the delivery and
7 supervision of patient care and clinical consultation as necessary by
8 appropriate health care professionals.

9 (2) As used in this section:

10 (a) "Acute care" means care provided by a home health agency for
11 patients who are not medically stable or have not attained a
12 satisfactory level of rehabilitation. These patients require frequent
13 monitoring by a health care professional in order to maintain their
14 health status.

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

18 (c) "Home health plan of care" means a written plan of care
19 established by a home health agency by appropriate health care
20 professionals that describes maintenance care to be provided. A
21 patient or his or her representative shall be allowed to participate in
22 the development of the plan of care to the extent practicable.

23 (d) "Home health plan of treatment" means a written plan of care
24 established by a physician licensed under chapter (~~(18.57)~~) 18.--
25 (sections 101 through 144 of this act) or 18.71 RCW, a podiatric
26 physician and surgeon licensed under chapter (~~(18.22)~~) 18.-- RCW
27 (sections 101 through 144 of this act), or an advanced registered nurse
28 practitioner as authorized by the (~~board of~~) nursing care quality
29 assurance commission under chapter (~~(18.88)~~) 18.-- RCW (sections 601
30 through 631 of this act), in consultation with appropriate health care
31 professionals within the agency that describes medically necessary
32 acute care to be provided for treatment of illness or injury.

33 **Sec. 1051.** RCW 70.180.030 and 1990 c 271 s 3 are each amended to
34 read as follows:

35 (1) The department, in cooperation with (~~{the}~~) the University of
36 Washington school of medicine, the state's registered nursing programs,
37 the state's pharmacy programs, and other appropriate public and private
38 agencies and associations, shall develop and keep current a register of

1 physicians, physician assistants, pharmacists, and advanced registered
2 nurse practitioners who are available to practice on a short-term basis
3 in rural communities of the state. The department shall periodically
4 screen individuals on the registry for violations of the Uniform
5 Disciplinary Act as authorized in chapter 18.130 RCW. If a finding of
6 unprofessional conduct has been made by the appropriate disciplinary
7 authority against any individual on the registry, the name of that
8 individual shall be removed from the registry and that person shall be
9 made ineligible for the program. The department shall include a list
10 of back-up physicians and hospitals who can provide support to health
11 care providers in the pool. The register shall be compiled, published,
12 and made available to all rural hospitals, public health departments
13 and districts, rural pharmacies, and other appropriate public and
14 private agencies and associations. The department shall coordinate
15 with existing entities involved in health professional recruitment when
16 developing the registry for the health professional temporary
17 substitute resource pool.

18 (2) Eligible health care professionals are those licensed under
19 chapters (~~(18.57, 18.57A)~~) 18.-- (sections 1 through 144 of this act),
20 18.64, 18.71, and 18.71A RCW and advanced registered nurse
21 practitioners licensed under chapter (~~(18.88)~~) 18.-- RCW (sections 601
22 through 631 of this act).

23 (3) Participating health care professionals shall receive:

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

26 (b) Medical malpractice insurance purchased by the department, or
27 the department may reimburse participants for medical malpractice
28 insurance premium costs for medical liability while providing health
29 care services in the program, if the services provided are not covered
30 by the participant's or local provider's existing medical malpractice
31 insurance; and

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

34 (4) The department may require rural communities to participate in
35 health professional recruitment programs as a condition for providing
36 a temporary substitute health care professional if the community does
37 not have adequate permanent health care personnel. To the extent
38 deemed appropriate and subject to funding, the department may also
39 require communities to participate in other programs or projects, such

1 as the rural health system project authorized in chapter 70.175 RCW,
2 that are designed to assist communities to reorganize the delivery of
3 rural health care services.

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

7 (6) The maximum continuous period of time a participating health
8 professional may serve in a community is ninety days. The department
9 may modify or waive this limitation should it determine that the health
10 and safety of the community warrants a waiver or modification. The
11 community shall be responsible for all salary expenses of participating
12 health professionals.

13 **Sec. 1052.** RCW 71.05.210 and 1991 c 364 s 11 and 1991 c 105 s 4
14 are each reenacted and amended to read as follows:

15 Each person involuntarily admitted to an evaluation and treatment
16 facility shall, within twenty-four hours of his or her admission, be
17 examined and evaluated by a licensed physician who may be assisted by
18 a physician assistant according to chapter 18.71A RCW or ((a)) an
19 advanced registered nurse practitioner according to chapter ((18-88))
20 18.-- RCW (sections 601 through 631 of this act) and a mental health
21 professional as defined in this chapter, and shall receive such
22 treatment and care as his or her condition requires including treatment
23 on an outpatient basis for the period that he or she is detained,
24 except that, beginning twenty-four hours prior to a court proceeding,
25 the individual may refuse all but emergency life-saving treatment, and
26 the individual shall be informed at an appropriate time of his or her
27 right to such refusal of treatment. Such person shall be detained up
28 to seventy-two hours, if, in the opinion of the professional person in
29 charge of the facility, or his or her professional designee, the person
30 presents a likelihood of serious harm to himself or herself or others,
31 or is gravely disabled. A person who has been detained for seventy-two
32 hours shall no later than the end of such period be released, unless
33 referred for further care on a voluntary basis, or detained pursuant to
34 court order for further treatment as provided in this chapter.

35 If, after examination and evaluation, the licensed physician and
36 mental health professional determine that the initial needs of the
37 person would be better served by placement in a chemical dependency

1 treatment facility, then the person shall be referred to an approved
2 treatment program defined under RCW 70.96A.020.

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

11 **Sec. 1053.** RCW 71.24.025 and 1991 c 306 s 2 are each amended to
12 read as follows:

13 Unless the context clearly requires otherwise, the definitions in
14 this section apply throughout this chapter.

15 (1) "Acutely mentally ill" means a condition which is limited to a
16 short-term severe crisis episode of:

17 (a) A mental disorder as defined in RCW 71.05.020(2) or, in the
18 case of a child, as defined in RCW 71.34.020(12);

19 (b) Being gravely disabled as defined in RCW 71.05.020(1) or, in
20 the case of a child, as defined in RCW 71.34.020(8); or

21 (c) Presenting a likelihood of serious harm as defined in RCW
22 71.05.020(3) or, in the case of a child, as defined in RCW
23 71.34.020(11).

24 (2) "Available resources" means those funds which shall be
25 appropriated under this chapter by the legislature during any biennium
26 for the purpose of providing community mental health programs under RCW
27 71.24.045. When regional support networks are established or after
28 July 1, 1995, "available resources" means federal funds, except those
29 provided according to Title XIX of the Social Security Act, and state
30 funds appropriated under this chapter or chapter 71.05 RCW by the
31 legislature during any biennium for the purpose of providing
32 residential services, resource management services, community support
33 services, and other mental health services. This does not include
34 funds appropriated for the purpose of operating and administering the
35 state psychiatric hospitals, except as negotiated according to RCW
36 71.24.300(1)(d).

37 (3) "Licensed service provider" means an entity licensed according
38 to this chapter or chapter 71.05 RCW that meets state minimum standards

1 or individuals licensed under chapter (~~(18.57)~~) 18.-- (sections 101
2 through 144 of this act), 18.71, 18.83, or (~~(18.88)~~) 18.-- (sections
3 601 through 631 of this act) RCW.

4 (4) "Child" means a person under the age of eighteen years.

5 (5) "Chronically mentally ill adult" means an adult who has a
6 mental disorder and meets at least one of the following criteria:

7 (a) Has undergone two or more episodes of hospital care for a
8 mental disorder within the preceding two years; or

9 (b) Has experienced a continuous psychiatric hospitalization or
10 residential treatment exceeding six months' duration within the
11 preceding year; or

12 (c) Has been unable to engage in any substantial gainful activity
13 by reason of any mental disorder which has lasted for a continuous
14 period of not less than twelve months. "Substantial gainful activity"
15 shall be defined by the department by rule consistent with Public Law
16 92-603, as amended.

17 (6) "Severely emotionally disturbed child" means an infant or child
18 who has been determined by the regional support network to be
19 experiencing a mental disorder as defined in chapter 71.34 RCW,
20 including those mental disorders that result in a behavioral or conduct
21 disorder, that is clearly interfering with the child's functioning in
22 family or school or with peers and who meets at least one of the
23 following criteria:

24 (a) Has undergone inpatient treatment or placement outside of the
25 home related to a mental disorder within the last two years;

26 (b) Has undergone involuntary treatment under chapter 71.34 RCW
27 within the last two years;

28 (c) Is currently served by at least one of the following child-
29 serving systems: Juvenile justice, child-protection/welfare, special
30 education, or developmental disabilities;

31 (d) Is at risk of escalating maladjustment due to:

32 (i) Chronic family dysfunction involving a mentally ill or
33 inadequate caretaker;

34 (ii) Changes in custodial adult;

35 (iii) Going to, residing in, or returning from any placement
36 outside of the home, for example, psychiatric hospital, short-term
37 inpatient, residential treatment, group or foster home, or a
38 correctional facility;

39 (iv) Subject to repeated physical abuse or neglect;

1 (v) Drug or alcohol abuse; or

2 (vi) Homelessness.

3 (7) "Community mental health program" means all mental health
4 services established by a county authority. After July 1, 1995, or
5 when the regional support networks are established, "community mental
6 health program" means all activities or programs using available
7 resources.

8 (8) "Community support services" means services for acutely
9 mentally ill persons, chronically mentally ill adults, and severely
10 emotionally disturbed children and includes: (a) Discharge planning
11 for clients leaving state mental hospitals, other acute care inpatient
12 facilities, inpatient psychiatric facilities for persons under twenty-
13 one years of age, and other children's mental health residential
14 treatment facilities; (b) sufficient contacts with clients, families,
15 schools, or significant others to provide for an effective program of
16 community maintenance; and (c) medication monitoring. After July 1,
17 1995, or when regional support networks are established, for adults and
18 children "community support services" means services authorized,
19 planned, and coordinated through resource management services
20 including, at least, assessment, diagnosis, emergency crisis
21 intervention available twenty-four hours, seven days a week,
22 prescreening determinations for mentally ill persons being considered
23 for placement in nursing homes as required by federal law, screening
24 for patients being considered for admission to residential services,
25 diagnosis and treatment for acutely mentally ill and severely
26 emotionally disturbed children discovered under screening through the
27 federal Title XIX early and periodic screening, diagnosis, and
28 treatment program, investigation, legal, and other nonresidential
29 services under chapter 71.05 RCW, case management services, psychiatric
30 treatment including medication supervision, counseling, psychotherapy,
31 assuring transfer of relevant patient information between service
32 providers, other services determined by regional support networks, and
33 maintenance of a patient tracking system for chronically mentally ill
34 adults and severely emotionally disturbed children.

35 (9) "County authority" means the board of county commissioners,
36 county council, or county executive having authority to establish a
37 community mental health program, or two or more of the county
38 authorities specified in this subsection which have entered into an
39 agreement to provide a community mental health program.

1 (10) "Department" means the department of social and health
2 services.

3 (11) "Mental health services" means community services pursuant to
4 RCW 71.24.035(5)(b) and other services provided by the state for the
5 mentally ill. When regional support networks are established, or after
6 July 1, 1995, "mental health services" shall include all services
7 provided by regional support networks.

8 (12) "Mentally ill persons" and "the mentally ill" mean persons and
9 conditions defined in subsections (1), (5), (6), and (16) of this
10 section.

11 (13) "Regional support network" means a county authority or group
12 of county authorities recognized by the secretary that enter into joint
13 operating agreements to contract with the secretary pursuant to this
14 chapter.

15 (14) "Residential services" means a facility or distinct part
16 thereof which provides food and shelter, and may include treatment
17 services.

18 When regional support networks are established, or after July 1,
19 1995, for adults and children "residential services" means a complete
20 range of residences and supports authorized by resource management
21 services and which may involve a facility, a distinct part thereof, or
22 services which support community living, for acutely mentally ill
23 persons, chronically mentally ill adults, severely emotionally
24 disturbed children, or seriously disturbed adults determined by the
25 regional support network to be at risk of becoming acutely or
26 chronically mentally ill. The services shall include at least
27 evaluation and treatment services as defined in chapter 71.05 RCW,
28 acute crisis respite care, long-term adaptive and rehabilitative care,
29 and supervised and supported living services, and shall also include
30 any residential services developed to service mentally ill persons in
31 nursing homes. Residential services for children in out-of-home
32 placements related to their mental disorder shall not include the costs
33 of food and shelter, except for children's long-term residential
34 facilities existing prior to January 1, 1991.

35 (15) "Resource management services" mean the planning,
36 coordination, and authorization of residential services and community
37 support services administered pursuant to an individual service plan
38 for acutely mentally ill adults and children, chronically mentally ill
39 adults, severely emotionally disturbed children, or seriously disturbed

1 adults determined by the regional support network at their sole
2 discretion to be at risk of becoming acutely or chronically mentally
3 ill. Such planning, coordination, and authorization shall include
4 mental health screening for children eligible under the federal Title
5 XIX early and periodic screening, diagnosis, and treatment program.
6 Resource management services include seven day a week, twenty-four hour
7 a day availability of information regarding mentally ill adults' and
8 children's enrollment in services and their individual service plan to
9 county-designated mental health professionals, evaluation and treatment
10 facilities, and others as determined by the regional support network.

11 (16) "Seriously disturbed person" means a person who:

12 (a) Is gravely disabled or presents a likelihood of serious harm to
13 oneself or others as a result of a mental disorder as defined in
14 chapter 71.05 RCW;

15 (b) Has been on conditional release status at some time during the
16 preceding two years from an evaluation and treatment facility or a
17 state mental health hospital;

18 (c) Has a mental disorder which causes major impairment in several
19 areas of daily living;

20 (d) Exhibits suicidal preoccupation or attempts; or

21 (e) Is a child diagnosed by a mental health professional, as
22 defined in RCW 71.05.020, as experiencing a mental disorder which is
23 clearly interfering with the child's functioning in family or school or
24 with peers or is clearly interfering with the child's personality
25 development and learning.

26 (17) "Secretary" means the secretary of social and health services.

27 (18) "State minimum standards" means: (a) Minimum requirements for
28 delivery of mental health services as established by departmental rules
29 and necessary to implement this chapter, including but not limited to
30 licensing service providers and services; (b) minimum service
31 requirements for licensed service providers for the provision of mental
32 health services as established by departmental rules pursuant to
33 chapter 34.05 RCW as necessary to implement this chapter, including,
34 but not limited to: Qualifications for staff providing services
35 directly to mentally ill persons; the intended result of each service;
36 and the rights and responsibilities of persons receiving mental health
37 services pursuant to this chapter; (c) minimum requirements for
38 residential services as established by the department in rule based on
39 clients' functional abilities and not solely on their diagnoses,

1 limited to health and safety, staff qualifications, and program
2 outcomes. Minimum requirements for residential services are those
3 developed in collaboration with consumers, families, counties,
4 regulators, and residential providers serving the mentally ill.
5 Minimum requirements encourage the development of broad-range
6 residential programs, including integrated housing and cross-systems
7 programs where appropriate, and do not unnecessarily restrict
8 programming flexibility; and (d) minimum standards for community
9 support services and resource management services, including at least
10 qualifications for resource management services, client tracking
11 systems, and the transfer of patient information between service
12 providers.

13 **Sec. 1054.** RCW 74.09.290 and 1990 c 100 s 5 are each amended to
14 read as follows:

15 The secretary of the department of social and health services or
16 his authorized representative shall have the authority to:

17 (1) Conduct audits and investigations of providers of medical and
18 other services furnished pursuant to this chapter, except that the
19 Washington state medical (~~(disciplinary board)~~) quality assurance
20 commission shall generally serve in an advisory capacity to the
21 secretary in the conduct of audits or investigations of physicians.
22 Any overpayment discovered as a result of an audit of a provider under
23 this authority shall be offset by any underpayments discovered in that
24 same audit sample. In order to determine the provider's actual, usual,
25 customary, or prevailing charges, the secretary may examine such random
26 representative records as necessary to show accounts billed and
27 accounts received except that in the conduct of such examinations,
28 patient names, other than public assistance applicants or recipients,
29 shall not be noted, copied, or otherwise made available to the
30 department. In order to verify costs incurred by the department for
31 treatment of public assistance applicants or recipients, the secretary
32 may examine patient records or portions thereof in connection with
33 services to such applicants or recipients rendered by a health care
34 provider, notwithstanding the provisions of RCW 5.60.060, 18.53.200,
35 18.83.110, or any other statute which may make or purport to make such
36 records privileged or confidential: PROVIDED, That no original patient
37 records shall be removed from the premises of the health care provider,
38 and that the disclosure of any records or information by the department

1 of social and health services is prohibited and shall be punishable as
2 a class C felony according to chapter 9A.20 RCW, unless such disclosure
3 is directly connected to the official purpose for which the records or
4 information were obtained: PROVIDED FURTHER, That the disclosure of
5 patient information as required under this section shall not subject
6 any physician or other health services provider to any liability for
7 breach of any confidential relationship between the provider and the
8 patient, but no evidence resulting from such disclosure may be used in
9 any civil, administrative, or criminal proceeding against the patient
10 unless a waiver of the applicable evidentiary privilege is obtained:
11 PROVIDED FURTHER, That the secretary shall destroy all copies of
12 patient medical records in their possession upon completion of the
13 audit, investigation or proceedings;

14 (2) Approve or deny applications to participate as a provider of
15 services furnished pursuant to this chapter;

16 (3) Terminate or suspend eligibility to participate as a provider
17 of services furnished pursuant to this chapter; and

18 (4) Adopt, promulgate, amend, and (~~repeal~~) repeal administrative
19 rules (~~and regulations~~), in accordance with the Administrative
20 Procedure Act, chapter 34.05 RCW, to carry out the policies and
21 purposes of RCW 74.09.200 through 74.09.290.

22 **Sec. 1055.** RCW 74.42.010 and 1993 c 508 s 4 are each amended to
23 read as follows:

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

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

28 (2) "Facility" refers to a nursing home as defined in RCW
29 18.51.010.

30 (3) "Licensed practical nurse" means a person licensed to practice
31 practical nursing under chapter (~~18.78~~) 18.-- RCW (sections 601
32 through 631 of this act).

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

36 (5) "Nursing care" means that care provided by a registered nurse,
37 an advanced registered nurse practitioner, a licensed practical nurse,
38 or a nursing assistant in the regular performance of their duties.

1 (6) "Qualified therapist" means:

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

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

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

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

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

14 (f) A physical therapist as defined in chapter ~~((18.74))~~ 18.-- RCW
15 (sections 701 through 745 of this act).

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

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

20 (7) "Registered nurse" means a person ~~((practicing))~~ licensed to
21 practice registered nursing under chapter ~~((18.88))~~ 18.-- RCW (sections
22 601 through 631 of this act).

23 (8) "Resident" means an individual residing in a nursing home, as
24 defined in RCW 18.51.010.

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

27 (10) "Nurse practitioner" means a person ~~((practicing such expanded~~
28 ~~acts of nursing as are authorized by the board of nursing pursuant to~~
29 ~~RCW 18.88.030))~~ licensed to practice advanced registered nursing under
30 chapter 18.-- RCW (sections 601 through 631 of this act).

31 **Sec. 1056.** RCW 74.42.230 and 1982 c 120 s 2 are each amended to
32 read as follows:

33 (1) The resident's attending or staff physician or authorized
34 practitioner approved by the attending physician shall order all
35 medications for the resident. The order may be oral or written and
36 shall be limited by time. An "authorized practitioner," as used in
37 this section, is a registered nurse under chapter ~~((18.88))~~ 18.-- RCW
38 (sections 601 through 631 of this act) when authorized by the ~~((board~~

1 of)) nursing care quality assurance commission, an osteopathic
2 physician(~~(s)~~) assistant under chapter (~~(18.57A)~~) 18.-- RCW (sections
3 101 through 144 of this act) when authorized by the (~~(committee of~~
4 ~~osteopathic examiners)~~) allied physicians quality assurance commission,
5 or a physician(~~(s)~~) assistant under chapter 18.71A RCW when authorized
6 by the (~~(board of)~~) medical (~~(examiners)~~) quality assurance commission.

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

12 **Sec. 1057.** RCW 74.42.240 and 1989 c 372 s 5 are each amended to
13 read as follows:

14 (1) No staff member may administer any medication to a resident
15 unless the staff member is licensed to administer medication:
16 PROVIDED, That nothing herein shall be construed as prohibiting
17 graduate nurses or student nurses from administering medications when
18 permitted to do so under chapter (~~(18.88 or 18.78)~~) 18.-- RCW (sections
19 601 through 631 of this act) and rules adopted thereunder.

20 (2) The facility may only allow a resident to give himself or
21 herself medication with the attending physician's permission.

22 (3) Medication shall only be administered to or used by the
23 resident for whom it is ordered.

24 **Sec. 1058.** RCW 74.42.380 and 1989 c 372 s 6 are each amended to
25 read as follows:

26 (1) The facility shall have a director of nursing services. The
27 director of nursing services shall be a registered nurse or an advanced
28 registered nurse practitioner.

29 (2) The director of nursing services is responsible for:

30 (a) Coordinating the plan of care for each resident;

31 (b) Permitting only licensed personnel to administer medications:
32 PROVIDED, That nothing herein shall be construed as prohibiting
33 graduate nurses or student nurses from administering medications when
34 permitted to do so under chapter (~~(18.88 or 18.78)~~) 18.-- RCW (sections
35 601 through 631 of this act) and rules (~~(promulgated pursuant thereto)~~)
36 adopted under it: PROVIDED FURTHER, That nothing herein shall be
37 construed as prohibiting persons certified under chapter 18.135 RCW

1 from practicing pursuant to the delegation and supervision requirements
2 of chapter 18.135 RCW and rules (~~promulgated pursuant thereto~~)
3 adopted under it; and

4 (c) Insuring that the licensed practical nurses (~~comply with~~
5 ~~chapter 18.78 RCW,~~) and the registered nurses comply with chapter
6 (~~18.88~~) 18.-- RCW (sections 601 through 631 of this act), and persons
7 certified under chapter 18.135 RCW comply with the provisions of that
8 chapter and rules (~~promulgated pursuant thereto~~) adopted under it.

9 **Sec. 1059.** RCW 74.46.020 and 1993 sp.s. c 13 s 1 are each amended
10 to read as follows:

11 Unless the context clearly requires otherwise, the definitions in
12 this section apply throughout this chapter.

13 (1) "Accrual method of accounting" means a method of accounting in
14 which revenues are reported in the period when they are earned,
15 regardless of when they are collected, and expenses are reported in the
16 period in which they are incurred, regardless of when they are paid.

17 (2) "Ancillary care" means those services required by the
18 individual, comprehensive plan of care provided by qualified
19 therapists.

20 (3) "Appraisal" means the process of estimating the fair market
21 value or reconstructing the historical cost of an asset acquired in a
22 past period as performed by a professionally designated real estate
23 appraiser with no pecuniary interest in the property to be appraised.
24 It includes a systematic, analytic determination and the recording and
25 analyzing of property facts, rights, investments, and values based on
26 a personal inspection and inventory of the property.

27 (4) "Arm's-length transaction" means a transaction resulting from
28 good-faith bargaining between a buyer and seller who are not related
29 organizations and have adverse positions in the market place. Sales or
30 exchanges of nursing home facilities among two or more parties in which
31 all parties subsequently continue to own one or more of the facilities
32 involved in the transactions shall not be considered as arm's-length
33 transactions for purposes of this chapter. Sale of a nursing home
34 facility which is subsequently leased back to the seller within five
35 years of the date of sale shall not be considered as an arm's-length
36 transaction for purposes of this chapter.

1 (5) "Assets" means economic resources of the contractor, recognized
2 and measured in conformity with generally accepted accounting
3 principles.

4 (6) "Bad debts" means amounts considered to be uncollectable from
5 accounts and notes receivable.

6 (7) "Beds" means the number of set-up beds in the facility, not to
7 exceed the number of licensed beds.

8 (8) "Beneficial owner" means:

9 (a) Any person who, directly or indirectly, through any contract,
10 arrangement, understanding, relationship, or otherwise has or shares:

11 (i) Voting power which includes the power to vote, or to direct the
12 voting of such ownership interest; and/or

13 (ii) Investment power which includes the power to dispose, or to
14 direct the disposition of such ownership interest;

15 (b) Any person who, directly or indirectly, creates or uses a
16 trust, proxy, power of attorney, pooling arrangement, or any other
17 contract, arrangement, or device with the purpose or effect of
18 divesting himself of beneficial ownership of an ownership interest or
19 preventing the vesting of such beneficial ownership as part of a plan
20 or scheme to evade the reporting requirements of this chapter;

21 (c) Any person who, subject to subparagraph (b) of this subsection,
22 has the right to acquire beneficial ownership of such ownership
23 interest within sixty days, including but not limited to any right to
24 acquire:

25 (i) Through the exercise of any option, warrant, or right;

26 (ii) Through the conversion of an ownership interest;

27 (iii) Pursuant to the power to revoke a trust, discretionary
28 account, or similar arrangement; or

29 (iv) Pursuant to the automatic termination of a trust,
30 discretionary account, or similar arrangement;

31 except that, any person who acquires an ownership interest or power
32 specified in subparagraphs (i), (ii), or (iii) of this subparagraph (c)
33 with the purpose or effect of changing or influencing the control of
34 the contractor, or in connection with or as a participant in any
35 transaction having such purpose or effect, immediately upon such
36 acquisition shall be deemed to be the beneficial owner of the ownership
37 interest which may be acquired through the exercise or conversion of
38 such ownership interest or power;

1 (d) Any person who in the ordinary course of business is a pledgee
2 of ownership interest under a written pledge agreement shall not be
3 deemed to be the beneficial owner of such pledged ownership interest
4 until the pledgee has taken all formal steps necessary which are
5 required to declare a default and determines that the power to vote or
6 to direct the vote or to dispose or to direct the disposition of such
7 pledged ownership interest will be exercised; except that:

8 (i) The pledgee agreement is bona fide and was not entered into
9 with the purpose nor with the effect of changing or influencing the
10 control of the contractor, nor in connection with any transaction
11 having such purpose or effect, including persons meeting the conditions
12 set forth in subparagraph (b) of this subsection; and

13 (ii) The pledgee agreement, prior to default, does not grant to the
14 pledgee:

15 (A) The power to vote or to direct the vote of the pledged
16 ownership interest; or

17 (B) The power to dispose or direct the disposition of the pledged
18 ownership interest, other than the grant of such power(s) pursuant to
19 a pledge agreement under which credit is extended and in which the
20 pledgee is a broker or dealer.

21 (9) "Capitalization" means the recording of an expenditure as an
22 asset.

23 (10) "Contractor" means an entity which contracts with the
24 department to provide services to medical care recipients in a facility
25 and which entity is responsible for operational decisions.

26 (11) "Department" means the department of social and health
27 services (DSHS) and its employees.

28 (12) "Depreciation" means the systematic distribution of the cost
29 or other basis of tangible assets, less salvage, over the estimated
30 useful life of the assets.

31 (13) "Direct care supplies" means medical, pharmaceutical, and
32 other supplies required for the direct nursing and ancillary care of
33 medical care recipients.

34 (14) "Entity" means an individual, partnership, corporation, or any
35 other association of individuals capable of entering enforceable
36 contracts.

37 (15) "Equity" means the net book value of all tangible and
38 intangible assets less the recorded value of all liabilities, as

1 recognized and measured in conformity with generally accepted
2 accounting principles.

3 (16) "Facility" means a nursing home licensed in accordance with
4 chapter 18.51 RCW, excepting nursing homes certified as institutions
5 for mental diseases, or that portion of a hospital licensed in
6 accordance with chapter 70.41 RCW which operates as a nursing home.

7 (17) "Fair market value" means the replacement cost of an asset
8 less observed physical depreciation on the date for which the market
9 value is being determined.

10 (18) "Financial statements" means statements prepared and presented
11 in conformity with generally accepted accounting principles including,
12 but not limited to, balance sheet, statement of operations, statement
13 of changes in financial position, and related notes.

14 (19) "Generally accepted accounting principles" means accounting
15 principles approved by the Financial Accounting Standards Board (FASB).

16 (20) "Generally accepted auditing standards" means auditing
17 standards approved by the American Institute of Certified Public
18 Accountants (AICPA).

19 (21) "Goodwill" means the excess of the price paid for a business
20 over the fair market value of all other identifiable, tangible, and
21 intangible assets acquired.

22 (22) "Historical cost" means the actual cost incurred in acquiring
23 and preparing an asset for use, including feasibility studies,
24 architect's fees, and engineering studies.

25 (23) "Imprest fund" means a fund which is regularly replenished in
26 exactly the amount expended from it.

27 (24) "Joint facility costs" means any costs which represent
28 resources which benefit more than one facility, or one facility and any
29 other entity.

30 (25) "Lease agreement" means a contract between two parties for the
31 possession and use of real or personal property or assets for a
32 specified period of time in exchange for specified periodic payments.
33 Elimination (due to any cause other than death or divorce) or addition
34 of any party to the contract, expiration, or modification of any lease
35 term in effect on January 1, 1980, or termination of the lease by
36 either party by any means shall constitute a termination of the lease
37 agreement. An extension or renewal of a lease agreement, whether or
38 not pursuant to a renewal provision in the lease agreement, shall be
39 considered a new lease agreement. A strictly formal change in the

1 lease agreement which modifies the method, frequency, or manner in
2 which the lease payments are made, but does not increase the total
3 lease payment obligation of the lessee, shall not be considered
4 modification of a lease term.

5 (26) "Medical care program" means medical assistance provided under
6 RCW 74.09.500 or authorized state medical care services.

7 (27) "Medical care recipient" or "recipient" means an individual
8 determined eligible by the department for the services provided in
9 chapter 74.09 RCW.

10 (28) "Net book value" means the historical cost of an asset less
11 accumulated depreciation.

12 (29) "Net invested funds" means the net book value of tangible
13 fixed assets employed by a contractor to provide services under the
14 medical care program, including land, buildings, and equipment as
15 recognized and measured in conformity with generally accepted
16 accounting principles, plus an allowance for working capital which
17 shall be five percent of the product of the per patient day rate
18 multiplied by the prior calendar year reported total patient days of
19 each contractor.

20 (30) "Operating lease" means a lease under which rental or lease
21 expenses are included in current expenses in accordance with generally
22 accepted accounting principles.

23 (31) "Owner" means a sole proprietor, general or limited partners,
24 and beneficial interest holders of five percent or more of a
25 corporation's outstanding stock.

26 (32) "Ownership interest" means all interests beneficially owned by
27 a person, calculated in the aggregate, regardless of the form which
28 such beneficial ownership takes.

29 (33) "Patient day" or "client day" means a calendar day of care
30 which will include the day of admission and exclude the day of
31 discharge; except that, when admission and discharge occur on the same
32 day, one day of care shall be deemed to exist.

33 (34) "Professionally designated real estate appraiser" means an
34 individual who is regularly engaged in the business of providing real
35 estate valuation services for a fee, and who is deemed qualified by a
36 nationally recognized real estate appraisal educational organization on
37 the basis of extensive practical appraisal experience, including the
38 writing of real estate valuation reports as well as the passing of
39 written examinations on valuation practice and theory, and who by

1 virtue of membership in such organization is required to subscribe and
2 adhere to certain standards of professional practice as such
3 organization prescribes.

4 (35) "Qualified therapist" means:

5 (a) An activities specialist who has specialized education,
6 training, or experience as specified by the department;

7 (b) An audiologist who is eligible for a certificate of clinical
8 competence in audiology or who has the equivalent education and
9 clinical experience;

10 (c) A mental health professional as defined by chapter 71.05 RCW;

11 (d) A mental retardation professional who is either a qualified
12 therapist or a therapist approved by the department who has had
13 specialized training or one year's experience in treating or working
14 with the mentally retarded or developmentally disabled;

15 (e) A social worker who is a graduate of a school of social work;

16 (f) A speech pathologist who is eligible for a certificate of
17 clinical competence in speech pathology or who has the equivalent
18 education and clinical experience;

19 (g) A physical therapist as defined by chapter (~~18.74~~) 18.-- RCW
20 (sections 701 through 745 of this act);

21 (h) An occupational therapist who is a graduate of a program in
22 occupational therapy, or who has the equivalent of such education or
23 training; and

24 (i) A respiratory care practitioner certified under chapter 18.89
25 RCW.

26 (36) "Questioned costs" means those costs which have been
27 determined in accordance with generally accepted accounting principles
28 but which may constitute disallowed costs or departures from the
29 provisions of this chapter or rules and regulations adopted by the
30 department.

31 (37) "Records" means those data supporting all financial statements
32 and cost reports including, but not limited to, all general and
33 subsidiary ledgers, books of original entry, and transaction
34 documentation, however such data are maintained.

35 (38) "Related organization" means an entity which is under common
36 ownership and/or control with, or has control of, or is controlled by,
37 the contractor.

1 (a) "Common ownership" exists when an entity is the beneficial
2 owner of five percent or more ownership interest in the contractor and
3 any other entity.

4 (b) "Control" exists where an entity has the power, directly or
5 indirectly, significantly to influence or direct the actions or
6 policies of an organization or institution, whether or not it is
7 legally enforceable and however it is exercisable or exercised.

8 (39) "Restricted fund" means those funds the principal and/or
9 income of which is limited by agreement with or direction of the donor
10 to a specific purpose.

11 (40) "Secretary" means the secretary of the department of social
12 and health services.

13 (41) "Title XIX" or "Medicaid" means the 1965 amendments to the
14 social security act, P.L. 89-07, as amended.

15 (42) "Physical plant capital improvement" means a capitalized
16 improvement that is limited to an improvement to the building or the
17 related physical plant.

18 **DISABILITY ACCOMMODATION REVOLVING FUND ADVISORY REVIEW BOARD**

19 **Sec. 1101.** RCW 41.04.395 and 1987 c 9 s 2 are each amended to read
20 as follows:

21 (1) The disability accommodation revolving fund is created in the
22 custody of the state treasurer. Disbursements from the fund shall be
23 on authorization of the director of the department of personnel or the
24 director's designee. The fund is subject to the allotment procedure
25 provided under chapter 43.88 RCW, but no appropriation is required for
26 disbursements. The fund shall be used exclusively by state agencies to
27 accommodate the unanticipated job site or equipment needs of persons of
28 disability in state employ.

29 (2) The director of the department of personnel shall (~~appoint an~~
30 ~~advisory review board to review and approve~~) consult with the
31 governor's committee on disability issues and employment regarding
32 requests for disbursements from the disability accommodation revolving
33 fund. The (~~review board~~) department shall establish application
34 procedures, adopt criteria, and provide technical assistance to users
35 of the fund.

36 (3) Agencies that receive moneys from the disability accommodation
37 revolving fund shall return to the fund the amount received from the

1 fund by no later than the end of the first month of the following
2 fiscal biennium.

3 **MOTOR VEHICLE ADVISORY COMMITTEE**

4 **Sec. 1102.** RCW 43.19.558 and 1989 c 57 s 5 are each amended to
5 read as follows:

6 The motor transport account shall be used to pay the costs of
7 carrying out the programs provided for in RCW 43.19.550 through
8 43.19.558, unless otherwise specified by law. The director of general
9 administration may recover the costs of the programs by billing
10 agencies that own and operate passenger motor vehicles on the basis of
11 a per vehicle charge. The director of general administration, after
12 consultation with affected state agencies (~~and recommendation of the~~
13 ~~motor vehicle advisory committee~~)), shall establish the rates. All
14 rates shall be approved by the director of financial management. The
15 proceeds generated by these charges shall be used solely to carry out
16 RCW 43.19.550 through 43.19.558.

17 **Sec. 1103.** RCW 43.19.554 and 1990 c 75 s 1 are each amended to
18 read as follows:

19 (1) To carry out the purposes of RCW 43.19.550 through 43.19.558
20 and 46.08.065, the director of general administration has the following
21 powers and duties:

22 (a) To develop and implement a state-wide information system to
23 collect, analyze, and disseminate data on the acquisition, operation,
24 management, maintenance, repair, disposal, and replacement of all
25 state-owned passenger motor vehicles. State agencies shall provide the
26 department with such data as is necessary to implement and maintain the
27 system. The department shall provide state agencies with information
28 and reports designed to assist them in achieving efficient and cost-
29 effective management of their passenger motor vehicle operations.

30 (b) To survey state agencies to identify the location, ownership,
31 and condition of all state-owned fuel storage tanks.

32 (c) In cooperation with the department of ecology and other public
33 agencies, to prepare a plan and funding proposal for the inspection and
34 repair or replacement of state-owned fuel storage tanks, and for the
35 clean-up of fuel storage sites where leakage has occurred. The plan

1 and funding proposal shall be submitted to the governor no later than
2 December 1, 1989.

3 (d) To develop and implement a state-wide motor vehicle fuel
4 purchase, distribution, and accounting system to be used by all state
5 agencies and their employees. The director may exempt agencies from
6 participation in the system if the director determines that
7 participation interferes with the statutory duties of the agency.

8 (e) To establish minimum standards and requirements for the content
9 and frequency of safe driving instruction for state employees operating
10 state-owned passenger motor vehicles, which shall include consideration
11 of employee driving records. In carrying out this requirement, the
12 department shall consult with other agencies that have expertise in
13 this area.

14 (f) To develop a schedule, after consultation with (~~the state~~
15 ~~motor vehicle advisory committee and~~) affected state agencies, for
16 state employees to participate in safe driving instruction.

17 (g) To require all state employees to provide proof of a driver's
18 license recognized as valid under Washington state law prior to
19 operating a state-owned passenger vehicle.

20 (h) To develop standards for the efficient and economical
21 replacement of all categories of passenger motor vehicles used by state
22 agencies and provide those standards to state agencies and the office
23 of financial management.

24 (i) To develop and implement a uniform system and standards to be
25 used for the marking of passenger motor vehicles as state-owned
26 vehicles as provided for in RCW 46.08.065. The system shall be
27 designed to enhance the resale value of passenger motor vehicles, yet
28 ensure that the vehicles are clearly identified as property of the
29 state.

30 (j) To develop and implement other programs to improve the
31 performance, efficiency, and cost-effectiveness of passenger motor
32 vehicles owned and operated by state agencies.

33 (k) To consult with state agencies and institutions of higher
34 education in carrying out RCW 43.19.550 through 43.19.558.

35 (2) The director shall establish an operational unit within the
36 department to carry out subsection (1) of this section. The director
37 shall employ such personnel as are necessary to carry out RCW 43.19.550
38 through 43.19.558. Not more than three employees within the unit may
39 be exempt from chapter 41.06 RCW.

1 (3) No later than December 31, 1992, the director shall report to
2 the governor and appropriate standing committees of the legislature on
3 the implementation of programs prescribed by this section, any cost
4 savings and efficiencies realized by their implementation, and
5 recommendations for statutory changes.

6 **SOLID WASTE PLAN ADVISORY COMMITTEE**

7 NEW SECTION. **Sec. 1104.** The director of ecology shall abolish the
8 solid waste plan advisory committee effective July 1, 1994.

9 **POLLUTION LIABILITY INSURANCE PROGRAM TECHNICAL ADVISORY COMMITTEE**

10 **Sec. 1105.** RCW 70.148.030 and 1990 c 64 s 4 are each amended to
11 read as follows:

12 (1) The Washington pollution liability insurance program is created
13 as an independent agency of the state. The administrative head and
14 appointing authority of the program shall be the director who shall be
15 appointed by the governor, with the consent of the senate, and shall
16 serve at the pleasure of the governor. The salary for this office
17 shall be set by the governor pursuant to RCW 43.03.040. The director
18 shall appoint a deputy director. The director, deputy director, and up
19 to three other employees are exempt from the civil service law, chapter
20 41.06 RCW.

21 (2) The director shall employ such other staff as are necessary to
22 fulfill the responsibilities and duties of the director. The staff is
23 subject to the civil service law, chapter 41.06 RCW. In addition, the
24 director may contract with third parties for services necessary to
25 carry out its activities where this will promote economy, avoid
26 duplication of effort, and make best use of available expertise. To
27 the extent necessary to protect the state from unintended liability and
28 ensure quality program and contract design, the director shall contract
29 with an organization or organizations with demonstrated experience and
30 ability in managing and designing pollution liability insurance and
31 with an organization or organizations with demonstrated experience and
32 ability in managing and designing pollution liability reinsurance. The
33 director shall enter into such contracts after competitive bid but need
34 not select the lowest bid. Any such contractor or consultant is
35 prohibited from releasing, publishing, or otherwise using any

1 information made available to it under its contractual responsibility
2 without specific permission of the program director. The director may
3 call upon other agencies of the state to provide technical support and
4 available information as necessary to assist the director in meeting
5 the director's responsibilities under this chapter. Agencies shall
6 supply this support and information as promptly as circumstances
7 permit.

8 ~~(3) ((The governor shall appoint a standing technical advisory~~
9 ~~committee that is representative of the public, the petroleum marketing~~
10 ~~industry, business and local government owners of underground storage~~
11 ~~tanks, and insurance professionals. Individuals appointed to the~~
12 ~~technical advisory committee shall serve at the pleasure of the~~
13 ~~governor and without compensation for their services as members, but~~
14 ~~may be reimbursed for their travel expenses in accordance with RCW~~
15 ~~43.03.050 and 43.03.060.~~

16 (4) A member of the technical advisory committee of the program is
17 not civilly liable for any act or omission in the course and scope of
18 his or her official capacity unless the act or omission constitutes
19 gross negligence.)) The director may appoint ad hoc technical advisory
20 committees to obtain expertise necessary to fulfill the purposes of
21 this chapter.

22 **OFFICE OF RURAL HEALTH ADVISORY COMMITTEE**

23 **Sec. 1106.** RCW 70.175.030 and 1989 1st ex.s. c 9 s 703 are each
24 amended to read as follows:

25 (1) The department shall establish the Washington rural health
26 system project to provide financial and technical assistance to
27 participants. The goal of the project is to help assure access to
28 affordable health care services to citizens in the rural areas of
29 Washington state.

30 (2) Administrative costs necessary to implement this project shall
31 be kept at a minimum to insure the maximum availability of funds for
32 participants.

33 ~~(3) ((The secretary may appoint such technical or advisory~~
34 ~~committees as he or she deems necessary consistent with the provisions~~
35 ~~of RCW 43.70.040. In appointing an advisory committee the secretary~~
36 ~~should assure representation by health care professionals, health care~~
37 ~~providers, and those directly involved in the purchase, provision, or~~

1 ~~delivery of health care services as well as consumers, rural community~~
2 ~~leaders, and those knowledgeable of the issues involved with health~~
3 ~~care public policy. Individuals appointed to any technical advisory~~
4 ~~committee shall serve without compensation for their services as~~
5 ~~members, but may be reimbursed for their travel expenses pursuant to~~
6 ~~RCW 43.03.050 and 43.03.060.~~

7 ~~(4))~~ The secretary may contract with third parties for services
8 necessary to carry out activities to implement this chapter where this
9 will promote economy, avoid duplication of effort, and make the best
10 use of available expertise.

11 ~~((5))~~ (4) The secretary may apply for, receive, and accept gifts
12 and other payments, including property and service, from any
13 governmental or other public or private entity or person, and may make
14 arrangements as to the use of these receipts, including the undertaking
15 of special studies and other projects related to the delivery of health
16 care in rural areas.

17 ~~((6))~~ (5) In designing and implementing the project the secretary
18 shall consider the report of the Washington rural health care
19 commission established under chapter 207, Laws of 1988. Nothing in
20 this chapter requires the secretary to follow any specific
21 recommendation contained in that report except as it may also be
22 included in this chapter.

23

FISHERIES ADVISORY REVIEW BOARDS

24 **Sec. 1107.** RCW 75.30.050 and 1993 c 376 s 9 and 1993 c 240 s 27
25 are each reenacted and amended to read as follows:

26 (1) The director shall appoint three-member advisory review boards
27 to hear cases as provided in RCW 75.30.060. Members shall be from:

28 ~~(a) ((The salmon charter boat fishing industry in cases involving~~
29 ~~salmon charter licenses or angler permits;~~

30 ~~(b) The commercial salmon fishing industry in cases involving~~
31 ~~commercial salmon fishery licenses;~~

32 ~~(c))~~ The commercial crab fishing industry in cases involving
33 dungeness crab--Puget Sound fishery licenses;

34 ~~((d))~~ (b) The commercial herring fishery in cases involving
35 herring fishery licenses;

36 ~~((e) The commercial Puget Sound whiting fishery in cases involving~~
37 ~~whiting--Puget Sound fishery licenses;~~

1 ~~(f))~~ (c) The commercial sea urchin fishery in cases involving sea
2 urchin dive fishery licenses;

3 ~~((g))~~ (d) The commercial sea cucumber fishery in cases involving
4 sea cucumber dive fishery licenses; and

5 ~~((h))~~ (e) The commercial ocean pink shrimp industry (*Pandalus*
6 *jordani*) in cases involving ocean pink shrimp delivery licenses.

7 (2) Members shall serve at the discretion of the director and shall
8 be reimbursed for travel expenses as provided in RCW 43.03.050,
9 43.03.060, and 43.03.065.

10 **FISHERIES REGIONAL ADVISORY COMMITTEES**

11 NEW SECTION. **Sec. 1108.** A new section is added to chapter 75.30
12 RCW to read as follows:

13 The director of the department of fish and wildlife shall abolish
14 the department's regional advisory committees, effective July 1, 1994.

15 **OIL AND GAS CONSERVATION COMMITTEE**

16 **Sec. 1109.** RCW 78.52.010 and 1983 c 253 s 2 are each amended to
17 read as follows:

18 For the purposes of this chapter, unless the text otherwise
19 requires, the following terms shall have the following meanings:

20 (1) "Certificate of clearance" means a permit prescribed by the
21 ~~((committee))~~ department for the transportation or the delivery of oil,
22 gas, or product.

23 (2) "~~((Committee))~~ Department" means the ~~((oil and gas conservation~~
24 ~~committee))~~ department of natural resources.

25 (3) "Development unit" means the maximum area of a pool which may
26 be drained efficiently and economically by one well.

27 (4) "Division order" means an instrument showing percentage of
28 royalty or rental divisions among royalty owners.

29 (5) "Fair and reasonable share of the production" means, as to each
30 separately-owned tract or combination of tracts, that part of the
31 authorized production from a pool that is substantially in the
32 proportion that the amount of recoverable oil or gas under the
33 development unit of that separately-owned tract or tracts bears to the
34 recoverable oil or gas or both in the total of the development units in
35 the pool.

1 (6) "Field" means the general area which is underlaid by at least
2 one pool and includes the underground reservoir or reservoirs
3 containing oil or gas, or both. The words "field" and "pool" mean the
4 same thing when only one underground reservoir is involved; however,
5 "field," unlike "pool," may relate to two or more pools.

6 (7) "Gas" means all natural gas, all gaseous substances, and all
7 other fluid or gaseous hydrocarbons not defined as oil in subsection
8 (12) of this section, including but not limited to wet gas, dry gas,
9 residue gas, condensate, and distillate, as those terms are generally
10 understood in the petroleum industry.

11 (8) "Illegal oil" or "illegal gas" means oil or gas that has been
12 produced from any well within the state in violation of this chapter or
13 any rule or order of the ((committee)) department.

14 (9) "Illegal product" means any product derived in whole or part
15 from illegal oil or illegal gas.

16 (10) "Interested person" means a person with an ownership, basic
17 royalty, or leasehold interest in oil or gas within an existing or
18 proposed development unit or unitized pool.

19 (11) "Lessee" means the lessee under an oil and gas lease, or the
20 owner of any land or mineral rights who has the right to conduct or
21 carry on any oil and gas development, exploration and operation
22 thereon, or any person so operating for himself, herself, or others.

23 (12) "Oil" means crude petroleum, oil, and all hydrocarbons,
24 regardless of gravity, that are in the liquid phase in the original
25 reservoir conditions and are produced and recovered at the wellhead in
26 liquid form.

27 (13) "Operator" means the person who operates a well or unit or who
28 has been designated or accepted by the owners to operate the well or
29 unit, and who is responsible for compliance with the ((committee's))
30 department's rules and policies.

31 (14) "Owner" means the person who has the right to develop,
32 operate, drill into, and produce from a pool and to appropriate the oil
33 or gas that he or she produces therefrom, either for that person or for
34 that person and others.

35 (15) "Person" means any natural person, corporation, association,
36 partnership, receiver, trustee, executor, administrator, guardian,
37 fiduciary, or representative of any kind and includes any governmental
38 or political subdivision or any agency thereof.

1 (16) "Pool" means an underground reservoir containing a common
2 accumulation of oil or gas, or both. Each zone of a structure which is
3 completely separated from any other zone in the same structure such
4 that the accumulations of oil or gas are not common with each other is
5 considered a separate pool and is covered by the term "pool" as used in
6 this chapter.

7 (17) "Pooling" means the integration or combination of two or more
8 tracts into an area sufficient to constitute a development unit of the
9 size for one well as prescribed by the ((committee)) department.

10 (18) "Product" means any commodity made from oil or gas.

11 (19) "Protect correlative rights" means that the action or
12 regulation by the ((committee)) department should afford a reasonable
13 opportunity to each person entitled thereto to recover or receive
14 without causing waste his or her fair and reasonable share of the oil
15 and gas in this tract or tracts or its equivalent.

16 (20) "Royalty" means a right to or interest in oil or gas or the
17 value from or attributable to production, other than the right or
18 interest of a lessee, owner, or operator, as defined herein. Royalty
19 includes, but is not limited to the basic royalty in a lease,
20 overriding royalty, and production payments. Any such interest may be
21 referred to in this chapter as "royalty" or "royalty interest." As
22 used in this chapter "basic royalty" means the royalty reserved in a
23 lease. "Royalty owner" means a person who owns a royalty interest.

24 (21) "Supervisor" means the state oil and gas supervisor.

25 (22) "Unitization" means the operation of all or part of a field or
26 reservoir as a single entity for operating purposes.

27 (23) "Waste" in addition to its ordinary meaning, means and
28 includes:

29 (a) "Physical waste" as that term is generally understood in the
30 petroleum industry;

31 (b) The inefficient, excessive, or improper use of, or unnecessary
32 dissipation of, reservoir energy, and the locating, spacing, drilling,
33 equipping, operating, or producing of any oil or gas well in a manner
34 which results or is probable to result in reducing the quantity of oil
35 or gas to be recovered from any pool in this state under operations
36 conducted in accordance with prudent and proper practices or that
37 causes or tends to cause unnecessary wells to be drilled;

38 (c) The inefficient above-ground storage of oil, and the locating,
39 spacing, drilling, equipping, operating, or producing of any oil or gas

1 well in a manner causing or tending to cause unnecessary or excessive
2 surface loss or destruction of oil or gas;

3 (d) The production of oil or gas in such manner as to cause
4 unnecessary water channeling, or coning;

5 (e) The operation of an oil well with an inefficient gas-oil ratio;

6 (f) The drowning with water of any pool or part thereof capable of
7 producing oil or gas, except insofar as and to the extent authorized by
8 the ((committee)) department;

9 (g) Underground waste;

10 (h) The creation of unnecessary fire hazards;

11 (i) The escape into the open air, from a well producing oil or gas,
12 of gas in excess of the amount which is reasonably necessary in the
13 efficient development or production of the well;

14 (j) The use of gas for the manufacture of carbon black, except as
15 provided in RCW 78.52.140;

16 (k) Production of oil and gas in excess of the reasonable market
17 demand;

18 (l) The flaring of gas from gas wells except that which is
19 necessary for the drilling, completing, or testing of the well; and

20 (m) The unreasonable damage to natural resources including but not
21 limited to the destruction of the surface, soils, wildlife, fish, or
22 aquatic life from or by oil and gas operations.

23 **Sec. 1110.** RCW 78.52.025 and 1983 c 253 s 3 are each amended to
24 read as follows:

25 The ((committee)) department shall hold hearings or meetings at
26 such times and places as may be found by the ((committee)) department
27 to be necessary to carry out its duties. The ((committee)) department
28 may establish its own rules for the conduct of public hearings or
29 meetings consistent with other applicable law.

30 **Sec. 1111.** RCW 78.52.030 and 1951 c 146 s 6 are each amended to
31 read as follows:

32 The ~~((committee shall have the authority and it shall be its duty~~
33 ~~to)) department shall employ all personnel necessary to carry out the~~
34 provisions of this chapter.

35 **Sec. 1112.** RCW 78.52.031 and 1983 c 253 s 5 are each amended to
36 read as follows:

1 The (~~committee shall have the power to~~) department may subpoena
2 witnesses, (~~to~~) administer oaths, and (~~to~~) require the production
3 of records, books, and documents for examination at any hearing or
4 investigation conducted by it. No person shall be excused from
5 attending and testifying, or from producing books, papers, and records
6 before the (~~committee~~) department or a court, or from obedience to
7 the subpoena of the (~~committee~~) department or a court, on the ground
8 or for the reason that the testimony or evidence, documentary or
9 otherwise, required of (~~him~~) the person may tend to incriminate
10 (~~him~~) the person or subject (~~him~~) the person to a penalty or
11 forfeiture: PROVIDED, That nothing herein contained shall be construed
12 as requiring any person to produce any books, papers, or records, or to
13 testify in response to any inquiry not pertinent to some question
14 lawfully before (~~such committee~~) the department or court for
15 determination. No person shall be subjected to criminal prosecution or
16 to any penalty or forfeiture for or on account of any transaction,
17 matter, or thing concerning which, in spite of his or her objection, he
18 or she may be required to testify or produce evidence, documentary or
19 otherwise before the (~~committee~~) department or court, or in obedience
20 to its subpoena: PROVIDED, HOWEVER, That no person testifying shall be
21 exempt from prosecution and punishment for perjury committed in so
22 testifying.

23 **Sec. 1113.** RCW 78.52.032 and 1983 c 253 s 10 are each amended to
24 read as follows:

25 In addition to the powers and authority, either express or implied,
26 granted to the (~~Washington oil and gas conservation committee~~)
27 department by virtue of the laws of this state, the (~~committee~~)
28 department may, in prescribing its rules of order or procedure in
29 connection with hearings or other proceedings before the (~~committee~~)
30 department, provide for the appointment of one or more examiners to
31 conduct a hearing or hearings with respect to any matter properly
32 coming before the (~~committee~~) department and to make reports and
33 recommendations to the (~~committee~~) department with respect thereto.
34 Any (~~member~~) employee of the (~~committee, or its staff~~) department
35 or any other person designated by the (~~committee~~) commissioner of
36 public lands, or the supervisor when this power is so delegated, may
37 serve as an examiner. The (~~committee~~) department shall adopt rules
38 governing hearings to be conducted before examiners.

1 **Sec. 1114.** RCW 78.52.033 and 1951 c 146 s 8 are each amended to
2 read as follows:

3 In case of failure or refusal on the part of any person to comply
4 with a subpoena issued by the ((committee)) department or in case of
5 the refusal of any witness to testify as to any matter regarding which
6 ((he)) the witness may be interrogated, any superior court in the
7 state, upon the application of the ((committee)) department, may compel
8 ((him)) the person to comply with such subpoena, and to attend before
9 the ((committee)) department and produce such records, books, and
10 documents for examination, and to give his or her testimony and shall
11 have the power to punish for contempt as in the case of disobedience to
12 a like subpoena issued by the court, or for refusal to testify therein.

13 **Sec. 1115.** RCW 78.52.035 and 1951 c 146 s 9 are each amended to
14 read as follows:

15 The attorney general shall be the attorney for the ((committee:
16 PROVIDED,—That)) department, but in cases of emergency, the
17 ((committee)) department may call upon the prosecuting attorney of the
18 county where the action is to be brought, or defended, to represent the
19 ((committee)) department until such time as the attorney general may
20 take charge of the litigation.

21 **Sec. 1116.** RCW 78.52.037 and 1983 c 253 s 4 are each amended to
22 read as follows:

23 (~~The department of natural resources is the designated agent of~~
24 ~~the committee for the purpose of carrying out this chapter. It shall~~
25 ~~administer and enforce this chapter consistent with the policies~~
26 ~~adopted by the committee, together with all rules and orders which the~~
27 ~~committee may adopt and delegate, including but not limited to issuing~~
28 ~~permits, orders, enforcement actions, and other actions or decisions~~
29 ~~authorized to be made under this chapter.)) The department shall
30 designate a state oil and gas supervisor who shall be charged with
31 duties as may be delegated by the department. The department ((~~of~~
32 ~~natural resources~~)) may designate one or more deputy supervisors and
33 employ all personnel necessary including the appointment of examiners
34 as provided in RCW 78.52.032 to carry out this chapter and the rules
35 and orders of the ((committee)) department.~~

1 **Sec. 1117.** RCW 78.52.040 and 1983 c 253 s 6 are each amended to
2 read as follows:

3 (~~It shall be the duty of the committee to~~) The department shall
4 administer and enforce the provisions of this chapter by the adoption
5 of policies, and all rules, regulations, and orders promulgated
6 hereunder, and the (~~committee is hereby vested with~~) department has
7 jurisdiction, power, and authority, over all persons and property,
8 public and private, necessary to enforce effectively such duty.

9 **Sec. 1118.** RCW 78.52.050 and 1983 c 253 s 7 are each amended to
10 read as follows:

11 The (~~committee shall have authority to~~) department may make such
12 reasonable rules, regulations, and orders as may be necessary from time
13 to time for the proper administration and enforcement of this chapter.
14 Unless otherwise required by law or by this chapter or by rules of
15 procedure made under this chapter, the (~~committee~~) department may
16 make such rules, regulations, and orders, after notice, as the basis
17 therefor. The notice may be given by publication in some newspaper of
18 general circulation in the state in a manner and form which may be
19 prescribed by the (~~committee~~) department by general rule. The public
20 hearing shall be at the time and in the manner and at the place
21 prescribed by the (~~committee~~) department, and any person having any
22 interest in the subject matter of the hearing shall be entitled to be
23 heard. In addition, written notice shall be mailed to all interested
24 persons who have requested, in writing, notice of (~~committee~~)
25 department hearings, rulings, policies, and orders. The (~~committee~~)
26 department shall establish and maintain a mailing list for this
27 purpose. Substantial compliance with these mailing requirements is
28 deemed compliance with (~~the provisions herewith~~) this section.

29 **Sec. 1119.** RCW 78.52.070 and 1951 c 146 s 12 are each amended to
30 read as follows:

31 Any interested person shall have the right to have the
32 (~~committee~~) department call a hearing for the purpose of taking
33 action with respect to any matter within the jurisdiction of the
34 (~~committee~~) department by filing a verified written petition
35 therefor, which shall state in substance the matter and reasons for and
36 nature of the action requested. Upon receipt of any such request the
37 (~~committee~~) department, if in its judgment a hearing is warranted and

1 justifiable, shall promptly call a hearing thereon, and after such
2 hearing, and with all convenient speed, and in any event within twenty
3 days after the conclusion of such hearing, shall take such action with
4 regard to the subject matter thereof as it may deem appropriate.

5 **Sec. 1120.** RCW 78.52.100 and 1983 c 253 s 8 are each amended to
6 read as follows:

7 All rules, regulations, policies, and orders of the (~~committee~~)
8 department, all petitions, copies of all notices and actions with
9 affidavits of posting, mailing, or publications pertaining thereto, all
10 findings of fact, and transcripts of all hearings shall be in writing
11 and shall be entered in full by the (~~committee~~) department in the
12 permanent official records of the office of the commissioner of public
13 lands and shall be open for inspection at all times during reasonable
14 office hours. A copy of any rule, regulation, policy, order, or other
15 official records of the (~~committee~~) department, certified by the
16 (~~executive secretary of the committee~~) commissioner of public lands,
17 shall be received in evidence in all courts of this state with the same
18 effect as the original. The (~~committee~~) department is hereby
19 required to furnish to any person upon request, copies of all rules,
20 regulations, policies, orders, and amendments thereof.

21 **Sec. 1121.** RCW 78.52.120 and 1983 c 253 s 11 are each amended to
22 read as follows:

23 Any person desiring or proposing to drill any well in search of oil
24 or gas, before commencing the drilling of any such well, shall apply to
25 the (~~committee~~) department upon such form as the (~~committee~~)
26 department may prescribe, and shall pay to the state treasurer a fee of
27 the following amounts for each application:

28 (1) For each well the estimated depth of which is three thousand
29 five hundred feet or less, two hundred fifty dollars;

30 (2) From three thousand five hundred one feet to seven thousand
31 feet, five hundred dollars;

32 (3) From seven thousand one feet to twelve thousand feet, seven
33 hundred fifty dollars; and

34 (4) From twelve thousand one feet and deeper, one thousand dollars.

35 In addition, as pertains to the tract upon which the well is
36 proposed to be located, the applicant must notify the surface
37 landowner, the landowner's tenant, and other surface users in the

1 manner provided by regulations of the ((committee)) department that a
2 drilling permit has been applied for by furnishing each such surface
3 landowner, tenant, and other users with a copy of the application
4 concurrent with the filing of the application. Within fifteen days of
5 receipt of the application, each such surface landowner, the
6 landowner's tenant, and other surface users have the right to inform
7 the ((committee)) department of objections or comments as to the
8 proposed use of the surface by the applicant, and the ((committee))
9 department shall consider the objections or comments.

10 The drilling of any well is prohibited until a permit is given and
11 such fee has been paid as ((herein)) provided in this section. The
12 ~~((committee shall have the authority to))~~ department may prescribe that
13 the said form indicate the exact location of such well, the name and
14 address of the owner, operator, contractor, driller, and any other
15 person responsible for the conduct of drilling operations, the proposed
16 depth of the well, the elevation of the well above sea level, and such
17 other relevant and reasonable information as the ((committee))
18 department may deem necessary or convenient to effectuate the purposes
19 of this chapter.

20 The ((committee)) department shall issue a permit if it finds that
21 the proposed drilling will be consistent with this chapter, the
22 rules((7)) and orders adopted under it, and is not detrimental to the
23 public interest. The ((committee)) department shall impose conditions
24 and restrictions as necessary to protect the public interest and to
25 ensure compliance with this chapter, and the rules and orders adopted
26 by the ((committee)) department. A person shall not apply to drill a
27 well in search of oil or gas unless that person holds an ownership or
28 contractual right to locate and operate the drilling operations upon
29 the proposed drilling site. A person shall not be issued a permit
30 unless that person prima facie holds an ownership or contractual right
31 to drill to the proposed depth, or proposed horizon. Proof of prima
32 facie ownership shall be presented to the ((committee)) department.

33 **Sec. 1122.** RCW 78.52.125 and 1971 ex.s. c 180 s 8 are each amended
34 to read as follows:

35 Any person desiring or proposing to drill any well in search of oil
36 or gas, when such drilling would be conducted through or under any
37 surface waters of the state, shall prepare and submit an environmental
38 impact statement upon such form as the department of ecology shall

1 prescribe at least one hundred and twenty days prior to commencing the
2 drilling of any such well. Within ninety days after receipt of such
3 environmental statement the department of ecology shall prepare and
4 submit to ~~((each member of the committee))~~ the department of natural
5 resources a report examining the potential environmental impact of the
6 proposed well and recommendations for ~~((committee))~~ department action
7 thereon. If after consideration of the report the ~~((committee))~~
8 department determines that the proposed well is likely to have a
9 substantial environmental impact the drilling permit for such well may
10 be denied.

11 The ~~((committee))~~ department shall require sufficient safeguards to
12 minimize the hazards of pollution of all surface and ground waters of
13 the state. If safeguards acceptable to the ~~((committee))~~ department
14 cannot be provided the drilling permit shall be denied.

15 **Sec. 1123.** RCW 78.52.140 and 1951 c 146 s 16 are each amended to
16 read as follows:

17 The use of gas from a well producing gas only, or from a well which
18 is primarily a gas well, for the manufacture of carbon black or similar
19 products predominantly carbon, is declared to constitute waste prima
20 facie, and such gas well shall not be used for any such purpose unless
21 it is clearly shown, at a public hearing to be held by the
22 ~~((committee))~~ department, on application of the person desiring to use
23 such gas, that waste would not take place by the use of such gas for
24 the purpose or purposes applied for, and that gas which would otherwise
25 be lost is not available for such purpose or purposes, and that the gas
26 to be used cannot be used for a more beneficial purpose, such as for
27 light or fuel purposes, except at prohibitive cost, and that it would
28 be in the public interest to grant such permit. If the ~~((committee))~~
29 department finds that the applicant has clearly shown a right to use
30 such gas for the purpose or purposes applied for, it shall issue a
31 permit upon such terms and conditions as may be found necessary in
32 order to permit the use of the gas, and at the same time require
33 compliance with the intent of this section.

34 **Sec. 1124.** RCW 78.52.150 and 1951 c 146 s 17 are each amended to
35 read as follows:

36 The ~~((committee has authority, and it shall be its duty, to))~~
37 department shall make such investigations as it may deem proper to

1 determine whether waste exists or is imminent or whether other facts
2 exist which justify action by the ((committee)) department.

3 **Sec. 1125.** RCW 78.52.155 and 1983 c 253 s 9 are each amended to
4 read as follows:

5 (1) The ((committee)) department shall make investigations as
6 necessary to carry out this chapter.

7 (2) The ~~((committee and the))~~ department ~~((, consistent with the
8 committee's policies,))~~ shall require:

9 (a) Identification of ownership of oil or gas wells, producing
10 leases, tanks, plants, structures, and facilities for the
11 transportation or refining of oil or gas;

12 (b) The making and filing of well logs, core samples, directional
13 surveys, and reports on well locations, drilling, and production;

14 (c) The testing of oil and gas wells;

15 (d) The drilling, casing, operating, and plugging of wells in such
16 a manner as to prevent the escape of oil or gas out of the casings, or
17 out of one pool into another, the intrusion of water into an oil or gas
18 pool, and the pollution of freshwater supplies by oil, gas, or
19 saltwater and to prevent blowouts, cavings, seepages, and fires;

20 (e) The furnishing of adequate security acceptable to the
21 department, conditioned on the performance of the duty to plug each dry
22 or abandoned well, the duty to reclaim and clean-up well drilling
23 sites, the duty to repair wells causing waste, the duty to comply with
24 all applicable laws and rules adopted by the ((committee)) department,
25 orders of the ~~((committee and the))~~ department, all permit conditions,
26 and this chapter;

27 (f) The operation of wells with efficient gas-oil and water-oil
28 ratios and may fix these ratios and limit production from wells with
29 inefficient gas-oil or water-oil ratios;

30 (g) The production of oil and gas from wells be accurately measured
31 by means and upon standards prescribed by the ((committee)) department,
32 and that every person who produces, sells, purchases, acquires, stores,
33 transports, treats, or processes oil or gas in this state keeps and
34 maintains for a period of five years within this state complete and
35 accurate records thereof, which records shall be available for
36 examination by the ((committee)) department or its agents at all
37 reasonable times, and that every person file with the ((committee))

1 department such reports as it may prescribe with respect to the oil or
2 gas; and

3 (h) Compliance with all applicable laws and rules of this state.

4 (3) The (~~committee and the department, consistent with the~~
5 ~~committee's policies,~~) department shall regulate:

6 (a) The drilling, producing, locating, spacing, and plugging of
7 wells and all other operations for the production of oil or gas;

8 (b) The physical, mechanical, and chemical treatment of wells, and
9 the perforation of wells;

10 (c) Operations to increase ultimate recovery such as cycling of
11 gas, the maintenance of pressure, and the introduction of gas, water,
12 or other substances into producing formations;

13 (d) Disposal of saltwater and oil field brines;

14 (e) The storage, processing, and treatment of natural gas and oil
15 produced within this state; and

16 (f) Reclamation and clean-up of all well sites and any areas
17 directly affected by the drilling, production, operation, and plugging
18 of oil and gas wells.

19 (4) The (~~committee~~) department may limit and prorate oil and gas
20 produced in this state and may restrict future production of oil and
21 gas from any pool in such amounts as will offset and compensate for any
22 production determined by the (~~committee~~) department to be in excess
23 of or in violation of "oil allowable" or "gas allowable."

24 (5) The (~~committee~~) department shall classify wells as oil or gas
25 wells for purposes material to the interpretation or enforcement of
26 this chapter.

27 (6) The (~~committee and the department, consistent with the~~
28 ~~committee's policies,~~) department shall regulate oil and gas
29 exploration and drilling activities so as to prevent or remedy
30 unreasonable or excessive waste or surface destruction.

31 **Sec. 1126.** RCW 78.52.200 and 1983 c 253 s 12 are each amended to
32 read as follows:

33 When necessary to prevent waste, to avoid the drilling of
34 unnecessary wells, or to protect correlative rights including those of
35 royalty owners, the (~~committee~~) department, upon its own motion or
36 upon application of interested persons, shall establish development
37 units covering any known pool. Development units shall be of uniform
38 size and shape for the entire pool unless the (~~committee~~) department

1 finds that it must make an exception due to geologic, geographic, or
2 other factors. When necessary, the ((committee)) department may divide
3 any pool into zones and establish development units for each zone,
4 which units may differ in size and shape from those established in any
5 other zone.

6 **Sec. 1127.** RCW 78.52.205 and 1983 c 253 s 13 are each amended to
7 read as follows:

8 Within sixty days after the discovery of oil or gas in a pool not
9 then covered by an order of the ((committee)) department, a hearing
10 shall be held and the ((committee)) department shall issue an order
11 prescribing development units for the pool. If sufficient geological
12 or other scientific data from drilling operations or other evidence is
13 not available to determine the maximum area that can be efficiently and
14 economically drained by one well, the ((committee)) department may
15 establish temporary development units to ensure the orderly development
16 of the pool pending availability of the necessary data. A temporary
17 order shall continue in force for a period of not more than twenty-four
18 months at the expiration of which time, or upon the petition of an
19 affected person, the ((committee)) department shall require the
20 presentation of such geological, scientific, drilling, or other
21 evidence as will enable it to determine the proper development units in
22 the pool. During the interim period between the discovery and the
23 issuance of the temporary order, permits shall not be issued for the
24 drilling of direct offsets to a discovery well.

25 **Sec. 1128.** RCW 78.52.210 and 1983 c 253 s 14 are each amended to
26 read as follows:

27 (1) The size and the shape of any development units shall be such
28 as will result in the efficient and economical development of the pool
29 as a whole, and the size shall not be smaller than the maximum area
30 that can be efficiently and economically drained by one well as
31 determined by competent geological, geophysical, engineering, drilling,
32 or other scientific testimony, data, and evidence. The ((committee))
33 department shall fix a development unit of not more than one hundred
34 sixty acres for any pool deemed by the ((committee)) department to be
35 an oil reservoir, or of six hundred forty acres for any pool deemed by
36 the ((committee)) department to be a gas reservoir, plus a ten percent
37 tolerance in either case to allow for irregular sections. The

1 ((committee)) department may, at its discretion, after notice and
2 hearing, establish development units for oil and gas in variance of
3 these limitations when competent geological, geophysical, engineering,
4 drilling, or other scientific testimony, data, and evidence is
5 presented and upon a finding that one well can efficiently and
6 economically drain a larger or smaller area and is justified because of
7 technical, economic, environmental, or safety considerations.

8 (2) The ((committee)) department may establish development units of
9 different sizes or shapes for different parts of a pool or may grant
10 exceptions to the size or shapes of any development unit or units.
11 Where development units of different sizes or shapes exist in a pool,
12 the ((committee)) department shall, if necessary, make such adjustments
13 to the allowable production from the well or wells drilled thereon so
14 that each operator in each development unit will have a reasonable
15 opportunity to produce or receive his or her just and equitable share
16 of the production.

17 **Sec. 1129.** RCW 78.52.220 and 1983 c 253 s 15 are each amended to
18 read as follows:

19 An order establishing development units for a pool shall specify
20 the size and shape of each area and the location of the permitted well
21 thereon in accordance with a reasonable uniform spacing plan. Upon
22 application and after notice and a hearing, if the ((committee))
23 department finds that a well drilled at the prescribed location would
24 not produce in paying quantities, or that surface conditions would
25 substantially add to the burden or hazard of drilling such well, the
26 ((committee is authorized to)) department may enter an order permitting
27 the well to be drilled pursuant to permit at a location other than that
28 prescribed by such development order; however, the ((committee))
29 department shall include in the order suitable provisions to prevent
30 the production from the development unit of more than its just and
31 equitable share of the oil and gas in the pool.

32 **Sec. 1130.** RCW 78.52.230 and 1983 c 253 s 16 are each amended to
33 read as follows:

34 An order establishing development units for a pool shall cover all
35 lands determined or believed to be underlaid by such pool, and may be
36 modified by the ((committee)) department from time to time to include
37 additional areas determined to be underlaid by such pool. When the

1 ((committee)) department determines that it is necessary for the
2 prevention of waste, or to avoid the drilling of unnecessary wells, or
3 to protect correlative rights, an order establishing development units
4 in a pool may be modified by the ((committee)) department to increase
5 or decrease the size of development units in the pool or to permit the
6 drilling of additional wells on a reasonably uniform plan in the pool.

7 **Sec. 1131.** RCW 78.52.240 and 1983 c 253 s 17 are each amended to
8 read as follows:

9 When two or more separately-owned tracts are embraced within a
10 development unit, or when there are separately owned interests in all
11 or a part of the development unit, then the owners and lessees thereof
12 may pool their interests for the development and operation of the
13 development unit. In the absence of this voluntary pooling, the
14 ((committee)) department, upon the application of any interested
15 person, shall enter an order pooling all interests, including royalty
16 interests, in the development unit for the development and operation
17 thereof. Each such pooling order shall be made after notice and
18 hearing. The applicant or applicants shall have the burden of proving
19 that all reasonable efforts have been made to obtain the consent of, or
20 to reach agreement with, other owners.

21 **Sec. 1132.** RCW 78.52.245 and 1983 c 253 s 18 are each amended to
22 read as follows:

23 A pooling order shall be upon terms and conditions that are fair
24 and reasonable and that afford to each owner and royalty owner his or
25 her fair and reasonable share of production. Production shall be
26 allocated as follows:

27 (1) For the purpose of determining the portions of production owned
28 by the persons owning interests in the pooled unit, the production
29 shall be allocated to the respective tracts within the unit in the
30 proportion that the surface acres in each tract bear to the number of
31 surface acres included in the entire unit.

32 (2) Notwithstanding subsection (1) of this section, if the
33 ((committee)) department finds that allocation on a surface acreage
34 basis does not allocate to each tract its fair share, the ((committee))
35 department shall allocate the production so that each tract will
36 receive its fair share.

1 **Sec. 1133.** RCW 78.52.250 and 1983 c 253 s 19 are each amended to
2 read as follows:

3 (1) Each such pooling order shall make provision for the drilling
4 and operation of a well on the development unit, and for the payment of
5 the reasonable actual cost thereof by the owners of interests required
6 to pay such costs in the development unit, plus a reasonable charge for
7 supervision and storage facilities. Costs associated with production
8 from the pooled unit shall be allocated in the same manner as is
9 production in RCW 78.52.245. In the event of any dispute as to such
10 costs the ((committee)) department shall determine the proper costs.

11 (2) As to each owner who fails or refuses to agree to bear his or
12 her proportionate share of the costs of the drilling and operation of
13 the well, the order shall provide for reimbursement of those persons
14 paying for the drilling and operation of the well of the nonconsenting
15 owner's share of the costs from, and only from, production from the
16 unit representing that person's interest, excluding royalty or other
17 interests not obligated to pay any part of the cost thereof. The
18 ((committee)) department may provide that the consenting owners shall
19 own and be entitled to receive all production from the well after
20 payment of the royalty as provided in the lease, if any, applicable to
21 each tract or interest, and obligations payable from production, until
22 the consenting owners have been paid the amount due under the terms of
23 the pooling order or order settling any dispute.

24 The order shall determine the interest of each owner in the unit
25 and shall provide that each consenting owner is entitled to receive,
26 subject to royalty or similar obligations, the share of the production
27 of the well applicable to the owner's interest in the unit, and, unless
28 the owner has agreed otherwise, his or her proportionate part of the
29 nonconsenting owner's share of the production until costs are recovered
30 as provided in this subsection. Each nonconsenting owner is entitled
31 to receive, subject to royalty or similar obligations, the share of
32 production from the well applicable to the owner's interest in the unit
33 after the consenting owners have recovered from the nonconsenting
34 owner's share of production the following:

35 (a) In respect to every such well, one hundred percent of the
36 nonconsenting owner's share of the cost of surface equipment beyond the
37 wellhead connections, including but not limited to, stock tanks,
38 separators, treaters, pumping equipment, and piping, plus one hundred
39 percent of the nonconsenting owner's share of the cost of operation of

1 the well, commencing with first production and continuing until the
2 consenting owners have recovered these costs, with the intent that the
3 nonconsenting owner's share of these costs and equipment will be that
4 interest which would have been chargeable to the nonconsenting owner
5 had he or she initially agreed to pay his or her share of the costs of
6 the well from the beginning of the operation;

7 (b) One hundred fifty percent of that portion of the costs and
8 expenses of staking the location, well site preparation, rights of way,
9 rigging-up, drilling, reworking, deepening or plugging back, testing,
10 and completing, after deducting any cash contributions received by the
11 consenting owners, and also one hundred fifty percent of that portion
12 of the cost of equipment in the well, up to and including the wellhead
13 connections; and

14 (c) If there is a dispute regarding the costs, the ((committee))
15 department shall determine the proper costs and their allocation among
16 working interest owners after due notice to interested parties and a
17 hearing on the costs.

18 (3) The operator of a well under a pooling order in which there are
19 nonconsenting owners shall furnish the nonconsenting owners with
20 monthly statements of all costs incurred, together with the quantity of
21 oil or gas produced, and the amount of proceeds realized from the sale
22 of this production during the preceding month. If and when the
23 consenting owners recover from a nonconsenting owner's relinquished
24 interest the amounts provided for in subsection (2) of this section,
25 the relinquished interest of the nonconsenting owner shall
26 automatically revert to him or her, and the nonconsenting owner shall
27 own the same interest in the well and the production from it and be
28 liable for the further costs of the operation as if he or she had
29 participated in the initial drilling and operation.

30 (4) A nonconsenting owner of a tract in a development unit which is
31 not subject to any lease or other contract for the development thereof
32 for oil and gas shall elect within fifteen days of the issuance of the
33 pooling order or such further time as the ((committee)) department
34 shall, in the order, allow:

35 (a) To be treated as a nonconsenting owner as provided in
36 subsections (2) and (3) of this section and is deemed to have a basic
37 landowners' royalty of one-eighth, or twelve and one-half percent, of
38 the production allocated to the tract, unless a higher basic royalty
39 has been established in the development unit. If a higher royalty has

1 been established, then the nonconsenting owner of a nonleased tract
2 shall receive the higher basic royalty. This presumed royalty shall
3 exist only during the time that costs and expenses are being recovered
4 under subsection (2) of this section, and is intended to assure that
5 the owner of a nonleased tract receive a basic royalty free of all
6 costs at all times. Notwithstanding anything herein to the contrary,
7 the owner shall at all times retain his or her entire ownership of the
8 property, including the right to execute an oil and gas lease on any
9 terms negotiated, and be entitled to all production subject to
10 subsection (2) of this section; or

11 (b) To grant a lease to the operator at the current fair market
12 value for that interest for comparable leases or interests at the time
13 of the commencement of drilling; or

14 (c) To pay his or her pro rata share of the costs of the well or
15 wells in the development unit and receive his or her pro rata share of
16 production, if any.

17 A nonconsenting owner who does not make an election as provided in
18 this subsection is deemed to have elected to be treated under (a) of
19 this subsection.

20 **Sec. 1134.** RCW 78.52.257 and 1983 c 253 s 22 are each amended to
21 read as follows:

22 (1) An order pooling a development unit shall automatically
23 dissolve:

24 (a) One year after its effective date if there has been no
25 production of commercial quantities or drilling operations on lands
26 within the unit;

27 (b) Six months after completion of a dry hole on the unit; or

28 (c) Six months after cessation of production of commercial
29 quantities from the unit, unless, prior to the expiration of such six-
30 month period, the operator shall, in good faith, commence drilling or
31 reworking operations in an effort to restore production.

32 (2) Upon the termination of a lease pooled by order of the
33 (~~committee~~) department under authority granted in this chapter,
34 interests covered by the lease are considered pooled as unleased
35 mineral interests.

36 (3) Any party to a pooling order is entitled, after due notice to
37 all parties, to a hearing to modify or terminate a previously entered

1 pooling order upon presenting new evidence showing that the previous
2 determination of reservoir conclusions are substantially incorrect.

3 (4) The (~~committee, in its discretion~~) department, after notice
4 and hearing, may grant additional time, for good cause shown, before a
5 pooling order is automatically dissolved as provided in subsection (1)
6 of this section. In no case may such an extension be longer than six
7 months.

8 **Sec. 1135.** RCW 78.52.260 and 1951 c 146 s 28 are each amended to
9 read as follows:

10 Whenever the (~~committee shall~~) department requires the making and
11 filing of well logs, directional surveys, or reports on the drilling
12 of, subsurface conditions found in, or reports with respect to the
13 substance produced, or capable of being produced from, a "wildcat" or
14 "exploratory" well, as those terms are used in the petroleum industry,
15 such logs, surveys, reports, or information shall be kept confidential
16 by the (~~committee~~) department for a period of one year, if at the
17 time of filing such logs, surveys, reports, or other information, the
18 owner, lessee, or operator of such well requests that such information
19 be kept confidential: PROVIDED, HOWEVER, That the (~~committee shall~~
20 ~~have the right to~~) department may divulge or use such information in
21 a public hearing or suit when it is necessary for the enforcement of
22 the provisions of this chapter or any rule, regulation, or order made
23 hereunder.

24 **Sec. 1136.** RCW 78.52.270 and 1951 c 146 s 29 are each amended to
25 read as follows:

26 Whenever the total amount of oil which all of the pools in this
27 state can currently produce in accordance with good operating
28 practices, exceeds the amount reasonably required to meet the
29 reasonable market demand, the (~~committee~~) department shall limit the
30 oil which may be currently produced in this state to an amount,
31 designated the "oil allowable(~~(\pm)")." The (~~committee~~) department
32 shall then prorate this "oil allowable" among the pools on a reasonable
33 basis, avoiding undue discrimination among the pools, and so that waste
34 will be prevented. In determining the "oil allowable(~~(\pm)")," and in
35 prorating such "oil allowable" among the pools in the state, the
36 (~~committee~~) department shall take into account the producing
37 conditions and other relevant facts with respect to such pools,~~~~

1 including the separate needs for oil and gas, and separate needs for
2 oil of particular kinds or qualities, and shall formulate rules setting
3 forth standards or a program for the determination of the "oil
4 allowable(^u)," and shall prorate the "oil allowable" in accordance
5 with such standards or program, and where conditions in one pool or
6 area are substantially similar to those in another pool or area, then
7 the same standards or program shall be applied to such pools or areas
8 so that as far as practicable a uniform program will be followed:
9 PROVIDED, HOWEVER, That if the amount prorated to a pool as its share
10 of the "oil allowable" is in excess of the amount which the pool can
11 efficiently produce currently, then the ((committee)) department shall
12 prorate to such pool the maximum amount which can be efficiently
13 produced currently without waste.

14 **Sec. 1137.** RCW 78.52.280 and 1951 c 146 s 30 are each amended to
15 read as follows:

16 The ((committee)) department shall not be required to determine the
17 reasonable market demand applicable to any single pool of oil except in
18 relation to all pools producing oil of similar kind and quality and in
19 relation to the reasonable market demand. The ((committee)) department
20 shall prorate the "allowable" in such manner as will prevent undue
21 discrimination against any pool or area in favor of another or others
22 resulting from selective buying or nomination by purchasers.

23 **Sec. 1138.** RCW 78.52.290 and 1951 c 146 s 31 are each amended to
24 read as follows:

25 Whenever the total amount of gas which all of the pools in this
26 state can currently produce in accordance with good operating practice
27 exceeds the amount reasonably required to meet the reasonable market
28 demand, the ((committee)) department shall limit the gas which may be
29 currently produced to an amount, designated as the "gas
30 allowable(^u)," which will not exceed the reasonable market demand for
31 gas. The ((committee)) department shall then prorate the "gas
32 allowable" among the pools on a reasonable basis, avoiding undue
33 discrimination among the pools, and so that waste will be prevented,
34 giving due consideration to location of pipe lines, cost of
35 interconnecting such pipe lines, and other pertinent factors, and
36 insofar as applicable, the provisions of RCW 78.52.270 shall be
37 followed in determining the "gas allowable" and in prorating such "gas

1 allowable" among the pools therein: PROVIDED, HOWEVER, That in
2 determining the reasonable market demand for gas as between pools, the
3 ((committee)) department shall give due regard to the fact that gas
4 produced from oil pools is to be regulated in a manner which will
5 protect the reasonable use of gas energy for oil production and promote
6 the most or maximum efficient recovery of oil from such pools.

7 **Sec. 1139.** RCW 78.52.300 and 1951 c 146 s 32 are each amended to
8 read as follows:

9 Whenever the total amount of gas which may be currently produced
10 from all of the pools in this state has not been limited as hereinabove
11 provided, and the available production from any one pool containing gas
12 only is in excess of the reasonable market demand or available
13 transportation facilities for gas from such pool, the ((committee))
14 department shall limit the production of gas from such pool to that
15 amount which does not exceed the reasonable market demand or
16 transportation facilities for gas from such pool.

17 **Sec. 1140.** RCW 78.52.310 and 1951 c 146 s 33 are each amended to
18 read as follows:

19 Whenever the ((committee)) department limits the total amount of
20 oil or gas which may be produced from any pool to an amount less than
21 that which the pool could produce if no restrictions were imposed
22 (whether incidental to, or without, a limitation of the total amount of
23 oil which may be produced in the state) the ((committee)) department
24 shall prorate the allowable production for the pool among the producers
25 in the pool on a reasonable basis, so that each producer will have
26 opportunity to produce or receive his or her just and equitable share,
27 subject to the reasonable necessities for the prevention of waste,
28 giving where reasonable, under the circumstances, to each pool with
29 small wells of settled production, allowable production which prevents
30 the premature abandonment of wells in the pool.

31 All orders establishing the "oil allowable" and "gas allowable" for
32 this state, and all orders prorating such allowables as herein
33 provided, and any changes thereof, for any month or period shall be
34 issued by the ((committee)) department on or before the fifteenth day
35 of the month preceding the month for which such orders are to be
36 effective, and such orders shall be immediately published in some
37 newspaper of general circulation printed in Olympia, Washington. No

1 orders establishing such allowables, or prorating such allowables, or
2 any changes thereof, shall be issued without first having a hearing,
3 after notice, as provided in this chapter: PROVIDED, HOWEVER, When in
4 the judgment of the (~~committee~~) department, an emergency requiring
5 immediate action is found to exist, the (~~committee is authorized to~~)
6 department may issue an emergency order under this section which shall
7 have the same effect and validity as if a hearing with respect to the
8 same had been held after due notice. The emergency order permitted by
9 this (~~subsection~~) section shall remain in force no longer than thirty
10 days, and in any event it shall expire when the order made after due
11 notice and hearing with respect to the subject matter of the emergency
12 order becomes effective.

13 **Sec. 1141.** RCW 78.52.320 and 1951 c 146 s 34 are each amended to
14 read as follows:

15 Whenever the production of oil or gas in this state or any pool
16 therein is limited and the "oil allowable" or "gas allowable" is
17 established and prorated by the (~~committee~~) department as provided in
18 RCW 78.52.310, no person shall thereafter produce from any well, pool,
19 lease, or property more than the production which is prorated thereto.

20 **Sec. 1142.** RCW 78.52.330 and 1951 c 146 s 35 are each amended to
21 read as follows:

22 To assist in the development of oil and gas in this state and to
23 further the purposes of this chapter, the persons owning interests in
24 separate tracts of land, may validly agree to integrate their interests
25 and manage, operate, and develop their land as a unit, subject to the
26 approval of the (~~committee~~) department.

27 **Sec. 1143.** RCW 78.52.335 and 1983 c 253 s 23 are each amended to
28 read as follows:

29 (1) The (~~committee~~) department shall upon the application of any
30 interested person, or upon its own motion, hold a hearing to consider
31 the need for the operation as a unit of one or more pools or parts of
32 them in a field.

33 (2) The (~~committee shall have the authority to~~) department may
34 enter an order providing for the unit operations if (~~the committee~~)
35 it finds that:

1 (a) The unit operations are necessary for secondary recovery or
2 enhanced recovery purposes. For purposes of this chapter secondary or
3 enhanced recovery means that oil or gas or both are recovered by any
4 method, artificial flowing or pumping, that may be employed to produce
5 oil or gas, or both, through the joint use of two or more wells with an
6 application of energy extrinsic to the pool or pools. This includes
7 pressuring, cycling, pressure maintenance, or injections into the pool
8 or pools of a substance or form of energy: PROVIDED, That this does
9 not include the injection in a well of a substance or form of energy
10 for the sole purpose of (i) aiding in the lifting of fluids in the
11 well, or (ii) stimulation of the reservoir at or near the well by
12 mechanical, chemical, thermal, or explosive means;

13 (b) The unit operations will protect correlative rights;

14 (c) The operations will increase the ultimate recovery of oil or
15 gas, or will prevent waste, or will prevent the drilling of unnecessary
16 wells; and

17 (d) The value of the estimated additional recovery of oil and/or
18 gas exceeds the estimated additional cost incident to conducting these
19 operations.

20 (3) The (~~committee shall also have the authority to~~) department
21 may also enter an order providing for unit operations, after notice and
22 hearing, only if the (~~committee~~) department finds that there is clear
23 and convincing evidence that all of the following conditions are met:

24 (a) In the absence of unitization, the ultimate recovery of oil or
25 gas, or both, will be substantially decreased because normal production
26 techniques and methods are not feasible and will not result in the
27 maximum efficient and economic recovery of oil or gas, or both;

28 (b) The unit operations will protect correlative rights;

29 (c) The unit operations will prevent waste, or will prevent the
30 drilling of unnecessary wells;

31 (d) There has been a discovery of a commercial oil or gas field;
32 and

33 (e) There has been sufficient exploration, drilling activity, and
34 development to properly define the one or more pools or parts of them
35 in a field proposed to be unitized.

36 (4) Notwithstanding any of the above, nothing in this chapter may
37 be construed to prevent the voluntary agreement of all interested
38 persons to any plan of unit operations. The (~~committee~~) department

1 shall approve operations upon making a finding consistent with
2 subsection((s)) (2) (b) and (c) of this section.

3 (5) The order shall be upon terms and conditions that are fair and
4 reasonable and shall prescribe a plan for unit operations that
5 includes:

6 (a) A description of the pool or pools or parts thereof to be so
7 operated, termed the unitized area;

8 (b) A statement of the nature of the operations contemplated;

9 (c) An allocation of production and costs to the separately-owned
10 tracts in the unitized area. The allocation shall be in accord with
11 the agreement, if any, of the interested parties. If there is no
12 agreement, production shall be allocated in a manner calculated to
13 ensure that each owner's correlative rights are protected, and each
14 separately-owned tract or combination of tracts receives its fair and
15 reasonable share of production. Costs shall be allocated on a fair and
16 reasonable basis;

17 (d) A provision, if necessary, prescribing fair, reasonable, and
18 equitable terms and conditions as to time and rate of interest for
19 carrying or otherwise financing any person who is unable to promptly
20 meet his or her financial obligations in connection with the unit, such
21 carrying and interest charges to be paid as provided by the
22 ((committee)) department from the person's prorated share of
23 production;

24 (e) A provision for the supervision and conduct of the unit
25 operations, in respect to which each owner shall have a vote with a
26 value corresponding to the percentage of the costs of unit operations
27 chargeable against the owner's interest;

28 (f) The time when the unit operations shall commence, the timetable
29 for development, and the manner and circumstances under which the unit
30 operations shall terminate; and

31 (g) Additional provisions which are found to be appropriate for
32 carrying out the unit operations and for the protection of correlative
33 rights.

34 (6) No order of the ((committee)) department providing for unit
35 operations may become effective until:

36 (a) The plan for unit operations approved by the ((committee))
37 department has been approved in writing by those persons who, under the
38 ((committee's)) department's order, will be required to pay at least
39 seventy-five percent of the costs of unit operations;

1 (b) The plan has been approved in writing by those persons such as
2 royalty owners, overriding royalty owners, and production payment
3 owners, who own at least seventy-five percent of the production or
4 proceeds thereof that will be credited to interests that are free of
5 costs; and

6 (c) The ((committee)) department has made a finding, either in the
7 order providing for unit operations or in a supplemental order, that
8 the plan for unit operations has been so approved. If the plan for
9 unit operations has not been so approved at the time the order
10 providing for unit operations is made, the ((committee)) department
11 shall upon application and notice hold such supplemental hearings as
12 may be required to determine if and when the plan for unit operations
13 has been so approved. If the persons owning required percentages of
14 interest in the unitized area do not approve the plan for unit
15 operations within a period of six months from the date on which the
16 order providing for unit operations is made, or within such additional
17 period or periods of time as the ((committee)) department prescribes,
18 the order will become unenforceable and shall be vacated by the
19 ((committee)) department.

20 (7) An order providing for unit operations may be amended by an
21 order made by the ((committee)) department in the same manner and
22 subject to the same conditions as an original order, except as provided
23 in subsection (8) of this section, providing for unit operations, but
24 (a) if such an amendment affects only the rights and interests of the
25 owners, the approval of the amendment by those persons who own
26 interests that are free of costs is not required, and (b) no such
27 amending order may change the percentage for the allocation of oil and
28 gas as established for any separately-owned tract or combination of
29 tracts by the original order, except with the consent of all persons
30 owning oil and gas rights in the tract, and no such order may change
31 the percentage for the allocation of cost as established for any
32 separately-owned tract or combination of tracts by the original order,
33 except with the consent of all persons owning an interest in the tract
34 or combination of tracts. An amendment that provides for the expansion
35 of the unit area shall comply with subsection (8) of this section.

36 (8) The ((committee)) department, by order, may provide for the
37 unit operation of a reservoir or reservoirs or parts thereof that
38 include a unitized area established by a previous order of the
39 ((committee)) department. The order, in providing for the allocation

1 of unit production, shall first treat the unitized area previously
2 established as a single tract and the portion of the new unit
3 production allocated thereto shall then be allocated among the
4 separately-owned tracts included in the previously established unit
5 area in the same proportions as those specified in the previous order.

6 (9) After the date designated by the (~~committee~~) department the
7 unit plan shall be effective, oil and gas leases within the unit area,
8 or other contracts pertaining to the development thereof, shall be
9 changed only to the extent necessary to meet the requirements of the
10 unit plan, and otherwise shall remain in full force. Operations
11 carried on under and in accordance with the unit plan shall be regarded
12 and considered as fulfillment of and compliance with all of the
13 provisions, covenants, and conditions, expressed or implied, of the
14 several oil and gas leases upon lands within the unit area, or other
15 contracts pertaining to the development thereof, insofar as the leases
16 or other contracts may relate to the pool or field subject to the unit
17 plan. The amount of production apportioned and allocated under the
18 unit plan to each separately-owned tract within the unit area, and only
19 that amount, regardless of the location of the well within the unit
20 area from which it may be produced, and regardless of whether it is
21 more or less than the amount of production from the well, if any, on
22 each separately-owned tract, shall for all purposes be regarded as
23 production from the separately-owned tract. Lessees shall not be
24 obligated to pay royalties or make other payments, required by the oil
25 and gas leases or other contracts affecting each such separately-owned
26 tract, on production in excess of that amount apportioned and allocated
27 to the separately-owned tract under the unit plan.

28 (10) The portion of the unit production allocated to any tract and
29 the proceeds from its sale are the property and income of the several
30 persons to whom, or to whose credit, the portion and proceeds are
31 allocated or payable under the order providing for unit operations.

32 (11) No division order or other contract relating to the sale,
33 purchase, or production from a separately-owned tract or combination of
34 tracts may be terminated by the order providing for unit operations but
35 shall remain in force and shall apply to oil and gas allocated to the
36 tract until terminated by an amended division order or contract in
37 accordance with the order.

38 (12) Except to the extent that parties affected so agree, an order
39 providing for unit operations shall not be construed to result in a

1 transfer of all or any part of the title of any person to the oil and
2 gas rights in any tract in the unit area. All property, whether real
3 or personal, that may be acquired in the conduct of unit operations
4 hereunder shall be acquired for the account of the owners within the
5 unit area, and shall be the property of those owners in the proportion
6 that the expenses of unit operations are charged.

7 (13) After the date designated by the order of the ((committee))
8 department that a unit plan shall become effective, the designation of
9 one or more unit operators shall be by vote of the lessees of land in
10 the unit area, in a manner to be provided in the unit plan, and any
11 operations in conflict with such unit plan shall be unlawful and are
12 prohibited.

13 (14) A certified copy of any order of the ((committee)) department
14 entered under this section is entitled to be recorded in the auditor's
15 office in the county or counties wherein all or any portion of the unit
16 area is located and, if recorded, constitute notice thereof to all
17 persons. A copy of this order shall be mailed by certified mail to all
18 interested persons.

19 (15) No order for unitization may be construed to allow the
20 drilling of a well on a tract within the unit which is not leased or
21 under contract for oil and gas exploration or production.

22 **Sec. 1144.** RCW 78.52.365 and 1983 c 253 s 26 are each amended to
23 read as follows:

24 The ((committee)) department may administer and enforce RCW
25 78.52.345 and 78.52.355 in accordance with the procedures in this
26 chapter for its enforcement and with the rules and orders of the
27 ((committee)) department.

28 **Sec. 1145.** RCW 78.52.460 and 1951 c 146 s 49 are each amended to
29 read as follows:

30 No plan for the operation of a field or pool of oil or gas as a
31 unit, either whole or in part, created or approved by the ((committee
32 hereunder shall)) department under this chapter may be held to violate
33 any of the statutes of this state prohibiting monopolies or acts,
34 arrangements, agreements, contracts, combinations, or conspiracies in
35 restraint of trade or commerce.

1 **Sec. 1146.** RCW 78.52.463 and 1989 c 175 s 167 are each amended to
2 read as follows:

3 (1) Any operation or activity that is in violation of applicable
4 laws, rules, orders, or permit conditions is subject to suspension by
5 order of the ~~((committee))~~ department. The order may suspend the
6 operations authorized in the permit in whole or in part. The order may
7 be issued only after the ~~((committee))~~ department has first notified
8 the operator or owner of the violations and the operator or owner has
9 failed to comply with the directions contained in the notification
10 within ten days of service of the notice: PROVIDED, That the
11 ~~((committee))~~ department may issue the suspension order immediately
12 without notice if the violations are or may cause substantial harm to
13 adjacent property, persons, or public resources, or has or may result
14 in the pollution of waters in violation of any state or federal law or
15 rule. A suspension shall remain in effect until the violations are
16 corrected or other directives are complied with unless declared invalid
17 by the ~~((committee))~~ department after hearing or an appeal. The
18 suspension order and notification, where applicable, shall specify the
19 violations and the actions required to be undertaken to be in
20 compliance with such laws, rules, orders, or permit conditions. The
21 order and notification may also require remedial actions to be
22 undertaken to restore, prevent, or correct activities or conditions
23 which have resulted from the violations. The order and notification
24 may be directed to the operator or owner or both.

25 (2) The suspension order constitutes a final and binding order
26 unless the owner or operator to whom the order is directed requests a
27 hearing before the ~~((committee))~~ department within fifteen days after
28 service of the order. Such a request shall not in itself stay or
29 suspend the order and the operator or owner shall comply with the order
30 immediately upon service. The ~~((committee or its chairman have the
31 authority to))~~ department may stay or suspend in whole or in part the
32 suspension order pending a hearing if so requested. The hearing shall
33 constitute an adjudicative proceeding under chapter 34.05 RCW, the
34 Administrative Procedure Act.

35 **Sec. 1147.** RCW 78.52.467 and 1983 c 253 s 30 are each amended to
36 read as follows:

37 (1) The sale, purchase, acquisition, transportation, refining,
38 processing, or handling of illegal oil, gas, or product is prohibited.

1 However, no penalty by way of fine may be imposed upon a person who
2 sells, purchases, acquires, transports, refines, processes, or handles
3 illegal oil, gas, or product unless (a) the person knows, or is put on
4 notice of, facts indicating that illegal oil, illegal gas, or illegal
5 product is involved, or (b) the person fails to obtain a certificate of
6 clearance with respect to the oil, gas, or product if prescribed by
7 rule or order of the ((committee)) department, or fails to follow any
8 other method prescribed by an order of the ((committee)) department for
9 the identification of the oil, gas, or product.

10 (2) Illegal oil, illegal gas, and illegal product are declared to
11 be contraband and are subject to seizure and sale as provided in this
12 section. Seizure and sale shall be in addition to all other remedies
13 and penalties provided in this chapter for violations relating to
14 illegal oil, illegal gas, or illegal product. If the ((committee))
15 department believes that any oil, gas, or product is illegal, the
16 ((committee)) department acting through the attorney general, shall
17 bring a civil action in rem in the superior court of the county in
18 which the oil, gas, or product is found, to seize and sell the same, or
19 the ((committee)) department may include such an action in rem in any
20 suit brought for an injunction or penalty involving illegal oil,
21 illegal gas, or illegal product. A person claiming an interest in oil,
22 gas, or product affected by an action in rem has the right to intervene
23 as an interested party.

24 (3) Actions for the seizure and sale of illegal oil, illegal gas,
25 or illegal product shall be strictly in rem and shall proceed in the
26 name of the state as plaintiff against the oil, gas, or product as
27 defendant. No bond or similar undertaking may be required of the
28 plaintiff. Upon the filing of the petition for seizure and sale, the
29 clerk of the court shall issue a summons, with a copy of the petition
30 attached thereto, directed to the sheriff of the county or to another
31 officer or person whom the court may designate, for service upon all
32 persons having or claiming any interest in the oil, gas, or product
33 described in the petition. The summons shall command these persons to
34 appear and answer within twenty days after the issuance and service of
35 the summons. These persons need not be named or otherwise identified
36 in the summons, and the summons shall be served by posting a copy of
37 the summons, with a copy of the petition attached, on any public
38 bulletin board or at the courthouse of a county where the oil, gas, or
39 product involved is located, and by posting another copy at or near the

1 place where the oil, gas, or product is located. The posting
2 constitutes notice of the action to all persons having or claiming any
3 interest in the oil, gas, or product described in the petition. In
4 addition, if the court, on a properly verified petition, or affidavit
5 or affidavits, or oral testimony, finds that grounds for seizure and
6 for sale exist, the court shall issue an immediate order of seizure,
7 describing the oil, gas, or product to be seized, and directing the
8 sheriff of the county to take the oil, gas, or product into the
9 sheriff's actual or constructive custody and to hold the same subject
10 to further orders of the court. The court, in the order of seizure,
11 may direct the sheriff to deliver the oil, gas, or product seized by
12 him or her under the order to a court-appointed agent. The agent shall
13 give bond in an amount and with such surety as the court may direct,
14 conditioned upon compliance with the orders of the court concerning the
15 custody and disposition of the oil, gas, or product.

16 (4) Any person having an interest in oil, gas, or product described
17 in order of seizure and contesting the right of the state to seize and
18 sell the oil, gas, or product may obtain its release prior to sale upon
19 furnishing to the sheriff a bond approved by the court. The bond shall
20 be in an amount equal to one hundred fifty percent of the market value
21 of the oil, gas, or product to be released and shall be conditioned
22 upon either redelivery to the sheriff of the released commodity or
23 payment to the sheriff of its market value, if and when ordered by the
24 court, and upon full compliance with further orders of the court.

25 (5) If the court, after a hearing upon a petition for the seizure
26 and sale of oil, gas, or product, finds that the oil, gas, or product
27 is contraband, the court shall order its sale by the sheriff in the
28 same manner and upon the same notice of sale as provided by law for the
29 sale of personal property on execution of judgment entered in a civil
30 action, except that the court may order that the oil, gas, or product
31 be sold in specified lots or portions and at specified intervals. Upon
32 sale, title to the oil, gas, or product sold shall vest in the
33 purchaser free of all claims, and it shall be legal oil, legal gas, or
34 legal product in the hands of the purchaser.

35 (6) All proceeds, less costs of suit and expenses of sale, which
36 are derived from the sale of illegal oil, illegal gas, or illegal
37 product, and all amounts paid as penalties provided for by this
38 chapter, shall be paid into the state treasury for the use of the
39 ((committee)) department in defraying its expenses in the same manner

1 as other funds provided by law for the use of the ((committee))
2 department.

3 **Sec. 1148.** RCW 78.52.470 and 1989 c 175 s 168 are each amended to
4 read as follows:

5 Any person adversely affected by any order of the ((committee))
6 department may, within thirty days from the effective date of such
7 order, apply for a hearing with respect to any matter determined
8 therein. No cause for action arising out of any order of the
9 ((committee-shall)) department accrues in any court to any person
10 unless the person makes application for a hearing as ((herein))
11 provided in this section. Such application shall set forth
12 specifically the ground on which the applicant considers the order to
13 be unlawful or unreasonable. No party shall, in any court, urge or
14 rely upon any ground not set forth in said application. An order made
15 in conformity to a decision resulting from a hearing which abrogates,
16 changes, or modifies the original order shall have the same force and
17 effect as an original. Such hearing shall constitute an adjudicative
18 proceeding under chapter 34.05 RCW, the Administrative Procedure Act,
19 and shall be conducted in accordance with its provisions.

20 **Sec. 1149.** RCW 78.52.480 and 1983 c 253 s 28 are each amended to
21 read as follows:

22 In proceedings for review of an order or decision of the
23 ((committee)) department, the ((committee)) department shall be a party
24 to the proceedings and shall have all rights and privileges granted by
25 this chapter to any other party to such proceedings.

26 **Sec. 1150.** RCW 78.52.490 and 1983 c 253 s 32 are each amended to
27 read as follows:

28 Within thirty days after the application for a hearing is denied,
29 or if the application is granted, then within thirty days after the
30 rendition of the decision on the hearing, the applicant may apply to
31 the superior court, at the petitioner's option, for (a) Thurston
32 county, (b) the county of petitioner's residence or place of business,
33 or (c) in any county where the property or property rights owned by the
34 petitioner is located for a review of such rule, regulation, order, or
35 decision. The application for review shall be filed in the office of
36 the clerk of the superior court of Thurston county and shall

1 specifically state the grounds for review upon which the applicant
2 relies and shall designate the rule, regulation, order, or decision
3 sought to be reviewed. The applicant shall immediately serve a
4 certified copy of said application upon the (~~executive secretary of~~
5 ~~the committee~~) commissioner of public lands who shall immediately
6 notify all parties who appeared in the proceedings before the
7 (~~committee~~) department that such application for review has been
8 filed. In the event the court determines the review is solely for the
9 purpose of determining the validity of a rule or regulation of general
10 applicability the court shall transfer venue to Thurston county for a
11 review of such rule or regulation in the manner provided for in RCW
12 (~~34.05.538~~) 34.05.570.

13 **Sec. 1151.** RCW 78.52.530 and 1951 c 146 s 56 are each amended to
14 read as follows:

15 Whenever it shall appear that any person is violating any
16 provisions of this chapter, or any rule, regulation, or order made by
17 the (~~committee hereunder~~) department under this chapter, and if the
18 (~~committee~~) department cannot, without litigation, effectively
19 prevent further violation, the (~~committee~~) department may bring suit
20 in the name of the state against such person in the superior court in
21 the county of the residence of the defendant, or in the county of the
22 residence of any defendant if there be more than one defendant, or in
23 the county where the violation is alleged to have occurred, to restrain
24 such person from continuing such violation. In such suit the
25 (~~committee~~) department may without bond obtain injunctions
26 prohibitory and mandatory, including temporary restraining orders and
27 preliminary injunctions, as the facts may warrant.

28 **Sec. 1152.** RCW 78.52.540 and 1951 c 146 s 57 are each amended to
29 read as follows:

30 (~~In the event the committee should~~) If the department fails to
31 bring suit within thirty days to enjoin any apparent violation of this
32 chapter, or of any rule, regulation, or order made by the (~~committee~~
33 ~~hereunder~~) department under this chapter, then any person or party in
34 interest adversely affected by such violation, who has requested the
35 (~~committee~~) department in writing to sue, may, to prevent any or
36 further violation, bring suit for that purpose in the superior court of
37 any county where the (~~committee~~) department could have instituted

1 such suit. If, in such suit, the court should hold that injunctive
2 relief should be granted, then the state shall be made a party and
3 shall be substituted for the person who brought the suit, and the
4 injunction shall be issued as if the state had at all times been the
5 complainant.

6 **OIL SPILL CONTINGENCY PLAN CORPORATION**

7 NEW SECTION. **Sec. 1153.** A new section is added to chapter 88.46
8 RCW to read as follows:

9 A nonprofit corporation that provides contingency plan coverage for
10 any vessel in compliance with RCW 88.46.060 is entitled to liability
11 protection as provided in this section. Obligations incurred by the
12 corporation and any other liabilities or claims against the corporation
13 may be enforced only against the assets of the corporation, and no
14 liability for the debts or actions of the corporation exists against a
15 director, officer, member, employee, incident commander, agent,
16 contractor, or subcontractor of the corporation in his or her
17 individual or representative capacity. Except as otherwise provided in
18 this chapter, neither the directors, officers, members, employees,
19 incident commander, or agents of the corporation, nor the business
20 entities by whom they are regularly employed may be held individually
21 responsible for discretionary decisions, errors in judgment, mistakes,
22 or other acts, either of commission or omission, other than their own
23 individual acts of dishonesty or crime. The corporation may insure and
24 defend and indemnify the directors, officers, members, employees,
25 incident commanders, and agents to the extent permitted by chapters
26 23B.08 and 24.03 RCW.

27 **MARINE SAFETY COMMITTEES**

28 NEW SECTION. **Sec. 1154.** A new section is added to chapter 88.46
29 RCW to read as follows:

30 The administrator may appoint ad hoc, advisory marine safety
31 committees to solicit recommendations and technical advice concerning
32 vessel traffic safety.

33 **SCIENTIFIC ADVISORY BOARD FOR THE OIL SPILL COMPENSATION SCHEDULE**

1 **Sec. 1155.** RCW 90.48.366 and 1992 c 73 s 28 are each amended to
2 read as follows:

3 By July 1, 1991, the department, in consultation with the
4 departments of fisheries, wildlife, and natural resources, and the
5 parks and recreation commission, shall adopt rules establishing a
6 compensation schedule for the discharge of oil in violation of this
7 chapter and chapter 90.56 RCW. (~~The department shall establish a~~
8 ~~scientific advisory board to assist in establishing the compensation~~
9 ~~schedule.~~) The amount of compensation assessed under this schedule
10 shall be no less than one dollar per gallon of oil spilled and no
11 greater than fifty dollars per gallon of oil spilled. The compensation
12 schedule shall reflect adequate compensation for unquantifiable damages
13 or for damages not quantifiable at reasonable cost for any adverse
14 environmental, recreational, aesthetic, or other effects caused by the
15 spill and shall take into account:

16 (1) Characteristics of any oil spilled, such as toxicity,
17 dispersibility, solubility, and persistence, that may affect the
18 severity of the effects on the receiving environment, living organisms,
19 and recreational and aesthetic resources;

20 (2) The sensitivity of the affected area as determined by such
21 factors as: (a) The location of the spill; (b) habitat and living
22 resource sensitivity; (c) seasonal distribution or sensitivity of
23 living resources; (d) areas of recreational use or aesthetic
24 importance; (e) the proximity of the spill to important habitats for
25 birds, aquatic mammals, fish, or to species listed as threatened or
26 endangered under state or federal law; (f) significant archaeological
27 resources as determined by the office of archaeology and historic
28 preservation; and (g) other areas of special ecological or recreational
29 importance, as determined by the department. If the department has
30 adopted rules for a compensation table prior to July 1, 1992, the
31 sensitivity of significant archaeological resources shall only be
32 included among factors to be used in the compensation table when the
33 department revises the rules for the compensation table after July 1,
34 1992; and

35 (3) Actions taken by the party who spilled oil or any party liable
36 for the spill that: (a) Demonstrate a recognition and affirmative
37 acceptance of responsibility for the spill, such as the immediate
38 removal of oil and the amount of oil removed from the environment; or
39 (b) enhance or impede the detection of the spill, the determination of

1 the quantity of oil spilled, or the extent of damage, including the
2 unauthorized removal of evidence such as injured fish or wildlife.

3 **TASK FORCE ON STATE-WIDE EVALUATION OF IRRIGATED AREAS**

4 **Sec. 1156.** RCW 90.54.190 and 1989 c 348 s 11 are each amended to
5 read as follows:

6 (1) (~~The department of ecology may establish a task force to~~
7 ~~assist in a state wide evaluation of irrigated areas, not to exceed six~~
8 ~~months in duration, to determine the associated impacts of efficiency~~
9 ~~measures, efficiency opportunities, and local interest.)) The
10 department ((and the task force)) shall establish a list of basin and
11 stream efficiency initiatives and select an irrigation area for a
12 voluntary demonstration project.~~

13 (2) Prior to conducting conservation assessments and developing
14 conservation plans, the department of ecology shall secure technical
15 and financial assistance from the bureau of reclamation to reduce the
16 costs to the state to the extent possible.

17 (3) A "conservation assessment" as described in this section shall
18 be conducted before a demonstration project to increase the efficiency
19 of irrigated agriculture is undertaken for an irrigated area, a basin,
20 subbasin, or stream. The conservation assessment should:

21 (a) Evaluate existing patterns, including current reuse of return
22 flows, and priorities of water use;

23 (b) Assess conflicting needs for future water allocations and
24 claims to reserved rights;

25 (c) Evaluate hydrologic characteristics of surface and ground water
26 including return flow characteristics;

27 (d) Assess alternative efficiency measures;

28 (e) Determine the likely net water savings of efficiency
29 improvements including the amount and timing of water that would be
30 saved and potential benefits and impacts to other water uses and
31 resources including effects on artificial recharge of ground water and
32 wetland impacts;

33 (f) Evaluate the full range of costs and benefits that would accrue
34 from various measures; and

35 (g) Evaluate the potential for integrating conservation efforts
36 with operation of existing or potential storage facilities.

1 (4) The conservation assessment shall be used as the basis for
2 development of a demonstration conservation plan to rank conservation
3 elements based on relative costs, benefits, and impacts. It shall also
4 estimate the costs of implementing the plan and propose a specific
5 basis for cost share distributions.

6 The demonstration conservation plan shall be developed jointly by
7 the department and a conservation plan formulation committee consisting
8 of representatives of a cross-section of affected local water users,
9 members of the public, and tribal governments. Other public agencies
10 with expertise in water resource management may participate as
11 nonvoting committee members. A proposed demonstration conservation
12 plan may be approved by the department and the committee only after
13 public comment has been received.

14 (5) The department shall reimburse any members (~~(of the task force~~
15 ~~in subsection (2) [(1)] of this section or~~) of the committee in
16 subsection (4) of this section who are not representing governmental
17 agencies or entities for their travel expenses in accordance with RCW
18 43.03.050 and 43.03.060.

19 NEW SECTION. **Sec. 1157.** Broker's Trust Account Board. RCW
20 18.85.500 and 1987 c 513 s 8 are each repealed.

21 NEW SECTION. **Sec. 1158.** Washington State Heritage Council. The
22 following acts or parts of acts are each repealed:

- 23 (1) RCW 27.34.030 and 1983 c 91 s 3;
24 (2) RCW 27.34.040 and 1993 c 101 s 11 & 1983 c 91 s 4; and
25 (3) RCW 27.34.050 and 1983 c 91 s 5.

26 NEW SECTION. **Sec. 1159.** Supply Management Advisory Board. RCW
27 43.19.1902 and 1979 c 151 s 97, 1975-'76 2nd ex.s. c 21 s 3, 1967 ex.s.
28 c 104 s 3, & 1965 c 8 s 43.19.1902 are each repealed.

29 NEW SECTION. **Sec. 1160.** Motor Vehicle Advisory Committee. RCW
30 43.19.556 and 1989 c 57 s 4 are each repealed.

31 NEW SECTION. **Sec. 1161.** Ecological Commission. The following
32 acts or parts of acts are each repealed:

- 33 (1) RCW 43.21A.170 and 1989 1st ex.s. c 9 s 217, 1988 c 36 s 15,
34 1985 c 466 s 50, 1979 c 141 s 68, & 1970 ex.s. c 62 s 17;

- 1 (2) RCW 43.21A.180 and 1984 c 287 s 76, 1975-'76 2nd ex.s. c 34 s
2 100, & 1970 ex.s. c 62 s 18;
- 3 (3) RCW 43.21A.190 and 1988 c 127 s 24 & 1970 ex.s. c 62 s 19;
- 4 (4) RCW 43.21A.200 and 1977 c 75 s 47 & 1970 ex.s. c 62 s 20; and
- 5 (5) RCW 43.21A.210 and 1970 ex.s. c 62 s 21.

6 NEW SECTION. **Sec. 1162.** Nuclear Waste Advisory Council. RCW
7 43.200.050 and 1989 c 322 s 4, 1984 c 161 s 6, & 1983 1st ex.s. c 19 s
8 5 are each repealed.

9 NEW SECTION. **Sec. 1163.** Athletic Health Care and Training
10 Council. The following acts or parts of acts are each repealed:

11 (1) RCW 43.230.010 and 1990 c 33 s 583 & 1984 c 286 s 2;

12 (2) RCW 43.230.020 and 1984 c 286 s 3;

13 (3) RCW 43.230.030 and 1984 c 286 s 4;

14 (4) RCW 43.230.040 and 1984 c 286 s 5; and

15 (5) 1984 c 286 s 13 (uncodified).

16 NEW SECTION. **Sec. 1164.** Insurance Advisory Examining Board. RCW
17 48.17.135 and 1984 c 287 s 96, 1975-'76 2nd ex.s. c 34 s 142, & 1967 c
18 150 s 14 are each repealed.

19 NEW SECTION. **Sec. 1165.** Right-to-Know Advisory Council. The
20 following acts or parts of acts are each repealed:

21 (1) RCW 49.70.120 and 1987 c 24 s 1, 1985 c 409 s 5, & 1984 c 289
22 s 17; and

23 (2) RCW 49.70.130 and 1984 c 289 s 18.

24 NEW SECTION. **Sec. 1166.** Winter Recreation Commission. The
25 following acts or parts of acts are each repealed:

26 (1) RCW 67.34.011 and 1987 c 526 s 1; and

27 (2) RCW 67.34.021 and 1987 c 526 s 2.

28 NEW SECTION. **Sec. 1167.** Science Advisory Board. RCW 70.94.039
29 and 1991 c 199 s 314 are each repealed.

30 NEW SECTION. **Sec. 1168.** Korean War Veterans' Memorial Advisory
31 Committee. The following acts or parts of acts are each repealed:

32 (1) RCW 73.40.020 and 1984 c 81 s 2; and

1 (2) RCW 73.40.050 and 1989 c 235 s 2.

2 NEW SECTION. **Sec. 1169.** Oil and Gas Conservation Committee. RCW
3 78.52.020 and 1988 c 128 s 49, 1983 c 253 s 31, 1971 ex.s. c 180 s 7,
4 1961 c 300 s 7, & 1951 c 146 s 4 are each repealed.

5 NEW SECTION. **Sec. 1170.** Washington State Maritime Commission.
6 The following acts or parts of acts are each repealed, effective July
7 1, 1995:

8 (1) RCW 88.44.005 and 1990 c 117 s 1;

9 (2) RCW 88.44.010 and 1992 c 73 s 15, 1991 c 200 s 901, & 1990 c
10 117 s 2;

11 (3) RCW 88.44.020 and 1991 c 200 s 902 & 1990 c 117 s 3;

12 (4) RCW 88.44.030 and 1991 c 200 s 903 & 1990 c 117 s 4;

13 (5) RCW 88.44.040 and 1991 c 200 s 904 & 1990 c 117 s 5;

14 (6) RCW 88.44.080 and 1991 c 200 s 905 & 1990 c 117 s 9;

15 (7) RCW 88.44.090 and 1990 c 117 s 10;

16 (8) RCW 88.44.100 and 1992 c 73 s 16 & 1990 c 117 s 11;

17 (9) RCW 88.44.110 and 1992 c 73 s 17, 1991 c 200 s 906, & 1990 c
18 117 s 12;

19 (10) RCW 88.44.120 and 1990 c 117 s 13;

20 (11) RCW 88.44.130 and 1990 c 117 s 14;

21 (12) RCW 88.44.140 and 1990 c 117 s 15;

22 (13) RCW 88.44.150 and 1990 c 117 s 16;

23 (14) RCW 88.44.160 and 1991 c 200 s 907 & 1990 c 117 s 17;

24 (15) RCW 88.44.170 and 1990 c 117 s 18;

25 (16) RCW 88.44.180 and 1990 c 117 s 19;

26 (17) RCW 88.44.190 and 1990 c 117 s 20;

27 (18) RCW 88.44.200 and 1990 c 117 s 21;

28 (19) RCW 88.44.210 and 1990 c 117 s 22;

29 (20) RCW 88.44.220 and 1990 c 117 s 23;

30 (21) RCW 88.44.900 and 1990 c 117 s 24; and

31 (22) RCW 88.44.901 and 1990 c 117 s 25.

32 NEW SECTION. **Sec. 1171.** Regional Marine Safety Committees. RCW
33 88.46.110 and 1992 c 73 s 24 & 1991 c 200 s 424 are each repealed.

34 NEW SECTION. **Sec. 1172.** Marine Oversight Board. RCW 90.56.450
35 and 1992 c 73 s 40 & 1991 c 200 s 501 are each repealed.

1 NEW SECTION. **Sec. 1173.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 1174.** Headings and captions used in this act
6 constitute no part of the law.

7 NEW SECTION. **Sec. 1175.** This act takes effect July 1, 1994.

--- END ---