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HOUSE BILL 1296

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State of Washington

58th Legislature

2003 Regular Session

By Representatives Moeller and Pflug; by request of Department of Health

Read first time 01/22/2003. Referred to Committee on Health Care.

1 AN ACT Relating to making corrections to the department of health's  
2 professional and facilities licensing provisions; amending RCW  
3 18.71.040 and 70.127.040; reenacting and amending RCW 18.130.040;  
4 repealing RCW 69.41.270; providing an effective date; and declaring an  
5 emergency.

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

7 **Sec. 1.** RCW 18.71.040 and 1991 c 3 s 160 are each amended to read  
8 as follows:

9 Every applicant for a ((certificate)) license to practice medicine  
10 and surgery shall pay a fee determined by the secretary as provided in  
11 RCW 43.70.250.

12 **Sec. 2.** RCW 18.130.040 and 2002 c 223 s 6 and 2002 c 216 s 11 are  
13 each reenacted and amended to read as follows:

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

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

3 (i) Dispensing opticians licensed and designated apprentices under  
4 chapter 18.34 RCW;

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

6 (iii) Midwives licensed under chapter 18.50 RCW;

7 (iv) Ocularists licensed under chapter 18.55 RCW;

8 (v) Massage operators and businesses licensed under chapter 18.108  
9 RCW;

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

11 (vii) Acupuncturists licensed under chapter 18.06 RCW;

12 (viii) Radiologic technologists certified and X-ray technicians  
13 registered under chapter 18.84 RCW;

14 (ix) Respiratory care practitioners licensed under chapter 18.89  
15 RCW;

16 (x) Persons registered under chapter 18.19 RCW;

17 (xi) Persons licensed as mental health counselors, marriage and  
18 family therapists, and social workers under chapter 18.225 RCW;

19 (xii) Persons registered as nursing pool operators under chapter  
20 18.52C RCW;

21 (xiii) Nursing assistants registered or certified under chapter  
22 18.88A RCW;

23 (xiv) Health care assistants certified under chapter 18.135 RCW;

24 (xv) Dietitians and nutritionists certified under chapter 18.138  
25 RCW;

26 (xvi) Chemical dependency professionals certified under chapter  
27 18.205 RCW;

28 (xvii) Sex offender treatment providers certified under chapter  
29 18.155 RCW;

30 (xviii) Persons licensed and certified under chapter 18.73 RCW or  
31 RCW 18.71.205;

32 (xix) Denturists licensed under chapter 18.30 RCW;

33 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

34 (xxi) Surgical technologists registered under chapter 18.215 RCW;

35 and

36 (xxii) Recreational therapists.

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

1 (i) The podiatric medical board as established in chapter 18.22  
2 RCW;

3 (ii) The chiropractic quality assurance commission as established  
4 in chapter 18.25 RCW;

5 (iii) The dental quality assurance commission as established in  
6 chapter 18.32 RCW;

7 (iv) The board of hearing and speech as established in chapter  
8 18.35 RCW;

9 (v) The board of examiners for nursing home administrators as  
10 established in chapter 18.52 RCW;

11 (vi) The optometry board as established in chapter 18.54 RCW  
12 governing licenses issued under chapter 18.53 RCW;

13 (vii) The board of osteopathic medicine and surgery as established  
14 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
15 18.57A RCW;

16 (viii) The board of pharmacy as established in chapter 18.64 RCW  
17 governing licenses issued under chapters 18.64 and 18.64A RCW;

18 (ix) The medical quality assurance commission as established in  
19 chapter 18.71 RCW governing licenses and registrations issued under  
20 chapters 18.71 and 18.71A RCW;

21 (x) The board of physical therapy as established in chapter 18.74  
22 RCW;

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

25 (xii) The nursing care quality assurance commission as established  
26 in chapter 18.79 RCW governing licenses issued under that chapter;

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

29 (xiv) The veterinary board of governors as established in chapter  
30 18.92 RCW.

31 (3) In addition to the authority to discipline license holders, the  
32 disciplining authority has the authority to grant or deny licenses  
33 based on the conditions and criteria established in this chapter and  
34 the chapters specified in subsection (2) of this section. This chapter  
35 also governs any investigation, hearing, or proceeding relating to  
36 denial of licensure or issuance of a license conditioned on the  
37 applicant's compliance with an order entered pursuant to RCW 18.130.160  
38 by the disciplining authority.

1 (4) All disciplining authorities shall adopt procedures to ensure  
2 substantially consistent application of this chapter, the Uniform  
3 Disciplinary Act, among the disciplining authorities listed in  
4 subsection (2) of this section.

5 **Sec. 3.** RCW 70.127.040 and 2000 c 175 s 4 are each amended to read  
6 as follows:

7 The following are not subject to regulation for the purposes of  
8 this chapter:

9 (1) A family member providing home health, hospice, or home care  
10 services;

11 (2) A person who provides only meal services in an individual's  
12 permanent or temporary residence;

13 (3) An individual providing home care through a direct agreement  
14 with a recipient of care in an individual's permanent or temporary  
15 residence;

16 (4) A person furnishing or delivering home medical supplies or  
17 equipment that does not involve the provision of services beyond those  
18 necessary to deliver, set up, and monitor the proper functioning of the  
19 equipment and educate the user on its proper use;

20 (5) A person who provides services through a contract with a  
21 licensed agency;

22 (6) An employee or volunteer of a licensed agency who provides  
23 services only as an employee or volunteer;

24 (7) Facilities and institutions, including but not limited to  
25 nursing homes under chapter 18.51 RCW, hospitals under chapter 70.41  
26 RCW, adult family homes under chapter 70.128 RCW, boarding homes under  
27 chapter 18.20 RCW, developmental disability residential programs under  
28 chapter ((71.12)) 71A.12 RCW, other entities licensed under chapter  
29 ((71.12)) 71A.12 RCW, or other licensed facilities and institutions,  
30 only when providing services to persons residing within the facility or  
31 institution;

32 (8) Local and combined city-county health departments providing  
33 services under chapters 70.05 and 70.08 RCW;

34 (9) An individual providing care to ill, disabled, infirm, or  
35 vulnerable individuals through a contract with the department of social  
36 and health services;

1 (10) Nursing homes, hospitals, or other institutions, agencies,  
2 organizations, or persons that contract with licensed home health,  
3 hospice, or home care agencies for the delivery of services;

4 (11) In-home assessments of an ill, disabled, vulnerable, or infirm  
5 individual that does not result in regular ongoing care at home;

6 (12) Services conducted by and for the adherents of a church or  
7 religious denomination that rely upon spiritual means alone through  
8 prayer for healing in accordance with the tenets and practices of such  
9 church or religious denomination and the bona fide religious beliefs  
10 genuinely held by such adherents;

11 (13) A medicare-approved dialysis center operating a medicare-  
12 approved home dialysis program;

13 (14) A person providing case management services. For the purposes  
14 of this subsection, "case management" means the assessment,  
15 coordination, authorization, planning, training, and monitoring of home  
16 health, hospice, and home care, and does not include the direct  
17 provision of care to an individual;

18 (15) Pharmacies licensed under RCW 18.64.043 that deliver  
19 prescription drugs and durable medical equipment that does not involve  
20 the use of professional services beyond those authorized to be  
21 performed by licensed pharmacists pursuant to chapter 18.64 RCW and  
22 those necessary to set up and monitor the proper functioning of the  
23 equipment and educate the person on its proper use;

24 (16) A volunteer hospice complying with the requirements of RCW  
25 70.127.050; and

26 (17) A person who provides home care services without compensation.

27 NEW SECTION. **Sec. 4.** Section 2 of this act is necessary for the  
28 immediate preservation of the public peace, health, or safety, or  
29 support of the state government and its existing public institutions,  
30 and takes effect July 1, 2003.

31 NEW SECTION. **Sec. 5.** RCW 69.41.270 (Maintenance of records--  
32 Inspection by board) and 1989 c 352 s 5 are each repealed.

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