

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5829

Chapter 258, Laws of 2003

58th Legislature
2003 Regular Session

NURSING TECHNICIANS

EFFECTIVE DATE: 5/12/03

Passed by the Senate April 21, 2003
YEAS 43 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 11, 2003
YEAS 84 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved May 12, 2003.

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SUBSTITUTE SENATE BILL 5829 as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

MILTON H. DOUMIT JR.

Secretary

FILED

May 12, 2003 - 4:37 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5829

AS AMENDED BY THE HOUSE

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Thibaudeau and Winsley)

READ FIRST TIME 03/05/03.

1 AN ACT Relating to nursing technicians; amending RCW 18.79.240;
2 reenacting and amending RCW 18.130.040; adding new sections to chapter
3 18.79 RCW; adding a new section to chapter 70.41 RCW; adding a new
4 section to chapter 18.51 RCW; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds a need to provide
7 additional work-related opportunities for nursing students. Nursing
8 students enrolled in bachelor of science programs or associate degree
9 programs, working within the limits of their education, gain valuable
10 judgment and knowledge through expanded work opportunities.

11 NEW SECTION. **Sec. 2.** (1) "Nursing technician" means a nursing
12 student employed in a hospital licensed under chapter 70.41 RCW or a
13 nursing home licensed under chapter 18.51 RCW, who:

14 (a) Is currently enrolled in good standing in a nursing program
15 approved by the commission and has not graduated; or

16 (b) Is a graduate of a nursing program approved by the commission
17 who graduated:

18 (i) Within the past thirty days; or

1 (ii) Within the past sixty days and has received a determination
2 from the secretary that there is good cause to continue the
3 registration period, as defined by the secretary in rule.

4 (2) No person may practice or represent oneself as a nursing
5 technician by use of any title or description of services without being
6 registered under this chapter, unless otherwise exempted by this
7 chapter.

8 (3) The commission may adopt rules to implement this act.

9 NEW SECTION. **Sec. 3.** (1) Nursing technicians are authorized to
10 perform specific nursing functions within the limits of their
11 education, up to their skill and knowledge, but they may not:

12 (a) Administer chemotherapy, blood or blood products, intravenous
13 medications, or scheduled drugs, or carry out procedures on central
14 lines;

15 (b) Assume ongoing responsibility for assessments, planning,
16 implementation, or evaluation of the care of patients;

17 (c) Function independently, act as a supervisor, or delegate tasks
18 to licensed practical nurses, nursing assistants, or unlicensed
19 personnel; or

20 (d) Perform or attempt to perform nursing techniques or procedures
21 for which the nursing technician lacks the appropriate knowledge,
22 experience, and education.

23 (2) Nursing technicians may function only under the direct
24 supervision of a registered nurse who agrees to act as supervisor and
25 is immediately available to the nursing technician. The supervising
26 registered nurse must have an unrestricted license with at least two
27 years of clinical practice in the setting where the nursing technician
28 works.

29 (3) Nursing technicians may only perform specific nursing functions
30 based upon and limited to their education and when they have
31 demonstrated the ability and been verified to safely perform these
32 functions by the nursing program in which the nurse technician is
33 enrolled. The nursing program providing verification is immune from
34 liability for any nursing function performed or not performed by the
35 nursing technician.

36 (4) Nursing technicians are responsible and accountable for their
37 specific nursing functions.

1 NEW SECTION. **Sec. 4.** (1) Applications for registration must be
2 submitted on forms provided by the secretary. The secretary may
3 require any information and documentation that reasonably relates to
4 the need to determine whether the applicant meets the criteria for
5 registration provided for in chapter 18.130 RCW. Each applicant shall
6 pay a fee determined by the secretary under RCW 43.70.250. The fee
7 must accompany the application.

8 (2) An applicant for registration as a nursing technician shall
9 submit:

10 (a) A signed statement from the applicant's nursing program
11 verifying enrollment in, or graduation from, the nursing program; and

12 (b) A signed statement from the applicant's employer certifying
13 that the employer understands the role of the nursing technician and
14 agrees to meet the requirements of subsection (4) of this section.

15 (3) The secretary shall issue a registration to an applicant who
16 has met the requirements for registration or deny a registration to an
17 applicant who does not meet the requirements, except that proceedings
18 concerning the denial of registration based on unprofessional conduct
19 or impairment are governed by the uniform disciplinary act, chapter
20 18.130 RCW.

21 (4) The employer:

22 (a) Shall not require the nursing technician to work beyond his or
23 her education and training;

24 (b) Shall verify that the nursing technician continues to qualify
25 as a nursing technician as described in section 2 of this act;

26 (c) Shall advise the department and nursing program of any
27 practice-related action taken against the nursing technician;

28 (d) Shall maintain documentation of the specific nursing functions
29 the nursing technician is authorized to perform; and

30 (e) Shall provide training regarding the provisions of this act,
31 including procedures for filing a complaint with the department of
32 health or the department of social and health services concerning
33 violations of this act, to all nursing technicians and registered
34 nurses who shall supervise nursing technicians and document the
35 training and make it available for any inspection or survey.

36 NEW SECTION. **Sec. 5.** The secretary shall establish by rule the
37 procedural requirements and fees for renewal of the registration.

1 Failure to renew invalidates the registration and all privileges
2 granted by the registration. For renewal of registration, a nursing
3 technician must attest that he or she continues to qualify as a nursing
4 technician as described in section 2 of this act.

5 **Sec. 6.** RCW 18.79.240 and 2000 c 64 s 3 are each amended to read
6 as follows:

7 (1) In the context of the definition of registered nursing practice
8 and advanced registered nursing practice, this chapter shall not be
9 construed as:

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

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

15 (c) Prohibiting the practice of nursing by students enrolled in
16 approved schools as may be incidental to their course of study or
17 prohibiting the students from working as nursing (~~aides~~) technicians;

18 (d) Prohibiting auxiliary services provided by persons carrying out
19 duties necessary for the support of nursing services, including those
20 duties that involve minor nursing services for persons performed in
21 hospitals, nursing homes, or elsewhere under the direction of licensed
22 physicians or the supervision of licensed registered nurses;

23 (e) Prohibiting the practice of nursing in this state by a legally
24 qualified nurse of another state or territory whose engagement requires
25 him or her to accompany and care for a patient temporarily residing in
26 this state during the period of one such engagement, not to exceed six
27 months in length, if the person does not represent or hold himself or
28 herself out as a registered nurse licensed to practice in this state;

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

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

1 (h) Permitting the measurement of the powers or range of human
2 vision, or the determination of the accommodation and refractive state
3 of the human eye or the scope of its functions in general, or the
4 fitting or adaptation of lenses for the aid thereof;

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

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

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

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

13 (m) Permitting the practice of chiropractic as defined in chapter
14 18.25 RCW including the adjustment or manipulation of the articulation
15 of the spine;

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

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

21 (p) Permitting the prescribing of controlled substances as defined
22 in Schedules I through IV of the Uniform Controlled Substances Act,
23 chapter 69.50 RCW, except as provided in (r) or (s) of this subsection;

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

25 (r) Prohibiting advanced registered nurse practitioners, approved
26 by the commission as certified registered nurse anesthetists from
27 selecting, ordering, or administering controlled substances as defined
28 in Schedules II through IV of the Uniform Controlled Substances Act,
29 chapter 69.50 RCW, consistent with their commission-recognized scope of
30 practice; subject to facility-specific protocols, and subject to a
31 request for certified registered nurse anesthetist anesthesia services
32 issued by a physician licensed under chapter 18.71 RCW, an osteopathic
33 physician and surgeon licensed under chapter 18.57 RCW, a dentist
34 licensed under chapter 18.32 RCW, or a podiatric physician and surgeon
35 licensed under chapter 18.22 RCW; the authority to select, order, or
36 administer Schedule II through IV controlled substances being limited
37 to those drugs that are to be directly administered to patients who
38 require anesthesia for diagnostic, operative, obstetrical, or

1 therapeutic procedures in a hospital, clinic, ambulatory surgical
2 facility, or the office of a practitioner licensed under chapter 18.71,
3 18.22, 18.36, 18.36A, 18.57, 18.57A, or 18.32 RCW; "select" meaning the
4 decision-making process of choosing a drug, dosage, route, and time of
5 administration; and "order" meaning the process of directing licensed
6 individuals pursuant to their statutory authority to directly
7 administer a drug or to dispense, deliver, or distribute a drug for the
8 purpose of direct administration to a patient, under instructions of
9 the certified registered nurse anesthetist. "Protocol" means a
10 statement regarding practice and documentation concerning such items as
11 categories of patients, categories of medications, or categories of
12 procedures rather than detailed case-specific formulas for the practice
13 of nurse anesthesia;

14 (s) Prohibiting advanced registered nurse practitioners from
15 ordering or prescribing controlled substances as defined in Schedules
16 II through IV of the Uniform Controlled Substances Act, chapter 69.50
17 RCW, if and to the extent: (i) Doing so is permitted by their scope of
18 practice; (ii) it is in response to a combined request from one or more
19 physicians licensed under chapter 18.71 or 18.57 RCW and an advanced
20 registered nurse practitioner licensed under this chapter, proposing a
21 joint practice arrangement under which such prescriptive authority will
22 be exercised with appropriate collaboration between the practitioners;
23 and (iii) it is consistent with rules adopted under this subsection.
24 The medical quality assurance commission, the board of osteopathic
25 medicine and surgery, and the commission are directed to jointly adopt
26 by consensus by rule a process and criteria that implements the joint
27 practice arrangements authorized under this subsection. This
28 subsection (1)(s) does not apply to certified registered nurse
29 anesthetists.

30 (2) In the context of the definition of licensed practical nursing
31 practice, this chapter shall not be construed as:

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

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

37 (c) Prohibiting the practice of practical nursing by students

1 enrolled in approved schools as may be incidental to their course of
2 study or prohibiting the students from working as nursing assistants;

3 (d) Prohibiting auxiliary services provided by persons carrying out
4 duties necessary for the support of nursing services, including those
5 duties that involve minor nursing services for persons performed in
6 hospitals, nursing homes, or elsewhere under the direction of licensed
7 physicians or the supervision of licensed registered nurses;

8 (e) Prohibiting or preventing the practice of nursing in this state
9 by a legally qualified nurse of another state or territory whose
10 engagement requires him or her to accompany and care for a patient
11 temporarily residing in this state during the period of one such
12 engagement, not to exceed six months in length, if the person does not
13 represent or hold himself or herself out as a licensed practical nurse
14 licensed to practice in this state;

15 (f) Prohibiting nursing or care of the sick, with or without
16 compensation, when done in connection with the practice of the
17 religious tenets of a church by adherents of the church so long as they
18 do not engage in licensed practical nurse practice as defined in this
19 chapter;

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

24 **Sec. 7.** RCW 18.130.040 and 2002 c 223 s 6 and 2002 c 216 s 11 are
25 each reenacted and amended to read as follows:

26 (1) This chapter applies only to the secretary and the boards and
27 commissions having jurisdiction in relation to the professions licensed
28 under the chapters specified in this section. This chapter does not
29 apply to any business or profession not licensed under the chapters
30 specified in this section.

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

- 33 (i) Dispensing opticians licensed under chapter 18.34 RCW;
- 34 (ii) Naturopaths licensed under chapter 18.36A RCW;
- 35 (iii) Midwives licensed under chapter 18.50 RCW;
- 36 (iv) Ocularists licensed under chapter 18.55 RCW;

1 (v) Massage operators and businesses licensed under chapter 18.108
2 RCW;

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

4 (vii) Acupuncturists licensed under chapter 18.06 RCW;

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

7 (ix) Respiratory care practitioners licensed under chapter 18.89
8 RCW;

9 (x) Persons registered under chapter 18.19 RCW;

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

12 (xii) Persons registered as nursing pool operators under chapter
13 18.52C RCW;

14 (xiii) Nursing assistants registered or certified under chapter
15 18.88A RCW;

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

17 (xv) Dietitians and nutritionists certified under chapter 18.138
18 RCW;

19 (xvi) Chemical dependency professionals certified under chapter
20 18.205 RCW;

21 (xvii) Sex offender treatment providers certified under chapter
22 18.155 RCW;

23 (xviii) Persons licensed and certified under chapter 18.73 RCW or
24 RCW 18.71.205;

25 (xix) Denturists licensed under chapter 18.30 RCW;

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

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

28 and

29 (xxii) Recreational therapists.

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

32 (i) The podiatric medical board as established in chapter 18.22
33 RCW;

34 (ii) The chiropractic quality assurance commission as established
35 in chapter 18.25 RCW;

36 (iii) The dental quality assurance commission as established in
37 chapter 18.32 RCW;

1 (iv) The board of hearing and speech as established in chapter
2 18.35 RCW;

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

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

7 (vii) The board of osteopathic medicine and surgery as established
8 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
9 18.57A RCW;

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

12 (ix) The medical quality assurance commission as established in
13 chapter 18.71 RCW governing licenses and registrations issued under
14 chapters 18.71 and 18.71A RCW;

15 (x) The board of physical therapy as established in chapter 18.74
16 RCW;

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

19 (xii) The nursing care quality assurance commission as established
20 in chapter 18.79 RCW governing licenses and registrations issued under
21 that chapter;

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

24 (xiv) The veterinary board of governors as established in chapter
25 18.92 RCW.

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

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

1 NEW SECTION. **Sec. 8.** A new section is added to chapter 70.41 RCW
2 to read as follows:

3 The department shall investigate complaints of violations of
4 sections 3 and 4 of this act by an employer. The department shall
5 maintain records of all employers that have violated sections 3 and 4
6 of this act.

7 NEW SECTION. **Sec. 9.** A new section is added to chapter 18.51 RCW
8 to read as follows:

9 The department shall investigate complaints of violations of
10 sections 3 and 4 of this act by an employer. The department shall
11 maintain records of all employers that have violated sections 3 and 4
12 of this act.

13 NEW SECTION. **Sec. 10.** Sections 1 through 5 of this act are each
14 added to chapter 18.79 RCW.

15 NEW SECTION. **Sec. 11.** If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected.

19 NEW SECTION. **Sec. 12.** This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of the
21 state government and its existing public institutions, and takes effect
22 immediately.

 Passed by the Senate April 21, 2003.
 Passed by the House April 11, 2003.
 Approved by the Governor May 12, 2003.
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