

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 6554

Chapter 262, Laws of 2004

58th Legislature
2004 Regular Session

HEALTH CARE PROVIDERS

EFFECTIVE DATE: 6/10/04 - Except sections 13 and 14, which become effective 3/31/04.

Passed by the Senate March 10, 2004
YEAS 47 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 3, 2004
YEAS 96 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

CERTIFICATE

I, Milton H. Doumit, Jr., Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6554** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MILTON H. DOUMIT JR.

Secretary

Approved March 31, 2004.

FILED

March 31, 2004 - 3:12 p.m.

GARY F. LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6554

AS AMENDED BY THE HOUSE

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Franklin, Parlette, Keiser, Winsley and Thibaudeau; by request of Department of Health)

READ FIRST TIME 02/06/04.

1 AN ACT Relating to eliminating credentialing barriers for health
2 professions; amending RCW 18.06.050, 18.29.190, 18.29.180, 18.34.070,
3 18.79.160, 18.83.050, 18.83.070, 18.83.072, 18.83.082, 18.83.170,
4 18.89.050, and 18.89.110; adding a new section to chapter 18.79 RCW;
5 creating a new section; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that the health care
8 work force shortage is contributing to the health care crisis. The
9 legislature also finds that some unnecessary barriers exist that slow
10 or prevent qualified applicants from becoming credentialed health care
11 providers. The legislature further finds that eliminating these
12 initial barriers to licensure will contribute to state initiatives
13 directed toward easing the health care personnel shortage in
14 Washington.

15 **Sec. 2.** RCW 18.06.050 and 1991 c 3 s 7 are each amended to read as
16 follows:

17 Any person seeking to be examined shall present to the secretary at
18 least forty-five days before the commencement of the examination:

1 (1) A written application on a form or forms provided by the
2 secretary setting forth under affidavit such information as the
3 secretary may require; and

4 (2) Proof that the candidate has:

5 (a) Successfully completed a course, approved by the secretary, of
6 didactic training in basic sciences and acupuncture over a minimum
7 period of two academic years. The training shall include such subjects
8 as anatomy, physiology, (~~bacteriology,~~) microbiology, biochemistry,
9 pathology, hygiene, and a survey of western clinical sciences. The
10 basic science classes must be equivalent to those offered at the
11 collegiate level. However, if the applicant is a licensed chiropractor
12 under chapter 18.25 RCW or a naturopath licensed under chapter 18.36A
13 RCW, the requirements of this subsection relating to basic sciences may
14 be reduced by up to one year depending upon the extent of the
15 candidate's qualifications as determined under rules adopted by the
16 secretary;

17 (b) Successfully completed (~~a course, approved by the secretary,~~)
18 five hundred hours of clinical training in acupuncture (~~over a minimum~~
19 ~~period of one academic year. The training shall include a minimum of:~~
20 ~~(i) Twenty nine quarter credits of supervised practice, consisting of~~
21 ~~at least four hundred separate patient treatments involving a minimum~~
22 ~~of one hundred different patients, and (ii) one hundred hours or nine~~
23 ~~quarter credits of observation which shall include case presentation~~
24 ~~and discussion)) that is approved by the secretary.~~

25 **Sec. 3.** RCW 18.29.190 and 1993 c 323 s 2 are each amended to read
26 as follows:

27 (1) The department shall issue (~~a temporary~~) an initial limited
28 license without the examination required by this chapter to any
29 applicant who, as determined by the secretary:

30 (a) Holds a valid license in another state that allows the scope of
31 practice in subsection (3) (a) through (j) of this section;

32 (b) Is currently engaged in active practice in another state. For
33 the purposes of this section, "active practice" means five hundred
34 sixty hours of practice in the preceding twenty-four months;

35 (c) Files with the secretary documentation certifying that the
36 applicant:

1 (i) Has graduated from an accredited dental hygiene school approved
2 by the secretary;

3 (ii) Has successfully completed the dental hygiene national board
4 examination; and

5 (iii) Is licensed to practice in another state;

6 (d) Provides information as the secretary deems necessary
7 pertaining to the conditions and criteria of the uniform disciplinary
8 act, chapter 18.130 RCW;

9 (e) Demonstrates to the secretary a knowledge of Washington state
10 law pertaining to the practice of dental hygiene, including the
11 administration of legend drugs;

12 (f) Pays any required fees; and

13 (g) Meets requirements for AIDS education.

14 (2) The term of the (~~temporary~~) initial limited license issued
15 under this section is eighteen months and it is (~~nonrenewable~~)
16 renewable upon demonstration of successful passage of the examination
17 for administering local anesthetic and nitrous oxide/oxygen analgesia.

18 (3) A person practicing with (~~a temporary~~) an initial limited
19 license granted under this section has the authority to perform hygiene
20 procedures that are limited to:

21 (a) Oral inspection and measuring of periodontal pockets;

22 (b) Patient education in oral hygiene;

23 (c) Taking intra-oral and extra-oral radiographs;

24 (d) Applying topical preventive or prophylactic agents;

25 (e) Polishing and smoothing restorations;

26 (f) Oral prophylaxis and removal of deposits and stains from the
27 surface of the teeth;

28 (g) Recording health histories;

29 (h) Taking and recording blood pressure and vital signs;

30 (i) Performing subgingival and supragingival scaling; and

31 (j) Performing root planing.

32 (4)(a) A person practicing with (~~a temporary~~) an initial limited
33 license granted under this section may not perform the following dental
34 hygiene procedures unless authorized in (b) or (c) of this subsection:

35 (i) Give injections of local anesthetic;

36 (ii) Place restorations into the cavity prepared by a licensed
37 dentist and afterwards carve, contour, and adjust contacts and
38 occlusion of the restoration;

1 (iii) Soft tissue curettage; or

2 (iv) Administer nitrous oxide/oxygen analgesia.

3 (b) A person licensed in another state who can demonstrate
4 substantively equivalent licensing standards in the administration of
5 local anesthetic may receive a temporary endorsement to administer
6 local anesthesia.

7 (c) A person licensed in another state who can demonstrate
8 substantively equivalent licensing standards in restorative procedures
9 may receive a temporary endorsement for restorative procedures.

10 (5)(a) A person practicing with a renewed limited license granted
11 under this section may:

12 (i) Perform hygiene procedures as provided under subsection (3) of
13 this section;

14 (ii) Give injections of local anesthetic;

15 (iii) Perform soft tissue curettage; and

16 (iv) Administer nitrous oxide/oxygen analgesia.

17 (b) A person practicing with a renewed limited license granted
18 under this section may not place restorations into the cavity prepared
19 by a licensed dentist and afterwards carve, contour, and adjust
20 contacts and occlusion of the restoration.

21 **Sec. 4.** RCW 18.29.180 and 1991 c 3 s 57 are each amended to read
22 as follows:

23 The following practices, acts, and operations are excepted from the
24 operation of this chapter:

25 (1) The practice of dental hygiene in the discharge of official
26 duties by dental hygienists in the United States armed services, coast
27 guard, public health services, veterans' bureau, or bureau of Indian
28 affairs;

29 (2) Dental hygiene programs approved by the secretary and the
30 practice of dental hygiene by students in dental hygiene programs
31 approved by the secretary, when acting under the direction and
32 supervision of persons licensed under chapter 18.29 or 18.32 RCW acting
33 as instructors;

34 (3) The practice of dental hygiene by students in accredited dental
35 hygiene educational programs when acting under the direction and
36 supervision of instructors licensed under chapter 18.29 or 18.32 RCW.

1 **Sec. 5.** RCW 18.34.070 and 1991 c 3 s 76 are each amended to read
2 as follows:

3 Any applicant for a license shall be examined if he or she pays an
4 examination fee determined by the secretary as provided in RCW
5 43.70.250 and certifies under oath that he or she:

6 (1) Is eighteen years or more of age; and

7 (2) Has graduated from an accredited high school; and

8 (3) ~~((Is a citizen of the United States or has declared his or her
9 intention of becoming such citizen in accordance with law; and~~

10 ~~(4))~~) Is of good moral character; and

11 ~~((5))~~) (4) Has either:

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

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

15 (c) Been principally engaged in practicing as a dispensing optician
16 not in the state of Washington for five years.

17 **Sec. 6.** RCW 18.79.160 and 1994 sp.s. c 9 s 416 are each amended to
18 read as follows:

19 (1) An applicant for a license to practice as a registered nurse
20 shall submit to the commission:

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

22 (b) ~~((Written))~~ An official ~~((evidence of a diploma from))~~
23 transcript demonstrating graduation and successful completion of an
24 approved ~~((school))~~ program of nursing; and

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

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

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

29 (b) ~~((Written))~~ An official ~~((evidence of))~~ transcript
30 demonstrating graduation and successful completion of an advanced
31 registered nurse practitioner ~~((training))~~ program meeting criteria
32 established by the commission; and

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

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

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

1 (b) Written official evidence that the applicant is over the age of
2 eighteen;

3 (c) (~~Written official evidence of a high school diploma or general~~
4 ~~education development certificate or diploma;~~

5 ~~(d) Written~~) An official ((evidence of completion of)) transcript
6 demonstrating graduation and successful completion of an approved
7 practical nursing program, or its equivalent; and

8 ((~~e~~)) (d) Any other official records specified by the commission.

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

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

15 NEW SECTION. Sec. 7. A new section is added to chapter 18.79 RCW
16 to read as follows:

17 A licensed practical nurse with an active license who has completed
18 the coursework of a nontraditional registered nurse program approved by
19 the commission can obtain the required clinical experience when: (1)
20 The experience is obtained under the immediate supervision of a
21 registered nurse who agrees to act as the preceptor with the
22 understanding that the licensed practical nurse is practicing under the
23 preceptor's registered nurse license. The preceptor must have an
24 unrestricted license with at least two years of clinical practice in
25 the same type of practice setting where the preceptorship will occur;
26 and (2) the experience is obtained within six months of completion of
27 the approved nontraditional program.

28 **Sec. 8.** RCW 18.83.050 and 1994 c 35 s 2 are each amended to read
29 as follows:

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

32 (2) The board shall examine the qualifications of applicants for
33 licensing under this chapter, to determine which applicants are
34 eligible for licensing under this chapter and shall forward to the
35 secretary the names of applicants so eligible.

1 (3) The board shall administer examinations to qualified applicants
2 on at least an annual basis. The board shall determine the subject
3 matter and scope of the examination(~~(s and shall require both written~~
4 ~~and oral examinations of each applicant)~~), except as provided in RCW
5 18.83.170. The board may allow applicants to take the ((~~written~~))
6 examination upon the granting of their doctoral degree before
7 completion of their internship for supervised experience.

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

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

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

19 **Sec. 9.** RCW 18.83.070 and 1995 c 198 s 11 are each amended to read
20 as follows:

21 An applicant for a license as "psychologist" must submit proof to
22 the board that:

23 (1) The applicant is of good moral character.

24 (2) The applicant holds a doctoral degree from a regionally
25 accredited institution, obtained from an integrated program of graduate
26 study in psychology as defined by rules of the board.

27 (3) The applicant has had no fewer than two years of supervised
28 experience(~~(, at least one of which shall have been obtained subsequent~~
29 ~~to the granting of the doctoral degree)~~). The board shall adopt rules
30 defining the circumstances under which supervised experience shall
31 qualify the candidate for licensure.

32 (4) The applicant has passed the ((~~written or oral~~)) examination or
33 examinations(~~(, or both, as prescribed)~~) required by the board.

34 Any person holding a valid license to practice psychology in the
35 state of Washington on June 7, 1984, shall be considered licensed under
36 this chapter.

1 **Sec. 10.** RCW 18.83.072 and 1996 c 191 s 65 are each amended to
2 read as follows:

3 (1) Examination of applicants shall be held in Olympia, Washington,
4 or at such other place as designated by the secretary, at least
5 annually at such times as the board may determine.

6 (2) ~~((Any applicant shall have the right to discuss with the board
7 his or her performance on the examination.~~

8 (3)) Any applicant who fails to make a passing grade on the
9 examination may be allowed to retake the examination. Any applicant
10 who fails the examination a second time must obtain special permission
11 from the board to take the examination again.

12 ((4)) (3) The board may approve an examination prepared or
13 administered by a private testing agency or association of licensing
14 authorities.

15 **Sec. 11.** RCW 18.83.082 and 1996 c 191 s 67 are each amended to
16 read as follows:

17 A person, not licensed in this state, who wishes to perform
18 practices under the provisions of this chapter for a period not to
19 exceed ninety days within a calendar year, must petition the board for
20 a temporary permit to perform such practices. If the person is
21 licensed or certified in another state deemed by the board to have
22 standards equivalent to this chapter, or if the person is a member of
23 a professional organization and holds a certificate deemed by the board
24 to meet standards equivalent to this chapter, a permit may be issued.
25 No fee shall be charged for such temporary permit.

26 **Sec. 12.** RCW 18.83.170 and 1996 c 191 s 70 are each amended to
27 read as follows:

28 Upon compliance with administrative procedures, administrative
29 requirements, and fees determined under RCW 43.70.250 and 43.70.280,
30 the board may grant a license, without ~~((written))~~ oral examination, to
31 any applicant who has not previously failed any examination held by the
32 board of psychology of the state of Washington and furnishes evidence
33 satisfactory to the board that the applicant:

34 (1) Holds a doctoral degree with primary emphasis on psychology
35 from an accredited college or university; and

1 (2)(a) Is licensed or certified to practice psychology in another
2 state or country in which the requirements for such licensing or
3 certification are, in the judgment of the board, essentially equivalent
4 to those required by this chapter and the rules and regulations of the
5 board. Such individuals must have been licensed or certified in
6 another state for a period of at least two years; or

7 ~~((3))~~ (b) Is a diplomate in good standing of the American Board
8 of Examiners in Professional Psychology; or

9 (c) Is a member of a professional organization and holds a
10 certificate deemed by the board to meet standards equivalent to this
11 chapter.

12 **Sec. 13.** RCW 18.89.050 and 1997 c 334 s 5 are each amended to read
13 as follows:

14 (1) In addition to any other authority provided by law, the
15 secretary may:

16 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to
17 implement this chapter;

18 (b) Set all license, examination, and renewal fees in accordance
19 with RCW 43.70.250;

20 (c) Establish forms and procedures necessary to administer this
21 chapter;

22 (d) Issue a license to any applicant who has met the education,
23 training, and examination requirements for licensure;

24 (e) Hire clerical, administrative, and investigative staff as
25 needed to implement this chapter and hire individuals licensed under
26 this chapter to serve as examiners for any practical examinations;

27 (f) Approve those schools from which graduation will be accepted as
28 proof of an applicant's eligibility to take the licensure examination,
29 specifically requiring that applicants must have completed ~~((programs))~~
30 an accredited respiratory program with two-year curriculum;

31 (g) Prepare, grade, and administer, or determine the nature of, and
32 supervise the grading and administration of, examinations for
33 applicants for licensure;

34 (h) Determine whether alternative methods of training are
35 equivalent to formal education and establish forms, procedures, and
36 criteria for evaluation of an applicant's alternative training to
37 determine the applicant's eligibility to take the examination;

1 (i) Determine which states have legal credentialing requirements
2 equivalent to those of this state and issue licenses to individuals
3 legally credentialed in those states without examination;

4 (j) Define and approve any experience requirement for licensure;
5 and

6 (k) Appoint members of the profession to serve in an ad hoc
7 advisory capacity to the secretary in carrying out this chapter. The
8 members will serve for designated times and provide advice on matters
9 specifically identified and requested by the secretary. The members
10 shall be compensated in accordance with RCW 43.03.220 and reimbursed
11 for travel expenses under RCW 43.03.040 and 43.03.060.

12 (2) The provisions of chapter 18.130 RCW shall govern the issuance
13 and denial of licenses, unlicensed practice, and the disciplining of
14 persons licensed under this chapter. The secretary shall be the
15 disciplining authority under this chapter.

16 **Sec. 14.** RCW 18.89.110 and 1997 c 334 s 9 are each amended to read
17 as follows:

18 (1) The date and location of the examination shall be established
19 by the secretary. Applicants who have been found by the secretary to
20 meet the other requirements for licensure shall be scheduled for the
21 next examination following the filing of the application. However, the
22 applicant shall not be scheduled for any examination taking place
23 sooner than sixty days after the application is filed.

24 (2) The secretary shall examine each applicant, by means determined
25 most effective, on subjects appropriate to the scope of practice. Such
26 examinations shall be limited to the purpose of determining whether the
27 applicant possesses the minimum skill and knowledge necessary to
28 practice competently, and shall meet generally accepted standards of
29 fairness and validity for licensure examinations.

30 (3) All examinations shall be conducted by the secretary, and all
31 grading of the examinations shall be under fair and wholly impartial
32 methods.

33 (4) Any applicant who fails to make the required grade in the first
34 examination is entitled to take up to three subsequent examinations,
35 upon compliance with administrative procedures, administrative
36 requirements, and fees determined by the secretary under RCW 43.70.250
37 and 43.70.280 and such remedial education as is deemed necessary.

1 (5) Applicants who meet the educational criteria as established by
2 the national board for respiratory care to sit for the national board
3 for respiratory care's advanced practitioner exams, or who have been
4 issued the registered respiratory therapist credential by the national
5 board for respiratory care, shall be considered to have met the
6 educational criteria of this chapter, provided the criteria and
7 credential continue to be recognized by the secretary as equal to or
8 greater than the licensure standards in Washington. Applicants must
9 have verification submitted directly from the national board for
10 respiratory care to the department.

11 (6) The secretary may approve an examination prepared and
12 administered by a private testing agency or association of
13 credentialing boards for use by an applicant in meeting the licensure
14 requirement.

15 NEW SECTION. Sec. 15. Sections 13 and 14 of this act are
16 necessary for the immediate preservation of the public peace, health,
17 or safety, or support of the state government and its existing public
18 institutions, and take effect immediately.

Passed by the Senate March 10, 2004.

Passed by the House March 3, 2004.

Approved by the Governor March 31, 2004.

Filed in Office of Secretary of State March 31, 2004.