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SENATE BILL 6034

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State of Washington

60th Legislature

2007 Regular Session

By Senators Swecker and Delvin

Read first time 02/14/2007. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to complementary and alternative health care  
2 practitioners; amending RCW 18.71.030; creating a new section;  
3 providing an effective date; and declaring an emergency.

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

5 **Sec. 1.** RCW 18.71.030 and 1996 c 178 s 4 are each amended to read  
6 as follows:

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

10 (1) The furnishing of medical assistance in cases of emergency  
11 requiring immediate attention;

12 (2) The domestic administration of family remedies;

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

16 (4) The practice of dentistry, osteopathic medicine and surgery,  
17 nursing, chiropractic, podiatric medicine and surgery, optometry,  
18 naturopathy, or any other healing art licensed under the methods or  
19 means permitted by such license;

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

7 (6) The practice of medicine by any practitioner licensed by  
8 another state or territory in which he or she resides, provided that  
9 such practitioner shall not open an office or appoint a place of  
10 meeting patients or receiving calls within this state;

11 (7) The practice of medicine by a person who is a regular student  
12 in a school of medicine approved and accredited by the commission,  
13 however, the performance of such services be only pursuant to a regular  
14 course of instruction or assignments from his or her instructor, or  
15 that such services are performed only under the supervision and control  
16 of a person licensed pursuant to this chapter;

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

22 (9) The practice of medicine by a person who is regularly enrolled  
23 in a physician assistant program approved by the commission, however,  
24 the performance of such services shall be only pursuant to a regular  
25 course of instruction in said program and such services are performed  
26 only under the supervision and control of a person licensed pursuant to  
27 this chapter;

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

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

35 (12) The administration of nondental anesthesia by a dentist who  
36 has completed a residency in anesthesiology at a school of medicine  
37 approved by the commission, however, a dentist allowed to administer  
38 nondental anesthesia shall do so only under authorization of the

1 patient's attending surgeon, obstetrician, or psychiatrist, and the  
2 commission has jurisdiction to discipline a dentist practicing under  
3 this exemption and enjoin or suspend such dentist from the practice of  
4 nondental anesthesia according to this chapter and chapter 18.130 RCW;

5 (13) Emergency lifesaving service rendered by a physician's trained  
6 emergency medical service intermediate life support technician and  
7 paramedic, as defined in RCW 18.71.200, if the emergency lifesaving  
8 service is rendered under the responsible supervision and control of a  
9 licensed physician;

10 (14) The provision of clean, intermittent bladder catheterization  
11 for students by public school district employees or private school  
12 employees as provided for in RCW 18.79.290 and 28A.210.280;

13 (15) The provision of complementary and alternative health care  
14 treatments or the provision of health care advice regarding the human  
15 body and its functions by an unlicensed health care practitioner,  
16 including but not limited to the use of:

17 (a) Natural elements such as air, heat, water, and light;

18 (b) Class I or class II nonprescriptive medical devices as defined  
19 in section 513 of the food, drug, and cosmetic act;

20 (c) Vitamins, minerals, herbs, natural food products and their  
21 extracts, nutritional supplements, and dietary supplements as defined  
22 by the federal food and drug administration;

23 (d) Homeopathic remedies;

24 (e) Detoxification practices, including but not limited to colon  
25 hydrotherapy and oxidative therapies; and

26 (f) Traditional cultural practices;

27 (16) The provision of complementary and alternative health care  
28 treatments or the provision of health care advice regarding the human  
29 body and its functions by an unlicensed health care practitioner as  
30 long as the unlicensed practitioner:

31 (a) Does not use legend drugs or prescription drugs in such a  
32 practice;

33 (b) Does not recommend the discontinuance of legend drugs or  
34 prescription drugs or controlled substances prescribed by an  
35 appropriately licensed practitioner;

36 (c) Does not render services that constitute the performance of  
37 surgery or any other procedure that severs or penetrates the tissues of

1 human beings except for finger pricking for screening purposes.  
2 Penetration of natural body cavities is not penetration of tissue;  
3 (d) Does not set fractures;  
4 (e) Does not treat lacerations or abrasions through electrotherapy;  
5 (f) Does not administer or prescribe X-ray radiation; and  
6 (g) Does not willfully diagnose or treat a physical or mental  
7 condition of any person that causes serious bodily or mental harm or  
8 has the potential for such harm that is easily recognizable and not  
9 remote or dependent upon tenuous argument; and is proven by clear and  
10 convincing evidence. Delay of conventional allopathic treatments alone  
11 cannot be determined to be, or potentially to be, serious bodily or  
12 mental harm;  
13 (17) The provision of complementary and alternative health care  
14 treatments or the provision of health care advice regarding the human  
15 body and its functions by an unlicensed health care practitioner, as  
16 long as each person receiving such services signs a declaration of  
17 disclosure that includes an overview of the health care practitioner's  
18 education and states that the health care practitioner is not an "M.D."  
19 or other licensed health care practitioner.

20 NEW SECTION. Sec. 2. Any pending investigations or disciplinary  
21 actions that would not or could not be brought under the provisions of  
22 this act must be dismissed. Any disciplinary sanctions that have been  
23 imposed that could not have been imposed under the provisions of this  
24 act are revoked and must be expunged without application by the  
25 unlicensed health care practitioner. To this extent, this act applies  
26 retroactively, but in all other respects it applies prospectively.

27 NEW SECTION. Sec. 3. This act is necessary for the immediate  
28 preservation of the public peace, health, or safety, or support of the  
29 state government and its existing public institutions, and takes effect  
30 June 1, 2007.

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