

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 1899

61st Legislature
2009 Regular Session

Passed by the House April 20, 2009
Yeas 93 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 8, 2009
Yeas 44 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1899** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1899

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By House Health & Human Services Appropriations (originally sponsored by Representatives Warnick and Hinkle)

READ FIRST TIME 03/02/09.

1 AN ACT Relating to physicians holding a retired active license;
2 amending RCW 18.71.080, 18.130.250, and 43.70.110; adding a new section
3 to chapter 18.71 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that increasing the
6 number of retired physicians who provide volunteer health care services
7 is a cost-effective way to improve access to health care for many
8 citizens of this state. Physicians holding a retired active license
9 must currently meet many of the same requirements as physicians in
10 active practice, including at least fifty hours of continuing education
11 a year, despite the fact that retired active physicians may only
12 practice a maximum of ninety days a year, are limited to providing
13 primary care services, and are limited to providing such services only
14 in community clinics that are operated by public or private tax-exempt
15 corporations. This presents both financial and practical barriers for
16 retired physicians who wish to provide health care services on a
17 volunteer basis, barriers that are not as stringent in other states
18 that provide similar licenses for retired physicians. It is therefore

1 the intent of the legislature to ease some of these barriers in a
2 manner that does not adversely affect public safety.

3 **Sec. 2.** RCW 18.71.080 and 1996 c 191 s 52 are each amended to read
4 as follows:

5 Every person licensed to practice medicine in this state shall pay
6 licensing fees and renew his or her license in accordance with
7 administrative procedures and administrative requirements adopted as
8 provided in RCW 43.70.250 and 43.70.280. A physician who resides and
9 practices in Washington and obtains or renews a retired active license
10 shall be exempt from licensing fees imposed under this section. The
11 commission may establish rules governing mandatory continuing education
12 requirements which shall be met by physicians applying for renewal of
13 licenses. The rules shall provide that mandatory continuing education
14 requirements may be met in part by physicians showing evidence of the
15 completion of approved activities relating to professional liability
16 risk management. The number of hours of continuing education for a
17 physician holding a retired active license shall not exceed fifty hours
18 per year. The commission, in its sole discretion, may permit an
19 applicant who has not renewed his or her license 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. 3.** RCW 18.130.250 and 1991 c 229 s 1 are each amended to read
24 as follows:

25 The disciplining authority may adopt rules pursuant to this section
26 authorizing a retired active license status. An individual
27 credentialed by a disciplining authority regulated in the state under
28 RCW 18.130.040, who is practicing only in emergent or intermittent
29 circumstances as defined by rule established by the disciplining
30 authority, may hold a retired active license at a reduced renewal fee
31 established by the secretary under RCW 43.70.250 or, for a physician
32 regulated pursuant to chapter 18.71 RCW who resides and practices in
33 Washington and holds a retired active license, at no renewal fee.
34 Except as provided in RCW 18.71.080, such a license shall meet the
35 continuing education or continued competency requirements, if any,
36 established by the disciplining authority for renewals, and is subject

1 to the provisions of this chapter. Individuals who have entered into
2 retired status agreements with the disciplinary authority in any
3 jurisdiction shall not qualify for a retired active license under this
4 section.

5 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.71 RCW
6 to read as follows:

7 (1) The commission shall consider amending its rules on retired
8 active physicians in a manner that improves access to health care
9 services for the citizens of this state without compromising public
10 safety. When considering whether to amend its rules, the commission
11 shall, at a minimum, consider the following:

12 (a) Whether physicians holding retired active licenses should be
13 allowed to provide health care services beyond primary care;

14 (b) Whether physicians holding retired active licenses should be
15 allowed to provide health care services in settings beyond community
16 clinics operated by public or private tax-exempt corporations; and

17 (c) The number and type of continuing education hours that
18 physicians holding retired active licenses shall be required to obtain.

19 (2) The commission shall determine whether it will amend its rules
20 in the manner suggested by this section no later than November 15,
21 2009. If the commission determines that it will not amend its rules,
22 it shall provide a written explanation of its decision to the
23 appropriate committees of the legislature no later than December 1,
24 2009.

25 **Sec. 5.** RCW 43.70.110 and 2007 c 259 s 11 are each amended to read
26 as follows:

27 (1) The secretary shall charge fees to the licensee for obtaining
28 a license. Physicians regulated pursuant to chapter 18.71 RCW who
29 reside and practice in Washington and obtain or renew a retired active
30 license are exempt from such fees. After June 30, 1995, municipal
31 corporations providing emergency medical care and transportation
32 services pursuant to chapter 18.73 RCW shall be exempt from such fees,
33 provided that such other emergency services shall only be charged for
34 their pro rata share of the cost of licensure and inspection, if
35 appropriate. The secretary may waive the fees when, in the discretion

1 of the secretary, the fees would not be in the best interest of public
2 health and safety, or when the fees would be to the financial
3 disadvantage of the state.

4 (2) Except as provided in subsection (3) of this section, fees
5 charged shall be based on, but shall not exceed, the cost to the
6 department for the licensure of the activity or class of activities and
7 may include costs of necessary inspection.

8 (3) License fees shall include amounts in addition to the cost of
9 licensure activities in the following circumstances:

10 (a) For registered nurses and licensed practical nurses licensed
11 under chapter 18.79 RCW, support of a central nursing resource center
12 as provided in RCW 18.79.202, until June 30, 2013;

13 (b) For all health care providers licensed under RCW 18.130.040,
14 the cost of regulatory activities for retired volunteer medical worker
15 licensees as provided in RCW 18.130.360; and

16 (c) For physicians licensed under chapter 18.71 RCW, physician
17 assistants licensed under chapter 18.71A RCW, osteopathic physicians
18 licensed under chapter 18.57 RCW, osteopathic physicians' assistants
19 licensed under chapter 18.57A RCW, naturopaths licensed under chapter
20 18.36A RCW, podiatrists licensed under chapter 18.22 RCW, chiropractors
21 licensed under chapter 18.25 RCW, psychologists licensed under chapter
22 18.83 RCW, registered nurses licensed under chapter 18.79 RCW,
23 optometrists licensed under chapter 18.53 RCW, mental health counselors
24 licensed under chapter 18.225 RCW, massage therapists licensed under
25 chapter 18.108 RCW, clinical social workers licensed under chapter
26 18.225 RCW, and acupuncturists licensed under chapter 18.06 RCW, the
27 license fees shall include up to an additional twenty-five dollars to
28 be transferred by the department to the University of Washington for
29 the purposes of RCW 43.70.112.

30 (4) Department of health advisory committees may review fees
31 established by the secretary for licenses and comment upon the
32 appropriateness of the level of such fees.

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