

SHB 2227 - H AMD 1067

By Representative Cody

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that medical
4 assistants are health professionals specifically trained to work in
5 settings, such as physicians' offices, clinics, group practices, and
6 other health care facilities. These multiskilled personnel are trained
7 to perform administrative and clinical procedures under the supervision
8 of health care providers. Physicians value this unique versatility
9 more and more because of the skills of medical assistants and their
10 ability to contain costs and manage human resources efficiently. The
11 demand for medical assistants is expanding rapidly. The efficient and
12 effective delivery of health care in Washington will be improved by
13 recognizing the valuable contributions of medical assistants, and
14 providing statutory support for medical assistants in Washington state.
15 The legislature further finds that rural and small medical practices
16 and clinics may have limited access to formally trained medical
17 assistants.

18 NEW SECTION. **Sec. 2.** The definitions in this section apply
19 throughout this chapter unless the context clearly requires otherwise.

20 (1) "Delegation" means direct authorization granted by a licensed
21 health care practitioner to a medical assistant to perform the
22 functions authorized in this chapter which fall within the scope of
23 practice of the health care provider and the training and experience of
24 the medical assistant.

25 (2) "Department" means the department of health.

26 (3) "Health care practitioner" means:

27 (a) A physician licensed under chapter 18.71 RCW;

28 (b) An osteopathic physician or surgeon licensed under chapter
29 18.57 RCW; or

1 (c) Acting within the scope of their respective licensure, a
2 podiatric physician and surgeon licensed under chapter 18.22 RCW, a
3 registered nurse or advanced registered nurse practitioner licensed
4 under chapter 18.79 RCW, a naturopath licensed under chapter 18.36A
5 RCW, a physician assistant licensed under chapter 18.71A RCW, an
6 osteopathic physician assistant licensed under chapter 18.57A RCW, or
7 an optometrist licensed under chapter 18.53 RCW.

8 (4) "Medical assistant-certified" means a person certified under
9 section 5 of this act who assists a health care practitioner with
10 patient care, executes administrative and clinical procedures, and
11 performs functions as provided in section 6 of this act under the
12 supervision of the health care practitioner.

13 (5) "Medical assistant-hemodialysis technician" means a person
14 certified under section 4 of this act who performs hemodialysis and
15 other functions pursuant to section 6 of this act under the supervision
16 of the health care practitioner.

17 (6) "Medical assistant-phlebotomist" means a health care
18 practitioner certified under section 5 of this act who performs
19 capillary, venous, and arterial invasive procedures for blood
20 withdrawal and other functions pursuant to section 6 of this act under
21 the supervision of a health care practitioner.

22 (7) "Medical assistant-registered" means a person registered under
23 section 5 of this act who, pursuant to an endorsement by a health care
24 practitioner, clinic, or group practice, assists a health care
25 practitioner with patient care, executes administrative and clinical
26 procedures, and performs functions as provided in section 6 of this act
27 under the supervision of the health care practitioner.

28 (8) "Secretary" means the secretary of the department of health.

29 (9) "Supervision" means supervision of procedures permitted
30 pursuant to this chapter by a health care practitioner who is
31 physically present and is immediately available in the facility. The
32 health care practitioner does not need to be present during procedures
33 to withdraw blood, but must be immediately available.

34 NEW SECTION. **Sec. 3.** (1) No person may practice as a medical
35 assistant-certified, medical assistant-hemodialysis technician, or
36 medical assistant-phlebotomist unless he or she is certified under
37 section 5 of this act.

1 (2) No person may practice as a medical assistant-registered unless
2 he or she is registered under section 5 of this act.

3 NEW SECTION. **Sec. 4.** (1) The secretary shall adopt rules
4 specifying the minimum qualifications for a medical assistant-
5 certified, medical assistant-hemodialysis technician, and medical
6 assistant-phlebotomist. The qualifications for a medical assistant-
7 hemodialysis technician shall be equivalent to the qualifications for
8 hemodialysis technicians regulated pursuant to chapter 18.135 RCW as of
9 January 1, 2012.

10 (2) The secretary shall adopt rules that establish the minimum
11 requirements necessary for a health care practitioner, clinic, or group
12 practice to endorse a medical assistant as qualified to perform the
13 duties authorized by this chapter and be able to file an attestation of
14 that endorsement with the department.

15 (3) The medical quality assurance commission, the board of
16 osteopathic medicine and surgery, the podiatric medical board, the
17 nursing care quality assurance commission, the board of naturopathy,
18 and the optometry board shall each review and identify other specialty
19 assistive personnel not included in this chapter and the tasks they
20 perform. The department of health shall compile the information from
21 each disciplining authority listed in this subsection and submit the
22 compiled information to the legislature no later than December 15,
23 2012.

24 NEW SECTION. **Sec. 5.** (1)(a) The secretary shall issue a
25 certification as a medical assistant-certified to any person who has
26 satisfactorily completed a medical assistant training program approved
27 by the secretary, passed an examination approved by the secretary, and
28 met any additional qualifications established under section 4 of this
29 act.

30 (b) The secretary shall issue an interim certification to any
31 person who has met all of the qualifications in (a) of this subsection,
32 except for the passage of the examination. A person holding an interim
33 permit possesses the full scope of practice of a medical assistant-
34 certified. The interim permit expires upon passage of the examination
35 or after one year, whichever occurs first.

1 (2) The secretary shall issue a certification as a medical
2 assistant-hemodialysis technician to any person who meets the
3 qualifications for a medical assistant-hemodialysis technician
4 established under section 4 of this act.

5 (3) The secretary shall issue a certification as a medical
6 assistant-phlebotomist to any person who meets the qualifications for
7 a medical assistant-phlebotomist established under section 4 of this
8 act.

9 (4)(a) The secretary shall issue a registration as a medical
10 assistant-registered to any person who has a current endorsement from
11 a health care practitioner, clinic, or group practice.

12 (b) In order to be endorsed under this subsection (4), a person
13 must:

14 (i) Be endorsed by a health care practitioner, clinic, or group
15 practice that meets the qualifications established under section 4 of
16 this act; and

17 (ii) Have a current attestation of his or her endorsement to
18 perform specific medical tasks signed by a supervising health care
19 practitioner filed with the department. A medical assistant-registered
20 may only perform the medical tasks listed in his or her current
21 attestation of endorsement.

22 (c) A registration based on an endorsement by a health care
23 practitioner, clinic, or group practice is not transferrable to another
24 health care practitioner, clinic, or group practice.

25 (5) A certification issued under subsections (1) through (3) of
26 this section is transferrable between different practice settings.

27 NEW SECTION. **Sec. 6.** (1) A medical assistant-certified may
28 perform the following duties delegated by, and under the supervision
29 of, a health care practitioner:

30 (a) Fundamental procedures:

31 (i) Wrapping items for autoclaving;

32 (ii) Procedures for sterilizing equipment and instruments;

33 (iii) Disposing of biohazardous materials; and

34 (iv) Practicing standard precautions.

35 (b) Clinical procedures:

36 (i) Performing aseptic procedures;

37 (ii) Preparing of and assisting in sterile procedures;

1 (iii) Taking vital signs;
2 (iv) Preparing patients for examination;
3 (v) Capillary blood withdrawal, venipuncture, and intradermal,
4 subcutaneous, and intramuscular injections; and
5 (vi) Observing and reporting patients' signs or symptoms.
6 (c) Specimen collection:
7 (i) Capillary puncture and venipuncture;
8 (ii) Obtaining specimens for microbiological testing; and
9 (iii) Instructing patients in proper technique to collect urine and
10 fecal specimens.
11 (d) Diagnostic testing:
12 (i) Electrocardiography;
13 (ii) Respiratory testing; and
14 (iii) Tests waived under the federal clinical laboratory
15 improvement amendments program on the effective date of this section.
16 The department shall periodically update the tests authorized under
17 this subsection (1)(d) based on changes made by the federal clinical
18 laboratory improvement amendments program.
19 (e) Patient care:
20 (i) Telephone and in-person screening limited to intake and
21 gathering of information without requiring the exercise of judgment
22 based on medical knowledge;
23 (ii) Obtaining vital signs;
24 (iii) Obtaining and recording patient history;
25 (iv) Preparing and maintaining examination and treatment areas;
26 (v) Preparing patients for, and assisting with, routine and
27 specialty examinations, procedures, treatments, and minor office
28 surgeries;
29 (vi) Maintaining medication and immunization records; and
30 (vii) Screening and following up on test results as directed by a
31 health care practitioner.
32 (f)(i) Administering medications. A medical assistant-certified
33 may only administer medications if the drugs are:
34 (A) Administered only by unit or single dosage, or by a dosage
35 calculated by a health care practitioner. For purposes of this
36 section, a combination vaccine shall be considered a unit dose;
37 (B) Limited to legend drugs, vaccines, and Schedule III-V

1 controlled substances as authorized by a health care practitioner under
2 the scope of his or her license and consistent with rules adopted by
3 the secretary under (f)(ii) of this subsection; and

4 (C) Administered pursuant to a written order from a health care
5 practitioner.

6 (ii) The secretary may, by rule, limit the drugs that may be
7 administered under this subsection. The rules adopted under this
8 subsection must limit the drugs based on risk, class, or route.

9 (g) Intravenous injections. A medical assistant-certified may
10 administer intravenous injections for diagnostic or therapeutic agents
11 if he or she meets minimum standards established by the secretary in
12 rule. The minimum standards must be substantially similar to the
13 qualifications for category D and F health care assistants as they
14 exist on the effective date of this section.

15 (2) A medical assistant-hemodialysis technician may perform
16 hemodialysis when delegated and supervised by a health care
17 practitioner. A medical assistant-hemodialysis technician may also
18 administer drugs and oxygen to a patient when delegated and supervised
19 by a health care practitioner and pursuant to rules adopted by the
20 secretary.

21 (3) A medical assistant-phlebotomist may perform capillary, venous,
22 or arterial invasive procedures for blood withdrawal when delegated and
23 supervised by a health care practitioner and pursuant to rules adopted
24 by the secretary.

25 (4) A medical assistant-registered may perform the following duties
26 delegated by, and under the supervision of, a health care practitioner:

27 (a) Fundamental procedures:

28 (i) Wrapping items for autoclaving;

29 (ii) Procedures for sterilizing equipment and instruments;

30 (iii) Disposing of biohazardous materials; and

31 (iv) Practicing standard precautions.

32 (b) Clinical procedures:

33 (i) Preparing for sterile procedures;

34 (ii) Taking vital signs;

35 (iii) Preparing patients for examination; and

36 (iv) Observing and reporting patients' signs or symptoms.

37 (c) Specimen collection:

38 (i) Obtaining specimens for microbiological testing; and

1 (ii) Instructing patients in proper technique to collect urine and
2 fecal specimens.

3 (d) Patient care:

4 (i) Telephone and in-person screening limited to intake and
5 gathering of information without requiring the exercise of judgment
6 based on medical knowledge;

7 (ii) Obtaining vital signs;

8 (iii) Obtaining and recording patient history;

9 (iv) Preparing and maintaining examination and treatment areas;

10 (v) Maintaining medication and immunization records; and

11 (vi) Screening and following up on test results as directed by a
12 health care practitioner.

13 (e) Tests waived under the federal clinical laboratory improvement
14 amendments program on the effective date of this section. The
15 department shall periodically update the tests authorized under
16 subsection (1)(d) of this section based on changes made by the federal
17 clinical laboratory improvement amendments program.

18 (f) Administering vaccines, including combination vaccines.

19 NEW SECTION. **Sec. 7.** (1) Prior to delegation of any of the
20 functions in section 6 of this act, a health care practitioner shall
21 determine to the best of his or her ability each of the following:

22 (a) That the task is within that health care practitioner's scope
23 of licensure or authority;

24 (b) That the task is indicated for the patient;

25 (c) The appropriate level of supervision;

26 (d) That no law prohibits the delegation;

27 (e) That the person to whom the task will be delegated is competent
28 to perform that task; and

29 (f) That the task itself is one that should be appropriately
30 delegated when considering the following factors:

31 (i) That the task can be performed without requiring the exercise
32 of judgment based on clinical knowledge;

33 (ii) That results of the task are reasonably predictable;

34 (iii) That the task can be performed without a need for complex
35 observations or critical decisions;

36 (iv) That the task can be performed without repeated medical
37 assessments; and

1 (v) That the task, if performed improperly, would not present life-
2 threatening consequences or the danger of immediate and serious harm to
3 the patient.

4 (2) Nothing in this section prohibits the use of protocols that do
5 not involve clinical judgment and do not involve the administration of
6 medications, other than vaccines.

7 NEW SECTION. **Sec. 8.** (1) In addition to any other authority
8 provided by law, the secretary may:

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

11 (b) Establish forms and procedures necessary to administer this
12 chapter;

13 (c) Establish administrative procedures, administrative
14 requirements, and fees in accordance with RCW 43.70.250 and 43.70.280.
15 Until July 1, 2016, for purposes of setting fees under this section,
16 the secretary shall consider persons registered or certified under this
17 chapter and health care assistants, certified under chapter 18.135 RCW,
18 as one profession;

19 (d) Hire clerical, administrative, and investigative staff as
20 needed to implement and administer this chapter;

21 (e) Maintain the official department of health record of all
22 applicants and credential holders; and

23 (f) Establish requirements and procedures for an inactive
24 registration or certification.

25 (2) The uniform disciplinary act, chapter 18.130 RCW, governs
26 unlicensed practice, the issuance and denial of a registration or
27 certification, and the discipline of persons registered or certified
28 under this chapter.

29 NEW SECTION. **Sec. 9.** (1) The department may not issue new
30 certifications for category C, D, E, or F health care assistants on or
31 after the effective date of this section. The department shall certify
32 a category C, D, E, or F health care assistant who was certified prior
33 to the effective date of this section as a medical assistant-certified
34 when he or she renews his or her certification.

35 (2) The department may not issue new certifications for category G
36 health care assistants on or after the effective date of this section.

1 The department shall certify a category G health care assistant who was
2 certified prior to the effective date of this section as a medical
3 assistant-hemodialysis technician when he or she renews his or her
4 certification.

5 (3) The department may not issue new certifications for category A
6 or B health care assistants on or after the effective date of this
7 section. The department shall certify a category A or B health care
8 assistant who was certified prior to the effective date of this section
9 as a medical assistant-phlebotomist when he or she renews his or her
10 certification.

11 NEW SECTION. **Sec. 10.** Nothing in this chapter prohibits or
12 affects:

13 (1) A person licensed under this title performing services within
14 his or her scope of practice;

15 (2) A person performing functions in the discharge of official
16 duties on behalf of the United States government including, but not
17 limited to, the armed forces, coast guard, public health service,
18 veterans' bureau, or bureau of Indian affairs;

19 (3) A person trained by a federally approved end-stage renal
20 disease facility who performs end-stage renal dialysis in the home
21 setting;

22 (4) A person registered or certified under this chapter from
23 performing blood-drawing procedures in the residences of research study
24 participants when the procedures have been authorized by the
25 institutional review board of a comprehensive cancer center or
26 nonprofit degree-granting institution of higher education and are
27 conducted under the general supervision of a physician; or

28 (5) A person participating in an externship as part of an approved
29 medical assistant training program under the direct supervision of an
30 on-site health care provider.

31 **Sec. 11.** RCW 18.120.020 and 2010 c 286 s 14 are each amended to
32 read as follows:

33 The definitions in this section apply throughout this chapter
34 unless the context clearly requires otherwise.

35 (1) "Applicant group" includes any health professional group or
36 organization, any individual, or any other interested party which

1 proposes that any health professional group not presently regulated be
2 regulated or which proposes to substantially increase the scope of
3 practice of the profession.

4 (2) "Certificate" and "certification" mean a voluntary process by
5 which a statutory regulatory entity grants recognition to an individual
6 who (a) has met certain prerequisite qualifications specified by that
7 regulatory entity, and (b) may assume or use "certified" in the title
8 or designation to perform prescribed health professional tasks.

9 (3) "Grandfather clause" means a provision in a regulatory statute
10 applicable to practitioners actively engaged in the regulated health
11 profession prior to the effective date of the regulatory statute which
12 exempts the practitioners from meeting the prerequisite qualifications
13 set forth in the regulatory statute to perform prescribed occupational
14 tasks.

15 (4) "Health professions" means and includes the following health
16 and health-related licensed or regulated professions and occupations:
17 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
18 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
19 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
20 dispensing opticians under chapter 18.34 RCW; hearing instruments under
21 chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and
22 funeral directing under chapter 18.39 RCW; midwifery under chapter
23 18.50 RCW; nursing home administration under chapter 18.52 RCW;
24 optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter
25 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and
26 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine
27 under chapters 18.71 and 18.71A RCW; emergency medicine under chapter
28 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses
29 under chapter 18.79 RCW; psychologists under chapter 18.83 RCW;
30 registered nurses under chapter 18.79 RCW; occupational therapists
31 licensed under chapter 18.59 RCW; respiratory care practitioners
32 licensed under chapter 18.89 RCW; veterinarians and veterinary
33 technicians under chapter 18.92 RCW; health care assistants under
34 chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW;
35 East Asian medicine practitioners licensed under chapter 18.06 RCW;
36 persons registered under chapter 18.19 RCW; persons licensed as mental
37 health counselors, marriage and family therapists, and social workers
38 under chapter 18.225 RCW; dietitians and nutritionists certified by

1 chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW;
2 ((and)) nursing assistants registered or certified under chapter 18.88A
3 RCW; and medical assistants-certified, medical assistants-hemodialysis
4 technician, medical assistants-phlebotomist, and medical assistants-
5 registered certified and registered under chapter 18.--- RCW (the new
6 chapter created in section 16 of this act).

7 (5) "Inspection" means the periodic examination of practitioners by
8 a state agency in order to ascertain whether the practitioners'
9 occupation is being carried out in a fashion consistent with the public
10 health, safety, and welfare.

11 (6) "Legislative committees of reference" means the standing
12 legislative committees designated by the respective rules committees of
13 the senate and house of representatives to consider proposed
14 legislation to regulate health professions not previously regulated.

15 (7) "License," "licensing," and "licensure" mean permission to
16 engage in a health profession which would otherwise be unlawful in the
17 state in the absence of the permission. A license is granted to those
18 individuals who meet prerequisite qualifications to perform prescribed
19 health professional tasks and for the use of a particular title.

20 (8) "Professional license" means an individual, nontransferable
21 authorization to carry on a health activity based on qualifications
22 which include: (a) Graduation from an accredited or approved program,
23 and (b) acceptable performance on a qualifying examination or series of
24 examinations.

25 (9) "Practitioner" means an individual who (a) has achieved
26 knowledge and skill by practice, and (b) is actively engaged in a
27 specified health profession.

28 (10) "Public member" means an individual who is not, and never was,
29 a member of the health profession being regulated or the spouse of a
30 member, or an individual who does not have and never has had a material
31 financial interest in either the rendering of the health professional
32 service being regulated or an activity directly related to the
33 profession being regulated.

34 (11) "Registration" means the formal notification which, prior to
35 rendering services, a practitioner shall submit to a state agency
36 setting forth the name and address of the practitioner; the location,
37 nature and operation of the health activity to be practiced; and, if

1 required by the regulatory entity, a description of the service to be
2 provided.

3 (12) "Regulatory entity" means any board, commission, agency,
4 division, or other unit or subunit of state government which regulates
5 one or more professions, occupations, industries, businesses, or other
6 endeavors in this state.

7 (13) "State agency" includes every state office, department, board,
8 commission, regulatory entity, and agency of the state, and, where
9 provided by law, programs and activities involving less than the full
10 responsibility of a state agency.

11 **Sec. 12.** RCW 18.120.020 and 2012 c ... s 11 (section 11 of this
12 act) are each amended to read as follows:

13 The definitions in this section apply throughout this chapter
14 unless the context clearly requires otherwise.

15 (1) "Applicant group" includes any health professional group or
16 organization, any individual, or any other interested party which
17 proposes that any health professional group not presently regulated be
18 regulated or which proposes to substantially increase the scope of
19 practice of the profession.

20 (2) "Certificate" and "certification" mean a voluntary process by
21 which a statutory regulatory entity grants recognition to an individual
22 who (a) has met certain prerequisite qualifications specified by that
23 regulatory entity, and (b) may assume or use "certified" in the title
24 or designation to perform prescribed health professional tasks.

25 (3) "Grandfather clause" means a provision in a regulatory statute
26 applicable to practitioners actively engaged in the regulated health
27 profession prior to the effective date of the regulatory statute which
28 exempts the practitioners from meeting the prerequisite qualifications
29 set forth in the regulatory statute to perform prescribed occupational
30 tasks.

31 (4) "Health professions" means and includes the following health
32 and health-related licensed or regulated professions and occupations:
33 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
34 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
35 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
36 dispensing opticians under chapter 18.34 RCW; hearing instruments under
37 chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and

1 funeral directing under chapter 18.39 RCW; midwifery under chapter
2 18.50 RCW; nursing home administration under chapter 18.52 RCW;
3 optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter
4 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and
5 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine
6 under chapters 18.71 and 18.71A RCW; emergency medicine under chapter
7 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses
8 under chapter 18.79 RCW; psychologists under chapter 18.83 RCW;
9 registered nurses under chapter 18.79 RCW; occupational therapists
10 licensed under chapter 18.59 RCW; respiratory care practitioners
11 licensed under chapter 18.89 RCW; veterinarians and veterinary
12 technicians under chapter 18.92 RCW; (~~health care assistants under~~
13 ~~chapter 18.135 RCW;~~) massage practitioners under chapter 18.108 RCW;
14 East Asian medicine practitioners licensed under chapter 18.06 RCW;
15 persons registered under chapter 18.19 RCW; persons licensed as mental
16 health counselors, marriage and family therapists, and social workers
17 under chapter 18.225 RCW; dietitians and nutritionists certified by
18 chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW;
19 nursing assistants registered or certified under chapter 18.88A RCW;
20 and medical assistants-certified, medical assistants-hemodialysis
21 technician, medical assistants-phlebotomist, and medical assistants-
22 registered certified and registered under chapter 18.--- RCW (the new
23 chapter created in section 16 of this act).

24 (5) "Inspection" means the periodic examination of practitioners by
25 a state agency in order to ascertain whether the practitioners'
26 occupation is being carried out in a fashion consistent with the public
27 health, safety, and welfare.

28 (6) "Legislative committees of reference" means the standing
29 legislative committees designated by the respective rules committees of
30 the senate and house of representatives to consider proposed
31 legislation to regulate health professions not previously regulated.

32 (7) "License," "licensing," and "licensure" mean permission to
33 engage in a health profession which would otherwise be unlawful in the
34 state in the absence of the permission. A license is granted to those
35 individuals who meet prerequisite qualifications to perform prescribed
36 health professional tasks and for the use of a particular title.

37 (8) "Professional license" means an individual, nontransferable
38 authorization to carry on a health activity based on qualifications

1 which include: (a) Graduation from an accredited or approved program,
2 and (b) acceptable performance on a qualifying examination or series of
3 examinations.

4 (9) "Practitioner" means an individual who (a) has achieved
5 knowledge and skill by practice, and (b) is actively engaged in a
6 specified health profession.

7 (10) "Public member" means an individual who is not, and never was,
8 a member of the health profession being regulated or the spouse of a
9 member, or an individual who does not have and never has had a material
10 financial interest in either the rendering of the health professional
11 service being regulated or an activity directly related to the
12 profession being regulated.

13 (11) "Registration" means the formal notification which, prior to
14 rendering services, a practitioner shall submit to a state agency
15 setting forth the name and address of the practitioner; the location,
16 nature and operation of the health activity to be practiced; and, if
17 required by the regulatory entity, a description of the service to be
18 provided.

19 (12) "Regulatory entity" means any board, commission, agency,
20 division, or other unit or subunit of state government which regulates
21 one or more professions, occupations, industries, businesses, or other
22 endeavors in this state.

23 (13) "State agency" includes every state office, department, board,
24 commission, regulatory entity, and agency of the state, and, where
25 provided by law, programs and activities involving less than the full
26 responsibility of a state agency.

27 **Sec. 13.** RCW 18.130.040 and 2011 c 41 s 11 are each amended to
28 read as follows:

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

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

36 (i) Dispensing opticians licensed and designated apprentices under
37 chapter 18.34 RCW;

1 (ii) Midwives licensed under chapter 18.50 RCW;
2 (iii) Ocularists licensed under chapter 18.55 RCW;
3 (iv) Massage operators and businesses licensed under chapter 18.108
4 RCW;
5 (v) Dental hygienists licensed under chapter 18.29 RCW;
6 (vi) East Asian medicine practitioners licensed under chapter 18.06
7 RCW;
8 (vii) Radiologic technologists certified and X-ray technicians
9 registered under chapter 18.84 RCW;
10 (viii) Respiratory care practitioners licensed under chapter 18.89
11 RCW;
12 (ix) Hypnotherapists and agency affiliated counselors registered
13 and advisors and counselors certified under chapter 18.19 RCW;
14 (x) Persons licensed as mental health counselors, mental health
15 counselor associates, marriage and family therapists, marriage and
16 family therapist associates, social workers, social work associates--
17 advanced, and social work associates--independent clinical under
18 chapter 18.225 RCW;
19 (xi) Persons registered as nursing pool operators under chapter
20 18.52C RCW;
21 (xii) Nursing assistants registered or certified under chapter
22 18.88A RCW;
23 (xiii) Health care assistants certified under chapter 18.135 RCW;
24 (xiv) Dietitians and nutritionists certified under chapter 18.138
25 RCW;
26 (xv) Chemical dependency professionals and chemical dependency
27 professional trainees certified under chapter 18.205 RCW;
28 (xvi) Sex offender treatment providers and certified affiliate sex
29 offender treatment providers certified under chapter 18.155 RCW;
30 (xvii) Persons licensed and certified under chapter 18.73 RCW or
31 RCW 18.71.205;
32 (xviii) Denturists licensed under chapter 18.30 RCW;
33 (xix) Orthotists and prosthetists licensed under chapter 18.200
34 RCW;
35 (xx) Surgical technologists registered under chapter 18.215 RCW;
36 (xxi) Recreational therapists (~~(under chapter 18.230 RCW)~~) under
37 chapter 18.230 RCW;

1 (xxii) Animal massage practitioners certified under chapter 18.240
2 RCW;

3 (xxiii) Athletic trainers licensed under chapter 18.250 RCW;

4 (xxiv) Home care aides certified under chapter 18.88B RCW; (~~and~~)

5 (xxv) Genetic counselors licensed under chapter 18.290 RCW; and

6 (xxvi) Medical assistants-certified, medical assistants-

7 hemodialysis technician, medical assistants-phlebotomist, and medical

8 assistants-registered certified and registered under chapter 18.--- RCW

9 (the new chapter created in section 16 of this act).

10 (b) The boards and commissions having authority under this chapter

11 are as follows:

12 (i) The podiatric medical board as established in chapter 18.22

13 RCW;

14 (ii) The chiropractic quality assurance commission as established

15 in chapter 18.25 RCW;

16 (iii) The dental quality assurance commission as established in

17 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and

18 licenses and registrations issued under chapter 18.260 RCW;

19 (iv) The board of hearing and speech as established in chapter

20 18.35 RCW;

21 (v) The board of examiners for nursing home administrators as

22 established in chapter 18.52 RCW;

23 (vi) The optometry board as established in chapter 18.54 RCW

24 governing licenses issued under chapter 18.53 RCW;

25 (vii) The board of osteopathic medicine and surgery as established

26 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and

27 18.57A RCW;

28 (viii) The board of pharmacy as established in chapter 18.64 RCW

29 governing licenses issued under chapters 18.64 and 18.64A RCW;

30 (ix) The medical quality assurance commission as established in

31 chapter 18.71 RCW governing licenses and registrations issued under

32 chapters 18.71 and 18.71A RCW;

33 (x) The board of physical therapy as established in chapter 18.74

34 RCW;

35 (xi) The board of occupational therapy practice as established in

36 chapter 18.59 RCW;

37 (xii) The nursing care quality assurance commission as established

1 in chapter 18.79 RCW governing licenses and registrations issued under
2 that chapter;

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

5 (xiv) The veterinary board of governors as established in chapter
6 18.92 RCW; and

7 (xv) The board of naturopathy established in chapter 18.36A RCW.

8 (3) In addition to the authority to discipline license holders, the
9 disciplining authority has the authority to grant or deny licenses.
10 The disciplining authority may also grant a license subject to
11 conditions.

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

16 **Sec. 14.** RCW 18.130.040 and 2012 c ... s 13 (section 13 of this
17 act) are each amended to read as follows:

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

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

25 (i) Dispensing opticians licensed and designated apprentices under
26 chapter 18.34 RCW;

27 (ii) Midwives licensed under chapter 18.50 RCW;

28 (iii) Ocularists licensed under chapter 18.55 RCW;

29 (iv) Massage operators and businesses licensed under chapter 18.108
30 RCW;

31 (v) Dental hygienists licensed under chapter 18.29 RCW;

32 (vi) East Asian medicine practitioners licensed under chapter 18.06
33 RCW;

34 (vii) Radiologic technologists certified and X-ray technicians
35 registered under chapter 18.84 RCW;

36 (viii) Respiratory care practitioners licensed under chapter 18.89
37 RCW;

1 (ix) Hypnotherapists and agency affiliated counselors registered
2 and advisors and counselors certified under chapter 18.19 RCW;
3 (x) Persons licensed as mental health counselors, mental health
4 counselor associates, marriage and family therapists, marriage and
5 family therapist associates, social workers, social work associates--
6 advanced, and social work associates--independent clinical under
7 chapter 18.225 RCW;
8 (xi) Persons registered as nursing pool operators under chapter
9 18.52C RCW;
10 (xii) Nursing assistants registered or certified under chapter
11 18.88A RCW;
12 ~~((Health care assistants certified under chapter 18.135 RCW;~~
13 ~~(xiv))~~ Dietitians and nutritionists certified under chapter 18.138
14 RCW;
15 ~~((xv))~~ (xiv) Chemical dependency professionals and chemical
16 dependency professional trainees certified under chapter 18.205 RCW;
17 ~~((xvi))~~ (xv) Sex offender treatment providers and certified
18 affiliate sex offender treatment providers certified under chapter
19 18.155 RCW;
20 ~~((xvii))~~ (xvi) Persons licensed and certified under chapter 18.73
21 RCW or RCW 18.71.205;
22 ~~((xviii))~~ (xvii) Denturists licensed under chapter 18.30 RCW;
23 ~~((xix))~~ (xviii) Orthotists and prosthetists licensed under
24 chapter 18.200 RCW;
25 ~~((xx))~~ (xix) Surgical technologists registered under chapter
26 18.215 RCW;
27 ~~((xxi))~~ (xx) Recreational therapists under chapter 18.230 RCW;
28 ~~((xxii))~~ (xxi) Animal massage practitioners certified under
29 chapter 18.240 RCW;
30 ~~((xxiii))~~ (xxii) Athletic trainers licensed under chapter 18.250
31 RCW;
32 ~~((xxiv))~~ (xxiii) Home care aides certified under chapter 18.88B
33 RCW;
34 ~~((xxv))~~ (xxiv) Genetic counselors licensed under chapter 18.290
35 RCW; and
36 ~~((xxvi))~~ (xxv) Medical assistants-certified, medical assistants-
37 hemodialysis technician, medical assistants-phlebotomist, and medical

1 assistants-registered certified and registered under chapter 18.--- RCW
2 (the new chapter created in section 16 of this act).

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

5 (i) The podiatric medical board as established in chapter 18.22
6 RCW;

7 (ii) The chiropractic quality assurance commission as established
8 in chapter 18.25 RCW;

9 (iii) The dental quality assurance commission as established in
10 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
11 licenses and registrations issued under chapter 18.260 RCW;

12 (iv) The board of hearing and speech as established in chapter
13 18.35 RCW;

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

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

18 (vii) The board of osteopathic medicine and surgery as established
19 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
20 18.57A RCW;

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

23 (ix) The medical quality assurance commission as established in
24 chapter 18.71 RCW governing licenses and registrations issued under
25 chapters 18.71 and 18.71A RCW;

26 (x) The board of physical therapy as established in chapter 18.74
27 RCW;

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

30 (xii) The nursing care quality assurance commission as established
31 in chapter 18.79 RCW governing licenses and registrations issued under
32 that chapter;

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

35 (xiv) The veterinary board of governors as established in chapter
36 18.92 RCW; and

37 (xv) The board of naturopathy established in chapter 18.36A RCW.

1 (3) In addition to the authority to discipline license holders, the
2 disciplining authority has the authority to grant or deny licenses.
3 The disciplining authority may also grant a license subject to
4 conditions.

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

9 **Sec. 15.** RCW 18.135.055 and 1996 c 191 s 83 are each amended to
10 read as follows:

11 The health care facility or health care practitioner registering an
12 initial or continuing certification pursuant to the provisions of this
13 chapter shall comply with administrative procedures, administrative
14 requirements, and fees determined by the secretary as provided in RCW
15 43.70.250 and 43.70.280. For the purposes of setting fees under this
16 section, the secretary shall consider health care assistants and
17 persons registered and certified under chapter 18.--- RCW (the new
18 chapter created in section 16 of this act) as one profession.

19 All fees collected under this section shall be credited to the
20 health professions account as required in RCW 43.70.320.

21 NEW SECTION. **Sec. 16.** Sections 1 through 10 of this act
22 constitute a new chapter in Title 18 RCW.

23 NEW SECTION. **Sec. 17.** The following acts or parts of acts, as now
24 existing or hereafter amended, are each repealed, effective July 1,
25 2016:

26 (1) RCW 18.135.010 (Practices authorized) and 2009 c 43 s 2, 2008
27 c 58 s 1, & 1984 c 281 s 1;

28 (2) RCW 18.135.020 (Definitions) and 2009 c 43 s 4, 2008 c 58 s 2,
29 2001 c 22 s 2, & 1997 c 133 s 1;

30 (3) RCW 18.135.025 (Rules--Legislative intent) and 1986 c 216 s 1;

31 (4) RCW 18.135.030 (Health care assistant profession--Duties--
32 Requirements for certification--Rules) and 1999 c 151 s 201, 1994 sp.s.
33 c 9 s 515, 1991 c 3 s 273, 1986 c 216 s 2, & 1984 c 281 s 4;

34 (5) RCW 18.135.035 (Requirements for certification--Military
35 training or experience) and 2011 c 32 s 12;

- 1 (6) RCW 18.135.040 (Certification of health care assistants) and
2 2006 c 242 s 3 & 1984 c 281 s 3;
- 3 (7) RCW 18.135.050 (Certification by health care facility or
4 practitioner--Roster--Recertification) and 1996 c 191 s 82, 1991 c 3 s
5 274, & 1984 c 281 s 5;
- 6 (8) RCW 18.135.055 (Registering an initial or continuing
7 certification--Fees) and 2012 c . . . s 15 (section 15 of this act),
8 1996 c 191 s 83, 1991 c 3 s 275, & 1985 c 117 s 1;
- 9 (9) RCW 18.135.060 (Conditions for performing authorized
10 functions--Renal dialysis) and 2001 c 22 s 3, 2000 c 171 s 30, & 1993
11 c 13 s 1;
- 12 (10) RCW 18.135.062 (Renal dialysis training task force--
13 Development of core competencies) and 2001 c 22 s 4;
- 14 (11) RCW 18.135.065 (Delegation--Duties of delegator and delegatee)
15 and 2009 c 43 s 5, 2008 c 58 s 3, 1991 c 3 s 276, & 1986 c 216 s 4;
- 16 (12) RCW 18.135.070 (Complaints--Violations--Investigations--
17 Disciplinary action) and 1993 c 367 s 11 & 1984 c 281 s 7;
- 18 (13) RCW 18.135.090 (Performance of authorized functions) and 1984
19 c 281 s 9;
- 20 (14) RCW 18.135.100 (Uniform Disciplinary Act) and 1993 c 367 s 12;
- 21 (15) RCW 18.135.110 (Blood-drawing procedures--Not prohibited by
22 chapter--Requirements) and 2006 c 242 s 2; and
- 23 (16) RCW 18.135.120 (Administration of vaccines--Restrictions) and
24 2008 c 58 s 4.

25 NEW SECTION. **Sec. 18.** The secretary of health shall adopt any
26 rules necessary to implement this act.

27 NEW SECTION. **Sec. 19.** Sections 1 through 11, 13, and 15 of this
28 act take effect July 1, 2013.

29 NEW SECTION. **Sec. 20.** Sections 12 and 14 of this act take effect
30 July 1, 2016."

31 Correct the title.

EFFECT: Allows optometrists to delegate, and supervise, a medical

assistant. Clarifies that a health care practitioner must be immediately available during procedures to withdraw blood. Requires the disciplining authorities relevant to the professions who may supervise medical assistants to review and identify other specialty assistive personnel and their tasks. Requires the Department of Health (DOH) to compile the information and transmit it to the legislature by December 15, 2012. Allows a person to practice as a medical assistant-certified without passing the examination under an interim permit, which expires after a year or upon passage of the examination. Clarifies that protocols are not prohibited if they do not involve clinical judgment and do not involve the administration of medications, other than vaccines. Clarifies that follow-up on test results must be at the direction of a health care practitioner. Clarifies that sterilization procedures applies only to sterilizing equipment and instruments. Allows a medical assistant-certified to administer intravenous injections if he or she meets minimum standards established by the DOH in rule; the standards must be substantially similar to the standards for category D and F health care assistants. Allows a medical assistant-registered to perform tests waived under the federal Clinical Laboratory Improvement Amendments Program and to administer vaccines. Makes a technical correction.

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