

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6103

Chapter 137, Laws of 2012

62nd Legislature
2012 Regular Session

REFLEXOLOGY AND MASSAGE THERAPY

EFFECTIVE DATE: 06/07/12 - Except sections 1 through 19, which become effective 07/01/13.

Passed by the Senate March 6, 2012
YEAS 36 NAYS 11

BRAD OWEN

President of the Senate

Passed by the House March 1, 2012
YEAS 88 NAYS 10

FRANK CHOPP

Speaker of the House of Representatives

Approved March 29, 2012, 3:16 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6103** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 29, 2012

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6103

AS AMENDED BY THE HOUSE

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 Regular Session

By Senate Health & Long-Term Care (originally sponsored by Senators Keiser and Fraser)

READ FIRST TIME 01/31/12.

1 AN ACT Relating to the practice of reflexology and massage therapy;
2 amending RCW 18.108.005, 18.108.010, 18.108.025, 18.108.030,
3 18.108.040, 18.108.045, 18.108.050, 18.108.060, 18.108.070, 18.108.073,
4 18.108.095, 18.108.085, 18.120.020, and 18.130.040; adding new sections
5 to chapter 18.108 RCW; creating new sections; repealing RCW 18.108.076
6 and 18.108.130; and providing an effective date.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that protecting the
9 public health and safety from the harms of human trafficking has become
10 more difficult and complex, with severe consequences for the victims
11 and the public. The purpose of this legislation is to provide
12 additional tools so that the regulatory agency has authority to make
13 reasonable inspections of the premises in which services subject to
14 this chapter are being provided in order to determine whether the
15 services are being provided in compliance with this chapter and to
16 support state investigations of human trafficking and other illicit
17 activity.

1 **Sec. 2.** RCW 18.108.005 and 1997 c 297 s 1 are each amended to read
2 as follows:

3 (1) The legislature finds it necessary to license the practice of
4 massage and massage therapy and certify persons practicing reflexology
5 in order to protect the public health and safety. It is the
6 legislature's intent that only individuals who meet and maintain
7 minimum standards of competence and conduct may provide services to the
8 public.

9 (2) This chapter shall not be construed to:

10 (a) Require ((~~or prohibit~~)) individual or group policies or
11 contracts of ((~~an insurance carrier, health care service contractor, or~~
12 health maintenance organization)) a health carrier to provide, or
13 prohibit such policies or contracts from providing, benefits or
14 coverage for services and supplies provided by a person licensed under
15 this chapter; or

16 (b) Require that a health carrier contract with a person certified
17 under this chapter.

18 **Sec. 3.** RCW 18.108.010 and 2007 c 272 s 1 are each amended to read
19 as follows:

20 In this chapter, unless the context otherwise requires, the
21 following meanings shall apply:

22 (1) "Board" means the Washington state board of massage.

23 (2) "Massage" and "massage therapy" mean a health care service
24 involving the external manipulation or pressure of soft tissue for
25 therapeutic purposes. Massage therapy includes techniques such as
26 tapping, compressions, friction, reflexology, Swedish gymnastics or
27 movements, gliding, kneading, shaking, and fascial or connective tissue
28 stretching, with or without the aids of superficial heat, cold, water,
29 lubricants, or salts. Massage therapy does not include diagnosis or
30 attempts to adjust or manipulate any articulations of the body or spine
31 or mobilization of these articulations by the use of a thrusting force,
32 nor does it include genital manipulation.

33 (3) "Massage practitioner" means an individual licensed under this
34 chapter.

35 (4) "Secretary" means the secretary of health or the secretary's
36 designee.

1 (5) "Massage business" means the operation of a business where
2 massages are given.

3 (6) "Animal massage practitioner" means an individual with a
4 license to practice massage therapy in this state with additional
5 training in animal therapy.

6 (7) "Intraoral massage" means the manipulation or pressure of soft
7 tissue inside the mouth or oral cavity for therapeutic purposes.

8 (8) "Health carrier" means the same as the definition in RCW
9 48.43.005.

10 (9) "Certified reflexologist" means an individual who is certified
11 under this chapter.

12 (10) "Reflexology" means a health care service that is limited to
13 applying alternating pressure with thumb and finger techniques to
14 reflexive areas of the lower one-third of the extremities, feet, hands,
15 and outer ears based on reflex maps. Reflexology does not include the
16 diagnosis of or treatment for specific diseases, or joint
17 manipulations.

18 (11) "Reflexology business" means the operation of a business where
19 reflexology services are provided.

20 **Sec. 4.** RCW 18.108.025 and 2008 c 25 s 1 are each amended to read
21 as follows:

22 (1) In addition to any other authority provided by law, the board
23 of massage may:

24 ((+1)) (a) Adopt rules in accordance with chapter 34.05 RCW
25 necessary to implement massage practitioner licensure under this
26 chapter, subject to the approval of the secretary;

27 ((+2)) (b) Define, evaluate, approve, and designate those massage
28 schools, massage programs, and massage apprenticeship programs
29 including all current and proposed curriculum, faculty, and health,
30 sanitation, and facility standards from which graduation will be
31 accepted as proof of an applicant's eligibility to take the massage
32 licensing examination;

33 ((+3)) (c) Review approved massage schools and programs
34 periodically;

35 ((+4)) (d) Prepare, grade, administer, and supervise the grading
36 and administration of, examinations for applicants for massage
37 licensure;

1 ~~((5))~~ (e) Establish and administer requirements for continuing
2 education, which shall be a prerequisite to renewing a massage
3 practitioner license under this chapter; and

4 ~~((6))~~ (f) Determine which states have educational and licensing
5 requirements for massage practitioners equivalent to those of this
6 state.

7 (2) The board shall establish by rule the standards and procedures
8 for approving courses of study in massage therapy and may contract with
9 individuals or organizations having expertise in the profession or in
10 education to assist in evaluating courses of study. The standards and
11 procedures set shall apply equally to schools and training within the
12 United States of America and those in foreign jurisdictions.

13 **Sec. 5.** RCW 18.108.030 and 1995 c 198 s 15 are each amended to
14 read as follows:

15 (1)(a) No person may practice or represent himself or herself as a
16 massage practitioner without first applying for and receiving from the
17 department a license to practice. However, this subsection does not
18 prohibit a certified reflexologist from practicing reflexology.

19 ~~((2))~~ (b) A person represents himself or herself as a massage
20 practitioner when the person adopts or uses any title or any
21 description of services that incorporates one or more of the following
22 terms or designations: Massage, massage practitioner, massage
23 therapist, massage therapy, therapeutic massage, massage technician,
24 massage technology, massagist, masseur, masseuse, myotherapist or
25 myotherapy, touch therapist, reflexologist except when used by a
26 certified reflexologist, acupressurist, body therapy or body therapist,
27 or any derivation of those terms that implies a massage technique or
28 method.

29 (2)(a) No person may practice reflexology or represent himself or
30 herself as a reflexologist by use of any title without first being
31 certified as a reflexologist or licensed as a massage practitioner by
32 the department.

33 (b) A person represents himself or herself as a reflexologist when
34 the person adopts or uses any title in any description of services that
35 incorporates one or more of the following terms or designations:
36 Reflexologist, reflexology, foot pressure therapy, foot reflex therapy,
37 or any derivation of those terms that implies a reflexology technique

1 or method. However, this subsection does not prohibit a licensed
2 massage practitioner from using any of these terms as a description of
3 services.

4 (c) A person may not use the term "certified reflexologist" without
5 first being certified by the department.

6 **Sec. 6.** RCW 18.108.040 and 2011 c 223 s 1 are each amended to read
7 as follows:

8 (1)(a) It shall be unlawful to advertise the practice of massage
9 using the term massage or any other term that implies a massage
10 technique or method in any public or private publication or
11 communication by a person not licensed by the secretary as a massage
12 practitioner. However, this subsection does not prohibit a certified
13 reflexologist from using the term reflexology or derivations of the
14 term, subject to subsection (2)(b) of this section.

15 ~~((+2))~~ (b) Any person who holds a license to practice as a massage
16 practitioner in this state may use the title "licensed massage
17 practitioner" and the abbreviation "L.M.P.". No other persons may
18 assume such title or use such abbreviation or any other word, letters,
19 signs, or figures to indicate that the person using the title is a
20 licensed massage practitioner.

21 ~~((+3))~~ (c) A massage practitioner's name and license number must
22 conspicuously appear on all of the massage practitioner's
23 advertisements.

24 (2)(a) It is unlawful to advertise the practice of reflexology or
25 use any other term that implies reflexology technique or method in any
26 public or private publication or communication by a person not
27 certified by the secretary as a reflexologist or licensed as a massage
28 practitioner.

29 (b) A person certified as a reflexologist may not adopt or use any
30 title or description of services, including for purposes of
31 advertising, that incorporates one or more of the following terms or
32 designations: Massage, masseuse, massager, massagist, masseur,
33 myotherapist or myotherapy, touch therapist, body therapy or therapist,
34 or any derivation of those terms that implies a massage technique or
35 therapy unless the person is also licensed under this chapter as a
36 massage practitioner.

1 (c) A reflexologist's name and certification number must
2 conspicuously appear on all of the reflexologist's advertisements.

3 **Sec. 7.** RCW 18.108.045 and 2011 c 223 s 2 are each amended to read
4 as follows:

5 A massage practitioner licensed under this chapter or a
6 reflexologist certified under this chapter must conspicuously display
7 his or her (~~(license)~~) credential in his or her principal place of
8 business. If the licensed massage practitioner or certified
9 reflexologist does not have a principal place of business or conducts
10 business in any other location, he or she must have a copy of his or
11 her (~~(license)~~) credential available for inspection while performing
12 (~~(any activities related to massage therapy)~~) services within his or
13 her authorized scope of practice.

14 **Sec. 8.** RCW 18.108.050 and 2002 c 277 s 2 are each amended to read
15 as follows:

16 This chapter does not apply to:

17 (1) An individual giving massage or reflexology to members of his
18 or her immediate family;

19 (2) The practice of a profession by individuals who are licensed,
20 certified, or registered under other laws of this state and who are
21 performing services within their authorized scope of practice;

22 (3) Massage or reflexology practiced at the athletic department of:
23 (a) Any institution maintained by the public funds of the state, or
24 any of its political subdivisions;

25 (~~((4) Massage practiced at the athletic department of))~~ (b) Any
26 primary or secondary school or institution of higher education;

27 (c) Any school or college approved by the department of health by
28 rule using recognized national professional standards; or

29 (d) Any nonprofit organization licensed under RCW 66.24.400 and
30 66.24.450;

31 (~~((5))~~) (4) Students enrolled in an approved massage school,
32 approved program, or approved apprenticeship program, practicing
33 massage techniques, incidental to the massage school or program and
34 supervised by the approved school or program. Students must identify
35 themselves as a student when performing massage services on members of

1 the public. Students may not be compensated for the massage services
2 they provide;

3 ~~((+6))~~ (5) Students enrolled in an approved reflexology school,
4 approved program, or approved apprenticeship program, practicing
5 reflexology techniques, incidental to the reflexologist school or
6 program and supervised by the approved school or program. Students
7 must identify themselves as a student when performing reflexology
8 services on members of the public. Students may not be compensated for
9 the reflexology services they provide; or

10 (6) Individuals who have completed a somatic education training
11 program approved by the secretary~~((+7~~

12 ~~(7) Persons who limit their practice to reflexology. For purposes~~
13 ~~of this chapter, the practice of reflexology is limited to the hands,~~
14 ~~feet, and outer ears. The services provided by those who limit their~~
15 ~~practice to reflexology are not designated or implied to be massage or~~
16 ~~massage therapy)).~~

17 **Sec. 9.** RCW 18.108.060 and 1996 c 191 s 81 are each amended to
18 read as follows:

19 Each applicant and license or certificate holder shall comply with
20 administrative procedures, administrative requirements, and fees set by
21 the secretary under RCW 43.70.250 and 43.70.280.

22 **Sec. 10.** RCW 18.108.070 and 1991 c 3 s 257 are each amended to
23 read as follows:

24 (1) The secretary shall issue a massage practitioner's license to
25 an applicant who demonstrates to the secretary's satisfaction that the
26 following requirements have been met:

27 ~~((+1))~~ (a) Effective June 1, 1988, successful completion of a
28 course of study in an approved massage program or approved
29 apprenticeship program;

30 ~~((+2))~~ (b) Successful completion of an examination administered or
31 approved by the board; and

32 ~~((+3))~~ (c) Be eighteen years of age or older.

33 ~~((In addition, applicants shall be subject to the grounds for~~
34 ~~denial or issuance of a conditional license under chapter 18.130 RCW.))~~

35 (2) Beginning July 1, 2013, the secretary shall issue a
36 reflexologist certification to an applicant who completes an

1 application form that identifies the name and address of the applicant
2 and the certification request, and demonstrates to the secretary's
3 satisfaction that the following requirements have been met:

4 (a) Successful completion of a course of study in reflexologist
5 program approved by the secretary;

6 (b) Successful completion of an examination administered or
7 approved by the secretary; and

8 (c) Be eighteen years of age or older.

9 (3) Applicants for a massage practitioner's license or for
10 certification as a reflexologist shall be subject to the grounds for
11 denial or issuance of a conditional credential under chapter 18.130
12 RCW.

13 (4) The secretary may require any information and documentation
14 that reasonably relates to the need to determine whether the massage
15 practitioner or reflexologist applicant meets the criteria for
16 licensure provided for in this chapter and chapter 18.130 RCW. The
17 secretary shall establish by rule what constitutes adequate proof of
18 meeting the criteria. ((The board shall give an appropriate alternate
19 form of examination for persons who cannot read or speak English to
20 determine equivalent competency.))

21 **Sec. 11.** RCW 18.108.073 and 1995 c 198 s 17 are each amended to
22 read as follows:

23 ~~(1) ((The date and location of the examination shall be established~~
24 ~~by the secretary.))~~ Applicants ~~((who))~~ for the massage practitioner
25 license examination must demonstrate to the secretary's satisfaction
26 that the following requirements have been met ~~((shall be scheduled for~~
27 ~~the next examination following the filing of the application))~~:

28 (a)(i) Effective June 1, 1988, successful completion of a course of
29 study in an approved massage program; or

30 ~~((b))~~ (ii) Effective June 1, 1988, successful completion of an
31 apprenticeship program established by the board; and

32 ~~((c))~~ (b) Be eighteen years of age or older.

33 ~~((In addition, the secretary shall establish a deadline for receipt~~
34 ~~of completed and approved applications.))~~

35 (2) The board or its designee shall examine each massage
36 practitioner applicant in a written examination determined most
37 effective on subjects appropriate to the massage scope of practice.

1 The subjects may include anatomy, kinesiology, physiology, pathology,
2 principles of human behavior, massage theory and practice,
3 hydrotherapy, hygiene, first aid, Washington law pertaining to the
4 practice of massage, and such other subjects as the board may deem
5 useful to test applicant's fitness to practice massage therapy. Such
6 examinations shall be limited in purpose to determining whether the
7 applicant possesses the minimum skill and knowledge necessary to
8 practice competently.

9 (3) All records of a massage practitioner candidate's performance
10 shall be preserved for a period of not less than one year after the
11 board has made and published decisions thereupon. All examinations
12 shall be conducted by the board under fair and impartial methods as
13 determined by the secretary.

14 (4) (~~An~~) A massage practitioner applicant who fails to make the
15 required grade in the first examination is entitled to take up to two
16 additional examinations upon the payment of a fee for each subsequent
17 examination determined by the secretary as provided in RCW 43.70.250.
18 Upon failure of three examinations, the secretary may invalidate the
19 original application and require such remedial education as is required
20 by the board before admission to future examinations.

21 (5) The board may approve an examination prepared or administered,
22 or both, by a private testing agency or association of licensing boards
23 for use by (~~an~~) a massage practitioner applicant in meeting the
24 licensing requirement.

25 NEW SECTION. Sec. 12. A new section is added to chapter 18.108
26 RCW to read as follows:

27 (1) Beginning July 1, 2013, applicants for the reflexology
28 certification examination must demonstrate to the secretary's
29 satisfaction that the following requirements have been met:

30 (a)(i) Successful completion of a course of study in an approved
31 reflexology program; or

32 (ii) Successful completion of an apprenticeship program approved by
33 the secretary; and

34 (b) Be eighteen years of age or older.

35 (2) The secretary or his or her designee shall examine each
36 reflexology applicant in a written examination determined most
37 effective on subjects appropriate to the reflexology scope of practice.

1 The subjects may include those that the secretary deems useful to test
2 applicant's fitness to practice reflexology. Such examinations shall
3 be limited in purpose to determining whether the applicant possesses
4 the minimum skill and knowledge necessary to practice reflexology
5 competently.

6 (3) All records of a reflexology candidate's performance shall be
7 preserved for a period of not less than one year after the secretary
8 has made and published decisions thereupon. All examinations shall be
9 conducted under fair and impartial methods as determined by the
10 secretary.

11 (4) A reflexology applicant who fails to make the required grade in
12 the first examination is entitled to take up to two additional
13 examinations upon the payment of a fee for each subsequent examination
14 determined by the secretary as provided in RCW 43.70.250. Upon failure
15 of three examinations, the secretary may invalidate the original
16 application and require such remedial education as is required by the
17 secretary before admission to future examinations.

18 (5) The secretary may approve an examination prepared or
19 administered, or both, by a private testing agency or association of
20 licensing boards for use by a reflexology applicant in meeting the
21 certification requirement.

22 **Sec. 13.** RCW 18.108.095 and 1987 c 443 s 12 are each amended to
23 read as follows:

24 ((An)) A massage practitioner applicant holding a license in
25 another state or foreign jurisdiction may be granted a Washington
26 license without examination, if, in the opinion of the board, the other
27 state's or foreign jurisdiction's examination and educational
28 requirements are substantially equivalent to Washington's(~~(+PROVIDED,~~
29 ~~That)~~). However, the applicant must demonstrate(~~(s)~~) to the
30 satisfaction of the board a working knowledge of Washington law
31 pertaining to the practice of massage. The applicant shall provide
32 proof in a manner approved by the department that the examination and
33 requirements are equivalent to Washington's.

34 **Sec. 14.** RCW 18.108.085 and 1996 c 154 s 1 are each amended to
35 read as follows:

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

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

5 (b) Set all license, certification, examination, and renewal fees
6 in accordance with RCW 43.70.250;

7 (c) Establish forms and procedures necessary to administer this
8 chapter;

9 (d) Issue a massage practitioner's license to any applicant who has
10 met the education, training, and examination requirements for licensure
11 and deny licensure to applicants who do not meet the requirements of
12 this chapter; ((and))

13 (e) Issue a reflexology certification to any applicant who has met
14 the requirements for certification and deny certification to applicants
15 who do not meet the requirements of this chapter; and

16 (f) Hire clerical, administrative, and investigative staff as
17 necessary to implement this chapter(~~(, and hire individuals licensed~~
18 ~~under this chapter to serve as examiners for any practical~~
19 ~~examinations)).~~

20 (2) The Uniform Disciplinary Act, chapter 18.130 RCW, governs
21 unlicensed and uncertified practice, the issuance and denial of
22 licenses and certifications, and the disciplining of persons under this
23 chapter. The secretary shall be the disciplining authority under this
24 chapter.

25 (3) Any license or certification issued under this chapter to a
26 person who is or has been convicted of violating RCW 9A.88.030,
27 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances shall
28 automatically be revoked by the secretary upon receipt of a certified
29 copy of the court documents reflecting such conviction. No further
30 hearing or procedure is required, and the secretary has no discretion
31 with regard to the revocation of the license or certification. The
32 revocation shall be effective even though such conviction may be under
33 appeal, or the time period for such appeal has not elapsed. However,
34 upon presentation of a final appellate decision overturning such
35 conviction, the license or certification shall be reinstated, unless
36 grounds for disciplinary action have been found under chapter 18.130
37 RCW. No license or certification may be granted under this chapter to
38 any person who has been convicted of violating RCW 9A.88.030,

1 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances
2 within the eight years immediately preceding the date of application.
3 For purposes of this subsection, "convicted" does not include a
4 conviction that has been the subject of a pardon, annulment, or other
5 equivalent procedure based on a finding of innocence, but does include
6 convictions for offenses for which the defendant received a deferred or
7 suspended sentence, unless the record has been expunged according to
8 law.

9 (4) The secretary shall keep an official record of all proceedings
10 under this chapter, a part of which record shall consist of a register
11 of all applicants for licensure or certification under this chapter,
12 with the result of each application.

13 NEW SECTION. **Sec. 15.** A new section is added to chapter 18.108
14 RCW to read as follows:

15 (1) The secretary may certify an applicant as a reflexologist
16 without examination if the applicant:

17 (a) Has practiced reflexology as a licensed massage practitioner
18 for at least five years prior to the effective date of this section or
19 provides evidence satisfactory to the secretary that he or she has,
20 prior to the effective date of this section, successfully completed a
21 course of study in a reflexology program approved by the secretary; and

22 (b) Applies for certification by one year after the effective date
23 of this section.

24 (2) An applicant holding a reflexology credential in another state
25 or a territory of the United States may be certified to practice in
26 this state without examination if the secretary determines that the
27 other jurisdiction's credentialing standards are substantially
28 equivalent to the standards in this state.

29 NEW SECTION. **Sec. 16.** A new section is added to chapter 18.108
30 RCW to read as follows:

31 (1) For the purposes of ascertaining violations of this chapter and
32 chapter 18.130 RCW, the secretary or authorized representative has the
33 authority to inspect, within reasonable limits and in a reasonable
34 manner, the premises of any massage or reflexology business
35 establishment during hours such business is open. If the secretary is
36 denied access to any premises or establishment the secretary may apply

1 to any court of competent jurisdiction for a warrant authorizing access
2 to such premises or establishment for such purposes. The court may,
3 upon such application, issue a warrant for the purpose requested.

4 (2) This section does not require advance notice of an inspection.

5 NEW SECTION. **Sec. 17.** The following acts or parts of acts are
6 each repealed:

7 (1) RCW 18.108.076 (Application of uniform disciplinary act) and
8 1987 c 150 s 60 & 1986 c 259 s 146; and

9 (2) RCW 18.108.130 (Exemptions) and 1975 1st ex.s. c 280 s 14.

10 **Sec. 18.** RCW 18.120.020 and 2010 c 286 s 14 are each amended to
11 read as follows:

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

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

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

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

30 (4) "Health professions" means and includes the following health
31 and health-related licensed or regulated professions and occupations:
32 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
33 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
34 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
35 dispensing opticians under chapter 18.34 RCW; hearing instruments under
36 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 (~~and~~) nursing assistants registered or certified under chapter 18.88A
20 RCW; and reflexologists certified under chapter 18.108 RCW.

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

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

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

34 (8) "Professional license" means an individual, nontransferable
35 authorization to carry on a health activity based on qualifications
36 which include: (a) Graduation from an accredited or approved program,
37 and (b) acceptable performance on a qualifying examination or series of
38 examinations.

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

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

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

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

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

24 **Sec. 19.** RCW 18.130.040 and 2011 c 41 s 11 are each amended to
25 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 and designated apprentices under
34 chapter 18.34 RCW;

35 (ii) Midwives licensed under chapter 18.50 RCW;

36 (iii) Ocularists licensed under chapter 18.55 RCW;

- 1 (iv) Massage (~~operators~~) practitioners and businesses licensed
2 under chapter 18.108 RCW;
- 3 (v) Dental hygienists licensed under chapter 18.29 RCW;
- 4 (vi) East Asian medicine practitioners licensed under chapter 18.06
5 RCW;
- 6 (vii) Radiologic technologists certified and X-ray technicians
7 registered under chapter 18.84 RCW;
- 8 (viii) Respiratory care practitioners licensed under chapter 18.89
9 RCW;
- 10 (ix) Hypnotherapists and agency affiliated counselors registered
11 and advisors and counselors certified under chapter 18.19 RCW;
- 12 (x) Persons licensed as mental health counselors, mental health
13 counselor associates, marriage and family therapists, marriage and
14 family therapist associates, social workers, social work associates--
15 advanced, and social work associates--independent clinical under
16 chapter 18.225 RCW;
- 17 (xi) Persons registered as nursing pool operators under chapter
18 18.52C RCW;
- 19 (xii) Nursing assistants registered or certified under chapter
20 18.88A RCW;
- 21 (xiii) Health care assistants certified under chapter 18.135 RCW;
- 22 (xiv) Dietitians and nutritionists certified under chapter 18.138
23 RCW;
- 24 (xv) Chemical dependency professionals and chemical dependency
25 professional trainees certified under chapter 18.205 RCW;
- 26 (xvi) Sex offender treatment providers and certified affiliate sex
27 offender treatment providers certified under chapter 18.155 RCW;
- 28 (xvii) Persons licensed and certified under chapter 18.73 RCW or
29 RCW 18.71.205;
- 30 (xviii) Denturists licensed under chapter 18.30 RCW;
- 31 (xix) Orthotists and prosthetists licensed under chapter 18.200
32 RCW;
- 33 (xx) Surgical technologists registered under chapter 18.215 RCW;
- 34 (xxi) Recreational therapists (~~(under chapter 18.230 RCW)~~) under
35 chapter 18.230 RCW;
- 36 (xxii) Animal massage practitioners certified under chapter 18.240
37 RCW;
- 38 (xxiii) Athletic trainers licensed under chapter 18.250 RCW;

1 (xxiv) Home care aides certified under chapter 18.88B RCW; (~~and~~)
2 (xxv) Genetic counselors licensed under chapter 18.290 RCW; and
3 (xxvi) Reflexologists certified under chapter 18.108 RCW.

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

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

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

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

13 (iv) The board of hearing and speech as established in chapter
14 18.35 RCW;

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

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

19 (vii) The board of osteopathic medicine and surgery as established
20 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
21 18.57A RCW;

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

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

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

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

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

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

36 (xiv) The veterinary board of governors as established in chapter
37 18.92 RCW; and

38 (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 NEW SECTION. **Sec. 20.** If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

13 NEW SECTION. **Sec. 21.** The department of health shall adopt any
14 rules necessary to implement this act.

15 NEW SECTION. **Sec. 22.** Sections 1 through 19 of this act take
16 effect July 1, 2013.

Passed by the Senate March 6, 2012.

Passed by the House March 1, 2012.

Approved by the Governor March 29, 2012.

Filed in Office of Secretary of State March 29, 2012.