
SENATE BILL 5465

State of Washington 64th Legislature 2015 Regular Session

By Senators Frockt, Jayapal, Keiser, McCoy, Hasegawa, and Kohl-Welles

Read first time 01/22/15. Referred to Committee on Health Care.

1 AN ACT Relating to mid-level dental professionals; amending RCW
2 18.32.030, 18.32.0351, 18.260.010, 18.260.040, 18.260.070, and
3 18.260.080; reenacting and amending RCW 18.120.020, 18.120.020,
4 18.130.040, 18.130.040, 69.41.010, and 69.41.030; adding a new
5 chapter to Title 18 RCW; creating new sections; providing effective
6 dates; and providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** Good oral health is an integral piece of
9 overall health and well-being. Without treatment, dental diseases
10 grow progressively worse and require increasingly costly
11 interventions. Dental-related issues are a leading reason that
12 Washingtonians seek care in the emergency room, which has become the
13 source of care for many, especially uninsured and low-income
14 populations. However, most dental diseases are easily prevented at
15 little cost through routine dental care and disease prevention. It is
16 the intent of the legislature to attempt to increase access for all
17 Washingtonians through the introduction of an evidence-based mid-
18 level dental provider that is geared towards working in, and reducing
19 oral health disparities within, Washington's communities with the
20 greatest need. Further, it is the legislature's intent that mid-level
21 dental providers are flexible enough to better meet the needs of

1 their local community as they work under the supervision and
2 direction of a licensed Washington dentist. The legislature declares
3 that this act, creating new types of dental professions, constitutes
4 an exercise of the state's police power to protect and promote the
5 health, safety, and welfare of the residents of the state in general.
6 Accordingly, while this act is intended to protect the public
7 generally, it does not create a duty owed to any individual or entity
8 on the part of the state.

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

12 (1) "Committee" means the dental hygiene examining committee
13 established in chapter 18.29 RCW.

14 (2) "Dental hygiene practitioner" means a person licensed under
15 this chapter who provides dental therapy under the off-site
16 supervision of a dentist pursuant to a written practice plan contract
17 with a dentist.

18 (3) "Dental practitioner" means a person licensed under this
19 chapter who provides dental therapy under the off-site supervision of
20 a dentist pursuant to a written practice plan contract with a
21 dentist.

22 (4) "Dental therapy" means the services and procedures specified
23 in section 5 of this act.

24 (5) "Dentist" means a person licensed to practice dentistry under
25 chapter 18.32 RCW.

26 (6) "Department" means the department of health.

27 (7) "Off-site supervision of a dentist" means supervision that
28 does not require the dentist to be physically present or to
29 personally examine or diagnose the patient.

30 (8) "Secretary" means the secretary of health.

31 (9) "Supervision of a dentist" means that a supervising dentist:

32 (a) Has personally examined and diagnosed the patient and has
33 personally authorized the procedures to be performed;

34 (b) Is continuously on-site while the procedure in question is
35 being performed; and

36 (c) Is capable of responding immediately in the event of an
37 emergency.

1 NEW SECTION. **Sec. 3.** No person may practice dental therapy or
2 represent himself or herself as a dental practitioner or a dental
3 hygiene practitioner without being licensed by the department under
4 this chapter.

5 NEW SECTION. **Sec. 4.** (1) The department shall issue a license
6 to practice as a dental practitioner to any applicant who:

7 (a) Pays any applicable fees established by the secretary under
8 RCW 43.70.110 and 43.70.250;

9 (b) Submits, on forms provided by the secretary, the applicant's
10 name, address, and other applicable information as determined by the
11 secretary; and

12 (c) Demonstrates that the following requirements have been met:

13 (i) Possession of a high school diploma or equivalent;

14 (ii) Successful completion of a dental health aide therapist
15 education program approved by the secretary;

16 (iii) Completion of a preceptorship of at least four hundred
17 hours under the supervision of a dentist; and

18 (iv) Passage of an examination approved by the committee.

19 (2) The department shall issue a license to practice as a dental
20 hygiene practitioner to any applicant who:

21 (a) Pays any applicable fees established by the secretary under
22 RCW 43.70.110 and 43.70.250;

23 (b) Submits, on forms provided by the secretary, the applicant's
24 name, address, and other applicable information as determined by the
25 secretary; and

26 (c) Demonstrates that the following requirements have been met:

27 (i) Possession of a license in good standing as a dental
28 hygienist under chapter 18.29 RCW;

29 (ii) Successful completion of a post-baccalaureate advanced
30 dental hygiene therapy education program at an institution accredited
31 by the American dental association commission on dental accreditation
32 or other national accreditation organization approved by the
33 committee;

34 (iii) Completion of two hundred fifty hours of advanced dental
35 therapy clinical practice under the supervision of a dentist; and

36 (iv) Passage of an examination approved by the committee.

1 NEW SECTION. **Sec. 5.** (1) Subject to the limitations in this
2 section and section 6 of this act, a dental practitioner may provide
3 the following services and procedures:

4 (a) Oral health instruction and disease prevention education,
5 including nutritional counseling and dietary analysis;

6 (b) Preliminary charting of the oral cavity;

7 (c) Making radiographs;

8 (d) Mechanical polishing;

9 (e) Application of topical preventative or prophylactic agents,
10 including fluoride varnishes and pit and fissure sealants;

11 (f) Pulp vitality testing;

12 (g) Application of desensitizing medication or resin;

13 (h) Fabrication of athletic mouth guards;

14 (i) Placement of temporary restorations;

15 (j) Fabrication of soft occlusal guards;

16 (k) Tissue conditioning and soft reline;

17 (l) Atraumatic restorative therapy;

18 (m) Dressing changes;

19 (n) Tooth reimplantation;

20 (o) Administration of local anesthetic;

21 (p) Administration of nitrous oxide;

22 (q) Emergency palliative treatment of dental pain;

23 (r) The placement and removal of space maintainers;

24 (s) Cavity preparation;

25 (t) Restoration of primary and permanent teeth;

26 (u) Placement of temporary crowns;

27 (v) Preparation and placement of preformed crowns;

28 (w) Pulpotomies on primary teeth;

29 (x) Indirect and direct pulp capping on primary and permanent
30 teeth;

31 (y) Stabilization of reimplanted teeth;

32 (z) Extractions of primary teeth;

33 (aa) Suture removal;

34 (bb) Brush biopsies;

35 (cc) Repair of defective prosthetic devices;

36 (dd) Recementing of permanent crowns;

37 (ee) Oral evaluation and assessment of dental disease and the
38 formulation of an individualized treatment plan;

39 (ff) The supervision of expanded function dental auxiliaries and
40 dental assistants. A dental practitioner or dental hygiene

1 practitioner may supervise no more than a total of four expanded
2 function dental auxiliaries and dental assistants in any one practice
3 setting. A dental practitioner or dental hygiene practitioner may not
4 supervise an expanded function dental auxiliary or dental assistant
5 with respect to tasks that the dental practitioner or dental hygiene
6 practitioner is not authorized to perform;

7 (gg) Nonsurgical extractions of periodontally diseased permanent
8 teeth with tooth mobility of plus 3 to plus 4 if the teeth are not
9 unerupted, are not impacted, are not fractured, and do not need to be
10 sectioned for removal; and

11 (hh) The dispensation and oral administration of drugs pursuant
12 to subsection (3) of this section.

13 (2) Subject to the limitations in this section and section 6 of
14 this act, a dental hygiene practitioner may provide the following
15 services and procedures:

16 (a) The services and procedures authorized for dental
17 practitioners under subsection (1) of this section; and

18 (b) Any services and procedures within the scope of practice of a
19 licensed dental hygienist under chapter 18.29 RCW.

20 (3)(a) A dental practitioner or a dental hygiene practitioner may
21 dispense and orally administer the following drugs within the
22 parameters of the practice plan contract established in section 6 of
23 this act: Nonnarcotic analgesics, anti-inflammatories, preventive
24 agents, and antibiotics.

25 (b) The authority to dispense and orally administer drugs extends
26 only to the drugs identified in this subsection (3) and may be
27 further limited by the practice plan contract.

28 (c) The authority to dispense includes the authority to dispense
29 sample drugs within the categories established in this subsection (3)
30 if the dispensing is permitted under the practice plan contract.

31 (d) A dental practitioner or a dental hygiene practitioner may
32 not dispense or administer narcotic drugs as defined in chapter 69.50
33 RCW.

34 NEW SECTION. **Sec. 6.** (1) A dental practitioner or a dental
35 hygiene practitioner may only practice dental therapy pursuant to a
36 written practice plan contract with a dentist. The contract must, at
37 a minimum, contain the following elements:

38 (a) Practice settings where services and procedures may be
39 provided;

1 (b) Any limitations on the services or procedures the dental
2 practitioner or dental hygiene practitioner may provide;

3 (c) Age and procedure-specific practice protocols, including case
4 selection criteria, assessment guidelines, and imaging frequency;

5 (d) Procedures for creating and maintaining dental records for
6 patients treated by the dental practitioner or dental hygiene
7 practitioner;

8 (e) A plan to manage medical emergencies in each practice setting
9 where the dental practitioner or dental hygiene practitioner provides
10 care;

11 (f) A quality assurance plan for monitoring care provided by the
12 dental practitioner or dental hygiene practitioner, including patient
13 care review, referral follow-up, and a quality assurance chart
14 review;

15 (g) Protocols for administering and dispensing medications,
16 including the specific circumstances under which the medications may
17 be dispensed and administered;

18 (h) Criteria relating to the provision of care to patients with
19 specific medical conditions or complex medical histories, including
20 requirements for consultation prior to the initiation of care; and

21 (i) Specific written protocols governing situations where the
22 dental practitioner or dental hygiene practitioner encounters a
23 patient requiring treatment that exceeds the dental practitioner's or
24 dental hygiene practitioner's scope of practice or capabilities.

25 (2)(a) In addition to the elements specified in subsection (1) of
26 this section, a written practice plan contract with a dental
27 practitioner must specify the services and procedures the dental
28 practitioner is authorized to provide.

29 (b) All of the services and procedures the dental hygiene
30 practitioner or dental practitioner provides pursuant to the practice
31 plan contract must be provided under the off-site supervision of the
32 contracting dentist. The contracting dentist shall accept
33 responsibility for all services and procedures authorized and
34 provided by the dental practitioner pursuant to the practice plan
35 contract.

36 (c) A contracting dentist who knowingly permits a dental
37 practitioner to provide a service or procedure that is not authorized
38 in the practice plan contract, or any dental practitioner who
39 provides a service or procedure that is not authorized in the

1 practice plan contract, commits unprofessional conduct for purposes
2 of chapter 18.130 RCW.

3 (3) A dentist who enters into a written practice plan contract
4 with a dental practitioner or dental hygiene practitioner shall:

5 (a) Directly provide or arrange for another dentist or specialist
6 to provide any necessary advanced procedures or services needed by
7 the patient or any treatment that exceeds the dental practitioner's
8 or the dental hygiene practitioner's scope of practice or
9 capabilities; and

10 (b) Ensure that he or she or another dentist is available to the
11 dental practitioner or dental hygiene practitioner for instant
12 communication during treatment if needed.

13 (4) Practice plan contracts must be signed and maintained by both
14 the contracting dentist and the dental practitioner or dental hygiene
15 practitioner. The contracts must be submitted to the department on an
16 annual basis, and must be made available to the public upon request.
17 The contract must also be made available at the practice of the
18 dental practitioner or the dental hygiene practitioner and provided
19 to patients of the practitioner's practice upon request.

20 (5) A contracting dentist may enter into a practice plan contract
21 with no more than a total of five dental practitioners and dental
22 hygiene practitioners at any one time.

23 NEW SECTION. **Sec. 7.** Nothing in this chapter prohibits or
24 affects:

25 (1) The practice of dental therapy by an individual otherwise
26 licensed under this title and performing services within his or her
27 scope of practice;

28 (2) The practice of dental therapy in the discharge of official
29 duties on behalf of the United States government, including, but not
30 limited to, the armed forces, coast guard, public health service,
31 veterans' bureau, or bureau of Indian affairs;

32 (3) The practice of dental therapy pursuant to an education
33 program described in section 4 of this act; or

34 (4) The practice of dental therapy under the supervision of a
35 dentist necessary to meet the clinical experience or preceptorship
36 requirements of section 4 of this act.

37 NEW SECTION. **Sec. 8.** A dental practitioner or a dental hygiene
38 practitioner may practice only in the following settings:

- 1 (1) Federally qualified health centers;
- 2 (2) Clinics operated by accredited schools of dentistry or dental
3 hygiene;
- 4 (3) Clinics operated by a tribal health program or an urban
5 Indian organization, as those terms are defined in the Indian health
6 care improvement act (25 U.S.C. Sec. 1603); or
- 7 (4) Any other clinic or practice setting, including mobile or
8 temporary dental clinics, in which at least thirty-five percent of
9 the total patient base of the dental practitioner or dental hygiene
10 practitioner consists of patients who:
- 11 (a) Are enrolled in a Washington state medicaid program;
- 12 (b) Have a medical disability or chronic condition that creates a
13 significant barrier to receiving dental care; or
- 14 (c) Have annual incomes of less than one hundred thirty-three
15 percent of the federal poverty level calculated using modified annual
16 gross income as defined in section 2002 of P.L. 111-148, as amended,
17 and do not have dental coverage, either through medicaid or private
18 insurance.

19 NEW SECTION. **Sec. 9.** Chapter 18.130 RCW governs the unlicensed
20 practice, the issuance and denial of licenses, and the discipline of
21 persons licensed under this chapter. The dental quality assurance
22 commission is the disciplining authority under this chapter.

23 **Sec. 10.** RCW 18.32.030 and 2012 c 23 s 7 are each amended to
24 read as follows:

25 The following practices, acts, and operations are excepted from
26 the operation of the provisions of this chapter:

27 (1) The rendering of dental relief in emergency cases in the
28 practice of his or her profession by a physician or surgeon, licensed
29 as such and registered under the laws of this state, unless the
30 physician or surgeon undertakes to or does reproduce lost parts of
31 the human teeth in the mouth or to restore or to replace in the human
32 mouth lost or missing teeth;

33 (2) The practice of dentistry in the discharge of official duties
34 by dentists in the United States federal services on federal
35 reservations, including but not limited to the armed services, coast
36 guard, public health service, veterans' bureau, or bureau of Indian
37 affairs;

1 (3) Dental schools or colleges approved under RCW 18.32.040, and
2 the practice of dentistry by students in accredited dental schools or
3 colleges approved by the commission, when acting under the direction
4 and supervision of Washington state-licensed dental school faculty;

5 (4) The practice of dentistry by licensed dentists of other
6 states or countries while appearing as clinicians at meetings of the
7 Washington state dental association, or component parts thereof, or
8 at meetings sanctioned by them, or other groups approved by the
9 commission;

10 (5) The use of roentgen and other rays for making radiographs or
11 similar records of dental or oral tissues, under the supervision of a
12 licensed dentist or physician;

13 (6) The making, repairing, altering, or supplying of artificial
14 restorations, substitutions, appliances, or materials for the
15 correction of disease, loss, deformity, malposition, dislocation,
16 fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or
17 associated tissues or parts; providing the same are made, repaired,
18 altered, or supplied pursuant to the written instructions and order
19 of a licensed dentist which may be accompanied by casts, models, or
20 impressions furnished by the dentist, and the prescriptions shall be
21 retained and filed for a period of not less than three years and
22 shall be available to and subject to the examination of the secretary
23 or the secretary's authorized representatives;

24 (7) The removal of deposits and stains from the surfaces of the
25 teeth, the application of topical preventative or prophylactic
26 agents, and the polishing and smoothing of restorations, when
27 performed or prescribed by a dental hygienist licensed under the laws
28 of this state;

29 (8) A qualified and licensed physician and surgeon or osteopathic
30 physician and surgeon extracting teeth or performing oral surgery
31 pursuant to the scope of practice under chapter 18.71 or 18.57 RCW;

32 (9) The performing of dental operations or services by registered
33 dental assistants and licensed expanded function dental auxiliaries
34 holding a credential issued under chapter 18.260 RCW when performed
35 under the supervision of a licensed dentist, by dental practitioners
36 and dental hygiene practitioners licensed under chapter 18.-- RCW
37 (the new chapter created in section 22 of this act) or by other
38 persons not licensed under this chapter if the person is licensed
39 pursuant to chapter 18.29, 18.57, 18.71, or 18.79 RCW as it applies
40 to registered nurses and advanced registered nurse practitioners,

1 each while acting within the scope of the person's permitted practice
2 under the person's license: PROVIDED HOWEVER, That such persons shall
3 in no event perform the following dental operations or services
4 unless permitted to be performed by the person under this chapter or
5 chapters 18.29, 18.57, 18.71, 18.79 as it applies to registered
6 nurses and advanced registered nurse practitioners, and 18.260 RCW:

7 (a) Any removal of or addition to the hard or soft tissue of the
8 oral cavity;

9 (b) Any diagnosis of or prescription for treatment of disease,
10 pain, deformity, deficiency, injury, or physical condition of the
11 human teeth or jaws, or adjacent structure;

12 (c) Any administration of general or injected local anaesthetic
13 of any nature in connection with a dental operation, including
14 intravenous sedation;

15 (d) Any oral prophylaxis;

16 (e) The taking of any impressions of the teeth or jaw or the
17 relationships of the teeth or jaws, for the purpose of fabricating
18 any intra-oral restoration, appliance, or prosthesis; and

19 (10) The performing of dental services described in RCW
20 18.350.040 by dental anesthesia assistants certified under chapter
21 18.350 RCW when working under the supervision and direction of an
22 oral and maxillofacial surgeon or dental anesthesiologist.

23 **Sec. 11.** RCW 18.32.0351 and 2007 c 269 s 16 are each amended to
24 read as follows:

25 The Washington state dental quality assurance commission is
26 established, consisting of (~~sixteen~~) eighteen members each
27 appointed by the governor to a four-year term. No member may serve
28 more than two consecutive full terms. In appointing the initial
29 members of the commission, it is the intent of the legislature that,
30 to the extent possible, members of the previous boards and committees
31 regulating these professions be appointed to the commission. Members
32 of the commission hold office until their successors are appointed.
33 The governor may appoint members of the initial commission to
34 staggered terms of from one to four years. Thereafter, all members
35 shall be appointed to full four-year terms. Twelve members of the
36 commission must be dentists, one member must be a dental practitioner
37 licensed under chapter 18.— RCW (the new chapter created in section
38 22 of this act), one member must be a dental hygiene practitioner
39 licensed under chapter 18.— RCW (the new chapter created in section

1 22 of this act), two members must be expanded function dental
2 auxiliaries licensed under chapter 18.260 RCW, and two members must
3 be public members.

4 **Sec. 12.** RCW 18.120.020 and 2012 c 153 s 14, 2012 c 137 s 18,
5 and 2012 c 23 s 8 are each reenacted and amended to read as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

8 (1) "Applicant group" includes any health professional group or
9 organization, any individual, or any other interested party which
10 proposes that any health professional group not presently regulated
11 be regulated or which proposes to substantially increase the scope of
12 practice of the profession.

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

19 (3) "Grandfather clause" means a provision in a regulatory
20 statute applicable to practitioners actively engaged in the regulated
21 health profession prior to the effective date of the regulatory
22 statute which exempts the practitioners from meeting the prerequisite
23 qualifications set forth in the regulatory statute to perform
24 prescribed occupational tasks.

25 (4) "Health professions" means and includes the following health
26 and health-related licensed or regulated professions and occupations:
27 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
28 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
29 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
30 dental anesthesia assistants under chapter 18.350 RCW; dispensing
31 opticians under chapter 18.34 RCW; hearing instruments under chapter
32 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and
33 funeral directing under chapter 18.39 RCW; midwifery under chapter
34 18.50 RCW; nursing home administration under chapter 18.52 RCW;
35 optometry under chapters 18.53 and 18.54 RCW; ocularists under
36 chapter 18.55 RCW; osteopathic medicine and surgery under chapters
37 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW;
38 medicine under chapters 18.71 and 18.71A RCW; emergency medicine
39 under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW;

1 practical nurses under chapter 18.79 RCW; psychologists under chapter
2 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational
3 therapists licensed under chapter 18.59 RCW; respiratory care
4 practitioners licensed under chapter 18.89 RCW; veterinarians and
5 veterinary technicians under chapter 18.92 RCW; health care
6 assistants under chapter 18.135 RCW; massage practitioners under
7 chapter 18.108 RCW; East Asian medicine practitioners licensed under
8 chapter 18.06 RCW; persons registered under chapter 18.19 RCW;
9 persons licensed as mental health counselors, marriage and family
10 therapists, and social workers under chapter 18.225 RCW; dietitians
11 and nutritionists certified by chapter 18.138 RCW; radiologic
12 technicians under chapter 18.84 RCW; nursing assistants registered or
13 certified under chapter 18.88A RCW; (~~and~~) reflexologists certified
14 under chapter 18.108 RCW; (~~and~~) medical assistants-certified,
15 medical assistants-hemodialysis technician, medical assistants-
16 phlebotomist, and medical assistants-registered certified and
17 registered under chapter 18.360 RCW; and dental practitioners and
18 dental hygiene practitioners licensed under chapter 18.-- RCW (the
19 new chapter created in section 22 of this act).

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

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

28 (7) "License," "licensing," and "licensure" mean permission to
29 engage in a health profession which would otherwise be unlawful in
30 the state in the absence of the permission. A license is granted to
31 those individuals who meet prerequisite qualifications to perform
32 prescribed health professional tasks and for the use of a particular
33 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
38 of 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
5 was, a member of the health profession being regulated or the spouse
6 of a member, or an individual who does not have and never has had a
7 material financial interest in either the rendering of the health
8 professional service being regulated or an activity directly related
9 to the 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
18 regulates one or more professions, occupations, industries,
19 businesses, or other endeavors in this state.

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

24 **Sec. 13.** RCW 18.120.020 and 2012 c 153 s 15, 2012 c 137 s 18,
25 and 2012 c 23 s 8 are each reenacted and amended to read as follows:

26 The definitions in this section apply throughout this chapter
27 unless the context clearly requires otherwise.

28 (1) "Applicant group" includes any health professional group or
29 organization, any individual, or any other interested party which
30 proposes that any health professional group not presently regulated
31 be regulated or which proposes to substantially increase the scope of
32 practice of the profession.

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

1 (3) "Grandfather clause" means a provision in a regulatory
2 statute applicable to practitioners actively engaged in the regulated
3 health profession prior to the effective date of the regulatory
4 statute which exempts the practitioners from meeting the prerequisite
5 qualifications set forth in the regulatory statute to perform
6 prescribed occupational tasks.

7 (4) "Health professions" means and includes the following health
8 and health-related licensed or regulated professions and occupations:
9 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
10 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
11 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
12 dental anesthesia assistants under chapter 18.350 RCW; dispensing
13 opticians under chapter 18.34 RCW; hearing instruments under chapter
14 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and
15 funeral directing under chapter 18.39 RCW; midwifery under chapter
16 18.50 RCW; nursing home administration under chapter 18.52 RCW;
17 optometry under chapters 18.53 and 18.54 RCW; ocularists under
18 chapter 18.55 RCW; osteopathic medicine and surgery under chapters
19 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW;
20 medicine under chapters 18.71 and 18.71A RCW; emergency medicine
21 under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW;
22 practical nurses under chapter 18.79 RCW; psychologists under chapter
23 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational
24 therapists licensed under chapter 18.59 RCW; respiratory care
25 practitioners licensed under chapter 18.89 RCW; veterinarians and
26 veterinary technicians under chapter 18.92 RCW; massage practitioners
27 under chapter 18.108 RCW; East Asian medicine practitioners licensed
28 under chapter 18.06 RCW; persons registered under chapter 18.19 RCW;
29 persons licensed as mental health counselors, marriage and family
30 therapists, and social workers under chapter 18.225 RCW; dietitians
31 and nutritionists certified by chapter 18.138 RCW; radiologic
32 technicians under chapter 18.84 RCW; nursing assistants registered or
33 certified under chapter 18.88A RCW; (~~and~~) reflexologists certified
34 under chapter 18.108 RCW; (~~and~~) medical assistants-certified,
35 medical assistants-hemodialysis technician, medical assistants-
36 phlebotomist, and medical assistants-registered certified and
37 registered under chapter 18.360 RCW; and dental practitioners and
38 dental hygiene practitioners licensed under chapter 18.-- RCW (the
39 new chapter created in section 22 of this act).

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

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

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

15 (8) "Professional license" means an individual, nontransferable
16 authorization to carry on a health activity based on qualifications
17 which include: (a) Graduation from an accredited or approved program,
18 and (b) acceptable performance on a qualifying examination or series
19 of examinations.

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

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

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

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

39 (13) "State agency" includes every state office, department,
40 board, commission, regulatory entity, and agency of the state, and,

1 where provided by law, programs and activities involving less than
2 the full responsibility of a state agency.

3 **Sec. 14.** RCW 18.130.040 and 2013 c 171 s 7 and 2013 c 19 s 44
4 are each reenacted and amended to read as follows:

5 (1) This chapter applies only to the secretary and the boards and
6 commissions having jurisdiction in relation to the professions
7 licensed under the chapters specified in this section. This chapter
8 does not apply to any business or profession not licensed under the
9 chapters specified in this section.

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

12 (i) Dispensing opticians licensed and designated apprentices
13 under chapter 18.34 RCW;

14 (ii) Midwives licensed under chapter 18.50 RCW;

15 (iii) Ocularists licensed under chapter 18.55 RCW;

16 (iv) Massage practitioners and businesses licensed under chapter
17 18.108 RCW;

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

19 (vi) East Asian medicine practitioners licensed under chapter
20 18.06 RCW;

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

23 (viii) Respiratory care practitioners licensed under chapter
24 18.89 RCW;

25 (ix) Hypnotherapists and agency affiliated counselors registered
26 and advisors and counselors certified under chapter 18.19 RCW;

27 (x) Persons licensed as mental health counselors, mental health
28 counselor associates, marriage and family therapists, marriage and
29 family therapist associates, social workers, social work associates—
30 advanced, and social work associates—independent clinical under
31 chapter 18.225 RCW;

32 (xi) Persons registered as nursing pool operators under chapter
33 18.52C RCW;

34 (xii) Nursing assistants registered or certified or medication
35 assistants endorsed under chapter 18.88A RCW;

36 (xiii) Health care assistants certified under chapter 18.135 RCW;

37 (xiv) Dietitians and nutritionists certified under chapter 18.138
38 RCW;

- 1 (xv) Chemical dependency professionals and chemical dependency
2 professional trainees certified under chapter 18.205 RCW;
- 3 (xvi) Sex offender treatment providers and certified affiliate
4 sex offender treatment providers certified under chapter 18.155 RCW;
- 5 (xvii) Persons licensed and certified under chapter 18.73 RCW or
6 RCW 18.71.205;
- 7 (xviii) Orthotists and prosthetists licensed under chapter 18.200
8 RCW;
- 9 (xix) Surgical technologists registered under chapter 18.215 RCW;
- 10 (xx) Recreational therapists under chapter 18.230 RCW;
- 11 (xxi) Animal massage practitioners certified under chapter 18.240
12 RCW;
- 13 (xxii) Athletic trainers licensed under chapter 18.250 RCW;
- 14 (xxiii) Home care aides certified under chapter 18.88B RCW;
- 15 (xxiv) Genetic counselors licensed under chapter 18.290 RCW;
- 16 (xxv) Reflexologists certified under chapter 18.108 RCW; and
- 17 (xxvi) Medical assistants-certified, medical assistants-
18 hemodialysis technician, medical assistants-phlebotomist, and medical
19 assistants-registered certified and registered under chapter 18.360
20 RCW.
- 21 (b) The boards and commissions having authority under this
22 chapter are as follows:
- 23 (i) The podiatric medical board as established in chapter 18.22
24 RCW;
- 25 (ii) The chiropractic quality assurance commission as established
26 in chapter 18.25 RCW;
- 27 (iii) The dental quality assurance commission as established in
28 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
29 licenses and registrations issued under chapter 18.260 RCW, licenses
30 issued under chapter 18.-- RCW (the new chapter created in section 22
31 of this act), and certifications issued under chapter 18.350 RCW;
- 32 (iv) The board of hearing and speech as established in chapter
33 18.35 RCW;
- 34 (v) The board of examiners for nursing home administrators as
35 established in chapter 18.52 RCW;
- 36 (vi) The optometry board as established in chapter 18.54 RCW
37 governing licenses issued under chapter 18.53 RCW;
- 38 (vii) The board of osteopathic medicine and surgery as
39 established in chapter 18.57 RCW governing licenses issued under
40 chapters 18.57 and 18.57A RCW;

1 (viii) The pharmacy quality assurance commission as established
2 in chapter 18.64 RCW governing licenses issued under chapters 18.64
3 and 18.64A RCW;

4 (ix) The medical quality assurance commission as established in
5 chapter 18.71 RCW governing licenses and registrations issued under
6 chapters 18.71 and 18.71A RCW;

7 (x) The board of physical therapy as established in chapter 18.74
8 RCW;

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

11 (xii) The nursing care quality assurance commission as
12 established in chapter 18.79 RCW governing licenses and registrations
13 issued under that chapter;

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

16 (xiv) The veterinary board of governors as established in chapter
17 18.92 RCW;

18 (xv) The board of naturopathy established in chapter 18.36A RCW;
19 and

20 (xvi) The board of denturists established in chapter 18.30 RCW.

21 (3) In addition to the authority to discipline license holders,
22 the disciplining authority has the authority to grant or deny
23 licenses. The disciplining authority may also grant a license subject
24 to conditions.

25 (4) All disciplining authorities shall adopt procedures to ensure
26 substantially consistent application of this chapter, the uniform
27 disciplinary act, among the disciplining authorities listed in
28 subsection (2) of this section.

29 **Sec. 15.** RCW 18.130.040 and 2013 c 171 s 8 and 2013 c 19 s 45
30 are each reenacted and amended to read as follows:

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

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

38 (i) Dispensing opticians licensed and designated apprentices
39 under 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 practitioners and businesses licensed under chapter
4 18.108 RCW;
- 5 (v) Dental hygienists licensed under chapter 18.29 RCW;
- 6 (vi) East Asian medicine practitioners licensed under chapter
7 18.06 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
11 18.89 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 or medication
22 assistants endorsed under chapter 18.88A RCW;
- 23 (xiii) Dietitians and nutritionists certified under chapter
24 18.138 RCW;
- 25 (xiv) Chemical dependency professionals and chemical dependency
26 professional trainees certified under chapter 18.205 RCW;
- 27 (xv) Sex offender treatment providers and certified affiliate sex
28 offender treatment providers certified under chapter 18.155 RCW;
- 29 (xvi) Persons licensed and certified under chapter 18.73 RCW or
30 RCW 18.71.205;
- 31 (xvii) Orthotists and prosthetists licensed under chapter 18.200
32 RCW;
- 33 (xviii) Surgical technologists registered under chapter 18.215
34 RCW;
- 35 (xix) Recreational therapists under chapter 18.230 RCW;
- 36 (xx) Animal massage practitioners certified under chapter 18.240
37 RCW;
- 38 (xxi) Athletic trainers licensed under chapter 18.250 RCW;
- 39 (xxii) Home care aides certified under chapter 18.88B RCW;
- 40 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;

1 (xxiv) Reflexologists certified under chapter 18.108 RCW; and
2 (xxv) Medical assistants-certified, medical assistants-
3 hemodialysis technician, medical assistants-phlebotomist, and medical
4 assistants-registered certified and registered under chapter 18.360
5 RCW.

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

8 (i) The podiatric medical board as established in chapter 18.22
9 RCW;

10 (ii) The chiropractic quality assurance commission as established
11 in chapter 18.25 RCW;

12 (iii) The dental quality assurance commission as established in
13 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
14 licenses and registrations issued under chapter 18.260 RCW, licenses
15 issued under chapter 18.-- RCW (the new chapter created in section 22
16 of this act), and certifications issued under chapter 18.350 RCW;

17 (iv) The board of hearing and speech as established in chapter
18 18.35 RCW;

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

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

23 (vii) The board of osteopathic medicine and surgery as
24 established in chapter 18.57 RCW governing licenses issued under
25 chapters 18.57 and 18.57A RCW;

26 (viii) The pharmacy quality assurance commission as established
27 in chapter 18.64 RCW governing licenses issued under chapters 18.64
28 and 18.64A RCW;

29 (ix) The medical quality assurance commission as established in
30 chapter 18.71 RCW governing licenses and registrations issued under
31 chapters 18.71 and 18.71A RCW;

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

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

36 (xii) The nursing care quality assurance commission as
37 established in chapter 18.79 RCW governing licenses and registrations
38 issued under that chapter;

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

1 (xiv) The veterinary board of governors as established in chapter
2 18.92 RCW;

3 (xv) The board of naturopathy established in chapter 18.36A RCW;
4 and

5 (xvi) The board of denturists established in chapter 18.30 RCW.

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

10 (4) All disciplining authorities shall adopt procedures to ensure
11 substantially consistent application of this chapter, the uniform
12 disciplinary act, among the disciplining authorities listed in
13 subsection (2) of this section.

14 **Sec. 16.** RCW 18.260.010 and 2007 c 269 s 1 are each amended to
15 read as follows:

16 The definitions in this section apply throughout this chapter
17 unless the context clearly requires otherwise.

18 (1) "Close supervision" means that a supervising dentist, dental
19 practitioner, or dental hygiene practitioner whose patient is being
20 treated has personally diagnosed the condition to be treated and has
21 personally authorized the procedures to be performed. The supervising
22 dentist, dental practitioner, or dental hygiene practitioner is
23 continuously on-site and physically present in the treatment facility
24 while the procedures are performed by the assistive personnel and
25 capable of responding immediately in the event of an emergency. The
26 term does not require a supervising dentist, dental practitioner, or
27 dental hygiene practitioner to be physically present in the
28 operatory.

29 (2) "Commission" means the Washington state dental quality
30 assurance commission created in chapter 18.32 RCW.

31 (3) "Dental assistant" means a person who is registered by the
32 commission to provide supportive services to a licensed dentist to
33 the extent provided in this chapter and under the close supervision
34 of a dentist.

35 (4) "Dental hygiene practitioner" means an individual who holds a
36 license to practice as a dental hygiene practitioner under chapter
37 18.-- RCW (the new chapter created in section 22 of this act).

1 (5) "Dental practitioner" means an individual who holds a license
2 to practice as a dental practitioner under chapter 18.-- RCW (the new
3 chapter created in section 22 of this act).

4 (6) "Dentist" means an individual who holds a license to practice
5 dentistry under chapter 18.32 RCW.

6 ~~((+5))~~ (7) "Department" means the department of health.

7 ~~((+6))~~ (8) "Expanded function dental auxiliary" means a person
8 who is licensed by the commission to provide supportive services to a
9 licensed dentist, dental practitioner, or dental hygiene practitioner
10 to the extent provided in this chapter and under the specified level
11 of supervision of a dentist, dental practitioner, or dental hygiene
12 practitioner.

13 ~~((+7))~~ (9) "General supervision" means that a supervising
14 dentist, dental practitioner, or dental hygiene practitioner has
15 examined and diagnosed the patient and provided subsequent
16 instructions to be performed by the assistive personnel, but does not
17 require that the dentist, dental practitioner, or dental hygiene
18 practitioner be physically present in the treatment facility.

19 ~~((+8))~~ (10) "Secretary" means the secretary of health.

20 ~~((+9))~~ (11) "Supervising dental hygiene practitioner" means a
21 dental hygiene practitioner licensed under chapter 18.-- RCW (the new
22 chapter created in section 22 of this act) who is responsible for
23 providing the appropriate level of supervision for dental assistants
24 and expanded function dental auxiliaries.

25 (12) "Supervising dental practitioner" means a dental
26 practitioner licensed under chapter 18.-- RCW (the new chapter created
27 in section 22 of this act) who is responsible for providing the
28 appropriate level of supervision for dental assistants and expanded
29 function dental auxiliaries.

30 (13) "Supervising dentist" means a dentist licensed under chapter
31 18.32 RCW that is responsible for providing the appropriate level of
32 supervision for dental assistants and expanded function dental
33 auxiliaries.

34 **Sec. 17.** RCW 18.260.040 and 2013 c 87 s 4 are each amended to
35 read as follows:

36 (1)(a) The commission shall adopt rules relating to the scope of
37 dental assisting services related to patient care and laboratory
38 duties that may be performed by dental assistants.

1 (b) In addition to the services and duties authorized by the
2 rules adopted under (a) of this subsection, a dental assistant may
3 apply topical anesthetic agents.

4 (c) All dental services performed by dental assistants under (a)
5 or (b) of this subsection must be performed under the close
6 supervision of a supervising dentist, a supervising dental
7 practitioner, or a supervising dental hygiene practitioner as the
8 dentist, dental practitioner, or dental hygiene practitioner may
9 allow.

10 (2) In addition to any other limitations established by the
11 commission, dental assistants may not perform the following
12 procedures:

13 (a) Any scaling procedure;

14 (b) Any oral prophylaxis, except coronal polishing;

15 (c) Administration of any general or local anesthetic, including
16 intravenous sedation;

17 (d) Any removal of or addition to the hard or soft tissue of the
18 oral cavity;

19 (e) Any diagnosis of or prescription for treatment of disease,
20 pain, deformity, deficiency, injury, or physical condition of the
21 human teeth, jaw, or adjacent structures; and

22 (f) The taking of any impressions of the teeth or jaw or the
23 relationships of the teeth or jaws, for the purpose of fabricating
24 any intra-oral restoration, appliance, or prosthesis.

25 (3) A dentist, dental practitioner, or dental hygiene
26 practitioner may not assign a dental assistant to perform duties
27 until the dental assistant has demonstrated skills necessary to
28 perform competently all assigned duties and responsibilities.

29 **Sec. 18.** RCW 18.260.070 and 2007 c 269 s 6 are each amended to
30 read as follows:

31 (1) The commission shall adopt rules relating to the scope of
32 expanded function dental auxiliary services related to patient care
33 and laboratory duties that may be performed by expanded function
34 dental auxiliaries.

35 (2) The scope of expanded function dental auxiliary services that
36 the commission identifies in subsection (1) of this section includes:

37 (a) In addition to the dental assisting services that a dental
38 assistant may perform under the close supervision of a supervising
39 dentist, a supervising dental practitioner, or a supervising dental

1 hygiene practitioner, the performance of the following services under
2 the general supervision of a supervising dentist, a supervising
3 dental practitioner, or a supervising dental hygiene practitioner as
4 the dentist, dental practitioner, or dental hygiene practitioner may
5 allow:

6 (i) Performing coronal polishing;

7 (ii) Giving fluoride treatments;

8 (iii) Applying sealants;

9 (iv) Placing dental x-ray film and exposing and developing the
10 films;

11 (v) Giving patient oral health instruction; and

12 (b) Notwithstanding any prohibitions in RCW 18.260.040, the
13 performance of the following services under the close supervision of
14 a supervising dentist, a supervising dental practitioner, or a
15 supervising dental hygiene practitioner as the dentist, dental
16 practitioner, or dental hygiene practitioner may allow:

17 (i) Placing and carving direct restorations; and

18 (ii) Taking final impressions.

19 (3) A dentist, dental practitioner, or dental hygiene
20 practitioner may not assign an expanded function dental auxiliary to
21 perform services until the expanded function dental auxiliary has
22 demonstrated skills necessary to perform competently all assigned
23 duties and responsibilities.

24 **Sec. 19.** RCW 18.260.080 and 2007 c 269 s 7 are each amended to
25 read as follows:

26 A supervising dentist, a supervising dental practitioner, or a
27 supervising dental hygiene practitioner is responsible for:

28 (1) Maintaining the appropriate level of supervision for dental
29 assistants and expanded function dental auxiliaries; and

30 (2) Ensuring that the dental assistants and expanded function
31 dental auxiliaries that the dentist, dental practitioner, or dental
32 hygiene practitioner supervises are able to competently perform the
33 tasks that they are assigned.

34 **Sec. 20.** RCW 69.41.010 and 2013 c 276 s 1 and 2013 c 19 s 55 are
35 each reenacted and amended to read as follows:

36 As used in this chapter, the following terms have the meanings
37 indicated unless the context clearly requires otherwise:

1 (1) "Administer" means the direct application of a legend drug
2 whether by injection, inhalation, ingestion, or any other means, to
3 the body of a patient or research subject by:

4 (a) A practitioner; or

5 (b) The patient or research subject at the direction of the
6 practitioner.

7 (2) "Community-based care settings" include: Community
8 residential programs for persons with developmental disabilities,
9 certified by the department of social and health services under
10 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128
11 RCW; and assisted living facilities licensed under chapter 18.20 RCW.
12 Community-based care settings do not include acute care or skilled
13 nursing facilities.

14 (3) "Deliver" or "delivery" means the actual, constructive, or
15 attempted transfer from one person to another of a legend drug,
16 whether or not there is an agency relationship.

17 (4) "Department" means the department of health.

18 (5) "Dispense" means the interpretation of a prescription or
19 order for a legend drug and, pursuant to that prescription or order,
20 the proper selection, measuring, compounding, labeling, or packaging
21 necessary to prepare that prescription or order for delivery.

22 (6) "Dispenser" means a practitioner who dispenses.

23 (7) "Distribute" means to deliver other than by administering or
24 dispensing a legend drug.

25 (8) "Distributor" means a person who distributes.

26 (9) "Drug" means:

27 (a) Substances recognized as drugs in the official United States
28 pharmacopoeia, official homeopathic pharmacopoeia of the United
29 States, or official national formulary, or any supplement to any of
30 them;

31 (b) Substances intended for use in the diagnosis, cure,
32 mitigation, treatment, or prevention of disease in human beings or
33 animals;

34 (c) Substances (other than food, minerals or vitamins) intended
35 to affect the structure or any function of the body of human beings
36 or animals; and

37 (d) Substances intended for use as a component of any article
38 specified in (a), (b), or (c) of this subsection. It does not include
39 devices or their components, parts, or accessories.

1 (10) "Electronic communication of prescription information" means
2 the transmission of a prescription or refill authorization for a drug
3 of a practitioner using computer systems. The term does not include a
4 prescription or refill authorization transmitted verbally by
5 telephone nor a facsimile manually signed by the practitioner.

6 (11) "In-home care settings" include an individual's place of
7 temporary and permanent residence, but does not include acute care or
8 skilled nursing facilities, and does not include community-based care
9 settings.

10 (12) "Legend drugs" means any drugs which are required by state
11 law or regulation of the pharmacy quality assurance commission to be
12 dispensed on prescription only or are restricted to use by
13 practitioners only.

14 (13) "Legible prescription" means a prescription or medication
15 order issued by a practitioner that is capable of being read and
16 understood by the pharmacist filling the prescription or the nurse or
17 other practitioner implementing the medication order. A prescription
18 must be hand printed, typewritten, or electronically generated.

19 (14) "Medication assistance" means assistance rendered by a
20 nonpractitioner to an individual residing in a community-based care
21 setting or in-home care setting to facilitate the individual's self-
22 administration of a legend drug or controlled substance. It includes
23 reminding or coaching the individual, handing the medication
24 container to the individual, opening the individual's medication
25 container, using an enabler, or placing the medication in the
26 individual's hand, and such other means of medication assistance as
27 defined by rule adopted by the department. A nonpractitioner may help
28 in the preparation of legend drugs or controlled substances for self-
29 administration where a practitioner has determined and communicated
30 orally or by written direction that such medication preparation
31 assistance is necessary and appropriate. Medication assistance shall
32 not include assistance with intravenous medications or injectable
33 medications, except prefilled insulin syringes.

34 (15) "Person" means individual, corporation, government or
35 governmental subdivision or agency, business trust, estate, trust,
36 partnership or association, or any other legal entity.

37 (16) "Practitioner" means:

38 (a) A physician under chapter 18.71 RCW, an osteopathic physician
39 or an osteopathic physician and surgeon under chapter 18.57 RCW, a
40 dentist under chapter 18.32 RCW, a podiatric physician and surgeon

1 under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a
2 registered nurse, advanced registered nurse practitioner, or licensed
3 practical nurse under chapter 18.79 RCW, an optometrist under chapter
4 18.53 RCW who is certified by the optometry board under RCW
5 18.53.010, an osteopathic physician assistant under chapter 18.57A
6 RCW, a physician assistant under chapter 18.71A RCW, a naturopath
7 licensed under chapter 18.36A RCW, a pharmacist under chapter 18.64
8 RCW, or, when acting under the required supervision of a dentist
9 licensed under chapter 18.32 RCW, a dental hygienist licensed under
10 chapter 18.29 RCW, a dental hygiene practitioner licensed under
11 chapter 18.-- RCW (the new chapter created in section 22 of this
12 act), or a dental practitioner licensed under chapter 18.-- RCW (the
13 new chapter created in section 22 of this act);

14 (b) A pharmacy, hospital, or other institution licensed,
15 registered, or otherwise permitted to distribute, dispense, conduct
16 research with respect to, or to administer a legend drug in the
17 course of professional practice or research in this state; and

18 (c) A physician licensed to practice medicine and surgery or a
19 physician licensed to practice osteopathic medicine and surgery in
20 any state, or province of Canada, which shares a common border with
21 the state of Washington.

22 (17) "Secretary" means the secretary of health or the secretary's
23 designee.

24 **Sec. 21.** RCW 69.41.030 and 2013 c 71 s 1 and 2013 c 12 s 1 are
25 each reenacted and amended to read as follows:

26 (1) It shall be unlawful for any person to sell, deliver, or
27 possess any legend drug except upon the order or prescription of a
28 physician under chapter 18.71 RCW, an osteopathic physician and
29 surgeon under chapter 18.57 RCW, an optometrist licensed under
30 chapter 18.53 RCW who is certified by the optometry board under RCW
31 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician
32 and surgeon under chapter 18.22 RCW, a veterinarian under chapter
33 18.92 RCW, a commissioned medical or dental officer in the United
34 States armed forces or public health service in the discharge of his
35 or her official duties, a duly licensed physician or dentist employed
36 by the veterans administration in the discharge of his or her
37 official duties, a registered nurse or advanced registered nurse
38 practitioner under chapter 18.79 RCW when authorized by the nursing
39 care quality assurance commission, a pharmacist licensed under

1 chapter 18.64 RCW to the extent permitted by drug therapy guidelines
2 or protocols established under RCW 18.64.011 and authorized by the
3 board of pharmacy and approved by a practitioner authorized to
4 prescribe drugs, an osteopathic physician assistant under chapter
5 18.57A RCW when authorized by the board of osteopathic medicine and
6 surgery, a physician assistant under chapter 18.71A RCW when
7 authorized by the medical quality assurance commission, a dental
8 hygiene practitioner or dental practitioner licensed under chapter
9 18.-- RCW (the new chapter created in section 22 of this act) as
10 authorized in section 5 of this act, or any of the following
11 professionals in any province of Canada that shares a common border
12 with the state of Washington or in any state of the United States: A
13 physician licensed to practice medicine and surgery or a physician
14 licensed to practice osteopathic medicine and surgery, a dentist
15 licensed to practice dentistry, a podiatric physician and surgeon
16 licensed to practice podiatric medicine and surgery, a licensed
17 advanced registered nurse practitioner, a licensed physician
18 assistant, a licensed osteopathic physician assistant, or a
19 veterinarian licensed to practice veterinary medicine: PROVIDED,
20 HOWEVER, That the above provisions shall not apply to sale, delivery,
21 or possession by drug wholesalers or drug manufacturers, or their
22 agents or employees, or to any practitioner acting within the scope
23 of his or her license, or to a common or contract carrier or
24 warehouse operator, or any employee thereof, whose possession of any
25 legend drug is in the usual course of business or employment:
26 PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW
27 shall prevent a family planning clinic that is under contract with
28 the health care authority from selling, delivering, possessing, and
29 dispensing commercially prepackaged oral contraceptives prescribed by
30 authorized, licensed health care practitioners.

31 (2)(a) A violation of this section involving the sale, delivery,
32 or possession with intent to sell or deliver is a class B felony
33 punishable according to chapter 9A.20 RCW.

34 (b) A violation of this section involving possession is a
35 misdemeanor.

36 NEW SECTION. **Sec. 22.** Sections 1 through 9 of this act
37 constitute a new chapter in Title 18 RCW.

1 NEW SECTION. **Sec. 23.** The department of health and the dental
2 quality assurance commission shall adopt any rules necessary to
3 implement this act.

4 NEW SECTION. **Sec. 24.** The American dental association and the
5 Washington state dental association are encouraged to consult with
6 stakeholders, including dentists, dental hygienists, and patient
7 advocates, to study programs in the state that use volunteer dentists
8 and oral surgeons to provide specialty care dental services,
9 including tooth extractions and root canals, to low-income adults and
10 children. This study should include an investigation into expansion
11 of volunteer specialty care dental services into underserved areas in
12 the state and methods to finance these programs. In order to provide
13 the legislature time to review the work of the American dental
14 association and the Washington state dental association, the results
15 of this study should be reported to the legislature by January 1,
16 2016.

17 NEW SECTION. **Sec. 25.** Sections 1 through 12, 14, and 16 through
18 21 of this act take effect January 1, 2016.

19 NEW SECTION. **Sec. 26.** Sections 12 and 14 of this act expire
20 July 1, 2016.

21 NEW SECTION. **Sec. 27.** Sections 13 and 15 of this act take
22 effect July 1, 2016.

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