

SSB 5423 - H COMM AMD

By Committee on Health Care & Wellness

ADOPTED 03/24/2021

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

3 **"Sec. 1.** RCW 18.71.030 and 2019 c 270 s 3 are each amended to
4 read as follows:

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

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

11 (2) The domestic administration of family remedies;

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

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

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

25 (6) The consultation through telemedicine or other means by a
26 practitioner, licensed by another state or territory in which he or
27 she resides, with a practitioner licensed in this state who has
28 responsibility for the diagnosis and treatment of the patient within
29 this state;

30 (7) The in-person practice of medicine by any practitioner
31 licensed by another state or territory in which he or she resides,

1 provided that such practitioner shall not open an office or appoint a
2 place of meeting patients or receiving calls within this state;

3 ~~((7))~~ (8) The practice of medicine by a person who is a regular
4 student in a school of medicine approved and accredited by the
5 commission if:

6 (a) The performance of such services is only pursuant to a
7 regular course of instruction or assignments from his or her
8 instructor ~~((or))~~; or

9 (b) Such services are performed only under the supervision and
10 control of a person licensed pursuant to this chapter; or

11 (c) (i) Such services are performed without compensation or
12 expectation of compensation as part of a volunteer activity;

13 (ii) The student is under the direct supervision and control of a
14 pharmacist licensed under chapter 18.64 RCW, an osteopathic physician
15 and surgeon licensed under chapter 18.57 RCW, or a registered nurse
16 or advanced registered nurse practitioner licensed under chapter
17 18.79 RCW;

18 (iii) The services the student performs are within the scope of
19 practice of: (A) A physician licensed under this chapter; and (B) the
20 person supervising the student;

21 (iv) The school in which the student is enrolled verifies the
22 student has demonstrated competency through his or her education and
23 training to perform the services; and

24 (v) The student provides proof of current malpractice insurance
25 to the volunteer activity organizer prior to performing any services;

26 ~~((8))~~ (9) The practice of medicine by a person serving a period
27 of postgraduate medical training in a program of clinical medical
28 training sponsored by a college or university in this state or by a
29 hospital accredited in this state, however, the performance of such
30 services shall be only pursuant to his or her duties as a trainee;

31 ~~((9))~~ (10) The practice of medicine by a person who is
32 regularly enrolled in a physician assistant program approved by the
33 commission, however, the performance of such services shall be only
34 pursuant to a regular course of instruction in said program and such
35 services are performed only under the supervision and control of a
36 person licensed pursuant to this chapter;

37 ~~((10))~~ (11) The practice of medicine by a licensed physician
38 assistant which practice is performed under the supervision and
39 control of a physician licensed pursuant to this chapter;

1 (~~(11)~~) (12) The practice of medicine, in any part of this state
2 which shares a common border with Canada and which is surrounded on
3 three sides by water, by a physician licensed to practice medicine
4 and surgery in Canada or any province or territory thereof;

5 (~~(12)~~) (13) The administration of nondental anesthesia by a
6 dentist who has completed a residency in anesthesiology at a school
7 of medicine approved by the commission, however, a dentist allowed to
8 administer nondental anesthesia shall do so only under authorization
9 of the patient's attending surgeon, obstetrician, or psychiatrist,
10 and the commission has jurisdiction to discipline a dentist
11 practicing under this exemption and enjoin or suspend such dentist
12 from the practice of nondental anesthesia according to this chapter
13 and chapter 18.130 RCW;

14 (~~(13)~~) (14) Emergency lifesaving service rendered by a
15 physician's trained advanced emergency medical technician and
16 paramedic, as defined in RCW 18.71.200, if the emergency lifesaving
17 service is rendered under the responsible supervision and control of
18 a licensed physician;

19 (~~(14)~~) (15) The provision of clean, intermittent bladder
20 catheterization for students by public school district employees or
21 private school employees as provided for in RCW 18.79.290 and
22 28A.210.280.

23 **Sec. 2.** RCW 18.57.040 and 2019 c 270 s 2 are each amended to
24 read as follows:

25 Nothing in this chapter shall be construed to prohibit:

26 (1) Service in the case of emergency;

27 (2) The domestic administration of family remedies;

28 (3) The practice of midwifery as permitted under chapter 18.50
29 RCW;

30 (4) The practice of osteopathic medicine and surgery by any
31 commissioned medical officer in the United States government or
32 military service or by any osteopathic physician and surgeon employed
33 by a federal agency, in the discharge of his or her official duties;

34 (5) Practice by a dentist licensed under chapter 18.32 RCW when
35 engaged exclusively in the practice of dentistry;

36 (6) The consultation through telemedicine or other means by a
37 practitioner, licensed by another state or territory in which he or
38 she resides, with a practitioner licensed in this state who has

1 responsibility for the diagnosis and treatment of the patient within
2 this state;

3 ~~(7)~~ ~~((Practice))~~ (7) In-person practice by any osteopathic physician
4 and surgeon from any other state or territory in which he or she
5 resides: PROVIDED, That such practitioner shall not open an office or
6 appoint a place of meeting patients or receive calls within the
7 limits of this state;

8 ~~((7))~~ (8) Practice by a person who is a student enrolled in an
9 accredited school of osteopathic medicine and surgery approved by the
10 board if:

11 (a) The performance of such services is only pursuant to a course
12 of instruction or assignments from his or her instructor or school,
13 and such services are performed only under the supervision of a
14 person licensed pursuant to this chapter or chapter 18.71 RCW; or

15 (b) (i) Such services are performed without compensation or
16 expectation of compensation as part of a volunteer activity;

17 (ii) The student is under the direct supervision and control of a
18 pharmacist licensed under chapter 18.64 RCW, a physician licensed
19 under chapter 18.71 RCW, an osteopathic physician and surgeon
20 licensed under this chapter (~~(18.57 RCW)~~), or a registered nurse or
21 advanced registered nurse practitioner licensed under chapter 18.79
22 RCW;

23 (iii) The services the student performs are within the scope of
24 practice of: (A) An osteopathic physician and surgeon licensed under
25 this chapter; and (B) the person supervising the student;

26 (iv) The school in which the student is enrolled verifies the
27 student has demonstrated competency through his or her education and
28 training to perform the services; and

29 (v) The student provides proof of current malpractice insurance
30 to the volunteer activity organizer prior to performing any services;

31 ~~((8))~~ (9) Practice by an osteopathic physician and surgeon
32 serving a period of clinical postgraduate medical training in a
33 postgraduate program approved by the board: PROVIDED, That the
34 performance of such services be only pursuant to a course of
35 instruction in said program, and said services are performed only
36 under the supervision and control of a person licensed pursuant to
37 this chapter or chapter 18.71 RCW; or

38 ~~((9))~~ (10) Practice by a person who is enrolled in a physician
39 assistant program approved by the board who is performing such
40 services only pursuant to a course of instruction in said program:

1 PROVIDED, That such services are performed only under the supervision
2 and control of a person licensed pursuant to this chapter or chapter
3 18.71 RCW.

4 This chapter shall not be construed to apply in any manner to any
5 other system or method of treating the sick or afflicted or to apply
6 to or interfere in any way with the practice of religion or any kind
7 of treatment by prayer."

8 Correct the title.

EFFECT: Authorizes a licensed out-of-state practitioner to consult via telemedicine or other means, rather than via telemedicine only, with an allopathic or osteopathic physician licensed in Washington who has responsibility for the diagnosis and treatment of a Washington patient. Modifies the provisions authorizing a licensed out-of-state practitioner to practice allopathic or osteopathic medicine if the practitioner does not open an office or appoint a place for meeting patients or receiving calls within Washington to instead authorize in-person practice.

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