

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 1300**

Chapter 220, Laws of 2024

68th Legislature  
2024 Regular Session

ASSISTED REPRODUCTION—HEALTH CARE PROVIDER FRAUD

EFFECTIVE DATE: June 6, 2024

Passed by the House March 5, 2024  
Yeas 93 Nays 0

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Passed by the Senate February 27,  
2024  
Yeas 49 Nays 0

DENNY HECK

**President of the Senate**

Approved March 25, 2024 1:35 PM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1300** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

March 26, 2024

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE HOUSE BILL 1300**

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AS AMENDED BY THE SENATE

Passed Legislature - 2024 Regular Session

**State of Washington**                      **68th Legislature**                      **2023 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Orwall, Mosbrucker, Graham, Jacobsen, Lekanoff, Macri, and Reed)

READ FIRST TIME 02/24/23.

1            AN ACT Relating to fraud in assisted reproduction; amending RCW  
2 9A.36.031; reenacting and amending RCW 18.130.180; and prescribing  
3 penalties.

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

5            **Sec. 1.** RCW 9A.36.031 and 2013 c 256 s 1 are each amended to  
6 read as follows:

7            (1) A person is guilty of assault in the third degree if he or  
8 she, under circumstances not amounting to assault in the first or  
9 second degree:

10            (a) With intent to prevent or resist the execution of any lawful  
11 process or mandate of any court officer or the lawful apprehension or  
12 detention of himself, herself, or another person, assaults another;  
13 or

14            (b) Assaults a person employed as a transit operator or driver,  
15 the immediate supervisor of a transit operator or driver, a mechanic,  
16 or a security officer, by a public or private transit company or a  
17 contracted transit service provider, while that person is performing  
18 his or her official duties at the time of the assault; or

19            (c) Assaults a school bus driver, the immediate supervisor of a  
20 driver, a mechanic, or a security officer, employed by a school  
21 district transportation service or a private company under contract

1 for transportation services with a school district, while the person  
2 is performing his or her official duties at the time of the assault;  
3 or

4 (d) With criminal negligence, causes bodily harm to another  
5 person by means of a weapon or other instrument or thing likely to  
6 produce bodily harm; or

7 (e) Assaults a firefighter or other employee of a fire  
8 department, county fire marshal's office, county fire prevention  
9 bureau, or fire protection district who was performing his or her  
10 official duties at the time of the assault; or

11 (f) With criminal negligence, causes bodily harm accompanied by  
12 substantial pain that extends for a period sufficient to cause  
13 considerable suffering; or

14 (g) Assaults a law enforcement officer or other employee of a law  
15 enforcement agency who was performing his or her official duties at  
16 the time of the assault; or

17 (h) Assaults a peace officer with a projectile stun gun; or

18 (i) Assaults a nurse, physician, or health care provider who was  
19 performing his or her nursing or health care duties at the time of  
20 the assault. For purposes of this subsection: "Nurse" means a person  
21 licensed under chapter 18.79 RCW; "physician" means a person licensed  
22 under chapter 18.57 or 18.71 RCW; and "health care provider" means a  
23 person certified under chapter 18.71 or 18.73 RCW who performs  
24 emergency medical services or a person regulated under Title 18 RCW  
25 and employed by, or contracting with, a hospital licensed under  
26 chapter 70.41 RCW; or

27 (j) Assaults a judicial officer, court-related employee, county  
28 clerk, or county clerk's employee, while that person is performing  
29 his or her official duties at the time of the assault or as a result  
30 of that person's employment within the judicial system. For purposes  
31 of this subsection, "court-related employee" includes bailiffs, court  
32 reporters, judicial assistants, court managers, court managers'  
33 employees, and any other employee, regardless of title, who is  
34 engaged in equivalent functions; or

35 (k) Assaults a person located in a courtroom, jury room, judge's  
36 chamber, or any waiting area or corridor immediately adjacent to a  
37 courtroom, jury room, or judge's chamber. This section shall apply  
38 only: (i) During the times when a courtroom, jury room, or judge's  
39 chamber is being used for judicial purposes during court proceedings;

1 and (ii) if signage was posted in compliance with RCW 2.28.200 at the  
2 time of the assault; or

3 (1) Is a licensed health care provider who implants or causes  
4 another to implant the provider's own gametes or reproductive  
5 material into a patient during an assisted reproduction procedure.  
6 For the purposes of this subsection, "gamete" means sperm, egg, or  
7 any part of a sperm or egg, and "reproductive material" means a human  
8 gamete or a human organism at any stage of development from  
9 fertilized ovum to embryo.

10 (2) Assault in the third degree is a class C felony.

11 **Sec. 2.** RCW 18.130.180 and 2023 c 192 s 2 and 2023 c 122 s 4 are  
12 each reenacted and amended to read as follows:

13 Except as provided in RCW 18.130.450, the following conduct,  
14 acts, or conditions constitute unprofessional conduct for any license  
15 holder under the jurisdiction of this chapter:

16 (1) The commission of any act involving moral turpitude,  
17 dishonesty, or corruption relating to the practice of the person's  
18 profession, whether the act constitutes a crime or not. If the act  
19 constitutes a crime, conviction in a criminal proceeding is not a  
20 condition precedent to disciplinary action. Upon such a conviction,  
21 however, the judgment and sentence is conclusive evidence at the  
22 ensuing disciplinary hearing of the guilt of the license holder of  
23 the crime described in the indictment or information, and of the  
24 person's violation of the statute on which it is based. For the  
25 purposes of this section, conviction includes all instances in which  
26 a plea of guilty or nolo contendere is the basis for the conviction  
27 and all proceedings in which the sentence has been deferred or  
28 suspended. Nothing in this section abrogates rights guaranteed under  
29 chapter 9.96A RCW;

30 (2) Misrepresentation or concealment of a material fact in  
31 obtaining a license or in reinstatement thereof;

32 (3) All advertising which is false, fraudulent, or misleading;

33 (4) Incompetence, negligence, or malpractice which results in  
34 injury to a patient or which creates an unreasonable risk that a  
35 patient may be harmed. The use of a nontraditional treatment by  
36 itself shall not constitute unprofessional conduct, provided that it  
37 does not result in injury to a patient or create an unreasonable risk  
38 that a patient may be harmed;

1 (5) Suspension, revocation, or restriction of the individual's  
2 license to practice any health care profession by competent authority  
3 in any state, federal, or foreign jurisdiction, a certified copy of  
4 the order, stipulation, or agreement being conclusive evidence of the  
5 revocation, suspension, or restriction;

6 (6) The possession, use, prescription for use, or distribution of  
7 controlled substances or legend drugs in any way other than for  
8 legitimate or therapeutic purposes, diversion of controlled  
9 substances or legend drugs, the violation of any drug law, or  
10 prescribing controlled substances for oneself;

11 (7) Violation of any state or federal statute or administrative  
12 rule regulating the profession in question, including any statute or  
13 rule defining or establishing standards of patient care or  
14 professional conduct or practice;

15 (8) Failure to cooperate with the disciplining authority by:

16 (a) Not furnishing any papers, documents, records, or other  
17 items;

18 (b) Not furnishing in writing a full and complete explanation  
19 covering the matter contained in the complaint filed with the  
20 disciplining authority;

21 (c) Not responding to subpoenas issued by the disciplining  
22 authority, whether or not the recipient of the subpoena is the  
23 accused in the proceeding; or

24 (d) Not providing reasonable and timely access for authorized  
25 representatives of the disciplining authority seeking to perform  
26 practice reviews at facilities utilized by the license holder;

27 (9) Failure to comply with an order issued by the disciplining  
28 authority or a stipulation for informal disposition entered into with  
29 the disciplining authority;

30 (10) Aiding or abetting an unlicensed person to practice when a  
31 license is required;

32 (11) Violations of rules established by any health agency;

33 (12) Practice beyond the scope of practice as defined by law or  
34 rule;

35 (13) Misrepresentation or fraud in any aspect of the conduct of  
36 the business or profession;

37 (14) Failure to adequately supervise auxiliary staff to the  
38 extent that the consumer's health or safety is at risk;

1 (15) Engaging in a profession involving contact with the public  
2 while suffering from a contagious or infectious disease involving  
3 serious risk to public health;

4 (16) Promotion for personal gain of any unnecessary or  
5 inefficacious drug, device, treatment, procedure, or service;

6 (17) Conviction of any gross misdemeanor or felony relating to  
7 the practice of the person's profession. For the purposes of this  
8 subsection, conviction includes all instances in which a plea of  
9 guilty or nolo contendere is the basis for conviction and all  
10 proceedings in which the sentence has been deferred or suspended.  
11 Nothing in this section abrogates rights guaranteed under chapter  
12 9.96A RCW;

13 (18) The offering, undertaking, or agreeing to cure or treat  
14 disease by a secret method, procedure, treatment, or medicine, or the  
15 treating, operating, or prescribing for any health condition by a  
16 method, means, or procedure which the licensee refuses to divulge  
17 upon demand of the disciplining authority;

18 (19) The willful betrayal of a practitioner-patient privilege as  
19 recognized by law;

20 (20) Violation of chapter 19.68 RCW or a pattern of violations of  
21 RCW 41.05.700(8), 48.43.735(8), 48.49.020, 48.49.030, 71.24.335(8),  
22 or 74.09.325(8);

23 (21) Interference with an investigation or disciplinary  
24 proceeding by willful misrepresentation of facts before the  
25 disciplining authority or its authorized representative, or by the  
26 use of threats or harassment against any patient or witness to  
27 prevent them from providing evidence in a disciplinary proceeding or  
28 any other legal action, or by the use of financial inducements to any  
29 patient or witness to prevent or attempt to prevent him or her from  
30 providing evidence in a disciplinary proceeding;

31 (22) Current misuse of:

32 (a) Alcohol;

33 (b) Controlled substances; or

34 (c) Legend drugs;

35 (23) Abuse of a client or patient or sexual contact with a client  
36 or patient;

37 (24) Acceptance of more than a nominal gratuity, hospitality, or  
38 subsidy offered by a representative or vendor of medical or health-  
39 related products or services intended for patients, in contemplation  
40 of a sale or for use in research publishable in professional

1 journals, where a conflict of interest is presented, as defined by  
2 rules of the disciplining authority, in consultation with the  
3 department, based on recognized professional ethical standards;  
4 (25) Violation of RCW 18.130.420;  
5 (26) Performing conversion therapy on a patient under age  
6 eighteen;  
7 (27) Violation of RCW 18.130.430;  
8 (28) Violation of RCW 18.130.460; or  
9 (29) Implanting the license holder's own gametes or reproductive  
10 material into a patient.

Passed by the House March 5, 2024.

Passed by the Senate February 27, 2024.

Approved by the Governor March 25, 2024.

Filed in Office of Secretary of State March 26, 2024.

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