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**SUBSTITUTE HOUSE BILL 2227**

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**State of Washington                      62nd Legislature                      2012 Regular Session**

**By House Health Care & Wellness (originally sponsored by Representatives Cody and Jenkins)**

READ FIRST TIME 01/31/12.

1            AN ACT Relating to medical assistants; amending RCW 18.120.020,  
2 18.120.020, 18.130.040, 18.130.040, and 18.135.055; adding a new  
3 chapter to Title 18 RCW; creating a new section; repealing RCW  
4 18.135.010, 18.135.020, 18.135.025, 18.135.030, 18.135.035, 18.135.040,  
5 18.135.050, 18.135.055, 18.135.060, 18.135.062, 18.135.065, 18.135.070,  
6 18.135.090, 18.135.100, 18.135.110, and 18.135.120; and providing  
7 effective dates.

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

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

1 providing statutory support for medical assistants in Washington state.  
2 The legislature further finds that rural and small medical practices  
3 and clinics may have limited access to formally trained medical  
4 assistants.

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

7 (1) "Delegation" means direct authorization granted by a licensed  
8 health care practitioner to a medical assistant to perform the  
9 functions authorized in this chapter which fall within the scope of  
10 practice of the health care provider and the training and experience of  
11 the medical assistant.

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

13 (3) "Health care practitioner" means:

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

15 (b) An osteopathic physician or surgeon licensed under chapter  
16 18.57 RCW; or

17 (c) Acting within the scope of their respective licensure, a  
18 podiatric physician and surgeon licensed under chapter 18.22 RCW, a  
19 registered nurse or advanced registered nurse practitioner licensed  
20 under chapter 18.79 RCW, a naturopath licensed under chapter 18.36A  
21 RCW, a physician assistant licensed under chapter 18.71A RCW, or an  
22 osteopathic physician assistant licensed under chapter 18.57A RCW.

23 (4) "Medical assistant-certified" means a person certified under  
24 section 5 of this act who assists a health care practitioner with  
25 patient care, executes administrative and clinical procedures, and  
26 performs functions as provided in section 6 of this act under the  
27 supervision of the health care practitioner.

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

32 (6) "Medical assistant-phlebotomist" means a health care  
33 practitioner certified under section 5 of this act who performs  
34 capillary, venous, and arterial invasive procedures for blood  
35 withdrawal and other functions pursuant to section 6 of this act under  
36 the supervision of a health care practitioner.

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

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

8 (9) "Supervision" means supervision of procedures permitted  
9 pursuant to this chapter by a health care practitioner who is  
10 physically present and is immediately available in the facility, but  
11 does not need to be present during procedures to withdraw blood.

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

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

18 NEW SECTION. **Sec. 4.** (1) The secretary shall adopt rules  
19 specifying the minimum qualifications for a medical assistant-  
20 certified, medical assistant-hemodialysis technician, and medical  
21 assistant-phlebotomist. The qualifications for a medical assistant-  
22 hemodialysis technician shall be equivalent to the qualifications for  
23 hemodialysis technicians regulated pursuant to chapter 18.135 RCW as of  
24 January 1, 2012.

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

30 NEW SECTION. **Sec. 5.** (1) The secretary shall issue a  
31 certification as a medical assistant-certified to any person who has  
32 satisfactorily completed a medical assistant training program approved  
33 by the secretary, passed an examination approved by the secretary, and  
34 met any additional qualifications established under section 4 of this  
35 act.

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

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

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

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

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

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

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

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

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

30 (a) Fundamental procedures:

31 (i) Wrapping items for autoclaving;

32 (ii) Sterilization procedures;

33 (iii) Disposing of biohazardous materials; and

34 (iv) Practicing standard precautions.

35 (b) Clinical procedures:

36 (i) Performing aseptic procedures;

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

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

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

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

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

9 (2) A medical assistant-hemodialysis technician may perform  
10 hemodialysis when delegated and supervised by a health care  
11 practitioner. A medical assistant-hemodialysis technician may also  
12 administer vaccines, drugs, and oxygen to a patient when delegated and  
13 supervised by a health care practitioner and pursuant to rules adopted  
14 by the secretary.

15 (3) A medical assistant-phlebotomist may perform capillary, venous,  
16 or arterial invasive procedures for blood withdrawal and administer  
17 vaccines when delegated and supervised by a health care practitioner  
18 and pursuant to rules adopted by the secretary.

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

21 (a) Fundamental procedures:

22 (i) Wrapping items for autoclaving;

23 (ii) Sterilization procedures;

24 (iii) Disposing of biohazardous materials; and

25 (iv) Practicing standard precautions.

26 (b) Clinical procedures:

27 (i) Preparing for sterile procedures;

28 (ii) Taking vital signs;

29 (iii) Preparing patients for examination; and

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

31 (c) Specimen collection:

32 (i) Obtaining specimens for microbiological testing; and

33 (ii) Instructing patients in proper technique to collect urine and  
34 fecal specimens.

35 (d) Patient care:

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

- 1 (ii) Obtaining vital signs;
- 2 (iii) Obtaining and recording patient history;
- 3 (iv) Preparing and maintaining examination and treatment areas;
- 4 (v) Maintaining medication and immunization records; and
- 5 (vi) Screening and following up on test results.

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

9 (1) That the task is within that health care practitioner's scope  
10 of licensure or authority;

11 (2) That the task is indicated for the patient;

12 (3) The appropriate level of supervision;

13 (4) That no law prohibits the delegation;

14 (5) That the person to whom the task will be delegated is competent  
15 to perform that task; and

16 (6) That the task itself is one that should be appropriately  
17 delegated when considering the following factors:

18 (a) That the task can be performed without requiring the exercise  
19 of judgment based on medical knowledge;

20 (b) That results of the task are reasonably predictable;

21 (c) That the task can be performed without a need for complex  
22 observations or critical decisions;

23 (d) That the task can be performed without repeated medical  
24 assessments; and

25 (e) That the task, if performed improperly, would not present life-  
26 threatening consequences or the danger of immediate and serious harm to  
27 the patient.

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

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

32 (b) Establish forms and procedures necessary to administer this  
33 chapter;

34 (c) Establish administrative procedures, administrative  
35 requirements, and fees in accordance with RCW 43.70.250 and 43.70.280.  
36 Until July 1, 2016, for purposes of setting fees under this section,

1 the secretary shall consider persons registered or certified under this  
2 chapter and health care assistants, certified under chapter 18.135 RCW,  
3 as one profession;

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

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

8 (f) Establish requirements and procedures for an inactive  
9 registration or certification.

10 (2) The uniform disciplinary act, chapter 18.130 RCW, governs  
11 unlicensed practice, the issuance and denial of a registration or  
12 certification, and the discipline of persons registered or certified  
13 under this chapter.

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

20 (2) The department may not issue new certifications for category G  
21 health care assistants on or after the effective date of this section.  
22 The department shall certify a category G health care assistant who was  
23 certified prior to the effective date of this section as a medical  
24 assistant-hemodialysis technician when he or she renews his or her  
25 certification.

26 (3) The department may not issue new certifications for category A  
27 or B health care assistants on or after the effective date of this  
28 section. The department shall certify a category A or B health care  
29 assistant who was certified prior to the effective date of this section  
30 as a medical assistant-phlebotomist when he or she renews his or her  
31 certification.

32 NEW SECTION. **Sec. 10.** Nothing in this chapter prohibits or  
33 affects:

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

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

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

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

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

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

19 The definitions in this section apply throughout this chapter  
20 unless the context clearly requires otherwise.

21 (1) "Applicant group" includes any health professional group or  
22 organization, any individual, or any other interested party which  
23 proposes that any health professional group not presently regulated be  
24 regulated or which proposes to substantially increase the scope of  
25 practice of the profession.

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

31 (3) "Grandfather clause" means a provision in a regulatory statute  
32 applicable to practitioners actively engaged in the regulated health  
33 profession prior to the effective date of the regulatory statute which  
34 exempts the practitioners from meeting the prerequisite qualifications  
35 set forth in the regulatory statute to perform prescribed occupational  
36 tasks.

1 (4) "Health professions" means and includes the following health  
2 and health-related licensed or regulated professions and occupations:  
3 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic  
4 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;  
5 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;  
6 dispensing opticians under chapter 18.34 RCW; hearing instruments under  
7 chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and  
8 funeral directing under chapter 18.39 RCW; midwifery under chapter  
9 18.50 RCW; nursing home administration under chapter 18.52 RCW;  
10 optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter  
11 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and  
12 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine  
13 under chapters 18.71 and 18.71A RCW; emergency medicine under chapter  
14 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses  
15 under chapter 18.79 RCW; psychologists under chapter 18.83 RCW;  
16 registered nurses under chapter 18.79 RCW; occupational therapists  
17 licensed under chapter 18.59 RCW; respiratory care practitioners  
18 licensed under chapter 18.89 RCW; veterinarians and veterinary  
19 technicians under chapter 18.92 RCW; health care assistants under  
20 chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW;  
21 East Asian medicine practitioners licensed under chapter 18.06 RCW;  
22 persons registered under chapter 18.19 RCW; persons licensed as mental  
23 health counselors, marriage and family therapists, and social workers  
24 under chapter 18.225 RCW; dietitians and nutritionists certified by  
25 chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW;  
26 ~~((and))~~ nursing assistants registered or certified under chapter 18.88A  
27 RCW; and medical assistants-certified, medical assistants-hemodialysis  
28 technician, medical assistants-phlebotomist, and medical assistants-  
29 registered certified and registered under chapter 18.--- RCW (the new  
30 chapter created in section 16 of this act).

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

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

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

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

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

14 (10) "Public member" means an individual who is not, and never was,  
15 a member of the health profession being regulated or the spouse of a  
16 member, or an individual who does not have and never has had a material  
17 financial interest in either the rendering of the health professional  
18 service being regulated or an activity directly related to the  
19 profession being regulated.

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

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

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

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

36 The definitions in this section apply throughout this chapter  
37 unless the context clearly requires otherwise.

1 (1) "Applicant group" includes any health professional group or  
2 organization, any individual, or any other interested party which  
3 proposes that any health professional group not presently regulated be  
4 regulated or which proposes to substantially increase the scope of  
5 practice of the profession.

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

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

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

1 health counselors, marriage and family therapists, and social workers  
2 under chapter 18.225 RCW; dietitians and nutritionists certified by  
3 chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW;  
4 nursing assistants registered or certified under chapter 18.88A RCW;  
5 and medical assistants-certified, medical assistants-hemodialysis  
6 technician, medical assistants-phlebotomist, and medical assistants-  
7 registered certified and registered under chapter 18.--- RCW (the new  
8 chapter created in section 16 of this act).

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

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

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

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

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

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

36 (11) "Registration" means the formal notification which, prior to  
37 rendering services, a practitioner shall submit to a state agency  
38 setting forth the name and address of the practitioner; the location,

1 nature and operation of the health activity to be practiced; and, if  
2 required by the regulatory entity, a description of the service to be  
3 provided.

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

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

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

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

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

21 (i) Dispensing opticians licensed and designated apprentices under  
22 chapter 18.34 RCW;

23 (ii) Midwives licensed under chapter 18.50 RCW;

24 (iii) Ocularists licensed under chapter 18.55 RCW;

25 (iv) Massage operators and businesses licensed under chapter 18.108  
26 RCW;

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

28 (vi) East Asian medicine practitioners licensed under chapter 18.06  
29 RCW;

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

32 (viii) Respiratory care practitioners licensed under chapter 18.89  
33 RCW;

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

36 (x) Persons licensed as mental health counselors, mental health  
37 counselor associates, marriage and family therapists, marriage and

1 family therapist associates, social workers, social work associates--  
2 advanced, and social work associates--independent clinical under  
3 chapter 18.225 RCW;

4 (xi) Persons registered as nursing pool operators under chapter  
5 18.52C RCW;

6 (xii) Nursing assistants registered or certified under chapter  
7 18.88A RCW;

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

9 (xiv) Dietitians and nutritionists certified under chapter 18.138  
10 RCW;

11 (xv) Chemical dependency professionals and chemical dependency  
12 professional trainees certified under chapter 18.205 RCW;

13 (xvi) Sex offender treatment providers and certified affiliate sex  
14 offender treatment providers certified under chapter 18.155 RCW;

15 (xvii) Persons licensed and certified under chapter 18.73 RCW or  
16 RCW 18.71.205;

17 (xviii) Denturists licensed under chapter 18.30 RCW;

18 (xix) Orthotists and prosthetists licensed under chapter 18.200  
19 RCW;

20 (xx) Surgical technologists registered under chapter 18.215 RCW;

21 (xxi) Recreational therapists (~~(under chapter 18.230 RCW)~~) under  
22 chapter 18.230 RCW;

23 (xxii) Animal massage practitioners certified under chapter 18.240  
24 RCW;

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

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

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

28 (xxvi) Medical assistants-certified, medical assistants-  
29 hemodialysis technician, medical assistants-phlebotomist, and medical  
30 assistants-registered certified and registered under chapter 18.--- RCW  
31 (the new chapter created in section 16 of this act).

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

34 (i) The podiatric medical board as established in chapter 18.22  
35 RCW;

36 (ii) The chiropractic quality assurance commission as established  
37 in chapter 18.25 RCW;

1 (iii) The dental quality assurance commission as established in  
2 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and  
3 licenses and registrations issued under chapter 18.260 RCW;

4 (iv) The board of hearing and speech as established in chapter  
5 18.35 RCW;

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

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

10 (vii) The board of osteopathic medicine and surgery as established  
11 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
12 18.57A RCW;

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

15 (ix) The medical quality assurance commission as established in  
16 chapter 18.71 RCW governing licenses and registrations issued under  
17 chapters 18.71 and 18.71A RCW;

18 (x) The board of physical therapy as established in chapter 18.74  
19 RCW;

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

22 (xii) The nursing care quality assurance commission as established  
23 in chapter 18.79 RCW governing licenses and registrations issued under  
24 that chapter;

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

27 (xiv) The veterinary board of governors as established in chapter  
28 18.92 RCW; and

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

30 (3) In addition to the authority to discipline license holders, the  
31 disciplining authority has the authority to grant or deny licenses.  
32 The disciplining authority may also grant a license subject to  
33 conditions.

34 (4) All disciplining authorities shall adopt procedures to ensure  
35 substantially consistent application of this chapter, the Uniform  
36 Disciplinary Act, among the disciplining authorities listed in  
37 subsection (2) of this section.

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

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

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

10       (i) Dispensing opticians licensed and designated apprentices under  
11 chapter 18.34 RCW;

12       (ii) Midwives licensed under chapter 18.50 RCW;

13       (iii) Ocularists licensed under chapter 18.55 RCW;

14       (iv) Massage operators and businesses licensed under chapter 18.108  
15 RCW;

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

17       (vi) East Asian medicine practitioners licensed under chapter 18.06  
18 RCW;

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

21       (viii) Respiratory care practitioners licensed under chapter 18.89  
22 RCW;

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

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

30       (xi) Persons registered as nursing pool operators under chapter  
31 18.52C RCW;

32       (xii) Nursing assistants registered or certified under chapter  
33 18.88A RCW;

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

35       ~~(xiv))~~) Dietitians and nutritionists certified under chapter 18.138  
36 RCW;

37       (~~(xv))~~) (xiv) Chemical dependency professionals and chemical  
38 dependency professional trainees certified under chapter 18.205 RCW;

1        (~~(xvi)~~) (xv) Sex offender treatment providers and certified  
2 affiliate sex offender treatment providers certified under chapter  
3 18.155 RCW;

4        (~~(xvii)~~) (xvi) Persons licensed and certified under chapter 18.73  
5 RCW or RCW 18.71.205;

6        (~~(xviii)~~) (xvii) Denturists licensed under chapter 18.30 RCW;

7        (~~(xix)~~) (xviii) Orthotists and prosthetists licensed under  
8 chapter 18.200 RCW;

9        (~~(xx)~~) (xix) Surgical technologists registered under chapter  
10 18.215 RCW;

11       (~~(xxi)~~) (xx) Recreational therapists under chapter 18.230 RCW;

12       (~~(xxii)~~) (xxi) Animal massage practitioners certified under  
13 chapter 18.240 RCW;

14       (~~(xxiii)~~) (xxii) Athletic trainers licensed under chapter 18.250  
15 RCW;

16       (~~(xxiv)~~) (xxiii) Home care aides certified under chapter 18.88B  
17 RCW;

18       (~~(xxv)~~) (xxiv) Genetic counselors licensed under chapter 18.290  
19 RCW; and

20       (~~(xxvi)~~) (xxv) Medical assistants-certified, medical assistants-  
21 hemodialysis technician, medical assistants-phlebotomist, and medical  
22 assistants-registered certified and registered under chapter 18.--- RCW  
23 (the new chapter created in section 16 of this act).

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

26       (i) The podiatric medical board as established in chapter 18.22  
27 RCW;

28       (ii) The chiropractic quality assurance commission as established  
29 in chapter 18.25 RCW;

30       (iii) The dental quality assurance commission as established in  
31 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and  
32 licenses and registrations issued under chapter 18.260 RCW;

33       (iv) The board of hearing and speech as established in chapter  
34 18.35 RCW;

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

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

1 (vii) The board of osteopathic medicine and surgery as established  
2 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
3 18.57A RCW;

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

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

9 (x) The board of physical therapy as established in chapter 18.74  
10 RCW;

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

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

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

18 (xiv) The veterinary board of governors as established in chapter  
19 18.92 RCW; and

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

21 (3) In addition to the authority to discipline license holders, the  
22 disciplining authority has the authority to grant or deny licenses.  
23 The disciplining authority may also grant a license subject to  
24 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 18.135.055 and 1996 c 191 s 83 are each amended to  
30 read as follows:

31 The health care facility or health care practitioner registering an  
32 initial or continuing certification pursuant to the provisions of this  
33 chapter shall comply with administrative procedures, administrative  
34 requirements, and fees determined by the secretary as provided in RCW  
35 43.70.250 and 43.70.280. For the purposes of setting fees under this  
36 section, the secretary shall consider health care assistants and

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

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

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

7 NEW SECTION. Sec. 17. The following acts or parts of acts, as now  
8 existing or hereafter amended, are each repealed, effective July 1,  
9 2016:

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

12 (2) RCW 18.135.020 (Definitions) and 2009 c 43 s 4, 2008 c 58 s 2,  
13 2001 c 22 s 2, & 1997 c 133 s 1;

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

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

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

20 (6) RCW 18.135.040 (Certification of health care assistants) and  
21 2006 c 242 s 3 & 1984 c 281 s 3;

22 (7) RCW 18.135.050 (Certification by health care facility or  
23 practitioner--Roster--Recertification) and 1996 c 191 s 82, 1991 c 3 s  
24 274, & 1984 c 281 s 5;

25 (8) RCW 18.135.055 (Registering an initial or continuing  
26 certification--Fees) and 2012 c . . . s 15 (section 15 of this act),  
27 1996 c 191 s 83, 1991 c 3 s 275, & 1985 c 117 s 1;

28 (9) RCW 18.135.060 (Conditions for performing authorized  
29 functions--Renal dialysis) and 2001 c 22 s 3, 2000 c 171 s 30, & 1993  
30 c 13 s 1;

31 (10) RCW 18.135.062 (Renal dialysis training task force--  
32 Development of core competencies) and 2001 c 22 s 4;

33 (11) RCW 18.135.065 (Delegation--Duties of delegator and delegatee)  
34 and 2009 c 43 s 5, 2008 c 58 s 3, 1991 c 3 s 276, & 1986 c 216 s 4;

35 (12) RCW 18.135.070 (Complaints--Violations--Investigations--  
36 Disciplinary action) and 1993 c 367 s 11 & 1984 c 281 s 7;

1 (13) RCW 18.135.090 (Performance of authorized functions) and 1984  
2 c 281 s 9;

3 (14) RCW 18.135.100 (Uniform Disciplinary Act) and 1993 c 367 s 12;

4 (15) RCW 18.135.110 (Blood-drawing procedures--Not prohibited by  
5 chapter--Requirements) and 2006 c 242 s 2; and

6 (16) RCW 18.135.120 (Administration of vaccines--Restrictions) and  
7 2008 c 58 s 4.

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

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

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

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