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**SUBSTITUTE SENATE BILL 5204**

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**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** Senate Committee on Health & Long-Term Care (originally sponsored by Senators West and Niemi; by request of Department of Health).

Read first time February 7, 1991.

1            AN ACT Relating to practical nurses; amending RCW 18.78.005,  
2 18.78.020, 18.78.030, 18.78.040, 18.78.050, 18.78.055, 18.78.060,  
3 18.78.080, 18.78.100, 18.78.182, 18.78.160, and 18.78.010; reenacting  
4 and amending RCW 18.78.090; and repealing RCW 18.78.110.

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

6            **Sec. 1.** RCW 18.78.005 and 1983 c 55 s 1 are each amended to read  
7 as follows:

8            The purpose of this chapter is to protect the health of the general  
9 public and to provide for the establishment and enforcement of  
10 standards for licensing practical nurses. Any person offering to  
11 practice as a licensed practical nurse or using any title,  
12 representation, sign, or device to indicate that the person is  
13 practicing as a practical nurse or licensed practical nurse in this  
14 state shall submit evidence that he or she is qualified to practice and  
15 shall be licensed as provided in this chapter.

1       **Sec. 2.** RCW 18.78.020 and 1983 c 55 s 3 are each amended to read  
2 as follows:

3       There is hereby created a board to be known and designated as the  
4 "Washington state board of practical nursing." The board of practical  
5 nursing shall be composed of five members, appointed by the governor as  
6 follows:

7       (1) Two members shall be licensed practical nurses who shall have  
8 had not less than five years' actual experience as a licensed practical  
9 nurse and who have practiced as a practical nurse within two years of  
10 appointment;

11       (2) Two members shall be licensed registered nurses who have no  
12 less than five years' experience in the practice of nursing, one of  
13 whom shall be a registered nurse actively engaged in instructing in an  
14 approved practical nursing course, and one of whom shall be a  
15 registered nurse supervisor of licensed practical nurses;

16       ~~((2))~~ (3) There shall be one public member who does not derive  
17 his or her livelihood primarily from the provision of health services  
18 and is not:

19       (a) A present or former member of another licensing board;

20       (b) A licensed health professional; or

21       (c) An employee of a health care facility~~((;~~

22       ~~(3) Two members shall be licensed practical nurses who shall have~~  
23 ~~had not less than five years' actual experience as a licensed practical~~  
24 ~~nurse and who have practiced as a practical nurse within two years of~~  
25 ~~appointment)).~~

26       **Sec. 3.** RCW 18.78.030 and 1983 c 55 s 4 are each amended to read  
27 as follows:

28       ~~((On July 24, 1983, the members of the board shall be appointed to~~  
29 ~~serve as follows:~~

- 1 ~~(1) One licensed practical nurse for a term of five years;~~
- 2 ~~(2) One registered nurse for a term of four years;~~
- 3 ~~(3) One licensed practical nurse for a term of three years;~~
- 4 ~~(4) One registered nurse for a term of two years; and~~
- 5 ~~(5) One public member for a term of one year.~~

6 ~~Thereafter all appointments shall be for terms of five years~~  
7 ~~each.)) Vacancies occurring on the board shall be filled for the~~  
8 ~~unexpired term by appointment of the governor, who also may remove any~~  
9 ~~member from the board for neglect of duty required by law, ((or)) for~~  
10 ~~incompetency, or for unprofessional ((or disorderly)) conduct as~~  
11 ~~defined in chapter 18.130 RCW. All appointments shall be for terms of~~  
12 ~~five years each. No person may serve as a member of the board for more~~  
13 ~~than two consecutive terms, except that a member who is filling less~~  
14 ~~than one-half of an uncompleted term shall be eligible for two full~~  
15 ~~terms in addition to the uncompleted term. Board members shall serve~~  
16 ~~until a successor is appointed.~~

17 ~~The board shall meet at least quarterly at times and places it~~  
18 ~~designates. It shall hold such other meetings during the year as may~~  
19 ~~be deemed necessary to transact its business. A majority of the board~~  
20 ~~currently serving shall constitute a quorum at any meeting.~~

21 **Sec. 4.** RCW 18.78.040 and 1984 c 287 s 47 are each amended to read  
22 as follows:

23 Each board member shall be compensated in accordance with RCW  
24 43.03.240 and shall be paid travel expenses while away from home in  
25 accordance with RCW 43.03.050 and 43.03.060. The ((members of the))  
26 board shall appoint ((a chairman and a secretary from among its entire  
27 members, who shall serve until his or her successor is appointed by the  
28 board)) officers annually.

1       **Sec. 5.** RCW 18.78.050 and 1988 c 211 s 4 are each amended to read  
2 as follows:

3       The board shall conduct examinations for all applicants for  
4 licensure under this chapter and shall certify qualified applicants for  
5 licensure to the department (~~(of licensing for licensing)~~). The board  
6 in consultation with the state board for community college education  
7 and the superintendent of public instruction shall also determine and  
8 formulate what constitutes the curriculum for ~~((an))~~ approved practical  
9 nursing ~~((program))~~ schools/programs and shall establish criteria for  
10 minimum standards for schools/programs preparing persons for licensure  
11 under this chapter. The board shall establish criteria for licensure  
12 by endorsement.

13       The board may adopt rules or issue advisory opinions in response to  
14 questions from professional health associations, health care  
15 practitioners, and consumers in this state concerning licensed  
16 practical nurse practice. The board shall establish criteria for proof  
17 of reasonable currency of knowledge and skill as a basis for safe  
18 practice ~~((after three years inactive or lapsed status))~~ of practical  
19 nursing.

20       The board shall adopt such rules as are necessary to fulfill the  
21 purposes of this chapter pursuant to chapter 34.05 RCW.

22       **Sec. 6.** RCW 18.78.055 and 1983 c 55 s 7 are each amended to read  
23 as follows:

24       An institution desiring to conduct a school/program of practical  
25 nursing shall apply to the board and submit evidence satisfactory to  
26 the board that: (1) It is prepared to carry out the approved  
27 curriculum for an approved practical nursing school/program; and (2) it  
28 is prepared to meet other standards established by this chapter and by  
29 the board.

1 If in the opinion of the board (~~((the curriculum of a program of))~~)  
2 a school/program of practical nursing meets the requirements of this  
3 chapter and the board, the program shall be approved.

4 All approved practical nursing (~~((programs))~~) schools/programs in  
5 the state shall be surveyed and the board shall review written reports  
6 of each survey. The surveys shall be conducted periodically as  
7 determined by the board. If the board determines that an approved  
8 practical nursing (~~((program))~~) school/program is not maintaining the  
9 curriculum standards or other standards required (~~((for approval, the~~  
10 ~~board shall give))~~) by the board written notice shall be given  
11 specifying the deficiencies. Failure to correct the deficiencies  
12 within a period of time specified by the board shall result in the  
13 suspension of the program's approval.

14 **Sec. 7.** RCW 18.78.060 and 1988 c 212 s 1 are each amended to read  
15 as follows:

16 An applicant for a license to practice nursing as a licensed  
17 practical nurse shall submit to the board written evidence, on a form  
18 provided by the board, verified under oath, that the applicant:

19 (1) Is at least eighteen years of age;

20 (2) Is of good moral character;

21 (3) Is of good physical and mental health;

22 (4) Has (~~((completed at least a tenth grade course or its~~  
23 ~~equivalent, as determined by the board))~~) a high school diploma or  
24 general educational development certificate or diploma;

25 (5) Has completed an approved program (~~((of not less than nine~~  
26 ~~months))~~) for the education of practical nurses, or its equivalent, as  
27 determined by the board;

28 (6) Has provided written information or completed other  
29 requirements of the board;

1 (7) The applicant at the time of such submission shall not be in  
2 violation of chapter 18.130 RCW or any provisions of this chapter.

3 To be licensed as a practical nurse, each applicant shall be  
4 required to pass an examination in such subjects as the board may  
5 determine within the scope of and commensurate with the work to be  
6 performed by a licensed practical nurse. Upon approval by the board,  
7 the department shall issue an interim permit authorizing the applicant  
8 to practice nursing as authorized under this chapter pending  
9 notification of the results of the first licensing examination  
10 following verification of satisfactory completion of an approved  
11 program of practical nursing. Any applicant failing to pass (~~such~~  
12 ~~an~~) the examination may apply for reexamination. If the applicant  
13 fails the examination, the interim permit expires upon notification and  
14 is not renewable. Upon passing (~~such~~) the examination (~~as~~  
15 ~~determined by the board, the director shall issue~~) a license shall be  
16 issued to the applicant (~~a license~~) to practice as a licensed  
17 practical nurse, providing the license fee is paid by the applicant and  
18 the applicant meets all other requirements of the board.

19 **Sec. 8.** RCW 18.78.080 and 1985 c 7 s 65 are each amended to read  
20 as follows:

21 (~~All~~) Applicants applying for a license to practice as a licensed  
22 practical nurse, with or without examination(~~, as provided in this~~  
23 ~~chapter~~), or for reexamination, shall pay (~~a license~~) fees  
24 determined by the (~~director~~) secretary as provided in RCW  
25 (~~43.24.086~~) 43.70.250 to the department (~~of licensing: PROVIDED,~~  
26 ~~HOWEVER, That the applicant applying for a reexamination shall pay a~~  
27 ~~fee determined by the director as provided in RCW 43.24.086~~)).

1       **Sec. 9.** RCW 18.78.090 c 1986 c 259 s 131 and 1985 c 7 s 66 are  
2 each reenacted and amended to read as follows:

3       Every licensed practical nurse in this state shall renew the  
4 license with the department ~~((of licensing and))~~, shall pay a fee  
5 determined by the ~~((director))~~ secretary as provided in RCW  
6 ~~((43.24.086))~~ 43.70.250, and shall provide evidence of knowledge and  
7 skill in current practice as required by the board. Any failure to  
8 register ~~((and))~~, pay the renewal registration fee, or meet the  
9 requirements of the board shall render the license ~~((invalid, but~~  
10 ~~such))~~ lapsed. The lapsed license shall be reinstated ~~((upon written~~  
11 ~~application therefor and))~~ upon payment to the state of ~~((a))~~ renewal  
12 and penalty fees determined by the ~~((director))~~ secretary as provided  
13 in RCW ~~((43.24.086))~~ 43.70.250 and upon compliance with the rules  
14 established by the board.

15       **Sec. 10.** RCW 18.78.100 and 1983 c 55 s 11 are each amended to read  
16 as follows:

17       After consultation with the board, the ~~((director))~~ secretary shall  
18 appoint an executive secretary of the board to carry out the provisions  
19 of this chapter ~~((who shall have the following qualifications:~~

- 20       ~~(1) Be a registered nurse in the state of Washington;~~  
21       ~~(2) Be the holder of a baccalaureate degree from an accredited~~  
22 ~~four-year institution of higher education;~~  
23       ~~(3) Have not less than five years' experience in the field of~~  
24 ~~nursing; and~~  
25       ~~(4) Have not less than two years' experience in nursing~~  
26 ~~education))~~.

27       The board and secretary shall determine the qualifications required  
28 to be employed as the executive secretary.

1       **Sec. 11.** RCW 18.78.182 and 1983 c 55 s 19 are each amended to read  
2 as follows:

3       A licensed practical nurse under his or her license may perform  
4 nursing care (as that term is usually understood) of the ill, injured,  
5 or infirm, and in the course thereof is authorized, under the direction  
6 and supervision of a licensed physician and surgeon, osteopathic  
7 physician and surgeon, dentist, (~~podiatrist~~) physician assistant,  
8 osteopathic physician assistant, advanced registered nurse practitioner  
9 authorized under chapter 18.88 RCW, podiatric physician and surgeon  
10 (acting within the scope of his or her license), or at the direction  
11 and under the supervision of a registered nurse, to administer drugs,  
12 medications, treatments, tests, injections, and inoculations, whether  
13 or not the piercing of tissues is involved and whether or not a degree  
14 of independent judgment and skill is required, when selected to do so  
15 by one of the licensed practitioners designated in this section, or by  
16 a registered nurse who need not be physically present; provided the  
17 order given (~~by such physician, dentist, or podiatrist be~~) is reduced  
18 to writing within a reasonable time and made a part of the patient's  
19 record.

20       **Sec. 12.** RCW 18.78.160 and 1983 c 55 s 15 are each amended to read  
21 as follows:

22       This chapter shall not be construed as conferring authority to  
23 practice medicine or surgery, or to practice as a registered nurse, or  
24 to undertake the treatment or cure of disease, pain, injury, deformity  
25 or physical condition; nor shall it be construed to prohibit:

26       (1) The incidental care of the sick by domestic servants or persons  
27 primarily employed as housekeepers, if they do not practice practical  
28 nursing within the meaning of this chapter;

1 (2) The domestic administration of family remedies or the  
2 furnishing of nursing assistance in case of emergency;

3 (3) Practical nurse practice by students enrolled in approved  
4 schools if incidental to their course of study, nor shall it prohibit  
5 these students from working as nursing (~~aides~~) assistants;

6 (4) Auxiliary services provided by persons performing duties  
7 necessary for the support of nursing service including those duties  
8 which involve minor nursing services for persons performed in  
9 hospitals, nursing homes, or elsewhere under the direction of licensed  
10 physicians or the supervision of registered nurses;

11 (5) The practice of nursing in this state by a practical nurse  
12 legally qualified in another state or territory of the United States  
13 whose engagement requires the person to accompany and care for a  
14 patient temporarily residing in this state during the period of one  
15 engagement not to exceed six months, if the person does not represent  
16 himself or herself as a nurse licensed to practice in this state;

17 (6) Nursing or care of the sick, with or without compensation, when  
18 done in connection with the practice of the religious tenets of any  
19 church by its adherents if they do not engage in practical nurse  
20 practice as defined in this chapter; or

21 (7) The practice, while in the course of official duties, of any  
22 legally qualified practical nurse of another state who is employed by  
23 the United States government or any of its bureaus, divisions, or  
24 agencies.

25 **Sec. 13.** RCW 18.78.010 and 1983 c 55 s 2 are each amended to read  
26 as follows:

27 Unless a different meaning is plainly required by the context, the  
28 following words and phrases as hereinafter used in this chapter shall  
29 have the following meanings:

1 (1) "Board" shall mean "Washington state board of practical  
2 nursing."

3 (2) "Curriculum" means the theoretical and practical studies which  
4 must be taught in order for students to meet the minimum standards of  
5 competency as determined by the board.

6 (3) "~~((Director" shall mean "director of licensing))~~ Secretary"  
7 means the "secretary of health."

8 (4) "Licensed practical nurse," abbreviated "L.P.N.," means a  
9 person licensed by the board to practice practical nursing.

10 (5) "Licensed practical nurse practice" shall mean the performance  
11 of services requiring the knowledge, skill, and judgment necessary for  
12 carrying out selected aspects of the designated nursing regimen under  
13 the direction and supervision of a licensed physician and surgeon,  
14 dentist, osteopathic physician and surgeon, physician assistant,  
15 osteopathic physician assistant, advanced registered nurse practitioner  
16 authorized under chapter 18.88 RCW, or ((podiatrist)) podiatric  
17 physician and surgeon or at the direction and under the supervision of  
18 a registered nurse.

19 (6) "Supervision" shall mean the critical evaluation of acts  
20 performed with authority to take corrective action, but shall not be  
21 construed so as to require direct and bodily presence.

22 NEW SECTION. Sec. 14. RCW 18.78.110 and 1983 c 55 s 12, 1975-  
23 '76 2nd ex.s. c 34 s 46, & 1949 c 222 s 12 are each repealed.