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SENATE BILL 5635

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State of Washington

52nd Legislature

1991 Regular Session

By Senator West.

Read first time February 12, 1991. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to advanced registered nurse practitioners;  
2 amending RCW 18.88.010, 18.88.080, 18.88.160, 18.88.175, 18.88.220,  
3 18.88.280, 18.88.285, 18.120.020, 18.130.040, 48.21.141, 48.44.290,  
4 69.41.030, 69.45.010, 70.127.250, 71.05.210, 74.42.010, and 74.42.230;  
5 reenacting and amending RCW 69.41.010 and 69.50.101; adding new  
6 sections to chapter 18.88 RCW; creating a new section; and declaring an  
7 emergency.

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

9 NEW SECTION. **Sec. 1.** LEGISLATIVE INTENT. The legislature finds  
10 that the prescribing of legend drugs and controlled substances by  
11 nurses is an activity requiring specialized knowledge and training  
12 beyond the level of a registered nurse.

13 The legislature further finds that appropriate protocols and  
14 systems to monitor prescribing practices of nurses must be established  
15 in order to assure the safe and effective prescribing of these drugs.

1 The legislature further finds that the development of educational  
2 and training requirements necessary to prescribe drugs, practice  
3 protocols to assure safe and effective prescribing practices, systems  
4 to monitor the prescribing of drugs, and the discipline of nurses  
5 authorized to prescribe drugs should jointly be done by the medical and  
6 nursing professions.

7 The legislature declares that an advanced level of nursing should  
8 be established whose members are authorized to prescribe drugs. The  
9 legislature further declares that the prescribing of drugs should be  
10 regulated by a separate board comprised of representatives of both the  
11 medical and nursing professions.

12 NEW SECTION. **Sec. 2.** DEFINITIONS. Unless the context clearly  
13 requires otherwise, the definitions in this section apply throughout  
14 this chapter.

15 (1) "Advanced registered nurse practitioner" means an individual  
16 licensed under this chapter.

17 (2) "Advanced registered nurse practitioner board" means the state  
18 board of advanced registered nurse practitioners appointed by the  
19 governor.

20 NEW SECTION. **Sec. 3.** SCOPE OF ADVANCED REGISTERED NURSE  
21 PRACTITIONER PRACTICE. An advanced registered nurse practitioner is a  
22 registered nurse prepared in a formal educational program to assume an  
23 expanded role in providing health care services. This practice builds  
24 on previous knowledge and skill and utilizes in-depth knowledge of  
25 physical assessment and management of illnesses or conditions within  
26 the advanced registered nurse practitioner's scope of practice.  
27 Advanced registered nurse practice includes collaboration with other  
28 licensed health professionals such as physicians, pharmacists,

1 podiatrists, dentists, and nurses. An advanced registered nurse  
2 practitioner shall:

3 (1) Hold a current license to practice as a registered nurse in  
4 Washington as provided in chapter 18.88 RCW; and

5 (2) Have completed an advanced formal education program in the area  
6 of specialty; and

7 (3) Have been granted a certification credential for specialized  
8 and advanced nursing practice granted by a national certifying body  
9 whose certification program is approved by the board; and

10 (4) Have authority to prescribe legend drugs as defined in chapter  
11 69.41 RCW and controlled substances, schedules II through V as defined  
12 in chapter 69.50 RCW.

13 NEW SECTION. **Sec. 4.** LICENSE REQUIRED. After July 1, 1992, no  
14 person may practice or represent oneself as an advanced registered  
15 nurse practitioner unless licensed as both a registered nurse and as an  
16 advanced registered nurse practitioner by the department or exempted  
17 from licensure under this chapter.

18 NEW SECTION. **Sec. 5.** TRANSITION PERIOD. Until July 1, 1992, and  
19 notwithstanding the provisions of sections 1 through 12 of this act,  
20 nurses licensed under this chapter and authorized by the board to  
21 prescribe legend drugs and schedule V controlled substances may  
22 continue to prescribe these drugs.

23 NEW SECTION. **Sec. 6.** STATE BOARD OF ADVANCED REGISTERED NURSE  
24 PRACTITIONERS. (1) There is created a state board of advanced  
25 registered nurse practitioners which shall consist of eight members who  
26 are citizens of the United States and are residents of this state and,  
27 except for the state health officer are actively engaged in their areas

1 of practice. The governor shall make appointments to the board, except  
2 that the state health officer shall be a standing member of the board.

3 (2) In addition to the state health officer, the advanced  
4 registered nurse practitioner board shall be composed of:

5 (a) The four advanced registered nurse practitioner members of the  
6 board shall be licensed as advanced registered nurse practitioners  
7 under the provisions of this chapter, have had at least five years'  
8 experience in the active practice of nursing and shall have been  
9 engaged in practice within two years of appointment.

10 (b) The four physician members of the board shall be licensed as  
11 physicians under chapter 18.71 RCW or osteopathic physicians under  
12 chapter 18.57 RCW.

13 (3) Advanced registered nurse practitioner board members, except  
14 the state health officer, shall serve for a term of five years until  
15 their successors are appointed and qualified, except that the initial  
16 appointments, which shall be made within ninety days after the  
17 effective date of this act, shall be as follows:

18 (a) Two registered nurse practitioners and two physicians shall  
19 serve for five years;

20 (b) The remaining appointed board members shall serve for three  
21 years.

22 (4) Whenever a vacancy shall occur on the advanced registered nurse  
23 practitioner board by reason other than the expiration of a term of  
24 office, the governor shall appoint a successor of like qualifications  
25 for the remainder of the unexpired term. No person shall serve as a  
26 member of the board for more than two consecutive terms. No person may  
27 concurrently serve on the advanced registered nurse practitioner board  
28 and the boards regulating health care professions under chapters 18.57,  
29 18.71, 18.72 RCW, or the state board of nursing as authorized by this  
30 chapter.

1 (5) The governor may remove any appointed member from the advanced  
2 registered nurse practitioner board for neglect of any duty required by  
3 law, or for incompetency or unprofessional conduct as defined in  
4 chapter 18.130 RCW.

5 (6) The advanced registered nurse practitioner board shall hold  
6 regular annual meetings at which it shall select from its membership a  
7 chair and vice-chair. Other meetings shall be held at such times as  
8 the rules of the advanced registered nurse practitioner board may  
9 provide. Special meetings may be held at such times as may be deemed  
10 necessary or advisable by a majority of the members. Reasonable notice  
11 of all meetings shall be given in a manner prescribed by the rules of  
12 the advanced registered nurse practitioner board. A quorum of the  
13 board shall consist of a majority of its members. The secretary of the  
14 advanced registered nurse practitioner board shall be appointed by the  
15 board and shall serve at the pleasure of the board. The secretary may  
16 or may not be a member of the advanced registered nurse practitioner  
17 board. The advanced registered nurse practitioner board shall work  
18 with and through the department.

19 (7) Each member of the advanced registered nurse practitioner board  
20 shall, in addition to travel expenses in accordance with RCW 43.03.050  
21 and 43.03.060 while away from home, be compensated in accordance with  
22 RCW 43.03.240.

23 NEW SECTION. **Sec. 7.** POWERS AND DUTIES OF THE ADVANCED REGISTERED  
24 NURSE PRACTITIONER BOARD AND THE BOARD OF NURSING WITH RESPECT TO  
25 ADVANCED REGISTERED NURSE PRACTITIONER PRACTICE. (1) In addition to  
26 any other authority provided by law, the advanced registered nurse  
27 practitioner board shall:

28 (a) Prescribe, publish, adopt and amend rules for the  
29 implementation of sections 1 through 12 of this act including rules

1 that delineate qualifications for granting and regulating the  
2 prescriptive authority of advanced registered nurse practitioners for  
3 the use of legend drugs and controlled substances, schedules II through  
4 V;

5 (b) Establish standards of professional conduct and to serve as the  
6 disciplining authority for advanced registered nurse practitioners on  
7 all disciplinary matters; and

8 (c) Recognize and consider the education and training of practicing  
9 nurses who were authorized by the advanced registered nurse  
10 practitioner board to have prescriptive authority for legend drugs and  
11 schedule V controlled substances prior to the effective date of this  
12 act. The advanced registered nurse practitioner board shall minimize  
13 the additional education and training of such persons to those areas  
14 relating to the additional prescriptive authority authorized under this  
15 chapter;

16 (d) Establish the requirements for a prescriptive authority use  
17 plan that outlines procedures and protocols for consultation and  
18 referral with other health care professionals.

19 (2) Except for provisions of subsection (1) of this section, all  
20 other matters pertaining to licensure of an advanced registered nurse  
21 practitioner shall be determined and governed by the state board of  
22 nursing. These matters include, but are not limited to, delineating  
23 the qualifications for licensure of advanced registered nurse  
24 practitioners; specifying requirements for the renewal of licensure;  
25 approving accrediting and certification bodies for the purpose of  
26 licensure of advanced registered nurse practitioners, approving  
27 curricula, establishing criteria for minimum standards for schools  
28 preparing persons for licensure under this chapter.

29 (3) The advanced registered nurse practitioner board and the board  
30 shall coordinate to assure the implementation of this chapter.

1        NEW SECTION.    **Sec. 8.**    DUTIES OF THE DEPARTMENT.    In mutual  
2 consultation with the advanced registered nurse practitioner board, the  
3 department shall:

4        (1) Establish forms and procedures necessary to administer sections  
5 1 through 12 of this act;

6        (2) Hire clerical, administrative, investigative, and other staff  
7 as needed to implement sections 1 through 12 of this act;

8        (3) Keep an official record of all proceedings.    A part of the  
9 record shall consist of a register of all applicants for licensure as  
10 an advanced registered nurse practitioner under this chapter and the  
11 results of each application; and

12       (4) To the extent possible the department shall minimize costs by  
13 coordinating whenever possible clerical, investigative, and  
14 administrative activities associated with the board and the advanced  
15 registered nurse practitioner board operation.

16       NEW SECTION.    **Sec. 9.**    QUALIFICATIONS OF APPLICANTS FOR LICENSE.

17 An applicant for a license to practice as an advanced registered nurse  
18 practitioner shall submit to the advanced registered nurse practitioner  
19 board (1) an attested written application on department forms; (2)  
20 written official evidence of diploma from an approved school of  
21 nursing; (3) proof of licensure as a registered nurse as provided for  
22 under this chapter; (4) a prescriptive authority use plan for  
23 consultation and referral as defined in section 7 of this act; and (5)  
24 any other official records specified by the advanced registered nurse  
25 practitioner board. The applicant at the time of such submission must  
26 not be in violation of chapter 18.130 RCW or any provision of this  
27 chapter.

1        NEW SECTION.    **Sec. 10.**    EXAMINATIONS.    The applicant shall be  
2 required to pass a written examination in such subjects as the advanced  
3 registered nurse practitioner board shall determine.    Each written  
4 examination may be supplemented by an oral and practical examination.  
5 The advanced registered nurse practitioner board shall establish the  
6 standards for passing.

7        NEW SECTION.    **Sec. 11.**    LICENSURE BY ENDORSEMENT.    Upon advanced  
8 registered nurse practitioner board approval of the application, the  
9 department shall issue a license by endorsement to practice as an  
10 advanced registered nurse practitioner without examination to an  
11 applicant who is duly licensed as a registered nurse and an advanced  
12 registered nurse practitioner, or its equivalent, by examination under  
13 the laws of another state, territory or possession of the United States  
14 and who meets all other qualifications for licensure.

15        An applicant graduated from a school of nursing outside the United  
16 States and licensed by a country outside the United States shall meet  
17 all qualifications required by this chapter and by the board and shall  
18 pass examinations as determined by the board and the advanced  
19 registered nurse practitioner board.

20        NEW SECTION.    **Sec. 12.**    USE OF NOMENCLATURE.    Any person who holds  
21 a license to practice as an advanced registered nurse practitioner in  
22 this state shall have the right to use the title "advanced registered  
23 nurse practitioner" and the abbreviations "ARNP" or "A.R.N.P.". No  
24 other person shall assume such title or use such abbreviation or any  
25 other words, letters, signs, or figures to indicate that the person  
26 using them is an advanced registered nurse practitioner.

1       **Sec. 13.** RCW 18.88.010 and 1973 c 133 s 1 are each amended to read  
2 as follows:

3       In order to safeguard life, health and to promote public welfare,  
4 any person practicing or offering to practice nursing as a registered  
5 nurse or as an advanced registered nurse practitioner in this state  
6 shall hereafter be required to submit evidence that he or she is  
7 qualified so to practice, and shall be licensed as hereinafter  
8 provided. The registered nurse ~~((is))~~ and the advanced registered  
9 nurse practitioner are directly accountable and responsible to the  
10 individual consumer for the quality of nursing care rendered.

11       **Sec. 14.** RCW 18.88.080 and 1988 c 211 s 8 are each amended to read  
12 as follows:

13       The board may adopt such rules ~~((and regulations))~~ not inconsistent  
14 with the law, as may be necessary to enable it to carry into effect the  
15 provisions of this chapter. The board shall approve curricula and  
16 shall establish criteria for minimum standards for schools preparing  
17 persons for licensure under this chapter. It shall keep a record of  
18 all its proceedings and make such reports to the governor as may be  
19 required. The board shall define by ~~((regulation))~~ rule what  
20 constitutes specialized and advanced levels of nursing practice as  
21 recognized by the medical and nursing professions. The board shall not  
22 define specialized or advanced levels of practice involving the  
23 prescribing of legend drugs or controlled substances. The board may  
24 adopt ~~((regulations))~~ rules or issue advisory opinions in response to  
25 questions put to it by professional health associations, nursing  
26 practitioners, and consumers in this state concerning the authority of  
27 various categories of nursing practitioners to perform particular acts.

28       The board shall approve such schools of nursing as meet the  
29 requirements of this chapter and the board, and the board shall approve

1 establishment of basic nursing education programs and shall establish  
2 criteria as to the need for and the size of a program and the type of  
3 program and the geographical location. The board shall establish  
4 criteria for proof of reasonable currency of knowledge and skill as a  
5 basis for safe practice after three years inactive or lapsed status.  
6 The board shall establish criteria for licensure by endorsement. The  
7 board shall examine all applications for registration under this  
8 chapter, and shall certify to the director for licensing duly qualified  
9 applicants.

10 The department shall furnish to the board such secretarial,  
11 clerical and other assistance as may be necessary to effectively  
12 administer the provisions of this chapter. Each member of the board  
13 shall, in addition to travel expenses in accordance with RCW 43.03.050  
14 and 43.03.060 while away from home, be compensated in accordance with  
15 RCW 43.03.240.

16 **Sec. 15.** RCW 18.88.160 and 1985 c 7 s 68 are each amended to read  
17 as follows:

18 Each applicant for a license to practice as a registered nurse or  
19 a specialized or an advanced registered nurse practitioner shall pay a  
20 fee determined by the director as provided in RCW 43.24.086 to the  
21 state treasurer. All fees collected shall be used to support the  
22 activities of the board, the advanced registered nurse practitioner  
23 board, and the department for implementation of this chapter. The  
24 costs of supporting the board and the advanced registered nurse  
25 practitioner board and their activities shall be borne equally by all  
26 registered nurses and advanced registered nurses licensed under this  
27 chapter.

1       **Sec. 16.** RCW 18.88.175 and 1988 c 211 s 13 are each amended to  
2 read as follows:

3       Upon approval by the board, and when applicable, the advanced  
4 registered nurse practitioner board, and following verification of  
5 satisfactory completion of an advanced formal education, the department  
6 of (~~licensing~~) health shall issue an interim permit authorizing the  
7 applicant to practice specialized and as an advanced nursing  
8 (~~practice~~) practitioner pending notification of the results of the  
9 first certification examination. If the applicant passes the  
10 examination, the department shall grant advanced registered nurse  
11 practitioner status. If the applicant fails the examination, the  
12 interim permit shall expire upon notification and is not renewable.  
13 The holder of the interim permit is subject to chapter 18.130 RCW.

14       **Sec. 17.** RCW 18.88.220 and 1988 c 211 s 11 are each amended to  
15 read as follows:

16       A person licensed under the provisions of this chapter desiring to  
17 retire temporarily from the practice of nursing or as an advanced  
18 registered nurse practitioner in this state shall send a written notice  
19 to the (~~director~~) secretary.

20       Upon receipt of such notice the name of such person shall be placed  
21 on inactive status. While remaining on this status the person shall  
22 not practice nursing or as an advanced registered nurse practitioner in  
23 the state as provided in this chapter. When such person desires to  
24 resume practice, application for renewal of license shall be made to  
25 the board and renewal fee payable to the state treasurer. Persons on  
26 inactive status for three years or more must provide evidence of  
27 knowledge and skill of current practice as required by the board or as  
28 hereinafter in this chapter provided.

1       **Sec. 18.** RCW 18.88.280 and 1989 c 114 s 7 are each amended to read  
2 as follows:

3       This chapter shall not be construed as (1) prohibiting the  
4 incidental care of the sick by domestic servants or persons primarily  
5 employed as housekeepers, so long as they do not practice professional  
6 nursing within the meaning of this chapter, (2) or preventing any  
7 person from the domestic administration of family remedies or the  
8 furnishing of nursing assistance in case of emergency; (3) nor shall it  
9 be construed as prohibiting such practice of nursing by students  
10 enrolled in approved schools as may be incidental to their course of  
11 study nor shall it prohibit such students working as nursing aides; (4)  
12 nor shall it be construed as prohibiting auxiliary services provided by  
13 persons carrying out duties necessary for the support of nursing  
14 service including those duties which involve minor nursing services for  
15 persons performed in hospitals, nursing homes or elsewhere under the  
16 direction of licensed physicians or the supervision of licensed,  
17 registered nurses; (5) nor shall it be construed as prohibiting or  
18 preventing the practice of nursing in this state by any legally  
19 qualified nurse of another state or territory whose engagement requires  
20 him or her to accompany and care for a patient temporarily residing in  
21 this state during the period of one such engagement, not to exceed six  
22 months in length, if such person does not represent or hold himself or  
23 herself out as a nurse licensed to practice in this state; (6) nor  
24 shall it be construed as prohibiting nursing or care of the sick, with  
25 or without compensation, when done in connection with the practice of  
26 the religious tenets of any church by adherents thereof so long as they  
27 do not engage in the practice of nursing as defined in this chapter;  
28 (7) nor shall it be construed as prohibiting the practice of any  
29 legally qualified nurse of another state who is employed by the United  
30 States government or any bureau, division or agency thereof, while in

1 the discharge of his or her official duties; (8) permitting the  
2 measurement of the powers or range of human vision, or the  
3 determination of the accommodation and refractive state of the human  
4 eye or the scope of its functions in general, or the fitting or  
5 adaptation of lenses or frames for the aid thereof; (9) permitting the  
6 prescribing or directing the use of, or using, any optical device in  
7 connection with ocular exercises, visual training, vision training or  
8 orthoptics; (10) permitting the prescribing of contact lenses for, or  
9 the fitting or adaptation of contact lenses to, the human eye; (11)  
10 prohibiting the performance of routine visual screening; (12)  
11 permitting the practice of dentistry or dental hygiene as defined in  
12 chapters 18.32 and 18.29 RCW respectively; (13) permitting the practice  
13 of chiropractic as defined in chapter 18.25 RCW including the  
14 adjustment or manipulation of the articulations of the spine; (14)  
15 permitting the practice of (~~pediatry~~) podiatric medicine and surgery  
16 as defined in chapter 18.22 RCW; (15) permitting the performance of  
17 major surgery, except such minor surgery as the board may have  
18 specifically authorized by rule or regulation duly adopted in  
19 accordance with the provisions of chapter 34.05 RCW; (16) permitting  
20 the prescribing of legend drugs and controlled substances as defined in  
21 schedules I through (~~IV~~) V of the Uniform Controlled Substances Act,  
22 chapter 69.50 RCW, except as provided for in this chapter, chapters  
23 69.41, 69.45, and 69.50 RCW; (17) prohibiting the determination and  
24 pronouncement of death.

25       **Sec. 19.** RCW 18.88.285 and 1989 c 114 s 8 are each amended to read  
26 as follows:

27       A registered nurse or an advanced registered nurse practitioner  
28 under her or his license may perform for compensation nursing care (as  
29 that term is usually understood) of the ill, injured or infirm, and in

1 the course thereof, she or he is authorized to do the following things  
2 which shall not be done by any person not so licensed, except as  
3 provided in RCW 18.78.182:

4 (1) At or under the general direction of a licensed physician,  
5 dentist, osteopath or (~~podiatrist~~) podiatric physician and surgeon  
6 (acting within the scope of his or her license) to administer  
7 medications, treatments, tests and (~~innoculations~~) inoculations,  
8 whether or not the severing or penetrating of tissues is involved and  
9 whether or not a degree of independent judgment and skill is required.

10 (2) To delegate to other persons engaged in nursing, the functions  
11 outlined in the preceding paragraph.

12 (3) To perform specialized and advanced levels of nursing as  
13 defined by the board or the advanced registered nurse practitioner  
14 board.

15 (4) To instruct students of nursing in technical subjects  
16 pertaining to nursing.

17 (5) To hold herself or himself out to the public or designate  
18 herself or himself as an advanced registered nurse practitioner, a  
19 registered nurse, or nurse.

20 **Sec. 20.** RCW 18.120.020 and 1989 c 300 s 14 are each amended to  
21 read as follows:

22 The definitions contained in this section shall apply throughout  
23 this chapter unless the context clearly requires otherwise.

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

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

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

12 (4) "Health professions" means and includes the following health  
13 and health-related licensed or regulated professions and occupations:  
14 ((Podiatry)) Podiatric medicine and surgery under chapter 18.22 RCW;  
15 chiropractic under chapters 18.25 and 18.26 RCW; dental hygiene under  
16 chapter 18.29 RCW; dentistry under chapter 18.32 RCW; dispensing  
17 opticians under chapter 18.34 RCW; hearing aids under chapter 18.35  
18 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral  
19 directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW;  
20 nursing home administration under chapter 18.52 RCW; optometry under  
21 chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW;  
22 osteopathy and osteopathic medicine and surgery under chapters 18.57  
23 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine  
24 under chapters 18.71, 18.71A, and 18.72 RCW; emergency medicine under  
25 chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical  
26 nurses under chapter 18.78 RCW; psychologists under chapter 18.83 RCW;  
27 registered nurses under chapter 18.88 RCW; advanced registered nurse  
28 practitioners under chapter 18.88 RCW; occupational therapists licensed  
29 pursuant to chapter 18.59 RCW; respiratory care practitioners certified  
30 under chapter 18.89 RCW; veterinarians and animal technicians under

1 chapter 18.92 RCW; health care assistants under chapter 18.135 RCW;  
2 massage practitioners under chapter 18.108 RCW; acupuncturists  
3 certified under chapter 18.06 RCW; persons registered or certified  
4 under chapter 18.19 RCW; dietitians and nutritionists certified by  
5 chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW; and  
6 nursing assistants registered or certified under chapter 18.88A RCW.

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

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

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

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

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

28 (10) "Public member" means an individual who is not, and never was,  
29 a member of the health profession being regulated or the spouse of a  
30 member, or an individual who does not have and never has had a material

1 financial interest in either the rendering of the health professional  
2 service being regulated or an activity directly related to the  
3 profession being regulated.

4 (11) "Registration" means the formal notification which, prior to  
5 rendering services, a practitioner shall submit to a state agency  
6 setting forth the name and address of the practitioner; the location,  
7 nature and operation of the health activity to be practiced; and, if  
8 required by the regulatory entity, a description of the service to be  
9 provided.

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

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

18 **Sec. 21.** RCW 18.130.040 and 1990 c 3 s 810 are each amended to  
19 read as follows:

20 (1) This chapter applies only to the secretary and the boards  
21 having jurisdiction in relation to the professions licensed under the  
22 chapters specified in this section. This chapter does not apply to any  
23 business or profession not licensed under the chapters specified in  
24 this section.

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

27 (i) Dispensing opticians licensed under chapter 18.34 RCW;

28 (ii) Naturopaths licensed under chapter 18.36A RCW;

29 (iii) Midwives licensed under chapter 18.50 RCW;

1 (iv) Ocularists licensed under chapter 18.55 RCW;  
2 (v) Massage operators and businesses licensed under chapter 18.108  
3 RCW;  
4 (vi) Dental hygienists licensed under chapter 18.29 RCW;  
5 (vii) Acupuncturists certified under chapter 18.06 RCW;  
6 (viii) Radiologic technologists certified under chapter 18.84 RCW;  
7 (ix) Respiratory care practitioners certified under chapter 18.89  
8 RCW;  
9 (x) Persons registered or certified under chapter 18.19 RCW;  
10 (xi) Persons registered as nursing pool operators;  
11 (xii) Nursing assistants registered or certified under chapter  
12 18.52B RCW;  
13 (xiii) Dietitians and nutritionists certified under chapter 18.138  
14 RCW; and  
15 (xiv) Sex offender treatment providers certified under chapter  
16 18.155 RCW.  
17 (b) The boards having authority under this chapter are as follows:  
18 (i) The ((~~podiatry~~)) podiatric medical board as established in  
19 chapter 18.22 RCW;  
20 (ii) The chiropractic disciplinary board as established in chapter  
21 18.26 RCW governing licenses issued under chapter 18.25 RCW;  
22 (iii) The dental disciplinary board as established in chapter 18.32  
23 RCW;  
24 (iv) The council on hearing aids as established in chapter 18.35  
25 RCW;  
26 (v) The board of funeral directors and embalmers as established in  
27 chapter 18.39 RCW;  
28 (vi) The board of examiners for nursing home administrators as  
29 established in chapter 18.52 RCW;

1 (vii) The optometry board as established in chapter 18.54 RCW  
2 governing licenses issued under chapter 18.53 RCW;

3 (viii) The board of osteopathic medicine and surgery as established  
4 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
5 18.57A RCW;

6 (ix) The medical disciplinary board as established in chapter 18.72  
7 RCW governing licenses and registrations issued under chapters 18.71  
8 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 board of practical nursing as established in chapter  
14 18.78 RCW;

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

17 (xiv) The board of nursing as established in chapter 18.88 RCW; and

18 (xv) The board of advanced registered nurse practitioners as  
19 established in chapter 18.88 RCW;

20 (xvi) The veterinary board of governors as established in chapter  
21 18.92 RCW.

22 (3) In addition to the authority to discipline license holders, the  
23 disciplining authority has the authority to grant or deny licenses  
24 based on the conditions and criteria established in this chapter and  
25 the chapters specified in subsection (2) of this section. However, the  
26 board of chiropractic examiners has authority over issuance and denial  
27 of licenses provided for in chapter 18.25 RCW, the board of dental  
28 examiners has authority over issuance and denial of licenses provided  
29 for in RCW 18.32.040, and the board of medical examiners has authority  
30 over issuance and denial of licenses and registrations provided for in

1 chapters 18.71 and 18.71A RCW. This chapter also governs any  
2 investigation, hearing, or proceeding relating to denial of licensure  
3 or issuance of a license conditioned on the applicant's compliance with  
4 an order entered pursuant to RCW 18.130.160 by the disciplining  
5 authority.

6 **Sec. 22.** RCW 48.21.141 and 1973 1st ex.s. c 188 s 4 are each  
7 amended to read as follows:

8 Notwithstanding any provision of any group disability insurance  
9 contract or blanket disability insurance contract as provided for in  
10 this chapter, benefits shall not be denied thereunder for any health  
11 service performed by a holder of a license issued pursuant to chapter  
12 18.88 RCW if (1) the service performed was within the lawful scope of  
13 such person's license, and (2) such contract would have provided  
14 benefits if such service had been performed by a holder of a license  
15 issued pursuant to chapter 18.71 RCW: PROVIDED, HOWEVER, That no  
16 provision of chapter 18.71 RCW shall be asserted to deny benefits under  
17 this section.

18 The provisions of this section are intended to be remedial and  
19 procedural to the extent they do not impair the obligation of any  
20 existing contract.

21 No provision of this chapter shall be construed to require that  
22 services provided by registered nurses or advanced registered nurse  
23 practitioners be reimbursed on the same basis as if those same services  
24 were delivered by another authorized provider of care. The legislature  
25 recognizes that various provider types may be reimbursed at different  
26 rates pursuant to different considerations based upon objective  
27 differences in skill, training, and expertise.

1       **Sec. 23.** RCW 48.44.290 and 1986 c 223 s 6 are each amended to read  
2 as follows:

3       Notwithstanding any provision of this chapter, for any health care  
4 service contract thereunder which is entered into or renewed after July  
5 26, 1981, benefits shall not be denied under such contract for any  
6 health care service performed by a holder of a license issued pursuant  
7 to chapter 18.88 RCW if (1) the service performed was within the lawful  
8 scope of such person's license, and (2) such contract would have  
9 provided benefits if such service had been performed by a holder of a  
10 license issued pursuant to chapter 18.71 RCW: PROVIDED, HOWEVER, That  
11 no provision of chapter 18.71 RCW shall be asserted to deny benefits  
12 under this section.

13       The provisions of this section are intended to be remedial and  
14 procedural to the extent that they do not impair the obligation of any  
15 existing contract.

16       No provision of this chapter shall be construed to require that  
17 services provided by registered nurses or advanced registered nurse  
18 practitioners be reimbursed on the same basis as if those same services  
19 were delivered by another authorized provider of care. The legislature  
20 recognizes that various provider types may be reimbursed at different  
21 rates pursuant to different considerations based upon objective  
22 differences in skill, training, and expertise.

23       **Sec. 24.** RCW 69.41.010 and 1989 1st ex.s. c 9 s 426 and 1989 c 36  
24 s 3 are each reenacted and amended to read as follows:

25       As used in this chapter, the following terms (~~has~~ ~~have~~) have  
26 the meaning(~~is~~)s indicated unless the context clearly requires  
27 otherwise:

1 (1) "Administer" means the direct application of a legend drug  
2 whether by injection, inhalation, ingestion, or any other means, to the  
3 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) "Deliver" or "delivery" means the actual, constructive, or  
8 attempted transfer from one person to another of a legend drug, whether  
9 or not there is an agency relationship.

10 (3) "Department" means the department of health.

11 (4) "Dispense" means the interpretation of a prescription or order  
12 for a legend drug and, pursuant to that prescription or order, the  
13 proper selection, measuring, compounding, labeling, or packaging  
14 necessary to prepare that prescription or order for delivery.

15 (5) "Dispenser" means a practitioner who dispenses.

16 (6) "Distribute" means to deliver other than by administering or  
17 dispensing a legend drug.

18 (7) "Distributor" means a person who distributes.

19 (8) "Drug" means:

20 (a) Substances recognized as drugs in the official United States  
21 pharmacopoeia, official homeopathic pharmacopoeia of the United States,  
22 or official national formulary, or any supplement to any of them;

23 (b) Substances intended for use in the diagnosis, cure, mitigation,  
24 treatment, or prevention of disease in man or animals;

25 (c) Substances (other than food, minerals or vitamins) intended to  
26 affect the structure or any function of the body of man or animals; and

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

1 (9) "Legend drugs" means any drugs which are required by state law  
2 or regulation of the state board of pharmacy to be dispensed on  
3 prescription only or are restricted to use by practitioners only.

4 (10) "Person" means individual, corporation, government or  
5 governmental subdivision or agency, business trust, estate, trust,  
6 partnership or association, or any other legal entity.

7 (11) "Practitioner" means:

8 (a) A physician under chapter 18.71 RCW, an osteopathic physician  
9 or an osteopathic physician and surgeon under chapter 18.57 RCW, a  
10 dentist under chapter 18.32 RCW, a (~~podiatrist~~) podiatric physician  
11 and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92  
12 RCW, a registered nurse under chapter 18.88 RCW, an advanced registered  
13 nurse practitioner under chapter 18.88 RCW, a licensed practical nurse  
14 under chapter 18.78 RCW, an optometrist under chapter 18.53 RCW who is  
15 certified by the optometry board under RCW 18.53.010, an osteopathic  
16 physician's assistant under chapter 18.57A RCW, or a physician's  
17 assistant under chapter 18.71A RCW, or a pharmacist under chapter 18.64  
18 RCW;

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

23 (c) A physician licensed to practice medicine and surgery or a  
24 physician licensed to practice osteopathy and surgery in any state, or  
25 province of Canada, which shares a common border with the state of  
26 Washington.

27 (12) "Secretary" means the secretary of health or the secretary's  
28 designee.

1       **Sec. 25.** RCW 69.41.030 and 1990 c 219 s 2 are each amended to read  
2 as follows:

3       It shall be unlawful for any person to sell, deliver, or possess  
4 any legend drug except upon the order or prescription of a physician  
5 under chapter 18.71 RCW, an osteopathic physician or an osteopathic  
6 physician and surgeon under chapter 18.57 RCW, a dentist under chapter  
7 18.32 RCW, a ~~((podiatrist))~~ podiatric physician and surgeon under  
8 chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a  
9 commissioned medical or dental officer in the United States armed  
10 forces, marine hospital service, or public health service in the  
11 discharge of his official duties, a duly licensed physician or dentist  
12 employed by the veterans administration in the discharge of his or her  
13 official duties, ~~((a registered nurse under chapter 18.88 RCW when  
14 authorized by the board of nursing))~~ an advanced registered nurse  
15 practitioner under chapter 18.88 RCW, an osteopathic physician's  
16 assistant under chapter 18.57A RCW when authorized by the committee of  
17 osteopathic examiners, a physician's assistant under chapter 18.71A RCW  
18 when authorized by the board of medical examiners, a physician licensed  
19 to practice medicine and surgery or a physician licensed to practice  
20 osteopathy and surgery, a dentist licensed to practice dentistry, a  
21 podiatrist licensed to practice podiatry, or a veterinarian licensed to  
22 practice veterinary medicine, in any province of Canada which shares a  
23 common border with the state of Washington or in any state of the  
24 United States: PROVIDED, HOWEVER, That the above provisions shall not  
25 apply to sale, delivery, or possession by drug wholesalers or drug  
26 manufacturers, or their agents or employees, or to any practitioner  
27 acting within the scope of his license, or to a common or contract  
28 carrier or warehouseman, or any employee thereof, whose possession of  
29 any legend drug is in the usual course of business or employment:  
30 PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW

1 shall prevent a family planning clinic that is under contract with the  
2 department of social and health services from selling, delivering,  
3 possessing, and dispensing commercially prepackaged oral contraceptives  
4 prescribed by authorized, licensed health care practitioners: PROVIDED  
5 FURTHER, That it shall be unlawful to fill a prescription written by an  
6 authorized prescriber who is not licensed in this state if more than  
7 six months has passed since the date of the issuance of the original  
8 prescription.

9       **Sec. 26.** RCW 69.45.010 and 1989 1st ex.s. c 9 s 444 are each  
10 amended to read as follows:

11       The definitions in this section apply throughout this chapter.

12       (1) "Board" means the board of pharmacy.

13       (2) "Drug samples" means any federal food and drug administration  
14 approved controlled substance, legend drug, or products requiring  
15 prescriptions in this state, which is distributed at no charge to a  
16 practitioner by a manufacturer or a manufacturer's representative,  
17 exclusive of drugs under clinical investigations approved by the  
18 federal food and drug administration.

19       (3) "Controlled substance" means a drug, substance, or immediate  
20 precursor of such drug or substance, so designated under or pursuant to  
21 chapter 69.50 RCW, the uniform controlled substances act.

22       (4) "Deliver" or "delivery" means the actual, constructive, or  
23 attempted transfer from one person to another of a drug or device,  
24 whether or not there is an agency relationship.

25       (5) "Dispense" means the interpretation of a prescription or order  
26 for a drug, biological, or device and, pursuant to that prescription or  
27 order, the proper selection, measuring, compounding, labeling, or  
28 packaging necessary to prepare that prescription or order for delivery.

1 (6) "Distribute" means to deliver, other than by administering or  
2 dispensing, a legend drug.

3 (7) "Legend drug" means any drug that is required by state law or  
4 by regulations of the board to be dispensed on prescription only or is  
5 restricted to use by practitioners only.

6 (8) "Manufacturer" means a person or other entity engaged in the  
7 manufacture or distribution of drugs or devices, but does not include  
8 a manufacturer's representative.

9 (9) "Person" means any individual, corporation, government or  
10 governmental subdivision or agency, business trust, estate, trust,  
11 partnership, association, or any other legal entity.

12 (10) "Practitioner" means a physician under chapter 18.71 RCW, an  
13 osteopathic physician or an osteopathic physician and surgeon under  
14 chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a (~~podiatrist~~)  
15 podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian  
16 under chapter 18.92 RCW, a pharmacist under chapter 18.64 RCW, a  
17 commissioned medical or dental officer in the United States armed  
18 forces or the public health service in the discharge of his or her  
19 official duties, a duly licensed physician or dentist employed by the  
20 veterans administration in the discharge of his or her official duties,  
21 (~~a registered nurse under chapter 18.88 RCW when authorized to~~  
22 ~~prescribe by the board of nursing~~) an advanced registered nurse  
23 practitioner under chapter 18.88 RCW, an osteopathic physician's  
24 assistant under chapter 18.57A RCW when authorized by the board of  
25 osteopathic medicine and surgery, or a physician's assistant under  
26 chapter 18.71A RCW when authorized by the board of medical examiners.

27 (11) "Manufacturer's representative" means an agent or employee of  
28 a drug manufacturer who is authorized by the drug manufacturer to  
29 possess drug samples for the purpose of distribution in this state to  
30 appropriately authorized health care practitioners.

1 (12) "Reasonable cause" means a state of facts found to exist that  
2 would warrant a reasonably intelligent and prudent person to believe  
3 that a person has violated state or federal drug laws or regulations.

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

5 (14) "Secretary" means the secretary of health or the secretary's  
6 designee.

7 **Sec. 27.** RCW 69.50.101 and 1990 c 248 s 1, 1990 c 219 s 3, and  
8 1990 c 196 s 8 are each reenacted and amended to read as follows:

9 As used in this chapter:

10 (a) "Administer" means the direct application of a controlled  
11 substance, whether by injection, inhalation, ingestion, or any other  
12 means, to the body of a patient or research subject by:

13 (1) a practitioner, or

14 (2) the patient or research subject at the direction and in the  
15 presence of the practitioner.

16 (b) "Agent" means an authorized person who acts on behalf of or at  
17 the direction of a manufacturer, distributor, or dispenser. It does  
18 not include a common or contract carrier, public warehouseman, or  
19 employee of the carrier or warehouseman.

20 (c) "Drug enforcement administration" means the federal drug  
21 enforcement administration in the United States Department of Justice,  
22 or its successor agency.

23 (d) "Controlled substance" means a drug, substance, or immediate  
24 precursor in Schedules I through V of Article II.

25 (e) "Counterfeit substance" means a controlled substance which, or  
26 the container or labeling of which, without authorization, bears the  
27 trademark, trade name, or other identifying mark, imprint, number or  
28 device, or any likeness thereof, of a manufacturer, distributor, or

1 dispenser other than the person who in fact manufactured, distributed,  
2 or dispensed the substance.

3 (f) "Deliver" or "delivery" means the actual, constructive, or  
4 attempted transfer from one person to another of a controlled  
5 substance, whether or not there is an agency relationship.

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

7 (h) "Dispense" means the interpretation of a prescription or order  
8 for a controlled substance and, pursuant to that prescription or order,  
9 the proper selection, measuring, compounding, labeling, or packaging  
10 necessary to prepare that prescription or order for delivery.

11 (i) "Dispenser" means a practitioner who dispenses.

12 (j) "Distribute" means to deliver other than by administering or  
13 dispensing a controlled substance.

14 (k) "Distributor" means a person who distributes.

15 (l) "Receipt" means to receive a controlled substance either with  
16 or without consideration.

17 (m) "Drug" means (1) substances recognized as drugs in the official  
18 United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the  
19 United States, or Official National Formulary, or any supplement to any  
20 of them; (2) substances intended for use in the diagnosis, cure,  
21 mitigation, treatment, or prevention of disease in man or animals; (3)  
22 substances (other than food) intended to affect the structure or any  
23 function of the body of man or animals; and (4) substances intended for  
24 use as a component of any article specified in clause (1), (2), or (3)  
25 of this subsection. It does not include devices or their components,  
26 parts, or accessories.

27 (n) "Immediate precursor" means a substance which the state board  
28 of pharmacy has found to be and by rule designates as being the  
29 principal compound commonly used or produced primarily for use, and  
30 which is an immediate chemical intermediary used or likely to be used

1 in the manufacture of a controlled substance, the control of which is  
2 necessary to prevent, curtail, or limit manufacture.

3 (o) "Manufacture" means the production, preparation, propagation,  
4 compounding, conversion or processing of a controlled substance, either  
5 directly or indirectly by extraction from substances of natural origin,  
6 or independently by means of chemical synthesis, or by a combination of  
7 extraction and chemical synthesis, and includes any packaging or  
8 repackaging of the substance or labeling or relabeling of its  
9 container, except that this term does not include the preparation or  
10 compounding of a controlled substance by an individual for his or her  
11 own use or the preparation, compounding, packaging, or labeling of a  
12 controlled substance:

13 (1) by a practitioner as an incident to administering or dispensing  
14 of a controlled substance in the course of his or her professional  
15 practice, or

16 (2) by a practitioner, or by an authorized agent under the  
17 practitioner's supervision, for the purpose of, or as an incident to,  
18 research, teaching, or chemical analysis and not for sale.

19 (p) "Marijuana" or "marihuana" means all parts of the plant of the  
20 genus Cannabis L., whether growing or not; the seeds thereof; the resin  
21 extracted from any part of the plant; and every compound, manufacture,  
22 salt, derivative, mixture, or preparation of the plant, its seeds or  
23 resin. It does not include the mature stalks of the plant, fiber  
24 produced from the stalks, oil or cake made from the seeds of the plant,  
25 any other compound, manufacture, salt, derivative, mixture, or  
26 preparation of the mature stalks (except the resin extracted  
27 therefrom), fiber, oil, or cake, or the sterilized seed of the plant  
28 which is incapable of germination.

29 (q) "Narcotic drug" means any of the following, whether produced  
30 directly or indirectly by extraction from substances of vegetable

1 origin, or independently by means of chemical synthesis, or by a  
2 combination of extraction and chemical synthesis:

3 (1) Opium and opiate, and any salt, compound, derivative, or  
4 preparation of opium or opiate.

5 (2) Any salt, compound, isomer, derivative, or preparation thereof  
6 which is chemically equivalent or identical with any of the substances  
7 referred to in clause 1, but not including the isoquinoline alkaloids  
8 of opium.

9 (3) Opium poppy and poppy straw.

10 (4) Coca leaves and any salt, compound, derivative, or preparation  
11 of coca leaves, and any salt, compound, isomer, derivative, or  
12 preparation thereof which is chemically equivalent or identical with  
13 any of these substances, but not including decocainized coca leaves or  
14 extractions of coca leaves which do not contain cocaine or ecgonine.

15 (r) "Opiate" means any substance having an addiction-forming or  
16 addiction-sustaining liability similar to morphine or being capable of  
17 conversion into a drug having addiction-forming or addiction-sustaining  
18 liability. It does not include, unless specifically designated as  
19 controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-  
20 n-methylmorphinan and its salts (dextromethorphan). It does include  
21 its racemic and levorotatory forms.

22 (s) "Opium poppy" means the plant of the genus *Papaver* L., except  
23 its seeds, capable of producing an opiate.

24 (t) "Person" means individual, corporation, government or  
25 governmental subdivision or agency, business trust, estate, trust,  
26 partnership or association, or any other legal entity.

27 (u) "Poppy straw" means all parts, except the seeds, of the opium  
28 poppy, after mowing.

29 (v) "Practitioner" means:

1 (1) A physician under chapter 18.71 RCW, a physician assistant  
2 under chapter 18.71A RCW, an osteopathic physician or an osteopathic  
3 physician and surgeon under chapter 18.57 RCW, a dentist under chapter  
4 18.32 RCW, a (~~chiropractist~~) podiatric physician and surgeon under  
5 chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered  
6 nurse under chapter 18.88 RCW, an advanced registered nurse  
7 practitioner under chapter 18.88 RCW, a licensed practical nurse under  
8 chapter 18.78 RCW, a pharmacist under chapter 18.64 RCW or a scientific  
9 investigator under this chapter, licensed, registered or otherwise  
10 permitted insofar as is consistent with those licensing laws to  
11 distribute, dispense, conduct research with respect to or administer a  
12 controlled substance in the course of their professional practice or  
13 research in this state.

14 (2) A pharmacy, hospital or other institution licensed, registered,  
15 or otherwise permitted to distribute, dispense, conduct research with  
16 respect to or to administer a controlled substance in the course of  
17 professional practice or research in this state.

18 (3) A physician licensed to practice medicine and surgery, a  
19 physician licensed to practice osteopathy and surgery, a dentist  
20 licensed to practice dentistry, a podiatrist licensed to practice  
21 podiatry, or a veterinarian licensed to practice veterinary medicine in  
22 any state of the United States.

23 (w) "Production" includes the manufacture, planting, cultivation,  
24 growing, or harvesting of a controlled substance.

25 (x) "Secretary" means the secretary of health or the secretary's  
26 designee.

27 (y) "State", when applied to a part of the United States, includes  
28 any state, district, commonwealth, territory, insular possession  
29 thereof, and any area subject to the legal authority of the United  
30 States of America.

1 (z) "Ultimate user" means a person who lawfully possesses a  
2 controlled substance for his or her own use or for the use of a member  
3 of his or her household or for administering to an animal owned by him  
4 or her or by a member of his or her household.

5 (aa) "Board" means the state board of pharmacy.

6 **Sec. 28.** RCW 70.127.250 and 1988 c 245 s 25 are each amended to  
7 read as follows:

8 (1) In addition to the rules consistent with RCW 70.127.005 adopted  
9 under RCW 70.127.120, the department shall adopt rules for home health  
10 agencies which address the following:

11 (a) Establishment of case management guidelines for acute and  
12 maintenance care patients;

13 (b) Establishment of guidelines for periodic review of the home  
14 health care plan of care and plan of treatment by appropriate health  
15 care professionals; and

16 (c) Maintenance of written policies regarding the delivery and  
17 supervision of patient care and clinical consultation as necessary by  
18 appropriate health care professionals.

19 (2) As used in this section:

20 (a) "Acute care" means care provided by a home health agency for  
21 patients who are not medically stable or have not attained a  
22 satisfactory level of rehabilitation. These patients require frequent  
23 monitoring by a health care professional in order to maintain their  
24 health status.

25 (b) "Maintenance care" means care provided by home health agencies  
26 that is necessary to support an existing level of health and to  
27 preserve a patient from further failure or decline.

28 (c) "Home health plan of care" means a written plan of care  
29 established by a home health agency by appropriate health care

1 professionals that describes maintenance care to be provided. A  
2 patient or his or her representative shall be allowed to participate in  
3 the development of the plan of care to the extent [extent] practicable.

4 (d) "Home health plan of treatment" means a written plan of care  
5 established by a physician licensed under chapter 18.57 or 18.71 RCW,  
6 a (~~pediatrist~~) podiatric physician or surgeon licensed under chapter  
7 18.22 RCW, or an advanced registered nurse practitioner as authorized  
8 by the board of nursing, and the advanced registered nurse practitioner  
9 board when legend drugs or controlled substances are being prescribed,  
10 under chapter 18.88 RCW, in consultation with appropriate health care  
11 professionals within the agency that describes medically necessary  
12 acute care to be provided for treatment of illness or injury.

13 **Sec. 29.** RCW 71.05.210 and 1989 c 120 s 6 are each amended to read  
14 as follows:

15 Each person involuntarily admitted to an evaluation and treatment  
16 facility shall, within twenty-four hours of his or her admission, be  
17 examined and evaluated by a licensed physician who may be assisted by  
18 a physician's assistant according to chapter 18.71A RCW or (~~a~~) an  
19 advanced registered nurse practitioner according to chapter 18.88 RCW  
20 and a mental health professional as defined in this chapter, and shall  
21 receive such treatment and care as his or her condition requires  
22 including treatment on an outpatient basis for the period that he or  
23 she is detained, except that, beginning twenty-four hours prior to a  
24 court proceeding, the individual may refuse all but emergency life-  
25 saving treatment, and the individual shall be informed at an  
26 appropriate time of his or her right to such refusal of treatment.  
27 Such person shall be detained up to seventy-two hours, if, in the  
28 opinion of the professional person in charge of the facility, or his or  
29 her professional designee, the person presents a likelihood of serious

1 harm to himself or herself or others, or is gravely disabled. A person  
2 who has been detained for seventy-two hours shall no later than the end  
3 of such period be released, unless referred for further care on a  
4 voluntary basis, or detained pursuant to court order for further  
5 treatment as provided in this chapter.

6 If, after examination and evaluation, the licensed physician and  
7 mental health professional determine that the initial needs of the  
8 person would be better served by placement in an alcohol treatment  
9 facility, then the person shall be referred to an approved treatment  
10 (~~facility~~) program defined under RCW 70.96A.020.

11 An evaluation and treatment center admitting any person pursuant to  
12 this chapter whose physical condition reveals the need for  
13 hospitalization shall assure that such person is transferred to an  
14 appropriate hospital for treatment. Notice of such fact shall be given  
15 to the court, the designated attorney, and the designated county mental  
16 health professional and the court shall order such continuance in  
17 proceedings under this chapter as may be necessary, but in no event may  
18 this continuance be more than fourteen days.

19 **Sec. 30.** RCW 74.42.010 and 1979 ex.s. c 211 s 1 are each amended  
20 to read as follows:

21 Unless the context clearly requires otherwise, the definitions in  
22 this section apply throughout this chapter.

23 (1) "Department" means the department of social and health services  
24 and the department's employees.

25 (2) "Facility" refers to a nursing home as defined in RCW  
26 18.51.010.

27 (3) "Licensed practical nurse" means a person licensed to practice  
28 practical nursing under chapter 18.78 RCW.

1 (4) "Medicaid" means Title XIX of the Social Security Act enacted  
2 by the social security amendments of 1965 (42 U.S.C. Sec. 1396; 79  
3 Stat. 343), as amended.

4 (5) "Nursing care" means that care provided by a registered nurse,  
5 a licensed practical nurse, or a nursing assistant in the regular  
6 performance of their duties.

7 (6) "Qualified therapist" means:

8 (a) An activities specialist who has specialized education,  
9 training, or experience specified by the department.

10 (b) An audiologist who is eligible for a certificate of clinical  
11 competence in audiology or who has the equivalent education and  
12 clinical experience.

13 (c) A mental health professional as defined in chapter 71.05 RCW.

14 (d) A mental retardation professional who is a qualified therapist  
15 or a therapist approved by the department and has specialized training  
16 or one year experience in treating or working with the mentally  
17 retarded or developmentally disabled.

18 (e) An occupational therapist who is a graduate of a program in  
19 occupational therapy or who has equivalent education or training.

20 (f) A physical therapist as defined in chapter 18.74 RCW.

21 (g) A social worker who is a graduate of a school of social work.

22 (h) A speech pathologist who is eligible for a certificate of  
23 clinical competence in speech pathology or who has equivalent education  
24 and clinical experience.

25 (7) "Registered nurse" means a person practicing nursing under  
26 chapter 18.88 RCW.

27 (8) "Resident" means an individual recipient of medical benefits  
28 pursuant to chapter 74.09 RCW, except as to RCW 74.42.030 through  
29 74.42.130 which shall apply to all patients.

1 (9) "Physician's assistant" means a person practicing pursuant to  
2 chapters 18.57A and 18.71A RCW.

3 (10) "Advanced registered nurse practitioner" means a person  
4 practicing such expanded acts of nursing as are authorized by the board  
5 of nursing and the advanced registered nurse practitioner board  
6 pursuant to ((RCW 18.88.030)) chapter 18.88 RCW.

7 **Sec. 31.** RCW 74.42.230 and 1982 c 120 s 2 are each amended to read  
8 as follows:

9 (1) The resident's attending or staff physician or authorized  
10 practitioner approved by the attending physician shall order all  
11 medications for the resident. The order may be oral or written and  
12 shall be limited by time. An "authorized practitioner," as used in  
13 this section, is ((a)) an advanced registered nurse practitioner under  
14 chapter 18.88 RCW when authorized by the ((board of nursing)) advanced  
15 registered nurse practitioner board, an osteopathic physician's  
16 assistant under chapter 18.57A RCW when authorized by the committee of  
17 osteopathic examiners, or a physician's assistant under chapter 18.71A  
18 RCW when authorized by the board of medical examiners.

19 (2) An oral order shall be given only to a licensed nurse,  
20 pharmacist, or another physician. The oral order shall be recorded and  
21 signed immediately by the person receiving the order. The attending  
22 physician shall sign the record of the oral order in a manner  
23 consistent with good medical practice.

24 NEW SECTION. **Sec. 32.** Sections 1 through 12 of this act are each  
25 added to chapter 18.88 RCW.

26 NEW SECTION. **Sec. 33.** Sections captions as used in this chapter  
27 do not constitute any part of the law.

1        NEW SECTION.    **Sec. 34.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 35.**    This act is necessary for the immediate  
6 preservation of the public peace, health, or safety, or support of the  
7 state government and its existing public institutions, and shall take  
8 effect immediately.