

2 EHB 1256 - S COMM AMD

3 By Committee on Health & Human Services

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "**Sec. 1.** RCW 18.130.010 and 1991 c 332 s 1 are each amended to  
8 read as follows:

9 It is the intent of the legislature to strengthen and consolidate  
10 disciplinary and licensure procedures for the licensed health and  
11 health-related professions and businesses by providing a uniform  
12 disciplinary act with standardized procedures for the licensure of  
13 health care professionals and the consistent enforcement of laws the  
14 purpose of which is to assure the public of the adequacy of  
15 professional competence and conduct in the healing arts.

16 It is also the intent of the legislature that all health and  
17 health-related professions newly credentialed by the state come under  
18 the uniform disciplinary act.

19 Further, the legislature declares that the addition of public  
20 members on all health care boards can give both the state and the  
21 public, which it has a statutory responsibility to protect, assurances  
22 of accountability and confidence in the various practices of health  
23 care. It is further the intent that this chapter will best be  
24 implemented by a uniform and consistently applied disciplinary process.

25 **Sec. 2.** RCW 18.130.040 and 1992 c 128 s 6 are each amended to read  
26 as follows:

27 (1) This chapter applies only to the secretary and the boards  
28 having jurisdiction in relation to the professions licensed under the  
29 chapters specified in this section. This chapter does not apply to any  
30 business or profession not licensed under the chapters specified in  
31 this section.

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

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

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

1 (iii) Midwives licensed under chapter 18.50 RCW;  
2 (iv) Ocularists licensed under chapter 18.55 RCW;  
3 (v) Massage operators and businesses licensed under chapter 18.108  
4 RCW;  
5 (vi) Dental hygienists licensed under chapter 18.29 RCW;  
6 (vii) Acupuncturists certified under chapter 18.06 RCW;  
7 (viii) Radiologic technologists certified and x-ray technicians  
8 registered under chapter 18.84 RCW;  
9 (ix) Respiratory care practitioners certified under chapter 18.89  
10 RCW;  
11 (x) Persons registered or certified under chapter 18.19 RCW;  
12 (xi) Persons registered as nursing pool operators under chapter  
13 18.52C RCW;  
14 (xii) Nursing assistants registered or certified under chapter  
15 ~~((18.52B))~~ 18.88A RCW;  
16 (xiii) Dietitians and nutritionists certified under chapter 18.138  
17 RCW;  
18 (xiv) Sex offender treatment providers certified under chapter  
19 18.155 RCW; ~~((and))~~  
20 (xv) Persons licensed and certified under chapter 18.73 RCW or RCW  
21 18.71.205; and  
22 (xvi) Health care assistants certified under chapter 18.135 RCW.  
23 (b) The boards having authority under this chapter are as follows:  
24 (i) The podiatric medical board as established in chapter 18.22  
25 RCW;  
26 (ii) The board of chiropractic ~~((disciplinary board))~~ as  
27 established in chapter ~~((18.26 RCW governing licenses issued under~~  
28 ~~chapter))~~ 18.25 RCW;  
29 (iii) The ~~((dental disciplinary))~~ board of dentistry as established  
30 in chapter 18.32 RCW;  
31 (iv) The council on hearing aids as established in chapter 18.35  
32 RCW;  
33 (v) The board of funeral directors and embalmers as established in  
34 chapter 18.39 RCW;  
35 (vi) The board of examiners for nursing home administrators as  
36 established in chapter 18.52 RCW;  
37 (vii) The optometry board as established in chapter 18.54 RCW  
38 governing licenses issued under chapter 18.53 RCW;

1 (viii) 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 (ix) The ~~((medical disciplinary))~~ board of medicine as established  
5 in chapter ~~((18.72))~~ 18.71 RCW governing licenses and registrations  
6 issued under chapters 18.71 and 18.71A RCW;

7 (x) The board of physical therapy as established in chapter 18.74  
8 RCW;

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

11 (xii) The board of practical nursing as established in chapter  
12 18.78 RCW;

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

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

16 (xv) The veterinary board of governors as established in chapter  
17 18.92 RCW;

18 (xvi) The board of pharmacy as established in chapter 18.64 RCW  
19 governing licenses governed under chapters 18.64 and 18.64A RCW.

20 (3) In addition to the authority to discipline license holders, the  
21 disciplining authority has the authority to grant or deny licenses  
22 based on the conditions and criteria established in this chapter and  
23 the chapters specified in subsection (2) of this section. ~~((However,~~  
24 ~~the board of chiropractic examiners has authority over issuance and~~  
25 ~~denial of licenses provided for in chapter 18.25 RCW, the board of~~  
26 ~~dental examiners has authority over issuance and denial of licenses~~  
27 ~~provided for in RCW 18.32.040, and the board of medical examiners has~~  
28 ~~authority over issuance and denial of licenses and registrations~~  
29 ~~provided for in chapters 18.71 and 18.71A RCW.)) This chapter also  
30 governs any investigation, hearing, or proceeding relating to denial of  
31 licensure or issuance of a license conditioned on the applicant's  
32 compliance with an order entered pursuant to RCW 18.130.160 by the  
33 disciplining authority.~~

34 **Sec. 3.** RCW 18.130.050 and 1987 c 150 s 2 are each amended to read  
35 as follows:

36 The disciplining authority has the following authority:

37 (1) To adopt, amend, and rescind such rules as are deemed necessary  
38 to carry out this chapter;

- 1       (2) To investigate all complaints or reports of unprofessional  
2 conduct as defined in this chapter and to hold hearings as provided in  
3 this chapter;
- 4       (3) To issue subpoenas and administer oaths in connection with any  
5 investigation, hearing, or proceeding held under this chapter;
- 6       (4) To take or cause depositions to be taken and use other  
7 discovery procedures as needed in any investigation, hearing, or  
8 proceeding held under this chapter;
- 9       (5) To compel attendance of witnesses at hearings;
- 10       (6) In the course of investigating a complaint or report of  
11 unprofessional conduct, to conduct practice reviews;
- 12       (7) To take emergency action ordering summary suspension of a  
13 license, or restriction or limitation of the licensee's practice  
14 pending proceedings by the disciplining authority;
- 15       (8) To use the office of administrative hearings as authorized in  
16 chapter 34.12 RCW to conduct hearings. However, the disciplining  
17 authority shall make the final decision regarding disposition of the  
18 license;
- 19       (9) To use individual members of the boards to direct  
20 investigations. However, the member of the board shall not  
21 subsequently participate in the hearing of the case;
- 22       (10) To enter into contracts for professional services determined  
23 to be necessary for adequate enforcement of this chapter;
- 24       (11) To contract with licensees or other persons or organizations  
25 to provide services necessary for the monitoring and supervision of  
26 licensees who are placed on probation, whose professional activities  
27 are restricted, or who are for any authorized purpose subject to  
28 monitoring by the disciplining authority;
- 29       (12) To adopt standards of professional conduct or practice;
- 30       (13) To grant or deny license applications, and in the event of a  
31 finding of unprofessional conduct by an applicant or license holder, to  
32 impose any sanction against a license applicant or license holder  
33 provided by this chapter;
- 34       (14) ~~((To enter into an assurance of discontinuance in lieu of  
35 issuing a statement of charges or conducting a hearing. The assurance  
36 shall consist of a statement of the law in question and an agreement to  
37 not violate the stated provision. The applicant or license holder  
38 shall not be required to admit to any violation of the law, nor shall~~

1 ~~the assurance be construed as such an admission. Violation of an~~  
2 ~~assurance under this subsection is grounds for disciplinary action;~~

3 ~~(15)) To designate individuals authorized to sign subpoenas and~~  
4 ~~statements of charges;~~

5 (15) To establish panels consisting of three or more members of the  
6 board to perform any duty or authority within the board's jurisdiction  
7 under this chapter;

8 (16) To review and audit the records of licensed health facilities'  
9 or services' quality assurance committee decisions in which a  
10 licensee's practice privilege or employment is terminated or  
11 restricted. Each health facility or service shall produce and make  
12 accessible to the disciplining authority such records and otherwise  
13 reasonably facilitate the review and audit. The disciplinary authority  
14 shall treat such information and records as confidential and use them  
15 only for the purpose of licensee discipline. Information so gained is  
16 not subject to disclosure under chapter 42.17 RCW, to discovery or  
17 introduction into evidence in any civil action and shall be exempt from  
18 public disclosure under chapter 42.17 RCW.

19 **Sec. 4.** RCW 18.130.060 and 1991 c 3 s 269 are each amended to read  
20 as follows:

21 In addition to the authority specified in RCW 18.130.050, the  
22 secretary has the following additional authority:

23 (1) To employ such investigative, administrative, and clerical  
24 staff as necessary for the enforcement of this chapter;

25 (2) Upon the request of a board, to appoint (~~not more than three~~)  
26 pro tem members for the purpose of participating as members of one or  
27 more committees of the board in connection with proceedings  
28 specifically identified in the request. Individuals so appointed must  
29 meet the same minimum qualifications as regular members of the board.  
30 While serving as board members pro tem, persons so appointed have all  
31 the powers, duties, and immunities, and are entitled to the emoluments,  
32 including travel expenses in accordance with RCW 43.03.050 and  
33 43.03.060, of regular members of the board. The chairperson of a  
34 committee shall be a regular member of the board appointed by the board  
35 chairperson. Committees have authority to act as directed by the board  
36 with respect to all matters concerning the review, investigation, and  
37 adjudication of all complaints, allegations, charges, and matters  
38 subject to the jurisdiction of the board. The authority to act through

1 committees does not restrict the authority of the board to act as a  
2 single body at any phase of proceedings within the board's  
3 jurisdiction. Board committees may make interim orders and issue final  
4 decisions with respect to matters and cases delegated to the committee  
5 by the board. Final decisions may be appealed as provided in chapter  
6 34.05 RCW, the Administrative Procedure Act;

7 (3) To establish fees to be paid for witnesses, expert witnesses,  
8 and consultants used in any investigation and to establish fees to  
9 witnesses in any agency adjudicative proceeding as authorized by RCW  
10 34.05.446;

11 (4) To conduct investigations and practice reviews at the direction  
12 of the disciplining authority and to issue subpoenas, administer oaths,  
13 and take depositions in the course of conducting those investigations  
14 and practice reviews at the direction of the disciplining authority.

15 **Sec. 5.** RCW 18.130.090 and 1986 c 259 s 6 are each amended to read  
16 as follows:

17 (~~((1))~~) If the disciplining authority determines, upon  
18 investigation, that there is reason to believe a violation of RCW  
19 18.130.180 has occurred, a statement of charge or charges shall be  
20 prepared and served upon the license holder or applicant at the  
21 earliest practical time. The statement of charge or charges shall be  
22 accompanied by a notice that the license holder or applicant may  
23 request a hearing to contest the charge or charges. The license holder  
24 or applicant must file a request for hearing with the disciplining  
25 authority within twenty days after being served the statement of  
26 charges. (~~The failure to request a hearing constitutes a default,~~  
27 ~~whereupon the disciplining authority may enter a decision on the basis~~  
28 ~~of the facts available to it.~~

29 (~~2~~) ~~If a hearing is requested, the time of the hearing shall be~~  
30 ~~fixed by the disciplining authority as soon as convenient, but the~~  
31 ~~hearing shall not be held earlier than thirty days after service of the~~  
32 ~~charges upon the license holder or applicant. A notice of hearing~~  
33 ~~shall be issued at least twenty days prior to the hearing, specifying~~  
34 ~~the time, date, and place of the hearing. The notice shall also notify~~  
35 ~~the license holder or applicant that a record of the proceeding will be~~  
36 ~~kept, that he or she will have the opportunity to appear personally and~~  
37 ~~to have counsel present, with the right to produce witnesses, who will~~  
38 ~~be subject to cross examination, and evidence in his or her own behalf,~~

1 ~~to cross-examine witnesses testifying against him or her, to examine~~  
2 ~~such documentary evidence as may be produced against him or her, to~~  
3 ~~conduct depositions, and to have subpoenas issued by the disciplining~~  
4 ~~authority.)~~ If the twenty-day limit results in a hardship upon the  
5 license holder or applicant, he or she may request for good cause an  
6 extension not to exceed sixty additional days. If the disciplining  
7 authority finds that there is good cause, it shall grant the extension.

8 **Sec. 6.** RCW 18.130.160 and 1986 c 259 s 8 are each amended to read  
9 as follows:

10 Upon a finding, after hearing, that a license holder or applicant  
11 has committed unprofessional conduct or is unable to practice with  
12 reasonable skill and safety due to a physical or mental condition, the  
13 disciplining authority may issue an order providing for one or any  
14 combination of the following:

- 15 (1) Revocation of the license;
- 16 (2) Suspension of the license for a fixed or indefinite term;
- 17 (3) Restriction or limitation of the practice;
- 18 (4) Requiring the satisfactory completion of a specific program of  
19 remedial education or treatment;
- 20 (5) The monitoring of the practice by a supervisor approved by the  
21 disciplining authority;
- 22 (6) Censure or reprimand;
- 23 (7) Compliance with conditions of probation for a designated period  
24 of time;
- 25 (8) Payment of a fine for each violation of this chapter, not to  
26 exceed (~~one~~) five thousand dollars per violation. Funds received  
27 shall be placed in the health professions account;
- 28 (9) Denial of the license request;
- 29 (10) Corrective action;
- 30 (11) Refund of fees billed to and collected from the consumer.

31 Any of the actions under this section may be totally or partly  
32 stayed by the disciplining authority. In determining what action is  
33 appropriate, the disciplining authority must first consider what  
34 sanctions are necessary to protect or compensate the public. Only  
35 after such provisions have been made may the disciplining authority  
36 consider and include in the order requirements designed to rehabilitate  
37 the license holder or applicant. All costs associated with compliance

1 with orders issued under this section are the obligation of the license  
2 holder or applicant.

3 The licensee or applicant may enter into a stipulated disposition  
4 of charges that includes one or more of the sanctions of this section,  
5 but only after a statement of charges has been issued and the licensee  
6 has been afforded the opportunity for a hearing and has elected on the  
7 record to forego such a hearing. The stipulation shall either contain  
8 one or more specific findings of unprofessional conduct or inability to  
9 practice, or a statement by the licensee acknowledging that evidence is  
10 sufficient to justify one or more specified findings of unprofessional  
11 conduct or inability to practice. The stipulation entered into  
12 pursuant to this subsection shall be considered formal disciplinary  
13 action for all purposes.

14 NEW SECTION. Sec. 7. A new section is added to chapter 18.130 RCW  
15 to read as follows:

16 (1) Prior to serving a statement of charges under RCW 18.130.090 or  
17 18.130.170, the disciplinary authority may furnish a statement of  
18 allegations to the licensee or applicant along with a detailed summary  
19 of the evidence relied upon to establish the allegations and a proposed  
20 stipulation for informal resolution of the allegations. These  
21 documents shall be exempt from public disclosure until such time as the  
22 allegations are resolved either by stipulation or otherwise.

23 (2) The disciplinary authority and the applicant or licensee may  
24 stipulate that the allegations may be disposed of informally in  
25 accordance with this subsection. The stipulation shall contain a  
26 statement of the facts leading to the filing of the complaint; the act  
27 or acts of unprofessional conducted alleged to have been committed or  
28 the alleged basis for determining that the applicant or licensee is  
29 unable to practice with reasonable skill and safety; a statement that  
30 the stipulation is not to be construed as a finding of either  
31 unprofessional conduct or inability to practice; an acknowledgement  
32 that a finding of unprofessional conduct or inability to practice, if  
33 proven, constitutes grounds for discipline under this chapter; and an  
34 agreement on the part of the licensee or applicant that the sanctions  
35 set forth in RCW 18.130.160, except RCW 18.130.160 (1), (2), (6), and  
36 (8), may be imposed as part of the stipulation, except that no fine may  
37 be imposed but the licensee or applicant may agree to reimburse the  
38 disciplinary authority the costs of investigation and processing the



1 complaint up to an amount not exceeding one thousand dollars per  
2 allegation; and an agreement on the part of the disciplinary authority  
3 to forego further disciplinary proceedings concerning the allegations.  
4 A stipulation entered into pursuant to this subsection shall not be  
5 considered formal disciplinary action.

6 (3) If the licensee or applicant declines to agree to disposition  
7 of the charges by means of a stipulation pursuant to subsection (2) of  
8 this section, the disciplinary authority may proceed to formal  
9 disciplinary action pursuant to RCW 18.130.090 or 18.130.170.

10 (4) Upon execution of a stipulation under subsection (2) of this  
11 section by both the licensee or applicant and the disciplinary  
12 authority, the complaint is deemed disposed of and shall become subject  
13 to public disclosure on the same basis and to the same extent as other  
14 records of the disciplinary authority. Should the licensee or  
15 applicant fail to pay any agreed reimbursement within thirty days of  
16 the date specified in the stipulation for payment, the disciplinary  
17 authority may seek collection of the amount agreed to be paid in the  
18 same manner as enforcement of a fine under RCW 18.130.165.

19 **Sec. 8.** RCW 18.130.165 and 1987 c 150 s 4 are each amended to read  
20 as follows:

21 Where an order for payment of a fine is made as a result of a  
22 hearing under RCW 18.130.100 or 18.130.190 and timely payment is not  
23 made as directed in the final order, the disciplining authority may  
24 enforce the order for payment in the superior court in the county in  
25 which the hearing was held. This right of enforcement shall be in  
26 addition to any other rights the disciplining authority may have as to  
27 any licensee ordered to pay a fine but shall not be construed to limit  
28 a licensee's ability to seek judicial review under RCW 18.130.140.

29 In any action for enforcement of an order of payment of a fine, the  
30 disciplining authority's order is conclusive proof of the validity of  
31 the order of payment of a fine and the terms of payment.

32 **Sec. 9.** RCW 18.130.175 and 1991 c 3 s 270 are each amended to read  
33 as follows:

34 (1) In lieu of disciplinary action under RCW 18.130.160 and if the  
35 disciplining authority determines that the unprofessional conduct may  
36 be the result of substance abuse, the disciplining authority may refer

1 the license holder to a voluntary substance abuse monitoring program  
2 approved by the disciplining authority.

3 The cost of the treatment shall be the responsibility of the  
4 license holder, but the responsibility does not preclude payment by an  
5 employer, existing insurance coverage, or other sources. Primary  
6 alcoholism or drug treatment shall be provided by approved treatment  
7 facilities under RCW 70.96A.020(~~(+2)~~): PROVIDED, That nothing shall  
8 prohibit the disciplining authority from approving additional services  
9 and programs as an adjunct to primary alcoholism or drug treatment.  
10 The disciplining authority may also approve the use of out-of-state  
11 programs. Referral of the license holder to the program shall be done  
12 only with the consent of the license holder. Referral to the program  
13 may also include probationary conditions for a designated period of  
14 time. If the license holder does not consent to be referred to the  
15 program or does not successfully complete the program, the disciplining  
16 authority may take appropriate action under RCW 18.130.160. The  
17 secretary shall adopt uniform rules for the evaluation by the  
18 disciplinary authority of a relapse or program violation on the part of  
19 a license holder in the substance abuse monitoring program. The  
20 evaluation shall encourage program participation with additional  
21 conditions, in lieu of disciplinary action, when the disciplinary  
22 authority determines that the license holder is able to continue with  
23 reasonable skill and safety.

24 (2) In addition to approving substance abuse monitoring programs  
25 that may receive referrals from the disciplining authority, the  
26 disciplining authority may establish by rule requirements for  
27 participation of license holders who are not being investigated or  
28 monitored by the disciplining authority for substance abuse. License  
29 holders voluntarily participating in the approved programs without  
30 being referred by the disciplining authority shall not be subject to  
31 disciplinary action under RCW 18.130.160 for their substance abuse, and  
32 shall not have their participation made known to the disciplining  
33 authority, if they meet the requirements of this section and the  
34 program in which they are participating.

35 (3) The license holder shall sign a waiver allowing the program to  
36 release information to the disciplining authority if the licensee does  
37 not comply with the requirements of this section or is unable to  
38 practice with reasonable skill or safety. The substance abuse program  
39 shall report to the disciplining authority any license holder who fails

1 to comply with the requirements of this section or the program or who,  
2 in the opinion of the program, is unable to practice with reasonable  
3 skill or safety. License holders shall report to the disciplining  
4 authority if they fail to comply with this section or do not complete  
5 the program's requirements. License holders may, upon the agreement of  
6 the program and disciplining authority, reenter the program if they  
7 have previously failed to comply with this section.

8 (4) The treatment and pretreatment records of license holders  
9 referred to or voluntarily participating in approved programs shall be  
10 confidential, shall be exempt from RCW 42.17.250 through 42.17.450, and  
11 shall not be subject to discovery by subpoena or admissible as evidence  
12 except for monitoring records reported to the disciplining authority  
13 for cause as defined in subsection (3) of this section. Monitoring  
14 records relating to license holders referred to the program by the  
15 disciplining authority or relating to license holders reported to the  
16 disciplining authority by the program for cause, shall be released to  
17 the disciplining authority at the request of the disciplining  
18 authority. Records held by the disciplining authority under this  
19 section shall be exempt from RCW 42.17.250 through 42.17.450 and shall  
20 not be subject to discovery by subpoena except by the license holder.

21 (5) "Substance abuse," as used in this section, means the  
22 impairment, as determined by the disciplining authority, of a license  
23 holder's professional services by an addiction to, a dependency on, or  
24 the use of alcohol, legend drugs, or controlled substances.

25 (6) This section does not affect an employer's right or ability to  
26 make employment-related decisions regarding a license holder. This  
27 section does not restrict the authority of the disciplining authority  
28 to take disciplinary action for any other unprofessional conduct.

29 (7) A person who, in good faith, reports information or takes  
30 action in connection with this section is immune from civil liability  
31 for reporting information or taking the action.

32 (a) The immunity from civil liability provided by this section  
33 shall be liberally construed to accomplish the purposes of this section  
34 and the persons entitled to immunity shall include:

- 35 (i) An approved monitoring treatment program;
- 36 (ii) The professional association operating the program;
- 37 (iii) Members, employees, or agents of the program or association;
- 38 (iv) Persons reporting a license holder as being impaired or  
39 providing information about the license holder's impairment; and

1 (v) Professionals supervising or monitoring the course of the  
2 impaired license holder's treatment or rehabilitation.

3 (b) The immunity provided in this section is in addition to any  
4 other immunity provided by law.

5 ~~((8) In addition to health care professionals governed by this  
6 chapter, this section also applies to pharmacists under chapter 18.64  
7 RCW and pharmacy assistants under chapter 18.64A RCW. For that  
8 purpose, the board of pharmacy shall be deemed to be the disciplining  
9 authority and the substance abuse monitoring program shall be in lieu  
10 of disciplinary action under RCW 18.64.160 or 18.64A.050. The board of  
11 pharmacy shall adjust license fees to offset the costs of this  
12 program.))~~

13 **Sec. 10.** RCW 18.130.180 and 1991 c 332 s 34 and 1991 c 215 c 3 are  
14 each reenacted and amended to read as follows:

15 The following conduct, acts, or conditions constitute  
16 unprofessional conduct for any license holder or applicant under the  
17 jurisdiction of this chapter:

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

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

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

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

1 result in injury to a patient or create an unreasonable risk that a  
2 patient may be harmed;

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

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

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

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

18 (a) Not furnishing any papers or documents;

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

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

25 (9) Failure to comply with an order issued by the ~~((disciplining))~~  
26 disciplinary authority or ~~((an assurance of discontinuance))~~ a  
27 stipulation for informal disposition entered into with the  
28 ~~((disciplining))~~ disciplinary authority;

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

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

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

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

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

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

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

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

12 (18) The procuring, or aiding or abetting in procuring, a criminal  
13 abortion;

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

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

21 (21) Violation of chapter 19.68 RCW;

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

28 (23) Current misuse of:

29 (a) Alcohol;

30 (b) Controlled substances; or

31 (c) Legend drugs;

32 (24) Abuse of a client or patient or sexual contact with a client  
33 or patient;

34 (25) Acceptance of more than a nominal gratuity, hospitality, or  
35 subsidy offered by a representative or vendor of medical or health-  
36 related products or services intended for patients, in contemplation of  
37 a sale or for use in research publishable in professional journals,  
38 where a conflict of interest is presented, as defined by rules of the

1 disciplining authority, in consultation with the department, based on  
2 recognized professional ethical standards.

3 NEW SECTION. **Sec. 11.** A new section is added to chapter 18.130  
4 RCW to read as follows:

5 (1) The secretary shall develop uniform procedural rules to respond  
6 to public inquiries concerning complaints and their disposition, active  
7 investigations, statement of charges, findings of fact, and final  
8 orders involving a licensee, applicant, or unlicensed person. The  
9 uniform procedural rules adopted under this subsection apply to all  
10 adjudicative proceedings conducted under this chapter and shall include  
11 provisions for the establishing time lines for discovery, settlement,  
12 and scheduling hearings.

13 (2) The uniform procedures for conducting investigations shall  
14 provide that prior to taking a written statement:

15 (a) For violation of this chapter, the investigator shall inform  
16 such person, in writing of: (i) The nature of the complaint; (ii) that  
17 the person may consult with legal counsel at his or her expense prior  
18 to making a statement; and (iii) that any statement that the person  
19 makes may be used in an adjudicative proceeding conducted under this  
20 chapter; and

21 (b) From a witness or potential witness in an investigation under  
22 this chapter, the investigator shall inform the person, in writing,  
23 that the statement may be released to the licensee, applicant, or  
24 unlicensed person under investigation if a statement of charges is  
25 issued.

26 (3) The disciplining authority may enter into an agreement to  
27 dispose of a matter with or without a finding of unprofessional conduct  
28 or inability to practice, which may include one or more sanctions set  
29 forth in RCW 18.130.160. If the representative of the disciplining  
30 authority and the respondent have entered into a written settlement  
31 agreement, such agreement shall be submitted to the disciplining  
32 authority for approval. In considering whether to approve the  
33 settlement, the disciplining authority may consider such written  
34 materials as the parties may agree. If no settlement is approved by  
35 the disciplining authority and the matter proceeds to a hearing, a  
36 person who participated in the decision not to approve the proposed  
37 settlement may not participate as a hearing officer or board panel  
38 member in the hearing.

1 (4) In order to assure the uniform application of the procedural  
2 rules developed by the secretary, the secretary or his or her designee  
3 shall serve as presiding officer for all proceedings under this  
4 chapter, including those conducted by disciplinary authorities  
5 identified in RCW 18.130.040(2)(b), other than the board of funeral  
6 directors and embalmers, and shall perform all functions of the  
7 presiding officer under chapter 34.05 RCW. In those areas where the  
8 disciplining authority is a board, the secretary or his or her  
9 designee, shall not vote on the final decision.

10 **Sec. 12.** RCW 18.130.185 and 1987 c 150 s 8 are each amended to  
11 read as follows:

12 If a person or business regulated by this chapter violates RCW  
13 18.130.170 or 18.130.180, the attorney general, any prosecuting  
14 attorney, the (~~director~~) secretary, the board, or any other person  
15 may maintain an action in the name of the state of Washington to enjoin  
16 the person from committing the violations. The injunction shall not  
17 relieve the offender from criminal prosecution, but the remedy by  
18 injunction shall be in addition to the liability of the offender to  
19 criminal prosecution and disciplinary action.

20 **Sec. 13.** RCW 18.130.186 and 1989 c 125 s 3 are each amended to  
21 read as follows:

22 (1) To implement a substance abuse monitoring program for license  
23 holders specified under RCW 18.130.040, who are impaired by substance  
24 abuse, the disciplinary authority may enter into a contract with a  
25 voluntary substance abuse program under RCW 18.130.175. The program  
26 may include any or all of the following:

- 27 (a) Contracting with providers of treatment programs;
- 28 (b) Receiving and evaluating reports of suspected impairment from  
29 any source;
- 30 (c) Intervening in cases of verified impairment;
- 31 (d) Referring impaired license holders to treatment programs;
- 32 (e) Monitoring the treatment and rehabilitation of impaired license  
33 holders including those ordered by the disciplinary authority;
- 34 (f) Providing education, prevention of impairment, posttreatment  
35 monitoring, and support of rehabilitated impaired license holders; and
- 36 (g) Performing other activities as agreed upon by the disciplinary  
37 authority.



1 (2) A contract entered into under subsection (1) of this section  
2 may be financed by a surcharge on each license issuance or renewal to  
3 be collected by the department of (~~(licensing)~~) health from the license  
4 holders of the same regulated health profession. These moneys shall be  
5 placed in the health professions account to be used solely for the  
6 implementation of the program.

7 **Sec. 14.** RCW 18.130.190 and 1991 c 3 s 271 are each amended to  
8 read as follows:

9 (1) The secretary shall investigate complaints concerning practice  
10 by unlicensed persons of a profession or business for which a license  
11 is required by the chapters specified in RCW 18.130.040. In the  
12 investigation of the complaints, the secretary shall have the same  
13 authority as provided the secretary under RCW 18.130.050. (~~(The~~  
14 ~~secretary shall issue a cease and desist order to a person after notice~~  
15 ~~and hearing and upon a determination that the person has violated this~~  
16 ~~subsection.))~~

17 (2) The secretary may issue a notice of intention to issue a cease  
18 and desist order to any person whom the secretary has reason to believe  
19 is engaged in the unlicensed practice of a profession or business for  
20 which a license is required by the chapters specified in RCW  
21 18.130.040. The person to whom such notice is issued may request an  
22 adjudicative proceeding to contest the charges. The request for  
23 hearing must be filed within twenty days after service of the notice of  
24 intention to issue a cease and desist order. The failure to request a  
25 hearing constitutes a default, whereupon the secretary may enter a  
26 permanent cease and desist order, which may include a civil fine. All  
27 proceedings shall be conducted in accordance with chapter 34.05 RCW.

28 (3) If the secretary makes a final determination that a person has  
29 engaged or is engaging in unlicensed practice, the secretary may issue  
30 a cease and desist order. In addition, the secretary may impose a  
31 civil fine in an amount not exceeding one thousand dollars for each day  
32 upon which the person engaged in unlicensed practice of a business or  
33 profession for which a license is required by one or more of the  
34 chapters specified in RCW 18.130.040. The proceeds of such fines shall  
35 be deposited to the health professions account.

36 (4) If the secretary makes a written finding of fact that the  
37 public interest will be irreparably harmed by delay in issuing an  
38 order, the secretary may issue a temporary cease and desist order. The

1 person receiving a temporary cease and desist order shall be provided  
2 an opportunity for a prompt hearing. The temporary cease and desist  
3 order shall remain in effect until further order of the secretary. The  
4 failure to request a prompt or regularly scheduled hearing constitutes  
5 a default, whereupon the secretary may enter a permanent cease and  
6 desist order, which may include a civil fine.

7 (5) Neither the issuance of a cease and desist order nor payment of  
8 a civil fine shall ((not)) relieve the person so practicing or  
9 operating a business without a license from criminal prosecution  
10 therefor, but the remedy of a cease and desist order or civil fine  
11 shall be in addition to any criminal liability. The cease and desist  
12 order is conclusive proof of unlicensed practice and may be enforced  
13 under RCW 7.21.060. This method of enforcement of the cease and desist  
14 order or civil fine may be used in addition to, or as an alternative  
15 to, any provisions for enforcement of agency orders set out in chapter  
16 34.05 RCW.

17 ((+2)) (6) The attorney general, a county prosecuting attorney,  
18 the secretary, a board, or any person may in accordance with the laws  
19 of this state governing injunctions, maintain an action in the name of  
20 this state to enjoin any person practicing a profession or business for  
21 which a license is required by the chapters specified in RCW 18.130.040  
22 without a license from engaging in such practice or operating such  
23 business until the required license is secured. However, the  
24 injunction shall not relieve the person so practicing or operating a  
25 business without a license from criminal prosecution therefor, but the  
26 remedy by injunction shall be in addition to any criminal liability.

27 ((+3)) (7) Unlicensed practice of a profession or operating a  
28 business for which a license is required by the chapters specified in  
29 RCW 18.130.040, unless otherwise exempted by law, constitutes a gross  
30 misdemeanor. All fees, fines, forfeitures, and penalties collected or  
31 assessed by a court because of a violation of this section shall be  
32 remitted to the health professions account.

33 **Sec. 15.** RCW 18.130.300 and 1984 c 279 s 21 are each amended to  
34 read as follows:

35 The ((director)) secretary, members of the boards, or individuals  
36 acting on their behalf are immune from suit in any action, civil or  
37 criminal, based on any disciplinary proceedings or other official acts  
38 performed in the course of their duties.

1       **Sec. 16.** RCW 18.25.005 and 1992 c 241 s 2 are each amended to read  
2 as follows:

3       (1) Chiropractic is the practice of health care that deals with the  
4 diagnosis or analysis and care or treatment of the vertebral  
5 subluxation complex and its effects, articular dysfunction, and  
6 musculoskeletal disorders, all for the restoration and maintenance of  
7 health and recognizing the recuperative powers of the body.

8       (2) Chiropractic treatment or care includes the use of procedures  
9 involving spinal adjustments, and extremity manipulation insofar as any  
10 such procedure is complementary or preparatory to a chiropractic spinal  
11 adjustment. Chiropractic treatment also includes the use of heat,  
12 cold, water, exercise, massage, trigger point therapy, dietary advice  
13 and recommendation of nutritional supplementation except for medicines  
14 of herbal, animal, or botanical origin, the normal regimen and  
15 rehabilitation of the patient, first aid, and counseling on hygiene,  
16 sanitation, and preventive measures. Chiropractic care also includes  
17 such physiological therapeutic procedures as traction and light, but  
18 does not include procedures involving the application of sound,  
19 diathermy, or electricity.

20       (3) As part of a chiropractic differential diagnosis, a  
21 chiropractor shall perform a physical examination, which may include  
22 diagnostic x-rays, to determine the appropriateness of chiropractic  
23 care or the need for referral to other health care providers. The  
24 (~~chiropractic disciplinary~~) board shall provide by rule for the type  
25 and use of diagnostic and analytical devices and procedures consistent  
26 with this chapter.

27       (4) Chiropractic care shall not include the prescription or  
28 dispensing of any medicine or drug, the practice of obstetrics or  
29 surgery, the use of x-rays or any other form of radiation for  
30 therapeutic purposes, colonic irrigation, or any form of venipuncture.

31       (5) Nothing in this chapter prohibits or restricts any other  
32 practitioner of a "health profession" defined in RCW 18.120.020(4) from  
33 performing any functions or procedures the practitioner is licensed or  
34 permitted to perform, and the term "chiropractic" as defined in this  
35 chapter shall not prohibit a practitioner licensed under chapter 18.71  
36 RCW from performing medical procedures, except such procedures shall  
37 not include the adjustment by hand of any articulation of the spine.

1       **Sec. 17.** RCW 18.25.006 and 1992 c 241 s 3 are each amended to read  
2 as follows:

3       Unless the context clearly requires otherwise, the definitions in  
4 this section apply throughout this chapter.

5       (1) "Department" means the department of health.

6       (2) "Secretary" means the secretary of the department of health or  
7 the secretary's designee.

8       (3) "Chiropractor" means an individual licensed under this chapter.

9       (4) "Board" means the Washington state board of chiropractic  
10 (~~examiners~~).

11       (5) "Vertebral subluxation complex" means a functional defect or  
12 alteration of the biomechanical and physiological dynamics in a joint  
13 that may cause neuronal disturbances, with or without displacement  
14 detectable by x-ray. The effects of the vertebral subluxation complex  
15 may include, but are not limited to, any of the following: Fixation,  
16 hypomobility, hypermobility, periarticular muscle spasm, edema, or  
17 inflammation.

18       (6) "Articular dysfunction" means an alteration of the  
19 biomechanical and physiological dynamics of a joint of the axial or  
20 appendicular skeleton.

21       (7) "Musculoskeletal disorders" means abnormalities of the muscles,  
22 bones, and connective tissue.

23       (8) "Chiropractic differential diagnosis" means a diagnosis to  
24 determine the existence of a vertebral subluxation complex, articular  
25 dysfunction, or musculoskeletal disorder, and the appropriateness of  
26 chiropractic care or the need for referral to other health care  
27 providers.

28       (9) "Chiropractic adjustment" means chiropractic care of a  
29 vertebral subluxation complex, articular dysfunction, or  
30 musculoskeletal disorder. Such care includes manual or mechanical  
31 adjustment of any vertebral articulation and contiguous articulations  
32 beyond the normal passive physiological range of motion.

33       (10) "Extremity manipulation" means a corrective thrust or maneuver  
34 applied to a joint of the appendicular skeleton. The use of extremity  
35 manipulation shall be complementary and preparatory to a chiropractic  
36 spinal adjustment to support correction of a vertebral subluxation  
37 complex and is considered a part of a spinal adjustment and shall not  
38 be billed separately from or in addition to a spinal adjustment.

1       **Sec. 18.** RCW 18.25.019 and 1987 c 150 s 12 are each amended to  
2 read as follows:

3       The uniform disciplinary act, chapter 18.130 RCW, governs  
4 unlicensed practice and the issuance and denial of licenses and the  
5 disciplining of licensees under this chapter.

6       **Sec. 19.** RCW 18.25.020 and 1991 c 3 s 38 are each amended to read  
7 as follows:

8       (1) Any person not now licensed to practice chiropractic in this  
9 state and who desires to practice chiropractic in this state, before it  
10 shall be lawful for him or her to do so, shall make application  
11 therefor to the secretary, upon such form and in such manner as may be  
12 adopted and directed by the secretary. Each applicant who matriculates  
13 to a chiropractic college after January 1, 1975, shall have completed  
14 not less than one-half of the requirements for a baccalaureate degree  
15 at an accredited and approved college or university and shall be a  
16 graduate of a chiropractic school or college accredited and approved by  
17 the board (~~(of chiropractic examiners)~~) and shall show satisfactory  
18 evidence of completion by each applicant of a resident course of study  
19 of not less than four thousand classroom hours of instruction in such  
20 school or college. Applications shall be in writing and shall be  
21 signed by the applicant in his or her own handwriting and shall be  
22 sworn to before some officer authorized to administer oaths, and shall  
23 recite the history of the applicant as to his or her educational  
24 advantages, his or her experience in matters pertaining to a knowledge  
25 of the care of the sick, how long he or she has studied chiropractic,  
26 under what teachers, what collateral branches, if any, he or she has  
27 studied, the length of time he or she has engaged in clinical practice;  
28 accompanying the same by reference therein, with any proof thereof in  
29 the shape of diplomas, certificates, and shall accompany said  
30 application with satisfactory evidence of good character and  
31 reputation.

32       (2) There shall be paid to the secretary by each applicant for a  
33 license, a fee determined by the secretary as provided in RCW 43.70.250  
34 which shall accompany application and a fee determined by the secretary  
35 as provided in RCW 43.70.250, which shall be paid upon issuance of  
36 license. Like fees shall be paid for any subsequent examination and  
37 application.

1       **Sec. 20.** RCW 18.25.030 and 1989 c 258 s 4 are each amended to read  
2 as follows:

3       Examinations for license to practice chiropractic shall be made by  
4 the board (~~(of chiropractic examiners)~~) according to the method deemed  
5 by it to be the most practicable and expeditious to test the  
6 applicant's qualifications. Such application shall be designated by a  
7 number instead of his or her name, so that the identity shall not be  
8 discovered or disclosed to the members of the examining committee until  
9 after the examination papers are graded.

10       All examinations shall be in whole or in part in writing, the  
11 subject of which shall be as follows: Anatomy, physiology, spinal  
12 anatomy, microbiology-public health, general diagnosis,  
13 neuromuscularskeletal diagnosis, x-ray, principles of chiropractic and  
14 adjusting, as taught by chiropractic schools and colleges. The board  
15 shall administer a practical examination to applicants which shall  
16 consist of diagnosis, principles and practice, x-ray, and adjustive  
17 technique consistent with chapter 18.25 RCW. A license shall be  
18 granted to all applicants whose score over each subject tested is  
19 seventy-five percent. The board may enact additional requirements for  
20 testing administered by the national board of chiropractic examiners.

21       **Sec. 21.** RCW 18.25.040 and 1991 c 320 s 8 are each amended to read  
22 as follows:

23       Persons licensed to practice chiropractic under the laws of any  
24 other state, territory of the United States, the District of Columbia,  
25 Puerto Rico, or province of Canada, having qualifications substantially  
26 equivalent to those required by this chapter, may, in the discretion of  
27 the board (~~(of chiropractic examiners)~~), and after such examination as  
28 may be required by rule of the board, be issued a license to practice  
29 in this state without further examination, upon payment of a fee  
30 determined by the secretary as provided in RCW 43.70.250.

31       **Sec. 22.** RCW 18.25.070 and 1991 c 3 s 40 are each amended to read  
32 as follows:

33       (1) Every person practicing chiropractic shall, as a prerequisite  
34 to annual renewal of license, submit to the secretary at the time of  
35 application therefor, satisfactory proof showing attendance of at least  
36 twenty-five hours during the preceding twelve-month period, at one or  
37 more chiropractic symposiums which are recognized and approved by the

1 board (~~of chiropractic examiners: PROVIDED, That~~). The board may,  
2 for good cause shown, waive said attendance. The following guidelines  
3 for such symposiums shall apply:

4 (a) The board shall set criteria for the course content of  
5 educational symposia concerning matters which are recognized by the  
6 state of Washington chiropractic licensing laws; it shall be the  
7 licensee's responsibility to determine whether the course content meets  
8 these criteria;

9 (b) The board shall adopt standards for distribution of annual  
10 continuing education credit requirements;

11 (c) Rules shall be adopted by the board for licensees practicing  
12 and residing outside the state who shall meet all requirements  
13 established by the board by rules (~~and regulations~~).

14 (2) Every person practicing chiropractic within this state shall  
15 pay on or before his or her birth anniversary date, after a license is  
16 issued to him or her as herein provided, to said secretary a renewal  
17 license fee to be determined by the secretary as provided in RCW  
18 43.70.250. The secretary shall, thirty days or more before the birth  
19 anniversary date of each chiropractor in the state, mail to that  
20 chiropractor a notice of the fact that the renewal fee will be due on  
21 or before his or her birth anniversary date. Nothing in this chapter  
22 shall be construed so as to require that the receipts shall be recorded  
23 as original licenses are required to be recorded.

24 The failure of any licensed chiropractor to pay his or her annual  
25 license renewal fee within thirty days of license expiration shall work  
26 a forfeiture of his or her license. It shall not be reinstated except  
27 upon evidence that continuing educational requirements have been  
28 fulfilled and the payment of a penalty to be determined by the  
29 secretary as provided in RCW 43.70.250, together with all annual  
30 license renewal fees delinquent at the time of the forfeiture, and  
31 those for each year thereafter up to the time of reinstatement. Should  
32 the licentiate allow his or her license to elapse for more than three  
33 years, he or she may be reexamined as provided for in RCW 18.25.040 at  
34 the discretion of the board.

35 **Sec. 23.** RCW 18.25.190 and 1991 c 320 s 10 are each amended to  
36 read as follows:

37 Nothing in this chapter shall be construed to prohibit:

1 (1) The temporary practice in this state of chiropractic by any  
2 chiropractor licensed by another state, territory, or country in which  
3 he or she resides. However, the chiropractor shall not establish a  
4 practice open to the general public and shall not engage in temporary  
5 practice under this section for a period longer than thirty days. The  
6 chiropractor shall register his or her intention to engage in the  
7 temporary practice of chiropractic in this state with the board of  
8 chiropractic examiners before engaging in the practice of chiropractic,  
9 and shall agree to be bound by such conditions as may be prescribed by  
10 rule by the board.

11 (2) The practice of chiropractic, except the administration of a  
12 chiropractic adjustment, by a person who is a regular senior student in  
13 an accredited school of chiropractic approved by the board if the  
14 practice is part of a regular course of instruction offered by the  
15 school and the student is under the direct supervision and control of  
16 a chiropractor duly licensed pursuant to this chapter and approved by  
17 the board.

18 (3) The practice of chiropractic by a person serving a period of  
19 postgraduate chiropractic training in a program of clinical  
20 chiropractic training sponsored by a school of chiropractic accredited  
21 in this state if the practice is part of his or her duties as a  
22 clinical postgraduate trainee and the trainee is under the direct  
23 supervision and control of a chiropractor duly licensed pursuant to  
24 this chapter and approved by the board.

25 (4) The practice of chiropractic by a person who is eligible and  
26 has applied to take the next available examination for licensing  
27 offered by the board (~~(of chiropractic examiners)~~), except that the  
28 unlicensed chiropractor must provide all services under the direct  
29 control and supervision of a licensed chiropractor approved by the  
30 board. The unlicensed chiropractor may continue to practice as  
31 provided by this subsection until the results of the next available  
32 examination are published, but in no case for a period longer than six  
33 months. The board shall adopt rules necessary to effectuate the intent  
34 of this subsection.

35 Any provision of chiropractic services by any individual under  
36 subsection (1), (2), (3), or (4) of this section shall be subject to  
37 the jurisdiction of the chiropractic disciplinary board as provided in  
38 chapters 18.26 and 18.130 RCW.



1       **Sec. 24.** RCW 18.26.030 and 1986 c 259 s 25 are each amended to  
2 read as follows:

3       (1) In addition to those acts defined in chapter 18.130 RCW, the  
4 term "unprofessional conduct" as used in this chapter (~~and chapter~~  
5 ~~18.25 RCW~~) includes failing to differentiate chiropractic care from  
6 any and all other methods of healing at all times.

7       (2) Proceedings involving alleged unprofessional conduct shall be  
8 conducted by the attorney general upon the direction of the board.

9       **Sec. 25.** RCW 18.26.040 and 1989 c 258 s 9 are each amended to read  
10 as follows:

11       There is hereby created the Washington state board of chiropractic  
12 (~~disciplinary board of seven~~) of ten members to be composed of  
13 (~~six~~) seven chiropractic members to be appointed by the governor, and  
14 (~~one~~) three members appointed by the governor who shall be  
15 representative of the public at large. For at least five years  
16 preceding the time of their appointment, and during their tenure of  
17 office, the chiropractic members of the board must be residents of  
18 Washington.

19       In addition, the doctors of chiropractic shall have been engaged in  
20 the active licensed practice of chiropractic in this state for a  
21 minimum of five years.

22       Board appointments shall be for a term of five years. No board  
23 member shall serve more than two consecutive full terms.

24       **Sec. 26.** RCW 18.26.390 and 1991 c 320 s 11 are each amended to  
25 read as follows:

26       The board may adopt rules necessary and appropriate to implement  
27 RCW 18.26.320 through 18.26.380 (as recodified by this act).

28       **Sec. 27.** RCW 18.32.010 and 1991 c 3 s 58 are each amended to read  
29 as follows:

30       Words used in the singular in this chapter may also be applied to  
31 the plural of the persons and things; words importing the plural may be  
32 applied to the singular; words importing the masculine gender may be  
33 extended to females also; the term "board" used in this chapter shall  
34 mean the Washington state board of (~~dental examiners~~) dentistry and  
35 the term "secretary" shall mean the secretary of health of the state of  
36 Washington.

1       **Sec. 28.** RCW 18.32.030 and 1991 c 3 s 59 are each amended to read  
2 as follows:

3       The following practices, acts, and operations are excepted from the  
4 operation of the provisions of this chapter:

5       (1) The rendering of dental relief in emergency cases in the  
6 practice of his or her profession by a physician or surgeon, licensed  
7 as such and registered under the laws of this state, unless the  
8 physician or surgeon undertakes to or does reproduce lost parts of the  
9 human teeth in the mouth or to restore or to replace in the human mouth  
10 lost or missing teeth;

11       (2) The practice of dentistry in the discharge of official duties  
12 by dentists in the United States federal services on federal  
13 reservations, including but not limited to the armed services, coast  
14 guard, public health service, veterans' bureau, or bureau of Indian  
15 affairs;

16       (3) Dental schools or colleges approved under RCW 18.32.040, and  
17 the practice of dentistry by students in Washington state dental  
18 schools or colleges approved by the board, when acting under the  
19 direction and supervision of Washington state-licensed dental school  
20 faculty;

21       (4) The practice of dentistry by licensed dentists of other states  
22 or countries while appearing as clinicians at meetings of the  
23 Washington state dental association, or component parts thereof, or at  
24 meetings sanctioned by them, or other groups approved by the board (~~of~~  
25 ~~dental examiners~~));

26       (5) The use of roentgen and other rays for making radiographs or  
27 similar records of dental or oral tissues, under the supervision of a  
28 licensed dentist or physician;

29       (6) The making, repairing, altering, or supplying of artificial  
30 restorations, substitutions, appliances, or materials for the  
31 correction of disease, loss, deformity, malposition, dislocation,  
32 fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or  
33 associated tissues or parts; providing the same are made, repaired,  
34 altered, or supplied pursuant to the written instructions and order of  
35 a licensed dentist which may be accompanied by casts, models, or  
36 impressions furnished by the dentist, and the prescriptions shall be  
37 retained and filed for a period of not less than three years and shall  
38 be available to and subject to the examination of the secretary or the  
39 secretary's authorized representatives;

1 (7) The removal of deposits and stains from the surfaces of the  
2 teeth, the application of topical preventative or prophylactic agents,  
3 and the polishing and smoothing of restorations, when performed or  
4 prescribed by a dental hygienist licensed under the laws of this state;

5 (8) A qualified and licensed physician and surgeon extracting teeth  
6 or performing oral surgery pursuant to the scope of practice under  
7 chapter 18.71 or 18.57 RCW;

8 (9) The performing of dental operations or services by persons not  
9 licensed under this chapter when performed under the supervision of a  
10 licensed dentist: PROVIDED HOWEVER, That such nonlicensed person shall  
11 in no event perform the following dental operations or services unless  
12 permitted to be performed by the person under this chapter or chapters  
13 18.29, 18.57, 18.71, and 18.88 RCW:

14 (a) Any removal of or addition to the hard or soft tissue of the  
15 oral cavity;

16 (b) Any diagnosis of or prescription for treatment of disease,  
17 pain, deformity, deficiency, injury, or physical condition of the human  
18 teeth or jaws, or adjacent structure;

19 (c) Any administration of general or injected local anaesthetic of  
20 any nature in connection with a dental operation, including intravenous  
21 sedation;

22 (d) Any oral prophylaxis;

23 (e) The taking of any impressions of the teeth or jaw or the  
24 relationships of the teeth or jaws, for the purpose of fabricating any  
25 intra-oral restoration, appliance, or prosthesis.

26 **Sec. 29.** RCW 18.32.195 and 1992 c 59 s 1 are each amended to read  
27 as follows:

28 The board may, without examination, issue a license to persons who  
29 possess the qualifications set forth in this section.

30 (1) The board may, upon written request of the dean of the school  
31 of dentistry of the University of Washington, issue a license to  
32 practice dentistry in this state to persons who have been licensed or  
33 otherwise authorized to practice dentistry in another state or country  
34 and who have been accepted for employment by the school of dentistry as  
35 full-time faculty members. For purposes of this subsection, this means  
36 teaching members of the faculty of the school of dentistry of the  
37 University of Washington who are so employed on a one hundred percent  
38 of work time basis. Such license shall permit the holder thereof to

1 practice dentistry within the confines of the university facilities for  
2 a period of one year while he or she is so employed as a full-time  
3 faculty member by the school of dentistry of the University of  
4 Washington. It shall terminate whenever the holder ceases to be such  
5 a full-time faculty member. Such license shall permit the holder  
6 thereof to practice dentistry only in connection with his or her duties  
7 in employment with the school of dentistry of the University of  
8 Washington. This limitation shall be stated on the license.

9 (2) The board may, upon written request of the dean of the school  
10 of dentistry of the University of Washington, issue a limited license  
11 to practice dentistry in this state to university residents in  
12 postgraduate dental education. The license shall permit the resident  
13 dentist to provide dental care only in connection with his or her  
14 duties as a university resident.

15 (3) The board may condition the granting of a license under this  
16 section with terms the board deems appropriate. All persons licensed  
17 under this section shall be subject to the jurisdiction of the (~~dental~~  
18 ~~disciplinary~~) board to the same extent as other members of the dental  
19 profession, in accordance with this chapter, and in addition the  
20 licensee may be disciplined by the (~~dental-disciplinary~~) board after  
21 a hearing has been held in accordance with the provisions set forth in  
22 this chapter, and determination by the (~~dental-disciplinary~~) board  
23 that such licensee has violated any of the restrictions set forth in  
24 this section.

25 (4) Persons applying for licensure pursuant to this section shall  
26 pay the application fee determined by the secretary and, in the event  
27 the license applied for is issued, a license fee at the rate provided  
28 for licenses generally. After review by the board (~~of dental~~  
29 ~~examiners~~), licenses issued under this section may be renewed annually  
30 if the licensee continues to be employed as a full-time faculty member  
31 of the school of dentistry of the University of Washington, or a  
32 university resident in postgraduate dental education, and otherwise  
33 meets the requirements of the provisions and conditions deemed  
34 appropriate by the board of dental examiners. Any person who obtains  
35 a license pursuant to this section may, without an additional  
36 application fee, apply for licensure under this chapter, in which case  
37 the applicant shall be subject to examination and the other  
38 requirements of this chapter.

1       **Sec. 30.** RCW 18.32.560 and 1984 c 279 s 51 are each amended to  
2 read as follows:

3       There is hereby created the Washington state ((~~dental~~  
4 ~~disciplinary~~)) board of dentistry, which shall be composed of ((~~five~~))  
5 twelve members, each of whom shall be a resident of this state engaged  
6 in the active practice of dentistry and who shall have been licensed to  
7 practice dentistry in this state for a period of five years or more  
8 prior to appointment to the board. Of the ((~~five~~)) twelve members  
9 appointed to the board, ((~~two~~)) five members shall reside and engage in  
10 the active practice of dentistry east of the summit of the Cascade  
11 range and the other three members shall reside and engage in the active  
12 practice of dentistry west of the summit of the Cascade range.

13       The attorney general shall be counsel to the board and shall  
14 represent it in all legal proceedings.

15       In addition to the members specified in this section, the governor  
16 shall appoint ((~~a consumer member of the board. The consumer member~~  
17 ~~shall serve a term of six years commencing on October 1st~~)) four  
18 consumers to the board. The consumer members shall serve six-year  
19 terms commencing on October 1st. The governor may stagger the initial  
20 terms of the consumer members.

21       **Sec. 31.** RCW 18.32.655 and 1986 c 259 s 35 are each amended to  
22 read as follows:

23       The ((~~dental disciplinary~~)) board has the power and it shall be its  
24 duty to((~~:(1)~~)) require licensed dentists to keep and maintain a copy  
25 of each laboratory referral instruction, describing detailed services  
26 rendered, for a period to be determined by the board but not more than  
27 three years, and to require the production of all such records for  
28 examination by the board or its authorized representatives; and ((~~(2)~~  
29 ~~Promulgate~~)) adopt reasonable rules ((~~and regulations~~)) requiring  
30 licensed dentists to make, maintain and produce for examination by the  
31 board or its authorized representatives such other records as may be  
32 reasonable and proper in the performance of its duties and enforcing  
33 the provisions of this chapter.

34       **Sec. 32.** RCW 18.50.115 and 1991 c 3 s 112 are each amended to read  
35 as follows:

36       A midwife licensed under this chapter may obtain and administer  
37 prophylactic ophthalmic medication, postpartum oxytocic, vitamin K, Rho

1 immune globulin (human), and local anesthetic and may administer such  
2 other drugs or medications as prescribed by a physician. A pharmacist  
3 who dispenses such drugs to a licensed midwife shall not be liable for  
4 any adverse reactions caused by any method of use by the midwife.

5 The secretary, after consultation with representatives of the  
6 midwife advisory committee, the board of pharmacy, and the board of  
7 (~~medical examiners~~) medicine, may issue regulations which authorize  
8 licensed midwives to purchase and use legend drugs and devices in  
9 addition to the drugs authorized in this chapter.

10 **Sec. 33.** RCW 18.64.160 and 1985 c 7 s 60 are each amended to read  
11 as follows:

12 In addition to the grounds under RCW 18.130.170 and 18.130.180, the  
13 board of pharmacy (~~shall have the power to refuse, suspend, or~~  
14 ~~revoke~~) may take disciplinary action against the license of any  
15 pharmacist or intern upon proof that:

16 (1) His or her license was procured through fraud,  
17 misrepresentation, or deceit;

18 (2) (~~He or she has been convicted of a felony relating to his or~~  
19 ~~her practice as a pharmacist;~~

20 (3) ~~He or she has committed any act involving moral turpitude,~~  
21 ~~dishonesty, or corruption, if the act committed directly relates to the~~  
22 ~~pharmacist's fitness to practice pharmacy. Upon such conviction,~~  
23 ~~however, the judgment and sentence shall be conclusive evidence at the~~  
24 ~~ensuing disciplinary hearing of the guilt of the respondent pharmacist~~  
25 ~~of the crime described in the indictment or information, and of his or~~  
26 ~~her violation of the statute upon which it is based;~~

27 (4) ~~He or she is unfit to practice pharmacy because of habitual~~  
28 ~~intemperance in the use of alcoholic beverages, drugs, controlled~~  
29 ~~substances, or any other substance which impairs the performance of~~  
30 ~~professional duties;~~

31 (5) ~~He or she exhibits behavior which may be due to physical or~~  
32 ~~mental impairment, which creates an undue risk of causing harm to him~~  
33 ~~or herself or to other persons when acting as a licensed pharmacist or~~  
34 ~~intern;~~

35 (6) ~~He or she has incompetently or negligently practiced pharmacy,~~  
36 ~~creating an unreasonable risk of harm to any individual;~~

1       ~~(7) His or her legal authority to practice pharmacy, issued by any~~  
2 ~~other properly constituted licensing authority of any other state, has~~  
3 ~~been and is currently suspended or revoked;~~

4       ~~(8))~~) In the event that a pharmacist is determined by a court of  
5 competent jurisdiction to be mentally incompetent, the pharmacist shall  
6 automatically have his or her license suspended by the board upon the  
7 entry of the judgment, regardless of the pendency of an appeal;

8       ~~((9))~~) (3) He or she has knowingly violated or permitted the  
9 violation of any provision of any state or federal law, rule, or  
10 regulation governing the possession, use, distribution, or dispensing  
11 of drugs, including, but not limited to, the violation of any provision  
12 of this chapter, Title 69 RCW, or rule or regulation of the board;

13       ~~((10))~~) (4) He or she has knowingly allowed any unlicensed person  
14 to take charge of a pharmacy or engage in the practice of pharmacy,  
15 except a pharmacy intern or pharmacy assistant acting as authorized in  
16 this chapter or chapter 18.64A RCW in the presence of and under the  
17 immediate supervision of a licensed pharmacist;

18       ~~((11))~~) (5) He or she has compounded, dispensed, or caused the  
19 compounding or dispensing of any drug or device which contains more or  
20 less than the equivalent quantity of ingredient or ingredients  
21 specified by the person who prescribed such drug or device(~~(÷~~  
22 ~~PROVIDED, HOWEVER, That)~~). Nothing herein shall be construed to  
23 prevent the pharmacist from exercising professional judgment in the  
24 preparation or providing of such drugs or devices.

25       ~~((In any case of the refusal, suspension, or revocation of a~~  
26 ~~license by said board of pharmacy under the provisions of this chapter,~~  
27 ~~said board shall proceed in accordance with chapter 34.05 RCW.))~~

28       NEW SECTION. Sec. 34. A new section is added to chapter 18.64 RCW  
29 to read as follows:

30       The uniform disciplinary act, chapter 18.130 RCW, governs  
31 unlicensed practice, the issuance and denial of licenses of pharmacists  
32 and pharmacy interns, and the discipline of licensed pharmacists and  
33 pharmacy interns under this chapter.

34       Sec. 35. RCW 18.64A.050 and 1989 1st ex.s. c 9 s 424 are each  
35 amended to read as follows:

36       In addition to the grounds under RCW 18.130.170 and 18.130.180, the  
37 board of pharmacy (~~shall have the power to refuse, suspend, or~~

1 ~~revoke~~) may take disciplinary action against the certificate of any  
2 pharmacy assistant upon proof that:

3 (1) His or her certificate was procured through fraud,  
4 misrepresentation or deceit;

5 (2) He or she has been found guilty of any offense in violation of  
6 the laws of this state relating to drugs, poisons, cosmetics or drug  
7 sundries by any court of competent jurisdiction. Nothing herein shall  
8 be construed to affect or alter the provisions of RCW 9.96A.020;

9 ~~((He or she is unfit to perform his or her duties because of  
10 habitual intoxication or abuse of controlled substances;~~

11 ~~(4))~~ He or she has exhibited gross incompetency in the performance  
12 of his or her duties;

13 ~~((5))~~ (4) He or she has willfully or repeatedly violated any of  
14 the rules and regulations of the board of pharmacy or of the  
15 department;

16 ~~((6))~~ (5) He or she has willfully or repeatedly performed duties  
17 beyond the scope of his or her certificate in violation of the  
18 provisions of this chapter; or

19 ~~((7))~~ (6) He or she has impersonated a licensed pharmacist.

20 ~~((In any case of the refusal, suspension or revocation of a  
21 certificate by the board, a hearing shall be conducted in accordance  
22 with RCW 18.64.160, as now or hereafter amended, and appeal may be  
23 taken in accordance with the Administrative Procedure Act, chapter  
24 34.05 RCW.))~~

25 NEW SECTION. **Sec. 36.** A new section is added to chapter 18.64A  
26 RCW to read as follows:

27 The uniform disciplinary act, chapter 18.130 RCW, governs the  
28 issuance and denial of certificates, and the discipline of certificants  
29 under this chapter.

30 **Sec. 37.** RCW 18.71.010 and 1991 c 3 s 158 are each amended to read  
31 as follows:

32 The following terms used in this chapter shall have the meanings  
33 set forth in this section unless the context clearly indicates  
34 otherwise:

35 (1) "Board" means the board of ~~((medical examiners))~~ medicine.

36 (2) "Secretary" means the secretary of health.



1 (3) "Resident physician" means an individual who has graduated from  
2 a school of medicine which meets the requirements set forth in RCW  
3 18.71.055 and is serving a period of postgraduate clinical medical  
4 training sponsored by a college or university in this state or by a  
5 hospital accredited by this state. For purposes of this chapter, the  
6 term shall include individuals designated as intern or medical fellow.

7 (4) "Emergency medical care" or "emergency medical service" has the  
8 same meaning as in chapter 18.73 RCW.

9 **Sec. 38.** RCW 18.71.019 and 1987 c 150 s 45 are each amended to  
10 read as follows:

11 The uniform disciplinary act, chapter 18.130 RCW, governs  
12 unlicensed practice and the issuance ~~((and))~~, denial of licenses, and  
13 the discipline of licensees under this chapter.

14 **Sec. 39.** RCW 18.71.030 and 1990 c 196 s 12 and 1990 c 33 s 552 are  
15 each reenacted and amended to read as follows:

16 Nothing in this chapter shall be construed to apply to or interfere  
17 in any way with the practice of religion or any kind of treatment by  
18 prayer; nor shall anything in this chapter be construed to prohibit:

19 (1) The furnishing of medical assistance in cases of emergency  
20 requiring immediate attention;

21 (2) The domestic administration of family remedies;

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

25 (4) The practice of dentistry, osteopathy, osteopathy and surgery,  
26 nursing, chiropractic, ~~((podiatry))~~ podiatric medicine and surgery,  
27 optometry, naturopathy or any other healing art licensed under the  
28 methods or means permitted by such license;

29 (5) The practice of medicine in this state by any commissioned  
30 medical officer serving in the armed forces of the United States or  
31 public health service or any medical officer on duty with the United  
32 States veterans administration while such medical officer is engaged in  
33 the performance of the duties prescribed for him or her by the laws and  
34 regulations of the United States;

35 (6) The practice of medicine by any practitioner licensed by  
36 another state or territory in which he or she resides, provided that

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

3 (7) The practice of medicine by a person who is a regular student  
4 in a school of medicine approved and accredited by the board, however,  
5 the performance of such services be only pursuant to a regular course  
6 of instruction or assignments from his or her instructor, or that such  
7 services are performed only under the supervision and control of a  
8 person licensed pursuant to this chapter;

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

14 (9) The practice of medicine by a person who is regularly enrolled  
15 in a physician assistant program approved by the board, however, the  
16 performance of such services (~~((shall))~~) shall be only pursuant to a  
17 regular course of instruction in said program and such services are  
18 performed only under the supervision and control of a person licensed  
19 pursuant to this chapter;

20 (10) The practice of medicine by a licensed physician assistant  
21 which practice is performed under the supervision and control of a  
22 physician licensed pursuant to this chapter;

23 (11) The practice of medicine, in any part of this state which  
24 shares a common border with Canada and which is surrounded on three  
25 sides by water, by a physician licensed to practice medicine and  
26 surgery in Canada or any province or territory thereof;

27 (12) The administration of nondental anesthesia by a dentist who  
28 has completed a residency in anesthesiology at a school of medicine  
29 approved by the board of medical examiners, however, a dentist allowed  
30 to administer nondental anesthesia shall do so only under authorization  
31 of the patient's attending surgeon, obstetrician, or psychiatrist and  
32 the (~~((medical—disciplinary))~~) board shall have jurisdiction to  
33 discipline a dentist practicing under this exemption and enjoin or  
34 suspend such dentist from the practice of nondental anesthesia  
35 according to the provisions of chapter (~~((18.72 RCW and chapter))~~) 18.130  
36 RCW;

37 (13) Emergency lifesaving service rendered by a physician's trained  
38 mobile intravenous therapy technician, by a physician's trained mobile  
39 airway management technician, or by a physician's trained mobile

1 intensive care paramedic, as defined in RCW 18.71.200, if the emergency  
2 lifesaving service is rendered under the responsible supervision and  
3 control of a licensed physician;

4 (14) The provision of clean, intermittent bladder catheterization  
5 for students by public school district employees or private school  
6 employees as provided for in RCW 18.88.295 and 28A.210.280.

7 **Sec. 40.** RCW 18.71.095 and 1991 c 3 s 164 are each amended to read  
8 as follows:

9 The board may, without examination, issue a limited license to  
10 persons who possess the qualifications set forth herein:

11 (1) The board may, upon the written request of the secretary of the  
12 department of social and health services or the secretary of  
13 corrections, issue a limited license to practice medicine in this state  
14 to persons who have been accepted for employment by the department of  
15 social and health services or the department of corrections as  
16 physicians; who are licensed to practice medicine in another state of  
17 the United States or in the country of Canada or any province or  
18 territory thereof; and who meet all of the qualifications for licensure  
19 set forth in RCW 18.71.050.

20 Such license shall permit the holder thereof to practice medicine  
21 only in connection with patients, residents, or inmates of the state  
22 institutions under the control and supervision of the secretary of the  
23 department of social and health services or the department of  
24 corrections.

25 (2) The board may issue a limited license to practice medicine in  
26 this state to persons who have been accepted for employment by a county  
27 or city health department as physicians; who are licensed to practice  
28 medicine in another state of the United States or in the country of  
29 Canada or any province or territory thereof; and who meet all of the  
30 qualifications for licensure set forth in RCW 18.71.050.

31 Such license shall permit the holder thereof to practice medicine  
32 only in connection with his or her duties in employment with the city  
33 or county health department.

34 (3) Upon receipt of a completed application showing that the  
35 applicant meets all of the requirements for licensure set forth in RCW  
36 18.71.050 except for completion of two years of postgraduate medical  
37 training, and that the applicant has been appointed as a resident  
38 physician in a program of postgraduate clinical training in this state

1 approved by the board, the board may issue a limited license to a  
2 resident physician. Such license shall permit the resident physician  
3 to practice medicine only in connection with his or her duties as a  
4 resident physician and shall not authorize the physician to engage in  
5 any other form of practice. Each resident physician shall practice  
6 medicine only under the supervision and control of a physician licensed  
7 in this state, but such supervision and control shall not be construed  
8 to necessarily require the personal presence of the supervising  
9 physician at the place where services are rendered.

10 (4)(a) Upon nomination by the dean of the school of medicine at the  
11 University of Washington or the chief executive officer of a hospital  
12 or other appropriate health care facility licensed in the state of  
13 Washington, the board may issue a limited license to a physician  
14 applicant invited to serve as a teaching-research member of the  
15 institution's instructional staff if the sponsoring institution and the  
16 applicant give evidence that he or she has graduated from a recognized  
17 medical school and has been licensed or otherwise privileged to  
18 practice medicine at his or her location of origin. Such license shall  
19 permit the recipient to practice medicine only within the confines of  
20 the instructional program specified in the application and shall  
21 terminate whenever the holder ceases to be involved in that program, or  
22 at the end of one year, whichever is earlier. Upon request of the  
23 applicant and the institutional authority, the license may be renewed  
24 for no more than a total of two years.

25 (b) Upon nomination by the dean of the school of medicine of the  
26 University of Washington or the chief executive officer of any hospital  
27 or appropriate health care facility licensed in the state of  
28 Washington, the board may issue a limited license to an applicant  
29 selected by the sponsoring institution to be enrolled in one of its  
30 designated departmental or divisional fellowship programs provided that  
31 the applicant shall have graduated from a recognized medical school and  
32 has been granted a license or other appropriate certificate to practice  
33 medicine in the location of the applicant's origin. Such license shall  
34 permit the holder only to practice medicine within the confines of the  
35 fellowship program to which he or she has been appointed and, upon the  
36 request of the applicant and the sponsoring institution, the license  
37 may be renewed by the board for no more than a total of two years.

38 All persons licensed under this section shall be subject to the  
39 jurisdiction of the ((medical-disciplinary)) board to the same extent

1 as other members of the medical profession, in accordance with  
2 chapter(~~s 18.72 and~~) 18.130 RCW.

3 Persons applying for licensure pursuant to this section shall pay  
4 an application fee determined by the secretary as provided in RCW  
5 43.70.250 and, in the event the license applied for is issued, a  
6 license fee at the rate provided for renewals of licenses generally.  
7 Licenses issued hereunder may be renewed annually pursuant to the  
8 provisions of RCW 18.71.080. Any person who obtains a limited license  
9 pursuant to this section may, without an additional application fee,  
10 apply for licensure under this chapter, but shall submit a new  
11 application form and comply with all other licensing requirements of  
12 this chapter.

13 **Sec. 41.** RCW 18.71.205 and 1992 c 128 s 1 are each amended to read  
14 as follows:

15 (1) The secretary of the department of health, in conjunction with  
16 the advice and assistance of the emergency medical services licensing  
17 and certification advisory committee as prescribed in RCW 18.73.050,  
18 and the board (~~of medical examiners~~), shall prescribe:

19 (a) Minimum standards and performance requirements for the  
20 certification and recertification of physician's trained intravenous  
21 therapy technicians, airway management technicians, and mobile  
22 intensive care paramedics; and

23 (b) Procedures for certification, recertification, and  
24 decertification of physician's trained intravenous therapy technicians,  
25 airway management technicians, and mobile intensive care paramedics.

26 (2) Initial certification shall be for a period of three years.

27 (3) Recertification shall be granted upon proof of continuing  
28 satisfactory performance and education, and shall be for a period of  
29 three years.

30 (4) As used in chapters 18.71 and 18.73 RCW, "approved medical  
31 program director" means a person who:

32 (a) Is licensed to practice medicine and surgery pursuant to  
33 chapter 18.71 RCW or osteopathy and surgery pursuant to chapter 18.57  
34 RCW; and

35 (b) Is qualified and knowledgeable in the administration and  
36 management of emergency care and services; and

37 (c) Is so certified by the department of health for a county, group  
38 of counties, or cities with populations over four hundred thousand in

1 coordination with the recommendations of the local medical community  
2 and local emergency medical services and trauma care council.

3 (5) The uniform disciplinary act, chapter 18.130 RCW, governs  
4 uncertified practice, the issuance and denial of certificates, and the  
5 disciplining of certificate holders under this section. The secretary  
6 shall be the disciplining authority under this section. Disciplinary  
7 action shall be initiated against a person credentialed under this  
8 chapter in a manner consistent with the responsibilities and duties of  
9 the medical program director under whom such person is responsible.

10 **Sec. 42.** RCW 18.71.230 and 1986 c 259 s 112 are each amended to  
11 read as follows:

12 A right to practice medicine and surgery by an individual in this  
13 state pursuant to RCW 18.71.030 (5) through (12) shall be subject to  
14 discipline by order of the board upon a finding by the board of an act  
15 of unprofessional conduct as defined in RCW 18.130.180 or that the  
16 individual is unable to practice with reasonable skill or safety due to  
17 a mental or physical condition as described in RCW 18.130.170. Such  
18 physician shall have the same rights of notice, hearing and judicial  
19 review as provided licensed physicians generally pursuant to chapter(~~s~~  
20 ~~18.72 and~~) 18.130 RCW.

21 **Sec. 43.** RCW 18.71A.010 and 1990 c 196 s 1 are each amended to  
22 read as follows:

23 (1) "Physician assistant" means a person who is licensed by the  
24 board to practice medicine to a limited extent only under the  
25 supervision of a physician as defined in chapter 18.71 RCW and who is  
26 academically and clinically prepared to provide health care services  
27 and perform diagnostic, therapeutic, preventative, and health  
28 maintenance services.

29 (2) "Board" means the board of (~~medical examiners~~) medicine.

30 (3) "Practice medicine" shall have the meaning defined in RCW  
31 18.71.011.

32 (4) "Secretary" means the secretary of health or the secretary's  
33 designee.

34 (5) "Department" means the department of health.

35 **Sec. 44.** RCW 18.72.045 and 1991 c 215 s 1 are each amended to read  
36 as follows:

1       There is hereby created the Washington state ((medical  
2 ~~disciplinary~~)) board of medicine. The board shall be composed of one  
3 holder of a valid license to practice medicine and surgery under this  
4 chapter from each congressional district now existing or hereafter  
5 created in the state, ((~~four members representing the public, and one~~  
6 ~~physician assistant authorized to practice under chapter 18.71A RCW.~~  
7 ~~The physician assistant member shall vote only on matters relating to~~  
8 ~~the discipline of~~)) two additional physician members licensed under  
9 this chapter, five members of the public, and two physician assistants  
10 authorized under chapter 18.71A RCW. The physician assistants shall  
11 vote only on matters relating to physician assistants. The members of  
12 the board shall be appointed by the governor. The governor may stagger  
13 initial terms of appointment and thereafter all terms of appointment  
14 shall be for four years. The governor shall consider such physician  
15 and physician assistant members who are recommended for appointment by  
16 the appropriate professional associations in the state. The members  
17 representing the public shall be persons whose occupations are other  
18 than the administration of health activities or the providing of health  
19 services, who have no fiduciary obligations to a health facility or  
20 other health agency, and who have no material financial interest in the  
21 rendering of health services.

22       Nothing in this section shall affect the current terms of members  
23 of the board who are serving on the board on July 28, 1991.

24       Vacancies on the board shall be filled promptly by the governor,  
25 and a member appointed to fill a vacancy on the board shall continue to  
26 serve until his or her successor is appointed.

27       The terms of office of members of the board shall not be affected  
28 by changes in congressional district boundaries.

29       The board shall be an administrative agency of the state of  
30 Washington. The attorney general shall be the advisor to the board and  
31 shall represent it in legal proceedings.

32       **Sec. 45.** RCW 18.72.165 and 1986 c 300 s 5 are each amended to read  
33 as follows:

34       (1) A licensed health care professional licensed under chapter  
35 18.71 RCW shall report to the ((~~medical disciplinary~~)) board when he or  
36 she has personal knowledge that a practicing physician has either  
37 committed an act or acts which may constitute statutorily defined  
38 unprofessional conduct or that a practicing physician may be unable to

1 practice medicine with reasonable skill and safety to patients by  
2 reason of illness, drunkenness, excessive use of drugs, narcotics,  
3 chemicals, or any other type of material, or as a result of any mental  
4 or physical conditions.

5 (2) Reporting under this section is not required by:

6 (a) An appropriately appointed peer review committee member of a  
7 licensed hospital or by an appropriately designated professional review  
8 committee member of a county or state medical society during the  
9 investigative phase of their respective operations if these  
10 investigations are completed in a timely manner; or

11 (b) A treating licensed health care professional of a physician  
12 currently involved in a treatment program as long as the physician  
13 patient actively participates in the treatment program and the  
14 physician patient's impairment does not constitute a clear and present  
15 danger to the public health, safety, or welfare.

16 (3) The ((~~medical-disciplinary~~)) board may impose disciplinary  
17 sanctions, including license suspension or revocation, on any health  
18 care professional subject to the jurisdiction of the board who has  
19 failed to comply with this section.

20 **Sec. 46.** RCW 18.72.265 and 1986 c 259 s 117 are each amended to  
21 read as follows:

22 (1) The contents of any report file under RCW 18.130.070 shall be  
23 confidential and exempt from public disclosure pursuant to chapter  
24 42.17 RCW, except that it may be reviewed (a) by the licensee involved  
25 or his counsel or authorized representative who may submit any  
26 additional exculpatory or explanatory statements or other information,  
27 which statements or other information shall be included in the file, or  
28 (b) by a representative of the ((~~medical-disciplinary~~)) board, or  
29 investigator thereof, who has been assigned to review the activities of  
30 a licensed physician.

31 Upon a determination that a report is without merit, the board's  
32 records may be purged of information relating to the report.

33 (2) Every individual, medical association, medical society,  
34 hospital, medical service bureau, health insurance carrier or agent,  
35 professional liability insurance carrier, professional standards review  
36 organization, and agency of the federal, state, or local government  
37 shall be immune from civil liability, whether direct or derivative, for  
38 providing information to the board subsequent to RCW 18.130.070, or for



1 which an individual health care provider has immunity under the  
2 provisions of RCW 4.24.240, 4.24.250, or 4.24.260, as now or hereafter  
3 amended.

4 **Sec. 47.** RCW 18.72.340 and 1986 c 300 s 6 are each amended to read  
5 as follows:

6 (1) Every institution or organization providing professional  
7 liability insurance to physicians shall send a complete report to the  
8 medical disciplinary board of all malpractice settlements, awards, or  
9 payments in excess of (~~twenty~~) fifty thousand dollars as a result of  
10 a claim or action for damages alleged to have been caused by an insured  
11 physician's incompetency or negligence in the practice of medicine.  
12 Such institution or organization shall also report the award,  
13 settlement, or payment of three or more claims during a (~~year~~) three-  
14 year time period as the result of the alleged physician's incompetence  
15 or negligence in the practice of medicine regardless of the dollar  
16 amount of the award or payment.

17 (2) Reports required by this section shall be made within sixty  
18 days of the date of the settlement or verdict. Failure to comply with  
19 this section is punishable by a civil penalty not to exceed two hundred  
20 fifty dollars.

21 **Sec. 48.** RCW 18.72.380 and 1991 c 3 s 170 are each amended to read  
22 as follows:

23 There is hereby levied to be collected by the department of health  
24 from every physician and surgeon licensed pursuant to chapter 18.71 RCW  
25 and every physician assistant licensed pursuant to chapter 18.71A RCW  
26 an annual medical disciplinary assessment equal to the license renewal  
27 fee established under RCW 43.70.250. The assessment levied pursuant to  
28 this (~~subsection~~) section is in addition to any license renewal fee  
29 established under RCW 43.70.250.

30 **Sec. 49.** RCW 18.135.030 and 1991 c 3 s 273 are each amended to  
31 read as follows:

32 The secretary, or the secretary's designee, with the advice of  
33 designees of the board of (~~medical examiners~~) medicine, the board of  
34 osteopathic medicine and surgery, the podiatry board, and the board of  
35 nursing, shall adopt rules necessary to administer, implement, and  
36 enforce this chapter and establish the minimum requirements necessary

1 for a health care facility or health care practitioner to certify a  
2 health care assistant capable of performing the functions authorized in  
3 this chapter. The rules shall establish minimum requirements for each  
4 and every category of health care assistant. Said rules shall be  
5 adopted after fair consideration of input from representatives of each  
6 category. These requirements shall ensure that the public health and  
7 welfare are protected and shall include, but not be limited to, the  
8 following factors:

9 (1) The education and occupational qualifications for the health  
10 care assistant category;

11 (2) The work experience for the health care assistant category;

12 (3) The instruction and training provided for the health care  
13 assistant category; and

14 (4) The types of drugs or diagnostic agents which may be  
15 administered by injection by health care assistants working in a  
16 hospital or nursing home. The rules established pursuant to this  
17 subsection shall not prohibit health care assistants working in a  
18 health care facility other than a nursing home or hospital from  
19 performing the functions authorized under this chapter.

20 **Sec. 50.** RCW 18.135.055 and 1991 c 3 s 275 are each amended to  
21 read as follows:

22 The health care facility or health care practitioner registering an  
23 initial or continuing certification pursuant to the provisions of this  
24 chapter shall pay a fee determined by the secretary as provided in RCW  
25 43.70.250. The secretary shall, to the extent possible, adjust  
26 certification fees among the different categories of health care  
27 assistants based upon the actual costs of disciplinary activities for  
28 each of the categories.

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

31 **Sec. 51.** RCW 18.135.070 and 1984 c 281 s 7 are each amended to  
32 read as follows:

33 The licensing authority of health care facilities or the  
34 (~~disciplinary board~~) disciplining authority of the delegating or  
35 supervising health care practitioner shall investigate all complaints  
36 or allegations of violations of proper certification of a health care  
37 assistant or violations of delegation of authority or supervision. A

1 substantiated violation shall constitute sufficient cause for  
2 disciplinary action by the licensing authority of a health care  
3 facility or the ((disciplinary board)) disciplining authority of the  
4 health care practitioner.

5 NEW SECTION. **Sec. 52.** A new section is added to chapter 18.135  
6 RCW to read as follows:

7 The uniform disciplinary act, chapter 18.130 RCW, governs  
8 uncertified practice, the issuance and denial of certificates, and the  
9 discipline of certificate holders under this chapter. The secretary  
10 shall be the disciplining authority under this chapter.

11 **Sec. 53.** RCW 43.70.220 and 1989 1st ex.s. c 9 s 301 are each  
12 amended to read as follows:

13 The powers and duties of the department of licensing and the  
14 director of licensing under the following statutes are hereby  
15 transferred to the department of health and the secretary of health:  
16 Chapters 18.06, 18.19, 18.22, 18.25, ((18.26)) 18.29, 18.32, 18.34,  
17 18.35, 18.36A, 18.50, 18.52, ((18.52A, 18.52B)) 18.52C, 18.53, 18.54,  
18 18.55, 18.57, 18.57A, 18.59, 18.71, 18.71A, ((18.72)) 18.74, 18.78,  
19 18.83, 18.84, 18.88, 18.89, 18.92, 18.108, 18.135, and 18.138 RCW.  
20 More specifically, the health professions regulatory programs and  
21 services presently administered by the department of licensing are  
22 hereby transferred to the department of health.

23 **Sec. 54.** RCW 69.41.030 and 1991 c 30 s 1 are each amended to read  
24 as follows:

25 It shall be unlawful for any person to sell, deliver, or possess  
26 any legend drug except upon the order or prescription of a physician  
27 under chapter 18.71 RCW, an osteopathic physician or an osteopathic  
28 physician and surgeon under chapter 18.57 RCW, a dentist under chapter  
29 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW,  
30 a veterinarian under chapter 18.92 RCW, a commissioned medical or  
31 dental officer in the United States armed forces or public health  
32 service in the discharge of his or her official duties, a duly licensed  
33 physician or dentist employed by the veterans administration in the  
34 discharge of his or her official duties, a registered nurse under  
35 chapter 18.88 RCW when authorized by the board of nursing, an  
36 osteopathic physician's assistant under chapter 18.57A RCW when

1 authorized by the committee of osteopathic examiners, a physician  
2 assistant under chapter 18.71A RCW when authorized by the board of  
3 (~~medical examiners~~) medicine, a physician licensed to practice  
4 medicine and surgery or a physician licensed to practice osteopathy and  
5 surgery, a dentist licensed to practice dentistry, a podiatric  
6 physician and surgeon licensed to practice podiatric medicine and  
7 surgery, or a veterinarian licensed to practice veterinary medicine, in  
8 any province of Canada which shares a common border with the state of  
9 Washington or in any state of the United States: PROVIDED, HOWEVER,  
10 That the above provisions shall not apply to sale, delivery, or  
11 possession by drug wholesalers or drug manufacturers, or their agents  
12 or employees, or to any practitioner acting within the scope of his or  
13 her license, or to a common or contract carrier or warehouseman, or any  
14 employee thereof, whose possession of any legend drug is in the usual  
15 course of business or employment: PROVIDED FURTHER, That nothing in  
16 this chapter or chapter 18.64 RCW shall prevent a family planning  
17 clinic that is under contract with the department of social and health  
18 services from selling, delivering, possessing, and dispensing  
19 commercially prepackaged oral contraceptives prescribed by authorized,  
20 licensed health care practitioners.

21 **Sec. 55.** RCW 69.45.010 and 1989 1st ex.s. c 9 s 444 are each  
22 amended to read as follows:

23 The definitions in this section apply throughout this chapter.

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

25 (2) "Drug samples" means any federal food and drug administration  
26 approved controlled substance, legend drug, or products requiring  
27 prescriptions in this state, which is distributed at no charge to a  
28 practitioner by a manufacturer or a manufacturer's representative,  
29 exclusive of drugs under clinical investigations approved by the  
30 federal food and drug administration.

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

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

37 (5) "Dispense" means the interpretation of a prescription or order  
38 for a drug, biological, or device and, pursuant to that prescription or

1 order, the proper selection, measuring, compounding, labeling, or  
2 packaging necessary to prepare that prescription or order for delivery.

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

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

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

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

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

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

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

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

36 (14) "Secretary" means the secretary of health or the secretary's  
37 designee.

1       **Sec. 56.** RCW 74.42.230 and 1982 c 120 s 2 are each amended to read  
2 as follows:

3       (1) The resident's attending or staff physician or authorized  
4 practitioner approved by the attending physician shall order all  
5 medications for the resident. The order may be oral or written and  
6 shall be limited by time. An "authorized practitioner," as used in  
7 this section, is a registered nurse under chapter 18.88 RCW when  
8 authorized by the board of nursing, an osteopathic physician's  
9 assistant under chapter 18.57A RCW when authorized by the committee of  
10 osteopathic examiners, or a physician's assistant under chapter 18.71A  
11 RCW when authorized by the board of (~~medical examiners~~) medicine.

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

17       NEW SECTION. **Sec. 57.** A new section is added to chapter 34.05 RCW  
18 under the subchapter heading "judicial review and civil enforcement" to  
19 read as follows:

20       Unless the context clearly indicates otherwise, for the purposes of  
21 rules review committee oversight, "rule" means guidelines, interpretive  
22 statements, policy statements, declaratory judgments whether binding or  
23 nonbinding, advisory opinions, or any other orders of an administrative  
24 agency meant to state the official position of the agency on a matter  
25 within its jurisdiction that affects a class of persons.

26       NEW SECTION. **Sec. 58.** The secretary shall report to the health  
27 policy committees of the legislature concerning implementation of this  
28 act no later than December 1, 1993.

29       NEW SECTION. **Sec. 59.** The board of funeral directors and  
30 embalmers shall report to the health policy committees of the  
31 legislature by November 15, 1993, with recommendations for  
32 incorporation of the applicable provisions of chapter 18.130 RCW into  
33 chapter 18.39 RCW.

34       NEW SECTION. **Sec. 60.** The following acts or parts of acts are  
35 each repealed:

- 1 (1) RCW 18.25.015 and 1989 c 258 s 1, 1984 c 279 s 49, 1980 c 51 s  
2 1, 1965 ex.s. c 50 s 1, & 1959 c 53 s 1;
- 3 (2) RCW 18.25.016 and 1989 c 258 s 13;
- 4 (3) RCW 18.25.017 and 1991 c 3 s 37, 1986 c 259 s 23, 1984 c 287 s  
5 27, 1975-'76 2nd ex.s. c 34 s 32, 1974 ex.s. c 97 s 8, & 1959 c 53 s 2;
- 6 (4) RCW 18.26.010 and 1989 c 258 s 7 & 1967 c 171 s 1;
- 7 (5) RCW 18.26.020 and 1991 c 3 s 43, 1989 c 258 s 8, & 1967 c 171  
8 s 2;
- 9 (6) RCW 18.26.028 and 1987 c 150 s 13 & 1986 c 259 s 22;
- 10 (7) RCW 18.26.110 and 1986 c 259 s 26, 1975 1st ex.s. c 39 s 2, &  
11 1967 c 171 s 11;
- 12 (8) RCW 18.26.900 and 1967 c 171 s 31;
- 13 (9) RCW 18.32.035 and 1989 c 202, s 14, 1984 c 279 s 50, 1979 c 38  
14 s 1, 1975 c 49 s 1, 1953 c 93 s 2, 1941 c 92 s 1, & 1935 c 112 s 2;
- 15 (10) RCW 18.32.037 and 1991 c 3 s 60, 1989 c 202 s 15, & 1935 c 112  
16 s 3;
- 17 (11) RCW 18.32.042 and 1989 c 202 s 28;
- 18 (12) RCW 18.32.050 and 1984 c 287 s 30, 1979 c 38 s 3, 1975-'76 2nd  
19 ex.s. c 34 s 34, 1967 c 188 s 2, 1957 c 52 s 23, & 1953 c 93 s 3;
- 20 (13) RCW 18.32.500 and 1989 c 202 s 24, 1986 c 259 s 39, & 1977  
21 ex.s. c 5 s 37;
- 22 (14) RCW 18.32.510 and 1977 ex.s. c 5 s 1;
- 23 (15) RCW 18.32.520 and 1991 c 3 s 71, 1989 c 202 s 25, 1986 c 259  
24 s 40, 1979 c 158 s 36, & 1977 ex.s. c 5 s 2;
- 25 (16) RCW 18.32.530 and 1989 c 202 s 26, 1986 c 259 s 41, & 1977  
26 ex.s. c 5 s 3;
- 27 (17) RCW 18.32.534 and 1991 c 3 s 72 & 1989 c 125 s 1;
- 28 (18) RCW 18.32.665 and 1986 c 259 s 36 & 1935 c 112 s 20;
- 29 (19) RCW 18.32.745 and 1991 c 3 s 73, 1977 ex.s. c 5 s 31, 1957 c  
30 52 s 38, & 1953 c 93 s 7;
- 31 (20) RCW 18.64.260 and 1987 c 202 s 184, 1969 ex.s. c 199 s 17,  
32 1909 c 213 s 9, & 1899 c 121 s 17;
- 33 (21) RCW 18.71.015 and 1991 c 44 s 1, 1991 c 3 s 159, 1990 c 196 s  
34 11, 1987 c 116 s 1, 1984 c 287 s 44, 1979 c 158 s 52, 1975-'76 2nd  
35 ex.s. c 34 s 41, 1975 1st ex.s. c 171 s 2, & 1961 c 284 s 2;
- 36 (22) RCW 18.71A.070 and 1990 c 196 s 7, 1979 c 158 s 58, & 1975 1st  
37 ex.s. c 190 s 3;
- 38 (23) RCW 18.72.010 and 1955 c 202 s 1;
- 39 (24) RCW 18.72.020 and 1986 c 259 s 115 & 1955 c 202 s 2;

- 1 (25) RCW 18.72.150 and 1986 c 259 s 116, 1979 ex.s. c 111 s 5, 1975  
2 c 61 s 4, & 1955 c 202 s 15;
- 3 (26) RCW 18.72.154 and 1986 c 259 s 107;
- 4 (27) RCW 18.72.155 and 1991 c 3 s 168 & 1979 ex.s. c 111 s 6;
- 5 (28) RCW 18.72.190 and 1989 c 373 s 18 & 1955 c 202 s 19;
- 6 (29) RCW 18.72.301 and 1989 c 119 s 1 & 1987 c 416 s 1;
- 7 (30) RCW 18.72.306 and 1991 c 3 s 169, 1989 c 119 s 2, & 1987 c 416  
8 s 2;
- 9 (31) RCW 18.72.311 and 1987 c 416 s 3;
- 10 (32) RCW 18.72.316 and 1987 c 416 s 4;
- 11 (33) RCW 18.72.321 and 1987 c 416 s 6;
- 12 (34) RCW 18.72.390 and 1991 sp.s. c 13 s 17, 1985 c 57 s 6, & 1983  
13 c 71 s 2;
- 14 (35) RCW 18.72.400 and 1991 c 3 s 171 & 1983 c 71 s 3;
- 15 (36) RCW 18.72.900 and 1955 c 202 s 46;
- 16 (37) RCW 18.72.910 and 1955 c 202 s 48;
- 17 (38) RCW 18.135.080 and 1991 c 3 s 277 & 1984 c 281 s 8;
- 18 (39) RCW 43.131.337 and 1987 c 160 s 2; and
- 19 (40) RCW 43.131.338 and 1987 c 160 s 3.

20 NEW SECTION. **Sec. 61.** RCW 18.26.030, 18.26.040, 18.26.050,  
21 18.26.070, 18.26.080, 18.26.090, 18.26.320, 18.26.330, 18.26.340,  
22 18.26.350, 18.26.360, 18.26.370, 18.26.380, and 18.26.390 are each  
23 recodified as sections in chapter 18.25 RCW. RCW 18.72.045, 18.72.090,  
24 18.72.100, 18.72.110, 18.72.130, 18.72.165, 18.72.265, 18.72.340,  
25 18.72.345, 18.72.350, and 18.72.360 are each recodified as sections in  
26 chapter 18.71 RCW.

27 NEW SECTION. **Sec. 62.** Captions as used in this act constitute no  
28 part of the law.

29 NEW SECTION. **Sec. 63.** If any provision of this act or its  
30 application to any person or circumstance is held invalid, the



1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected."

3 **EHB 1256** - S COMM AMD

4 By Committee on Health & Human Services

5

6 On page 1, line 1 of the title, after "professionals;" strike the  
7 remainder of the title and insert "amending RCW 18.130.010, 18.130.040,  
8 18.130.050, 18.130.060, 18.130.090, 18.130.160, 18.130.165, 18.130.175,  
9 18.130.185, 18.130.186, 18.130.190, 18.130.300, 18.25.005, 18.25.006,  
10 18.25.019, 18.25.020, 18.25.030, 18.25.040, 18.25.070, 18.25.190,  
11 18.26.030, 18.26.040, 18.26.390, 18.32.010, 18.32.030, 18.32.195,  
12 18.32.560, 18.32.655, 18.50.115, 18.64.160, 18.64A.050, 18.71.010,  
13 18.71.019, 18.71.095, 18.71.205, 18.71.230, 18.71A.010, 18.72.045,  
14 18.72.165, 18.72.265, 18.72.340, 18.72.380, 18.135.030, 18.135.055,  
15 18.135.070, 43.70.220, 69.41.030, 69.45.010, and 74.42.230; reenacting  
16 and amending RCW 18.130.180 and 18.71.030; adding new sections to  
17 chapter 18.130 RCW; adding a new section to chapter 18.64 RCW; adding  
18 a new section to chapter 18.64A RCW; adding a new section to chapter  
19 18.135 RCW; adding a new section to chapter 34.05 RCW; adding new  
20 sections to chapter 18.25 RCW; adding new sections to chapter 18.71  
21 RCW; creating new sections; recodifying RCW 18.26.030, 18.26.040,  
22 18.26.050, 18.26.070, 18.26.080, 18.26.090, 18.26.320, 18.26.330,  
23 18.26.340, 18.26.350, 18.26.360, 18.26.370, 18.26.380, 18.26.390,  
24 18.72.045, 18.72.090, 18.72.100, 18.72.110, 18.72.130, 18.72.165,  
25 18.72.265, 18.72.340, 18.72.345, 18.72.350, and 18.72.360; and  
26 repealing RCW 18.25.015, 18.25.016, 18.25.017, 18.26.010, 18.26.020,  
27 18.26.028, 18.26.110, 18.26.900, 18.32.035, 18.32.037, 18.32.042,  
28 18.32.050, 18.32.500, 18.32.510, 18.32.520, 18.32.530, 18.32.534,  
29 18.32.665, 18.32.745, 18.64.260, 18.71.015, 18.71A.070, 18.72.010,  
30 18.72.020, 18.72.150, 18.72.154, 18.72.155, 18.72.190, 18.72.301,  
31 18.72.306, 18.72.311, 18.72.316, 18.72.321, 18.72.390, 18.72.400,  
32 18.72.900, 18.72.910, 18.135.080, 43.131.337, and 43.131.338."

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