

---

**HOUSE BILL 2676**

---

**State of Washington****53rd Legislature****1994 Regular Session**

**By** Representatives Dunshee, Reams, Anderson, Patterson, Bray, R. Meyers, Basich, Johanson, Pruitt, Ogden, Wolfe, G. Cole, Moak, Valle, H. Myers, Kremen, Silver, Kessler, Conway, Cothorn, Morris, Rayburn and J. Kohl; by request of Governor Lowry

Read first time 01/19/94. Referred to Committee on Appropriations.

1 AN ACT Relating to the restructuring of boards, committees,  
2 commissions, and councils; amending RCW 18.25.005, 18.25.006,  
3 18.25.019, 18.25.020, 18.25.025, 18.25.030, 18.25.035, 18.25.040,  
4 18.25.070, 18.25.075, 18.25.180, 18.25.190, 18.32.010, 18.32.030,  
5 18.32.040, 18.32.050, 18.32.100, 18.32.120, 18.32.160, 18.32.180,  
6 18.32.190, 18.32.195, 18.32.215, 18.32.534, 18.32.640, 18.32.655,  
7 18.32.665, 18.32.745, 18.32.755, 18.71.010, 18.71.017, 18.71.019,  
8 18.71.050, 18.71.051, 18.71.055, 18.71.060, 18.71.070, 18.71.085,  
9 18.71.090, 18.71.095, 18.71.205, 18.71.230, 18.71A.010, 18.71A.020,  
10 18.71A.030, 18.71A.040, 18.71A.045, 18.71A.050, 18.71A.060, 18.71A.085,  
11 18.72.155, 18.72.165, 18.72.265, 18.72.301, 18.72.306, 18.72.311,  
12 18.72.316, 18.72.340, 18.72.345, 18.19.070, 18.06.080, 18.84.020,  
13 18.84.040, 18.84.070, 18.84.090, 18.84.110, 18.89.020, 18.89.050,  
14 18.89.080, 18.135.030, 18.138.070, 18.130.010, 18.130.020, 18.130.040,  
15 18.130.300, 4.24.260, 4.24.290, 5.62.010, 18.32.030, 18.50.032,  
16 18.50.040, 18.50.140, 18.50.115, 18.88A.020, 18.88A.030, 18.88A.060,  
17 18.88A.080, 18.88A.085, 18.88A.090, 18.88A.130, 18.89.040, 18.100.140,  
18 18.120.020, 18.135.020, 28A.210.260, 28A.210.280, 28A.210.290,  
19 28C.10.030, 35.21.692, 35A.82.025, 36.32.122, 41.05.075, 41.05.180,  
20 42.17.316, 43.70.220, 48.20.393, 48.20.411, 48.21.141, 48.21.225,  
21 48.44.026, 48.44.290, 48.44.325, 48.46.275, 50.04.223, 69.41.030,

1 69.45.010, 69.50.101, 69.50.402, 70.02.030, 70.41.200, 70.41.210,  
2 70.41.230, 70.127.250, 70.180.030, 71.24.025, 74.09.290, 74.42.010,  
3 74.42.230, 74.42.240, 74.42.380, 74.46.020, 41.04.395, 43.19.558,  
4 43.19.554, 70.148.030, 70.175.030, 78.52.010, 78.52.025, 78.52.030,  
5 78.52.031, 78.52.032, 78.52.033, 78.52.035, 78.52.037, 78.52.040,  
6 78.52.050, 78.52.070, 78.52.100, 78.52.120, 78.52.125, 78.52.140,  
7 78.52.150, 78.52.155, 78.52.200, 78.52.205, 78.52.210, 78.52.220,  
8 78.52.230, 78.52.240, 78.52.245, 78.52.250, 78.52.257, 78.52.260,  
9 78.52.270, 78.52.280, 78.52.290, 78.52.300, 78.52.310, 78.52.320,  
10 78.52.330, 78.52.335, 78.52.365, 78.52.460, 78.52.463, 78.52.467,  
11 78.52.470, 78.52.480, 78.52.490, 78.52.530, 78.52.540, 90.48.366, and  
12 90.54.190; reenacting and amending RCW 18.71.015, 18.71.030, 18.71.080,  
13 18.71.030, 18.88A.100, 69.41.010, 71.05.210, and 75.30.050; adding new  
14 sections to chapter 18.25 RCW; adding new sections to chapter 18.32  
15 RCW; adding new sections to chapter 18.71 RCW; adding a new section to  
16 chapter 75.30 RCW; adding new sections to chapter 88.46 RCW; creating  
17 new sections; adding new chapters to Title 18 RCW; recodifying RCW  
18 18.25.130, 18.25.140, 18.25.150, 18.25.160, 18.25.170, 18.72.155,  
19 18.72.165, 18.72.265, 18.72.301, 18.72.306, 18.72.311, 18.72.316,  
20 18.72.340, 18.72.345, 18.72.010, and 18.72.321; repealing RCW  
21 18.22.005, 18.22.010, 18.22.013, 18.22.014, 18.22.015, 18.22.018,  
22 18.22.021, 18.22.025, 18.22.035, 18.22.040, 18.22.045, 18.22.060,  
23 18.22.082, 18.22.083, 18.22.110, 18.22.120, 18.22.125, 18.22.191,  
24 18.22.210, 18.22.220, 18.22.230, 18.22.900, 18.22.910, 18.22.911,  
25 18.22.950, 18.36.035, 18.36A.010, 18.36A.020, 18.36A.030, 18.36A.040,  
26 18.36A.050, 18.36A.060, 18.36A.070, 18.36A.080, 18.36A.090, 18.36A.100,  
27 18.36A.110, 18.36A.120, 18.36A.130, 18.36A.140, 18.36A.900, 18.36A.901,  
28 18.57.001, 18.57.003, 18.57.005, 18.57.011, 18.57.020, 18.57.031,  
29 18.57.035, 18.57.040, 18.57.045, 18.57.050, 18.57.080, 18.57.130,  
30 18.57.140, 18.57.145, 18.57.150, 18.57.160, 18.57.174, 18.57.245,  
31 18.57.900, 18.57.910, 18.57.915, 18.57A.010, 18.57A.020, 18.57A.025,  
32 18.57A.030, 18.57A.040, 18.57A.050, 18.57A.060, 18.57A.070, 18.25.015,  
33 18.25.016, 18.25.017, 18.25.120, 18.26.010, 18.26.020, 18.26.028,  
34 18.26.030, 18.26.040, 18.26.050, 18.26.060, 18.26.070, 18.26.080,  
35 18.26.090, 18.26.110, 18.26.320, 18.26.330, 18.26.340, 18.26.350,  
36 18.26.360, 18.26.370, 18.26.380, 18.26.390, 18.26.900, 18.32.035,  
37 18.32.037, 18.32.042, 18.32.500, 18.32.510, 18.32.520, 18.32.560,  
38 18.32.570, 18.32.580, 18.32.590, 18.32.600, 18.32.610, 18.32.620,  
39 18.34.010, 18.34.020, 18.34.030, 18.34.050, 18.34.060, 18.34.070,

1 18.34.080, 18.34.110, 18.34.115, 18.34.120, 18.34.136, 18.34.141,  
2 18.34.900, 18.53.005, 18.53.010, 18.53.021, 18.53.030, 18.53.035,  
3 18.53.040, 18.53.050, 18.53.055, 18.53.060, 18.53.070, 18.53.100,  
4 18.53.101, 18.53.140, 18.53.145, 18.53.150, 18.53.160, 18.53.165,  
5 18.53.170, 18.53.175, 18.53.180, 18.53.185, 18.53.190, 18.53.200,  
6 18.53.900, 18.53.901, 18.53.910, 18.53.911, 18.53.912, 18.53.920,  
7 18.54.010, 18.54.020, 18.54.030, 18.54.040, 18.54.050, 18.54.060,  
8 18.54.070, 18.54.076, 18.54.090, 18.54.130, 18.54.140, 18.54.150,  
9 18.54.900, 18.54.910, 18.54.920, 18.72.020, 18.72.045, 18.72.090,  
10 18.72.100, 18.72.110, 18.72.120, 18.72.130, 18.72.150, 18.72.154,  
11 18.72.190, 18.72.380, 18.72.390, 18.72.400, 18.72.900, 18.72.910,  
12 18.78.005, 18.78.010, 18.78.020, 18.78.030, 18.78.040, 18.78.050,  
13 18.78.054, 18.78.055, 18.78.058, 18.78.060, 18.78.070, 18.78.072,  
14 18.78.080, 18.78.090, 18.78.100, 18.78.160, 18.78.182, 18.78.225,  
15 18.78.900, 18.78.901, 18.88.010, 18.88.020, 18.88.030, 18.88.050,  
16 18.88.060, 18.88.070, 18.88.080, 18.88.086, 18.88.090, 18.88.100,  
17 18.88.110, 18.88.120, 18.88.130, 18.88.140, 18.88.150, 18.88.160,  
18 18.88.170, 18.88.175, 18.88.190, 18.88.200, 18.88.220, 18.88.270,  
19 18.88.280, 18.88.285, 18.88.290, 18.88.295, 18.88.300, 18.88.900,  
20 18.88A.070, 18.59.010, 18.59.020, 18.59.031, 18.59.040, 18.59.050,  
21 18.59.060, 18.59.070, 18.59.080, 18.59.090, 18.59.100, 18.59.110,  
22 18.59.120, 18.59.130, 18.59.141, 18.59.150, 18.59.900, 18.59.905,  
23 18.74.005, 18.74.010, 18.74.012, 18.74.015, 18.74.020, 18.74.023,  
24 18.74.025, 18.74.027, 18.74.029, 18.74.030, 18.74.035, 18.74.040,  
25 18.74.050, 18.74.060, 18.74.065, 18.74.070, 18.74.075, 18.74.085,  
26 18.74.090, 18.74.095, 18.74.120, 18.74.125, 18.74.130, 18.74.135,  
27 18.74.140, 18.74.900, 18.74.910, 18.74.911, 18.06.170, 18.84.060,  
28 18.89.070, 18.138.080, 18.85.500, 27.34.030, 27.34.040, 27.34.050,  
29 43.19.1902, 43.19.556, 43.21A.170, 43.21A.180, 43.21A.190, 43.21A.200,  
30 43.21A.210, 43.200.050, 43.230.010, 43.230.020, 43.230.030, 43.230.040,  
31 48.17.135, 49.70.120, 49.70.130, 67.34.011, 67.34.021, 70.94.039,  
32 73.40.020, 73.40.050, 78.52.020, 88.44.005, 88.44.010, 88.44.020,  
33 88.44.030, 88.44.040, 88.44.080, 88.44.090, 88.44.100, 88.44.110,  
34 88.44.120, 88.44.130, 88.44.140, 88.44.150, 88.44.160, 88.44.170,  
35 88.44.180, 88.44.190, 88.44.200, 88.44.210, 88.44.220, 88.44.900,  
36 88.44.901, 88.46.110, and 90.56.450; repealing 1984 c 286 s 13  
37 (uncodified); and prescribing penalties.

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

1 **ALLIED PHYSICIANS**

2 NEW SECTION. **Sec. 101.** LEGISLATIVE FINDING--PURPOSE. The  
3 legislature finds that the conduct of podiatric physicians and  
4 surgeons, osteopathic physicians and surgeons, osteopathic physician  
5 assistants, and naturopathic physicians licensed to practice in this  
6 state plays a vital role in preserving the public health and well-  
7 being. The purpose of this chapter is to establish an effective public  
8 agency to regulate the practice of these professions for the protection  
9 and promotion of the public health, safety, and welfare and to act as  
10 a disciplinary body for the licensed podiatric and osteopathic  
11 physicians and surgeons and osteopathic physician assistants of this  
12 state and to ensure that only individuals who meet and maintain minimum  
13 standards of competence and conduct may obtain a license to provide  
14 these services to the public. It is the legislature's intent that the  
15 secretary of health will act as the disciplinary authority for  
16 naturopathic physicians licensed in this state.

17 It is the purpose of the commission established under section 103  
18 of this act to regulate the competency and quality of professional  
19 health care providers under its jurisdiction by establishing,  
20 monitoring, and enforcing qualifications for licensing, consistent  
21 standards of practice, continuing competency mechanisms, and  
22 discipline. Rules, policies, and procedures developed by the  
23 commission must promote the delivery of quality health care to the  
24 residents of the state.

25 NEW SECTION. **Sec. 102.** DEFINITIONS. As used in this chapter, the  
26 following terms have the meanings indicated unless the context clearly  
27 requires otherwise.

28 (1) "Podiatric physician and surgeon" means an individual licensed  
29 under this chapter for the diagnosis and the medical, surgical,  
30 mechanical, manipulative, and electrical treatment of ailments of the  
31 human foot.

32 (2) "Osteopathic physician and surgeon" means an individual  
33 licensed under this chapter for the use of any and all methods in the  
34 treatment of disease, injuries, deformities, and all other physical and  
35 mental conditions in and of human beings, including the use of  
36 osteopathic manipulative therapy. The term means the same as  
37 "osteopathy and surgery."

1 (3) "Osteopathic physician assistant" means a person who has  
2 satisfactorily completed a commission-approved training program  
3 designed to prepare persons to practice osteopathic medicine to a  
4 limited extent. "Practice medicine" has the meaning defined in  
5 subsection (2) of this section.

6 (4) "Naturopathic physician" or "naturopath" means an individual  
7 licensed under this chapter to practice the art and science of  
8 diagnosis, prevention, and treatment of disorders of the body by  
9 stimulation or support, or both, of the natural processes of the human  
10 body. The practice of naturopathic medicine includes manual  
11 manipulation (mechanotherapy), the prescription, administration,  
12 dispensing, and use, except for the treatment of malignancies or  
13 neoplastic disease, of nutrition and food science, physical modalities,  
14 homeopathy, certain medicines of mineral, animal, and botanical origin,  
15 hygiene, immunization, common diagnostic procedures, and suggestion;  
16 however, nothing in this chapter prohibits consultation and treatment  
17 of a patient in concert with a physician licensed under this chapter or  
18 chapter 18.-- RCW (sections 101 through 144 of this act).

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

20 (6) "Secretary" means the secretary of health or the secretary's  
21 designee.

22 (7) "Commission" means the Washington state allied physician  
23 quality assurance commission.

24 (8) "Allied physician" means an individual licensed under this  
25 chapter as either a podiatric physician and surgeon, an osteopathic  
26 physician and surgeon, an osteopathic physician assistant, or a  
27 naturopathic physician.

28 NEW SECTION. Sec. 103. COMMISSION ESTABLISHED--MEMBERS APPOINTED.  
29 The Washington state allied physicians quality assurance commission is  
30 established, consisting of eleven members each appointed by the  
31 governor to a four-year term. No member may serve more than two  
32 consecutive full terms. In appointing the initial members of the  
33 commission, it is the intent of the legislature that, to the extent  
34 possible, members of the previous boards and committees regulating  
35 these professions be appointed to the commission. Members of the  
36 commission hold office until their successors are appointed. Members  
37 of the initial commission may be appointed to staggered terms of from

1 one to four years. Thereafter, all members shall be appointed to full  
2 four-year terms.

3 NEW SECTION. **Sec. 104.** COMMISSION--REMOVAL OF MEMBERS--VACANCIES.  
4 The governor may remove a member of the commission for neglect of duty,  
5 misconduct, or malfeasance or misfeasance in office. Whenever the  
6 governor is satisfied that a member of the commission has been guilty  
7 of neglect of duty, misconduct, or malfeasance or misfeasance in  
8 office, the governor shall file with the secretary of state a statement  
9 of the causes for and the order of removal from office, and the  
10 secretary shall forthwith send a certified copy of the order of removal  
11 and statement of causes by certified mail to the last known post office  
12 address of the member. If a vacancy occurs on the commission, the  
13 governor shall appoint a replacement to fill the remainder of the  
14 unexpired term.

15 NEW SECTION. **Sec. 105.** COMMISSION--QUALIFICATIONS FOR MEMBERS.  
16 Members must be citizens of the United States and residents of this  
17 state. Three members must be licensed podiatric physicians and  
18 surgeons for a period of five years before appointment; three members  
19 must be licensed osteopathic physicians and surgeons for a period of  
20 five years before appointment; and three members must be licensed  
21 naturopathic physicians for a period of five years before appointment.  
22 Public members of the commission may not be a member of any other  
23 health care licensing board or commission, or have a fiduciary  
24 obligation to a facility rendering health services regulated by the  
25 commission, or have a material or financial interest in the rendering  
26 of health services regulated by the commission.

27 NEW SECTION. **Sec. 106.** COMMISSION--ORGANIZATION. The commission  
28 shall elect a chairperson, vice-chairperson, and secretary each year.  
29 Meetings of the commission are open to the public, except that the  
30 commission may hold executive sessions to the extent permitted by  
31 chapter 42.30 RCW. The secretary of health shall furnish such  
32 secretarial, clerical, and other assistance as the commission may  
33 require.

34 Each member of the commission shall be compensated in accordance  
35 with RCW 43.03.240. Members shall be reimbursed for travel expenses

1 incurred in the actual performance of their duties, as provided in RCW  
2 43.03.050 and 43.03.060.

3 A majority of the commission members appointed and serving  
4 constitutes a quorum for the transaction of commission business. The  
5 affirmative vote of a majority of a quorum of the commission is  
6 required to carry a motion or resolution, adopt a rule, or pass a  
7 measure.

8 The commission may appoint members of panels. A quorum for  
9 transaction of any business is a minimum of three members. A majority  
10 vote of a quorum of the panel is required to transact business  
11 delegated to it by the commission.

12 The members of the commission are immune from suit in an action,  
13 civil or criminal, based upon its disciplinary proceedings or other  
14 official acts performed in good faith as members of the committee.

15 The commission may, whenever the workload of the commission  
16 requires, request that the secretary appoint pro tempore members.  
17 While serving as members pro tempore persons have all the powers,  
18 duties, and immunities, and are entitled to the emoluments, including  
19 travel expenses, of the commission.

20 NEW SECTION. **Sec. 107.** COMMISSION--POWERS AND DUTIES. The  
21 commission has the following powers and duties:

22 (1) To administer examinations to applicants for licensing under  
23 this chapter, to determine examination dates, locations, and  
24 application deadlines, to determine examination requirements for  
25 applicants for licensing under this chapter, and to certify qualified  
26 applicants to the secretary for licensing;

27 (2) To adopt such rules as are not inconsistent with the laws of  
28 this state as may be deemed necessary or proper to carry out the  
29 purposes of this chapter;

30 (3) To establish and administer requirements for continuing  
31 professional education as may be necessary or proper to insure the  
32 public health and safety as a prerequisite to granting and renewing  
33 licenses under this chapter;

34 (4) To keep an official record of all its proceedings, which record  
35 shall be evidence of all proceedings of the commission that are set  
36 forth in this chapter;

37 (5) To approve curricula and establish criteria for minimum  
38 standards for schools preparing persons for licensing under this

1 chapter. The commission shall establish criteria for proof of  
2 reasonable currency of knowledge and skill as a basis for safe practice  
3 after three years inactive or lapsed status. The commission shall  
4 establish criteria for licensing by endorsement.

5 NEW SECTION. **Sec. 108.** LICENSES REQUIRED. (1) It is unlawful for  
6 a person to practice or to offer to practice as a podiatric physician  
7 and surgeon in this state unless that person has been licensed as a  
8 podiatric physician and surgeon under this chapter. A person who holds  
9 a license to practice as a podiatric physician in this state may use  
10 the title "podiatric physician and surgeon" and the abbreviation  
11 "D.P.M." No other person may assume that title or use that  
12 abbreviation or any other words, letters, signs, or figures to indicate  
13 that the person using them is a podiatric physician and surgeon.

14 (2) It is unlawful for a person to practice or to offer to practice  
15 as an osteopathic physician and surgeon in this state unless that  
16 person has been licensed as an osteopathic physician and surgeon under  
17 this chapter. A person who holds a license to practice as an  
18 osteopathic physician and surgeon in this state may use the title  
19 "osteopathic physician and surgeon" and the abbreviation "D.O." No  
20 other person may assume that title or use that abbreviation or any  
21 other words, letters, signs, or figures to indicate that the person  
22 using them is an osteopathic physician and surgeon.

23 (3) It is unlawful for a person to practice or to offer to practice  
24 as an osteopathic physician assistant in this state unless that person  
25 has been licensed as an osteopathic physician assistant under this  
26 chapter. A person who holds a license to practice as an osteopathic  
27 physician assistant in this state may use the title "osteopathic  
28 physician assistant" and the abbreviation "P.A." No other person may  
29 assume that title or use that abbreviation or any other words, letters,  
30 signs, or figures to indicate that the person using them is an  
31 osteopathic physician assistant.

32 (4) It is unlawful for a person to practice or to offer to practice  
33 as a naturopath or naturopathic physician unless that person has been  
34 licensed as a naturopathic physician under this chapter. A person who  
35 holds a license to practice naturopathic medicine in this state may use  
36 the title "naturopathic physician" or "naturopath" or the abbreviation  
37 "N.D." No other person may assume those titles or use that



1 abbreviation or any other words, letters, signs, or figures to indicate  
2 that the person using them is a naturopathic physician.

3 NEW SECTION. **Sec. 109.** EXAMINATIONS--WHEN TAKEN--REEXAMINATION.

4 (1) An applicant who has met the requirements for examination under  
5 this chapter will be scheduled for the next examination after the  
6 filing of a completed application.

7 (2) An applicant who fails to pass an examination satisfactorily is  
8 entitled to reexamination upon the payment of a fee for each  
9 reexamination determined by the secretary under RCW 43.70.250.

10 NEW SECTION. **Sec. 110.** APPLICATION OF UNIFORM DISCIPLINARY ACT.

11 The Uniform Disciplinary Act, chapter 18.130 RCW, governs unlicensed  
12 practice, the issuance and denial of licenses, and the discipline of  
13 licensees under this chapter.

14 The secretary is the disciplining authority for naturopathic  
15 physicians. The secretary may delegate to the commission by rule any  
16 powers or duties granted under this chapter or by law.

17 NEW SECTION. **Sec. 111.** DISPLAY OF LICENSE. Every holder of a  
18 license under this chapter shall display the license in a conspicuous  
19 place in the holder's office or place of business.

20 NEW SECTION. **Sec. 112.** LICENSE RENEWAL. The commission shall  
21 establish by rule the requirements for renewal of licenses. The  
22 secretary shall establish a renewal and late renewal penalty fee under  
23 RCW 43.70.250, and the term for renewal of a license under RCW  
24 43.70.280. Failure to renew invalidates the license and all privileges  
25 granted by it. The commission shall determine by rule when a license  
26 shall be canceled for failure to renew and shall establish  
27 prerequisites for relicensing.

28 NEW SECTION. **Sec. 113.** INACTIVE LICENSE. (1) An individual may  
29 place his or her license on inactive status. The holder of an inactive  
30 license shall not practice as an allied physician under this chapter in  
31 this state without first activating the license.

32 (2) The secretary shall establish the inactive renewal fee under  
33 RCW 43.70.250, but it may not exceed twenty-five percent of the active

1 license renewal fee. Failure to renew an inactive license results in  
2 cancellation in the same manner as an active license.

3 (3) An inactive license may be placed in an active status upon  
4 compliance with the rules adopted by the commission.

5 (4) The provisions of this chapter relating to the denial,  
6 suspension, and revocation of a license are applicable to an inactive  
7 license, except that when proceedings to suspend or revoke an inactive  
8 license have been initiated, the license remains inactive until the  
9 proceedings have been completed.

10 NEW SECTION. **Sec. 114.** SECRETARY--POWERS AND DUTIES. The  
11 secretary shall adopt such rules as may be reasonable for the proper  
12 administration of this chapter. In addition to any other authority  
13 provided by law, the secretary may:

14 (1) Set all fees required in this chapter in accordance with RCW  
15 43.70.250;

16 (2) Establish forms necessary to administer this chapter; and

17 (3) Maintain the official department record of all applicants and  
18 licensees.

19 NEW SECTION. **Sec. 115.** REGULATED PRACTICES. It is prima facie  
20 evidence of the practice of a profession regulated under this chapter  
21 or of holding oneself out as a practitioner within the meaning of this  
22 chapter for a person to:

23 (1) Treat in any manner ailments of the human foot by medical,  
24 surgical, or mechanical means or appliances, or to use the title  
25 "podiatrist," "podiatric physician and surgeon," or any other words or  
26 letters that designate or tend to designate to the public that the  
27 person so treating or holding himself or herself out to treat, is a  
28 podiatric physician and surgeon;

29 (2) Use any and all methods in the treatment of disease, injuries,  
30 deformities, and all other physical and mental conditions in and of  
31 human beings, including the use of osteopathic manipulative therapy, or  
32 to hold himself or herself out as an osteopathic physician and surgeon,  
33 or to use the title "osteopathic physician and surgeon" or other  
34 designation indicating that the person is an osteopathic physician or  
35 surgeon;

36 (3) Represent himself or herself as a naturopath or use a title or  
37 description of services that incorporates one or more of the following

1 terms or designations: Naturopath or doctor of naturopathic medicine;  
2 or

3 (4) Represent himself or herself as an osteopathic physician  
4 assistant or to practice as an osteopathic physician assistant.

5 NEW SECTION. **Sec. 116.** PENALTY. A person violating or failing to  
6 comply with this chapter is guilty of a gross misdemeanor.

7 NEW SECTION. **Sec. 117.** EXCEPTIONS. The following practices,  
8 acts, and operations are excepted from this chapter:

9 (1) The practice of a profession by an allied physician employed by  
10 the government of the United States while the individual is engaged in  
11 the performance of duties prescribed by the laws and regulations of the  
12 United States;

13 (2) The practice of an allied physician while a student enrolled in  
14 a school approved by the commission. The performance of services must  
15 be pursuant to a course of instruction or assignments from an  
16 instructor and under the supervision of the instructor;

17 (3) The practice of an allied physician by licensed podiatric  
18 physicians and surgeons of other states or countries while appearing at  
19 educational seminars;

20 (4) The use of roentgen and other rays for making radiograms or  
21 similar records, under the supervision of a licensed allied physician;

22 (5) The performing of services of an allied physician by externs,  
23 interns, and residents in training programs approved by the commission;

24 (6) The performing of professional services by persons not licensed  
25 under this chapter when performed under the supervision of a licensed  
26 allied physician, if those services are authorized by commission rule  
27 or other law to be so performed;

28 (7) The domestic administration of family remedies or treatment by  
29 prayer or spiritual means in accordance with the creed or tenets of any  
30 well-recognized church or religious denomination.

31 NEW SECTION. **Sec. 118.** APPLICABILITY OF HEALTH REGULATIONS.  
32 Persons granted licenses or certificates under this chapter are subject  
33 to the state and municipal regulations relating to the control of  
34 contagious diseases, the reporting and certifying to births and deaths,  
35 and all matters pertaining to public health; and all such reports shall  
36 be accepted as legal.

1        NEW SECTION.    **Sec. 119.**    FALSIFICATION OF CERTIFICATE.    A person  
2 falsely claiming himself or herself to be the person named in a  
3 certificate issued to another, or falsely claiming himself or herself  
4 to be the person entitled to the certificate, is guilty of a felony,  
5 and upon conviction, is subject to the penalties for forgery under RCW  
6 9A.60.020.

7        NEW SECTION.    **Sec. 120.**    DUTY TO REPORT UNPROFESSIONAL CONDUCT--  
8 EXCEPTIONS.    (1) An allied physician shall report to the commission  
9 when he or she has personal knowledge that an allied physician has  
10 either committed an act or acts that may constitute statutorily defined  
11 unprofessional conduct or that an allied physician may be unable to  
12 practice with reasonable skill and safety to patients by reason of  
13 illness, drunkenness, excessive use of drugs, narcotics, chemicals, or  
14 any other type of material, or as a result of an impairing mental or  
15 physical condition.

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

17        (a) An appropriately appointed peer review committee member of a  
18 licensed hospital or by an appropriately designated professional review  
19 committee member of a professional society during the investigative  
20 phase of their respective operations if these investigations are  
21 completed in a timely manner; or

22        (b) A treating licensed health care professional of an allied  
23 physician currently involved in a treatment program as long as the  
24 allied physician patient actively participates in the treatment program  
25 and the allied physician patient's impairment does not constitute a  
26 clear and present danger to the public health, safety, or welfare.

27        (3) The appropriate disciplinary authority, whether the commission  
28 or the secretary, may impose disciplinary sanctions, including license  
29 suspension or revocation, on an allied physician subject to the  
30 jurisdiction of the commission who has failed to comply with this  
31 section.

32        NEW SECTION.    **Sec. 121.**    PODIATRIC PHYSICIANS AND SURGEONS.    (1) A  
33 podiatric physician and surgeon is responsible for the quality of  
34 podiatric care.

35        (2) The practice of podiatric medicine and surgery is the diagnosis  
36 and the medical, surgical, mechanical, manipulative, and electrical  
37 treatments of ailments of the human foot.

1 (3) Podiatric physicians and surgeons may issue prescriptions valid  
2 at any pharmacy for any drug, including narcotics, necessary in the  
3 practice of podiatry.

4 (4) Podiatrists shall not:

5 (a) Amputate the foot;

6 (b) Administer spinal anesthetic or any anesthetic that renders the  
7 patient unconscious; or

8 (c) Treat systemic conditions.

9 NEW SECTION. **Sec. 122.** PODIATRIC PHYSICIANS AND SURGEONS--  
10 EXAMINATIONS. Before being issued a license to practice podiatric  
11 medicine and surgery, an applicant must successfully pass the  
12 examinations administered by the national board of podiatry examiners  
13 and an examination administered or approved by the commission to  
14 determine his or her professional qualifications. The examination  
15 administered by the commission must include the subject areas the  
16 commission may require by rule.

17 The commission may approve an examination prepared or administered,  
18 or both, by a private testing agency, other licensing authority, or  
19 association of licensing authorities.

20 The commission may by rule establish the passing grade for the  
21 examination.

22 All persons licensed under this section are subject to the  
23 jurisdiction of the commission as set forth in this chapter and chapter  
24 18.130 RCW.

25 NEW SECTION. **Sec. 123.** PODIATRIC PHYSICIANS AND SURGEONS--  
26 APPLICATION FOR LICENSE EXAMINATION. Before a person may take an  
27 examination for the issuance of a podiatric physician and surgeon  
28 license, the applicant shall submit to the commission a completed  
29 application and a fee determined by the secretary under RCW 43.70.250.  
30 The applicant shall also furnish the commission with satisfactory proof  
31 that:

32 (1) The applicant has not engaged in unprofessional conduct as  
33 defined in chapter 18.130 RCW and is able to practice with reasonable  
34 skill and safety;

35 (2) The applicant has satisfactorily completed a course in an  
36 approved school of podiatric medicine and surgery; and

1 (3) The applicant has completed one year of postgraduate podiatric  
2 medical training in a program approved by the commission, except that  
3 applicants graduating before July 1, 1993, are exempt from the  
4 postgraduate training requirement.

5 NEW SECTION. **Sec. 124.** PODIATRIC PHYSICIANS AND SURGEONS--  
6 POSTGRADUATE LICENSE. The commission may grant approval to issue a  
7 license without examination to a podiatric physician and surgeon in a  
8 commission-approved postgraduate training program in this state if the  
9 applicant files an application and meets all the requirements for  
10 licensing set forth in this chapter other than completion of one year  
11 of postgraduate training. The secretary shall issue a postgraduate  
12 podiatric medicine and surgery license that permits the physician to  
13 practice podiatric medicine and surgery only in connection with his or  
14 her duties in the postgraduate training program. The postgraduate  
15 training license does not authorize the podiatric physician to engage  
16 in any other form of practice. Each podiatric physician and surgeon in  
17 postgraduate training may practice podiatric medicine and surgery only  
18 under the supervision of a podiatric physician licensed in this state  
19 under this chapter, but the supervision shall not be construed to  
20 necessarily require the personal presence of the supervising physician  
21 at the place where services are rendered.

22 NEW SECTION. **Sec. 125.** OSTEOPATHIC PHYSICIANS AND SURGEONS--  
23 QUALIFICATIONS FOR LICENSE. In order to procure a license to practice  
24 osteopathic medicine and surgery, the applicant must provide the  
25 commission with evidence that a diploma has been issued to the  
26 applicant by an accredited school of osteopathic medicine and surgery,  
27 approved by the commission. The application must be made upon a form  
28 approved by the commission, and it must contain such information  
29 concerning the osteopathic medical instruction and the preliminary  
30 education of the applicant as the commission may require by rule. The  
31 commission shall reject an applicant who fails to meet these  
32 requirements.

33 An applicant for a license to practice osteopathic medicine and  
34 surgery must furnish evidence satisfactory to the commission that he or  
35 she has served for not less than one year in a postgraduate training  
36 program approved by the commission.

1 In addition, the applicant may be required to furnish evidence  
2 satisfactory to the commission that he or she is physically and  
3 mentally capable of safely carrying on the practice of osteopathic  
4 medicine and surgery. The commission may require an applicant to  
5 submit to such examination or examinations as it deems necessary to  
6 determine an applicant's physical and mental capability to safely  
7 practice osteopathic medicine and surgery. The applicant shall also  
8 show that he or she has not been guilty of any conduct that would  
9 constitute grounds for denial, suspension, or revocation of the license  
10 under the laws of the state of Washington.

11 Nothing in this section prohibits the commission from requiring  
12 such additional information from applicants as it deems necessary.

13 Nothing in this chapter requires an applicant for licensing, or a  
14 licensee, as a requisite of retaining or renewing the license under  
15 this chapter, to be a member of any political or professional  
16 organization.

17 NEW SECTION. **Sec. 126.** OSTEOPATHIC PHYSICIANS AND SURGEONS--  
18 POSTGRADUATE LICENSE. The commission may grant approval to issue a  
19 license without examination to an osteopathic physician and surgeon in  
20 a commission-approved postgraduate training program in this state if  
21 the applicant files an application and meets all the requirements for  
22 licensing set forth in this chapter other than completion of one year  
23 of postgraduate training. The secretary shall issue a postgraduate  
24 osteopathic medicine and surgery license that permits the physician in  
25 postgraduate training to practice osteopathic medicine and surgery only  
26 in connection with his or her duties as a physician in postgraduate  
27 training and does not authorize the physician to engage in any other  
28 form of practice. Each physician in postgraduate training may practice  
29 osteopathic medicine and surgery only under the supervision of a  
30 physician licensed in this state under this chapter or chapter 18.--  
31 RCW (sections 101 through 144 of this act), but the supervision shall  
32 not be construed to necessarily require the personal presence of the  
33 supervising physician at the place where services are rendered.

34 All persons licensed under this section are subject to the  
35 jurisdiction of the commission as set forth in this chapter and chapter  
36 18.130 RCW.

37 Persons applying for licensing under this section shall pay an  
38 application and renewal fee determined by the secretary under RCW

1 43.70.250. Licenses issued under this section may be renewed annually.  
2 A person who obtains a postgraduate license under this section may  
3 apply for regular licensing under this chapter, but shall submit a new  
4 application form and comply with all other licensing requirements of  
5 this chapter.

6 NEW SECTION. **Sec. 127.** OSTEOPATHIC PHYSICIANS AND SURGEONS--  
7 DISCIPLINE--LICENSE RENEWAL. The commission may approve, deny, or take  
8 other disciplinary action upon the application for a license as  
9 provided in the Uniform Disciplinary Act, chapter 18.130 RCW. The  
10 license may be renewed on a periodic basis as determined by the  
11 secretary under RCW 43.70.280, upon payment of a fee determined by the  
12 secretary under RCW 43.70.250 and submission of a completed renewal  
13 application, in addition to any late renewal penalty fees as determined  
14 by the secretary under RCW 43.70.250.

15 NEW SECTION. **Sec. 128.** OSTEOPATHIC PHYSICIANS AND SURGEONS--  
16 LICENSE QUALIFICATIONS. Applicants for a license to practice  
17 osteopathic medicine and surgery must successfully complete an  
18 examination prepared or approved by the commission. The examination  
19 must be conducted in the English language, must determine the  
20 applicant's fitness to practice osteopathic medicine and surgery, and  
21 may be in whole or in part in writing or by practical application on  
22 those general subjects and topics of which knowledge is commonly and  
23 generally required of applicants who have obtained the doctor of  
24 osteopathic medicine and surgery conferred by an accredited school of  
25 osteopathic medicine and surgery approved by the commission. If an  
26 examination does not encompass the subject of osteopathic principles  
27 and practice, the commission shall require the applicant to complete  
28 the commission-administered examination. The commission may prepare  
29 and administer or approve preparation and administration of  
30 examinations on such subjects as the commission deems advisable. The  
31 examination papers of an examination administered by the commission  
32 form a part of the applicant's records and must be retained as  
33 determined by the secretary for a period of not less than one year.  
34 All applicants for examination or reexamination shall pay a fee  
35 determined by the secretary under RCW 43.70.250.



1        NEW SECTION.    **Sec. 129.**    OSTEOPATHIC PHYSICIANS AND SURGEONS--  
2 LICENSE BY ENDORSEMENT. An osteopathic physician and surgeon who meets  
3 the requirements of section 125 of this act and has been examined and  
4 licensed to practice osteopathic medicine and surgery by a state board  
5 of examiners of another state or the duly constituted authorities of  
6 another state authorized to issue licenses to practice osteopathic  
7 medicine and surgery upon examination, is, upon approval of the  
8 commission, entitled to receive a license to practice osteopathic  
9 medicine and surgery in this state. The applicant shall pay a fee  
10 determined by the secretary under RCW 43.70.250 to the state treasurer  
11 and file a copy of his or her license from the other state, certified  
12 by the authorities granting the license to be a full, true, and correct  
13 copy, and certifying also that the standard of requirements adopted by  
14 the authorities as provided by the law of that state is substantially  
15 equal to that provided for by this chapter. The commission shall not  
16 issue a license without examination to a person who has previously  
17 failed in an examination held in this state. The commission may revoke  
18 a license issued under this section for unprofessional conduct, in the  
19 same manner and upon the same grounds as if issued otherwise under this  
20 chapter. The commission may not permit anyone to practice surgery  
21 under this chapter who does not have a license to practice osteopathic  
22 medicine and surgery.

23        NEW SECTION.    **Sec. 130.**    OSTEOPATHIC PHYSICIANS AND SURGEONS--USE  
24 OF TITLE. On all cards, signs, letterheads, envelopes, and billheads  
25 used by persons licensed under this chapter to practice osteopathy or  
26 osteopathy and surgery the word "osteopathic" must always immediately  
27 precede the word "physician," and if the word "surgeon" is used in  
28 connection with the person's name, the word "osteopathic" must also  
29 immediately precede the word "surgeon."

30        NEW SECTION.    **Sec. 131.**    OSTEOPATHIC PHYSICIANS AND SURGEONS--USE  
31 OF DESIGNATIONS IN COMBINATION WITH NAME. No provision of this chapter  
32 or of any other law prevents a person who holds a valid, unrevoked  
33 certificate to practice osteopathic medicine and surgery from using in  
34 combination with his or her name the designation "Osteopathic Physician  
35 and Surgeon" or the abbreviation of his or her professional degree,  
36 Doctor of Osteopathy (D.O.), if he or she holds that professional  
37 degree, or any combination thereof upon his or her stationery, in

1 professional lists or directories, or in other places where they may  
2 properly appear as permitted within the canons of ethics approved by  
3 the commission.

4 NEW SECTION. **Sec. 132.** OSTEOPATHIC PHYSICIANS AND SURGEONS--  
5 MALPRACTICE REPORTING. An institution or organization providing  
6 professional liability insurance to osteopathic physicians shall send  
7 a complete report to the commission of all malpractice settlements,  
8 awards, or payments in excess of twenty thousand dollars as a result of  
9 a claim or action for damages alleged to have been caused by an insured  
10 osteopathic physician's incompetency or negligence in the practice of  
11 osteopathic medicine. The institution or organization shall also  
12 report the award, settlement, or payment of three or more claims during  
13 a year as the result of the physician's alleged incompetence or  
14 negligence in the practice of medicine regardless of the dollar amount  
15 of the award or payment.

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

20 NEW SECTION. **Sec. 133.** OSTEOPATHIC PHYSICIAN ASSISTANTS--LICENSE  
21 QUALIFICATIONS. (1) The commission shall adopt rules fixing the  
22 qualifications and the educational and training requirements for  
23 licensing as an osteopathic physician assistant or for those enrolled  
24 in any physician assistant training program. The requirements must  
25 include completion of an accredited physician assistant training  
26 program approved by the commission and eligibility to take an  
27 examination approved by the commission, if the examination tests  
28 subjects substantially equivalent to the curriculum of an accredited  
29 physician assistant training program.

30 (2)(a) The commission shall also adopt rules governing the extent  
31 to which:

32 (i) Physician assistant students may practice medicine during  
33 training; and

34 (ii) Physician assistants may practice after successful completion  
35 of a training course.

36 (b) The rules must provide:

1 (i) That the practice of an osteopathic physician assistant is  
2 limited to the performance of those services for which he or she is  
3 trained; and

4 (ii) That each osteopathic physician assistant may practice  
5 osteopathic medicine only under the supervision and control of an  
6 osteopathic physician licensed in this state, but that the supervision  
7 and control shall not be construed to necessarily require the personal  
8 presence of the supervising physicians at the place where services are  
9 rendered. The commission may authorize the use of alternative  
10 supervisors who are licensed under chapter 18.71 RCW.

11 (3) Applicants for licensing shall file an application with the  
12 commission on a form approved by the commission, detailing the  
13 education, training, and experience of the physician assistant and such  
14 other information as the commission may require. The application must  
15 be accompanied by a fee determined by the secretary under RCW  
16 43.70.250. Each applicant shall furnish proof satisfactory to the  
17 commission of the following:

18 (a) That the applicant has completed an accredited physician  
19 assistant program approved by the commission and is eligible to take  
20 the examination approved by the commission;

21 (b) That the applicant is of good moral character; and

22 (c) That the applicant is physically and mentally capable of  
23 practicing osteopathic medicine as an osteopathic physician assistant  
24 with reasonable skill and safety. The commission may require an  
25 applicant to submit to such examination or examinations as it deems  
26 necessary to determine an applicant's physical and mental capability to  
27 safely practice as an osteopathic physician assistant.

28 (4) The commission may approve, deny, or take other disciplinary  
29 action upon the application for a license as provided in the Uniform  
30 Disciplinary Act, chapter 18.130 RCW. The license may be renewed on a  
31 periodic basis as determined by the secretary under RCW 43.70.280, upon  
32 payment of a fee determined by the secretary under RCW 43.70.250 and  
33 submission of a completed renewal application, in addition to any late  
34 renewal penalty fees as determined by the secretary under RCW  
35 43.70.250.

36 NEW SECTION. **Sec. 134.** OSTEOPATHIC PHYSICIAN ASSISTANTS--PRACTICE  
37 PLAN. An osteopathic physician assistant may practice osteopathic  
38 medicine in this state only with the approval of the practice

1 arrangement plan by the commission and only to the extent permitted by  
2 the commission. An osteopathic physician assistant who has received a  
3 license but who has not received commission approval of the practice  
4 arrangement plan under section 135 of this act may not practice. An  
5 osteopathic physician assistant is subject to discipline by the  
6 commission under chapter 18.130 RCW.

7 NEW SECTION. **Sec. 135.** OSTEOPATHIC PHYSICIAN ASSISTANTS--APPROVAL  
8 OF PRACTICE PLAN. (1) An osteopathic physician or physician group may  
9 not employ or supervise an osteopathic physician assistant practicing  
10 in this state without the approval of the commission.

11 (2) Before commencing practice, an osteopathic physician assistant  
12 licensed in this state shall apply to the commission for permission to  
13 be employed or supervised by an osteopathic physician or physician  
14 group. The practice arrangement plan shall be jointly submitted by the  
15 osteopathic physician or physician group and the osteopathic physician  
16 assistant. The secretary may charge a fee under RCW 43.70.250 to  
17 recover the cost for the plan review. The practice arrangement plan  
18 must delineate the manner and extent to which the physician assistant  
19 would practice and be supervised. Whenever an osteopathic physician  
20 assistant is practicing in a manner inconsistent with the approved  
21 practice arrangement plan, the commission may take disciplinary action  
22 under chapter 18.130 RCW.

23 NEW SECTION. **Sec. 136.** OSTEOPATHIC PHYSICIAN ASSISTANTS--  
24 OSTEOPATHIC PHYSICIAN'S LIABILITY, RESPONSIBILITY. An osteopathic  
25 physician who supervises a licensed osteopathic physician assistant in  
26 accordance with and within the terms of any permission granted by the  
27 commission shall not be considered as aiding and abetting an unlicensed  
28 person to practice osteopathic medicine within the meaning of this  
29 chapter. However, the supervising osteopathic physician and the  
30 osteopathic physician assistant retain professional and personal  
31 responsibility for any act that constitutes the practice of osteopathic  
32 medicine as defined in this chapter when performed by the physician  
33 assistant.

34 NEW SECTION. **Sec. 137.** OSTEOPATHIC PHYSICIAN ASSISTANTS--  
35 LIMITATIONS ON HEALTH CARE SERVICES. (1) An osteopathic physician

1 assistant may not perform health care services under this chapter in  
2 any of the following areas:

3 (a) The measurement of the powers or range of human vision, or the  
4 determination of the accommodation and refractive state of the human  
5 eye or the scope of its functions in general, or the fitting or  
6 adaptation of lenses or frames for the aid of vision;

7 (b) The prescribing or directing the use of, or using, any optical  
8 device in connection with ocular exercises, visual training, vision  
9 training, or orthoptics;

10 (c) The prescribing of contact lenses for, or the fitting or  
11 adaptation of contact lenses to, the human eye;

12 (d) The practice of chiropractic as defined in chapter 18.-- RCW  
13 (sections 101 through 144 of this act), including the adjustment or  
14 manipulation of the articulations of the spine;

15 (e) The practice of dentistry or dental hygiene as defined in  
16 chapters 18.32 and 18.29 RCW, respectively. The exemptions set forth  
17 in RCW 18.32.030 (1) and (8) do not apply to a physician's assistant.

18 (2) Nothing in subsection (1)(a), (b), or (c) of this section  
19 precludes the performance of routine visual screening.

20 NEW SECTION. **Sec. 138.** OSTEOPATHIC PHYSICIAN ASSISTANTS--  
21 PERFORMANCE OF ACUPUNCTURE. (1) The performance of acupuncture for the  
22 purpose of demonstration, therapy, or the induction of analgesia by an  
23 osteopathic physician assistant is within the scope of practice  
24 authorized. However, an osteopathic physician assistant licensed to  
25 perform acupuncture under this section may do so only under the direct  
26 supervision of a licensed osteopathic physician.

27 (2) The commission shall determine the qualifications of a person  
28 authorized to perform acupuncture under subsection (1) of this section.  
29 In establishing a procedure for certification of acupuncture  
30 practitioners the commission shall consider a license or certificate  
31 that acknowledges that the person has the qualifications to practice  
32 acupuncture issued by the government of the Republic of China (Taiwan),  
33 the People's Republic of China, the British Crown Colony of Hong Kong,  
34 Korea, Great Britain, France, Germany, Italy, Japan, or any other  
35 country or state that has generally equivalent standards of practices  
36 for acupuncture as determined by the commission as evidence of the  
37 person's qualification.

1 (3) As used in this section "acupuncture" means the insertion of  
2 needles into the human body by piercing the skin of the body for the  
3 purpose of relieving pain, treating disease, or to produce analgesia,  
4 or as further defined by rules of the commission.

5 NEW SECTION. **Sec. 139.** NATUROPATHIC PHYSICIANS--DEFINITIONS.  
6 Unless the context clearly requires otherwise, the definitions in this  
7 section apply throughout this chapter to any and all references to  
8 naturopathic physicians, naturopaths, or the practice of naturopathic  
9 medicine.

10 (1) "Naturopath" means an individual licensed under this chapter.

11 (2) "Educational program" means a program preparing persons for the  
12 practice of naturopathy.

13 (3) "Nutrition and food science" means the prevention and treatment  
14 of disease or other human conditions through the use of foods, water,  
15 herbs, roots, bark, or natural food elements.

16 (4) "Manual manipulation" or "mechanotherapy" means manipulation of  
17 a part or the whole of the body by hand or by mechanical means.

18 (5) "Physical modalities" means use of physical, chemical,  
19 electrical, and other noninvasive modalities including, but not limited  
20 to heat, cold, air, light, water in any of its forms, sound, massage,  
21 and therapeutic exercise.

22 (6) "Homeopathy" means a system of medicine based on the use of  
23 infinitesimal doses of medicines capable of producing symptoms similar  
24 to those of the disease treated, as listed in the homeopathic  
25 pharmacopoeia of the United States.

26 (7) "Medicines of mineral, animal, and botanical origin" means  
27 medicines derived from animal organs, tissues, and oils, minerals, and  
28 plants administered orally and topically, excluding legend drugs with  
29 the following exceptions: Vitamins, minerals, whole gland thyroid, and  
30 substances as exemplified in traditional botanical and herbal  
31 pharmacopoeia, and nondrug contraceptive devices excluding intrauterine  
32 devices. The use of intermuscular injections are limited to vitamin  
33 B-12 preparations and combinations when clinical or laboratory  
34 evaluation has indicated vitamin B-12 deficiency. The use of  
35 controlled substances regulated by chapter 69.50 RCW is prohibited.

36 (8) "Hygiene and immunization" means the use of such preventative  
37 techniques as personal hygiene, asepsis, public health, and  
38 immunizations, to the extent allowed by rule of the commission.

1 (9) "Minor office procedures" means care incident to treatment of  
2 superficial lacerations and abrasions, and the removal of foreign  
3 bodies located in superficial structures, not to include the eye, and  
4 the use of antiseptics and topical local anesthetics in connection with  
5 the procedures.

6 (10) "Common diagnostic procedures" means the use of venipuncture  
7 to withdraw blood, commonly used diagnostic modalities consistent with  
8 naturopathic practice, health history taking, physical examination,  
9 radiography, examination of body orifices excluding endoscopy, and  
10 laboratory medicine that obtains samples of human tissue products,  
11 including superficial scrapings but excluding procedures that would  
12 require surgical incision.

13 (11) "Suggestion" means techniques including but not limited to  
14 counseling, biofeedback, and hypnosis.

15 (12) "Radiography" means the ordering but not the interpretation of  
16 radiographic diagnostic studies and the taking and interpretation of  
17 standard radiographs.

18 NEW SECTION. **Sec. 140.** NATUROPATHIC PHYSICIANS--LICENSE  
19 REQUIREMENTS. The secretary shall issue a license to an applicant who  
20 meets the following requirements:

21 (1) Successful completion of an educational program approved by the  
22 commission, the minimum standard of which is the successful completion  
23 of a doctorate degree program in naturopathy or successful completion  
24 of equivalent alternate training that meets the criteria established by  
25 the commission;

26 (2) Successful completion of any equivalent experience requirement  
27 established by the commission;

28 (3) Successful completion of an examination administered or  
29 approved by the commission;

30 (4) Good moral character; and

31 (5) Not having engaged in unprofessional conduct and being able to  
32 practice with reasonable skill and safety.

33 The commission shall establish what constitutes adequate proof of  
34 meeting the requirements of this section. A person holding a valid  
35 license to practice drugless therapeutics under chapter 18.36 RCW upon  
36 January 1, 1988, is deemed to be licensed under this chapter.

1        NEW SECTION.    **Sec. 141.**    NATUROPATHIC PHYSICIANS--LICENSE REQUIRED.

2        (1) No person may practice naturopathy or represent himself or herself  
3        as a naturopath without first applying for and receiving a license from  
4        the secretary to practice naturopathy.

5        (2) A person represents himself or herself as a naturopath when  
6        that person adopts or uses a title or a description of services that  
7        incorporates one or more of the following terms or designations:  
8        Naturopath or doctor of naturopathic medicine.

9        NEW SECTION.    **Sec. 142.**    NATUROPATHIC PHYSICIANS--PRACTICE DEFINED.

10       Naturopathic medicine or naturopathy is the practice by naturopaths of  
11       the art and science of the diagnosis, prevention, and treatment of  
12       disorders of the body by stimulation or support, or both, of the  
13       natural processes of the human body. A naturopath is responsible and  
14       accountable to the consumer for the quality of naturopathic care  
15       rendered.

16       The practice of naturopathy includes manual manipulation  
17       (mechanotherapy), the prescription, administration, dispensing, and  
18       use, except for the treatment of malignancies or neoplastic disease, of  
19       nutrition and food science, physical modalities, homeopathy, certain  
20       medicines of mineral, animal, and botanical origin, hygiene and  
21       immunization, common diagnostic procedures, and suggestion; however,  
22       nothing in this chapter prohibits consultation and treatment of a  
23       patient in concert with an osteopathic physician and surgeon licensed  
24       under this chapter or a physician and surgeon licensed under chapter  
25       18.71 RCW. No person licensed under this chapter may employ the term  
26       "chiropractic" to describe any services provided by a naturopathic  
27       physician under this chapter.

28       NEW SECTION.    **Sec. 143.**    NATUROPATHIC PHYSICIANS--EXCEPTIONS TO  
29       REGULATION. Nothing in this chapter prohibits or restricts:

30       (1) The practice of naturopathic medicine by students enrolled in  
31       a school approved by the commission. The performance of services must  
32       be under a course of instruction or assignments from an instructor and  
33       under the supervision of the instructor. The instructor must be a  
34       naturopath licensed under this chapter; or

35       (2) The practice of oriental medicine or oriental herbology, or the  
36       rendering of other dietary or nutritional advice.



1        NEW SECTION.    **Sec. 144.**    SAVINGS.    The commission is the successor  
2 in interest of the board of podiatry, the board of osteopathic  
3 physicians, and the naturopathic practice advisory committee.    All  
4 contracts, undertakings, agreements, rules, regulations, and policies  
5 continue in full force and effect on the effective date of this act,  
6 unless otherwise repealed or rejected by this chapter or by the  
7 commission.

8        NEW SECTION.    **Sec. 145.**    Sections 101 through 144 of this act  
9 constitute a new chapter in Title 18 RCW.

10       NEW SECTION.    **Sec. 146.**    REPEALER.    The following acts or parts of  
11 acts are each repealed:

- 12        (1) RCW 18.22.005 and 1990 c 147 s 1 & 1982 c 21 s 1;
- 13        (2) RCW 18.22.010 and 1990 c 147 s 2, 1982 c 21 s 2, 1973 c 77 s 1,  
14 1955 c 149 s 1, 1941 c 31 s 1, 1921 c 120 s 1, & 1917 c 38 s 1;
- 15        (3) RCW 18.22.013 and 1990 c 147 s 3 & 1982 c 21 s 8;
- 16        (4) RCW 18.22.014 and 1990 c 147 s 4, 1984 c 287 s 26, & 1982 c 21  
17 s 9;
- 18        (5) RCW 18.22.015 and 1990 c 147 s 5, 1986 c 259 s 18, & 1982 c 21  
19 s 10;
- 20        (6) RCW 18.22.018 and 1987 c 150 s 10 & 1986 c 259 s 17;
- 21        (7) RCW 18.22.021 and 1987 c 150 s 11;
- 22        (8) RCW 18.22.025 and 1990 c 147 s 7;
- 23        (9) RCW 18.22.035 and 1990 c 147 s 6;
- 24        (10) RCW 18.22.040 and 1993 c 29 s 2, 1990 c 147 s 8, 1982 c 21 s  
25 5, 1979 c 158 s 18, 1973 c 77 s 4, 1971 ex.s. c 292 s 19, 1955 c 149 s  
26 2, 1935 c 48 s 3, 1921 c 120 s 3, & 1917 c 38 s 6;
- 27        (11) RCW 18.22.045 and 1993 c 29 s 1;
- 28        (12) RCW 18.22.060 and 1990 c 147 s 9, 1985 c 7 s 11, 1982 c 21 s  
29 7, 1975 1st ex.s. c 30 s 16, 1973 c 77 s 6, 1965 c 97 s 1, & 1957 c 52  
30 s 14;
- 31        (13) RCW 18.22.082 and 1990 c 147 s 10;
- 32        (14) RCW 18.22.083 and 1990 c 147 s 11 & 1982 c 21 s 13;
- 33        (15) RCW 18.22.110 and 1990 c 147 s 12, 1973 c 77 s 9, & 1957 c 52  
34 s 15;
- 35        (16) RCW 18.22.120 and 1990 c 147 s 13, 1985 c 7 s 13, 1982 c 21 s  
36 14, 1975 1st ex.s. c 30 s 18, 1973 c 77 s 10, 1971 ex.s. c 266 s 4,  
37 1965 c 97 s 2, & 195 c 149 s 6;

1 (17) RCW 18.22.125 and 1990 c 147 s 14;  
2 (18) RCW 18.22.191 and 1990 c 147 s 15 & 1955 c 149 s 13;  
3 (19) RCW 18.22.210 and 1990 c 147 s 16, 1982 c 21 s 17, 1973 c 77  
4 s 17, 1935 c 48 s 4, 1921 c 120 s 6, & 1917 c 38 s 10;  
5 (20) RCW 18.22.220 and 1955 c 149 s 10 & 1917 c 38 s 21;  
6 (21) RCW 18.22.230 and 1990 c 147 s 17, 1982 c 21 s 19, 1973 c 77  
7 s 19, & 1955 c 149 s 12;  
8 (22) RCW 18.22.900 and 1917 c 38 s 19;  
9 (23) RCW 18.22.910 and 1955 c 149 s 16;  
10 (24) RCW 18.22.911 and 1982 c 21 s 20;  
11 (25) RCW 18.22.950 and 1990 c 147 s 19;  
12 (26) RCW 18.36.035 and 1987 c 150 s 28;  
13 (27) RCW 18.36A.010 and 1987 c 447 s 1;  
14 (28) RCW 18.36A.020 and 1991 c 3 s 87 & 1987 c 447 s 4;  
15 (29) RCW 18.36A.030 and 1991 c 3 s 88 & 1987 c 447 s 2;  
16 (30) RCW 18.36A.040 and 1991 c 3 s 89, 1988 c 246 s 1, & 1987 c 447  
17 s 3;  
18 (31) RCW 18.36A.050 and 1991 c 3 s 90 & 1987 c 447 s 5;  
19 (32) RCW 18.36A.060 and 1991 c 3 s 91 & 1987 c 447 s 6;  
20 (33) RCW 18.36A.070 and 1991 c 3 s 92 & 1987 c 447 s 7;  
21 (34) RCW 18.36A.080 and 1991 c 3 s 93 & 1987 c 447 s 8;  
22 (35) RCW 18.36A.090 and 1991 c 3 s 94 & 1987 c 447 s 9;  
23 (36) RCW 18.36A.100 and 1991 c 3 s 95 & 1987 c 447 s 10;  
24 (37) RCW 18.36A.110 and 1991 c 3 s 96 & 1987 c 447 s 11;  
25 (38) RCW 18.36A.120 and 1991 c 3 s 97 & 1987 c 447 s 12;  
26 (39) RCW 18.36A.130 and 1991 c 3 s 98 & 1987 c 447 s 13;  
27 (40) RCW 18.36A.140 and 1991 c 3 s 99 & 1987 c 447 s 14;  
28 (41) RCW 18.36A.900 and 1987 c 447 s 20;  
29 (42) RCW 18.36A.901 and 1987 c 447 s 25;  
30 (43) RCW 18.57.001 and 1991 c 160 s 1, 1991 c 3 s 147, & 1979 c 117  
31 s 1;  
32 (44) RCW 18.57.003 and 1991 c 160 s 2, 1984 c 287 s 42, & 1979 c  
33 117 s 2;  
34 (45) RCW 18.57.005 and 1986 c 259 s 94 & 1979 c 117 s 3;  
35 (46) RCW 18.57.011 and 1987 c 150 s 41 & 1986 c 259 s 92;  
36 (47) RCW 18.57.020 and 1991 c 160 s 3, 1979 c 117 s 11, 1959 c 110  
37 s 1, & 1919 c 4 s 4;  
38 (48) RCW 18.57.031 and 1987 c 150 s 42;  
39 (49) RCW 18.57.035 and 1991 c 160 s 9;

- 1 (50) RCW 18.57.040 and 1991 c 160 s 5 & 1919 c 4 s 19;  
2 (51) RCW 18.57.045 and 1991 c 160 s 4;  
3 (52) RCW 18.57.050 and 1991 c 160 s 6, 1985 c 7 s 55, 1979 c 117 s  
4 12, 1975 1st ex.s. c 30 s 58, 1971 ex.s. c 266 s 11, & 1919 c 4 s 6;  
5 (53) RCW 18.57.080 and 1991 c 160 s 7, 1979 c 117 s 13, & 1919 c 4  
6 s 5;  
7 (54) RCW 18.57.130 and 1991 c 160 s 10, 1991 c 3 s 151, 1985 c 7  
8 s 56, 1979 c 117 s 15, 1975 1st ex.s. c 30 s 59, 1921 c 82 s 1, & 1919  
9 c 4 s 17;  
10 (55) RCW 18.57.140 and 1919 c 4 s 20;  
11 (56) RCW 18.57.145 and 1991 c 160 s 8 & 1959 c 110 s 2;  
12 (57) RCW 18.57.150 and 1919 c 4 s 18;  
13 (58) RCW 18.57.160 and 1981 c 277 s 9 & 1919 c 4 s 15;  
14 (59) RCW 18.57.174 and 1986 c 300 s 9;  
15 (60) RCW 18.57.245 and 1986 c 300 s 10;  
16 (61) RCW 18.57.900 and 1919 c 4 s 21;  
17 (62) RCW 18.57.910 and 1919 c 4 s 22;  
18 (63) RCW 18.57.915 and 1979 c 117 s 19;  
19 (64) RCW 18.57A.010 and 1979 c 117 s 17 & 1971 ex.s. c 30 s 7;  
20 (65) RCW 18.57A.020 and 1993 c 28 s 1, 1992 c 28 s 1, & 1971 ex.s.  
21 c 30 s 8;  
22 (66) RCW 18.57A.025 and 1986 c 259 s 93;  
23 (67) RCW 18.57A.030 and 1993 c 28 s 2, 1986 c 259 s 95, & 1971  
24 ex.s. c 30 s 9;  
25 (68) RCW 18.57A.040 and 1993 c 28 s 3 & 1991 c 3 s 152;  
26 (69) RCW 18.57A.050 and 1993 c 28 s 4, 1986 c 259 s 97, & 1971  
27 ex.s. c 30 s 11;  
28 (70) RCW 18.57A.060 and 1973 c 77 s 20 & 1971 ex.s. c 30 s 12; and  
29 (71) RCW 18.57A.070 and 1977 ex.s. c 233 s 1.

30

## CHIROPRACTIC

31 NEW SECTION. **Sec. 201.** A new section is added to chapter 18.25  
32 RCW to read as follows:

33 This chapter is enacted:

34 (1) In the exercise of the police power of the state and to provide  
35 an adequate public agency to act as a disciplinary body for the members  
36 of the chiropractic profession licensed to practice chiropractic in  
37 this state;

1 (2) Because the health and well-being of the people of this state  
2 are of paramount importance;

3 (3) Because the conduct of members of the chiropractic profession  
4 licensed to practice chiropractic in this state plays a vital role in  
5 preserving the health and well-being of the people of the state; and

6 (4) Because practicing other healing arts while licensed to  
7 practice chiropractic and while holding one's self out to the public as  
8 a chiropractor affects the health and welfare of the people of the  
9 state.

10 It is the purpose of the commission established under section 204  
11 of this act to regulate the competency and quality of professional  
12 health care providers under its jurisdiction by establishing,  
13 monitoring, and enforcing qualifications for licensing, consistent  
14 standards of practice, continuing competency mechanisms, and  
15 discipline. Rules, policies, and procedures developed by the  
16 commission must promote the delivery of quality health care to the  
17 residents of the state.

18 The legislature finds and declares that the costs of health care to  
19 the people are rising disproportionately to other costs and that there  
20 is a paramount concern that the right of the people to obtain access to  
21 health care in all its facets is being impaired thereby. For this  
22 reason, the reliance on the mechanism of health care service  
23 contractors, whether profit or nonprofit, is the only effective manner  
24 in which the large majority of the people can attain access to quality  
25 health care, and it is therefore declared to be in the public interest  
26 that health care service contractors be regulated to assure that all  
27 the people have access to health care to the greatest extent possible.  
28 RCW 18.25.130 through 18.25.170 (as recodified by this act),  
29 prohibiting discrimination against the legally recognized and licensed  
30 profession of chiropractic, are necessary in the interest of the public  
31 health, welfare, and safety.

32 **Sec. 202.** RCW 18.25.005 and 1992 c 241 s 2 are each amended to  
33 read as follows:

34 (1) Chiropractic is the practice of health care that deals with the  
35 diagnosis or analysis and care or treatment of the vertebral  
36 subluxation complex and its effects, articular dysfunction, and  
37 musculoskeletal disorders, all for the restoration and maintenance of  
38 health and recognizing the recuperative powers of the body.

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

13 (3) As part of a chiropractic differential diagnosis, a  
14 chiropractor shall perform a physical examination, which may include  
15 diagnostic x-rays, to determine the appropriateness of chiropractic  
16 care or the need for referral to other health care providers. The  
17 chiropractic (~~(disciplinary board)~~) quality assurance commission shall  
18 provide by rule for the type and use of diagnostic and analytical  
19 devices and procedures consistent with this chapter.

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

24 (5) Nothing in this chapter prohibits or restricts any other  
25 practitioner of a "health profession" defined in RCW 18.120.020(4) from  
26 performing any functions or procedures the practitioner is licensed or  
27 permitted to perform, and the term "chiropractic" as defined in this  
28 chapter shall not prohibit a practitioner licensed under chapter 18.71  
29 RCW from performing medical procedures, except such procedures shall  
30 not include the adjustment by hand of any articulation of the spine.

31 **Sec. 203.** RCW 18.25.006 and 1992 c 241 s 3 are each amended to  
32 read as follows:

33 Unless the context clearly requires otherwise, the definitions in  
34 this section apply throughout this chapter.

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

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

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

1 (4) (~~"Board" means the Washington state board of chiropractic~~  
2 ~~examiners.~~) "Commission" means the Washington state chiropractic  
3 quality assurance commission.

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

11 (6) "Articular dysfunction" means an alteration of the  
12 biomechanical and physiological dynamics of a joint of the axial or  
13 appendicular skeleton.

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

16 (8) "Chiropractic differential diagnosis" means a diagnosis to  
17 determine the existence of a vertebral subluxation complex, articular  
18 dysfunction, or musculoskeletal disorder, and the appropriateness of  
19 chiropractic care or the need for referral to other health care  
20 providers.

21 (9) "Chiropractic adjustment" means chiropractic care of a  
22 vertebral subluxation complex, articular dysfunction, or  
23 musculoskeletal disorder. Such care includes manual or mechanical  
24 adjustment of any vertebral articulation and contiguous articulations  
25 beyond the normal passive physiological range of motion.

26 (10) "Extremity manipulation" means a corrective thrust or maneuver  
27 applied to a joint of the appendicular skeleton. The use of extremity  
28 manipulation shall be complementary and preparatory to a chiropractic  
29 spinal adjustment to support correction of a vertebral subluxation  
30 complex and is considered a part of a spinal adjustment and shall not  
31 be billed separately from or in addition to a spinal adjustment.

32 NEW SECTION. Sec. 204. A new section is added to chapter 18.25  
33 RCW to read as follows:

34 COMMISSION ESTABLISHED--MEMBERS APPOINTED BY THE GOVERNOR. The  
35 Washington state chiropractic quality assurance commission is  
36 established, consisting of fourteen members appointed by the governor  
37 to four-year terms, and including eleven practicing chiropractors and  
38 three public members. No member may serve more than two consecutive

1 full terms. In appointing the initial members of the commission, it is  
2 the intent of the legislature that, to the extent possible, the  
3 governor appoint members of the previous boards and committees  
4 regulating this profession to the commission. Members of the  
5 commission hold office until their successors are appointed. The  
6 governor may appoint the members of the initial commissions to  
7 staggered terms of from one to four years. Thereafter, all members  
8 shall be appointed to full four-year terms. The governor may consider  
9 persons who are recommended for appointment by chiropractic  
10 associations of this state.

11 NEW SECTION. **Sec. 205.** A new section is added to chapter 18.25  
12 RCW to read as follows:

13 COMMISSION--REMOVAL OF MEMBERS--VACANCIES. The governor may remove  
14 a member of the commission for neglect of duty, misconduct, or  
15 malfeasance or misfeasance in office. Whenever the governor is  
16 satisfied that a member of the commission has been guilty of neglect of  
17 duty, misconduct, or malfeasance or misfeasance in office, the governor  
18 shall file with the secretary of state a statement of the causes for  
19 and the order of removal from office, and the secretary shall forthwith  
20 send a certified copy of the order of removal and statement of causes  
21 by certified mail to the last known post office address of the member.  
22 If a vacancy occurs on the commission, the governor shall appoint a  
23 replacement to fill the remainder of the unexpired term.

24 NEW SECTION. **Sec. 206.** A new section is added to chapter 18.25  
25 RCW to read as follows:

26 COMMISSION--QUALIFICATIONS OF MEMBERS. Members must be citizens of  
27 the United States and residents of this state. Members must be  
28 licensed chiropractors for a period of five years before appointment.  
29 Public members of the commission may not be a member of any other  
30 health care licensing board or commission, or have a fiduciary  
31 obligation to a facility rendering health services regulated by the  
32 commission, or have a material or financial interest in the rendering  
33 of health services regulated by the commission.

34 NEW SECTION. **Sec. 207.** A new section is added to chapter 18.25  
35 RCW to read as follows:

1 COMMISSION--DUTIES AND POWERS. The commission shall elect a  
2 chairperson, vice-chairperson, and secretary each year. Meetings of  
3 the commission are open to the public, except that the commission may  
4 hold executive sessions to the extent permitted by chapter 42.30 RCW.  
5 The secretary of health shall furnish such secretarial, clerical, and  
6 other assistance as the commission may require.

7 Each member of the commission shall be compensated in accordance  
8 with RCW 43.03.240. Members shall be reimbursed for travel expenses  
9 incurred in the actual performance of their duties, as provided in RCW  
10 43.03.050 and 43.03.060.

11 A majority of the commission members appointed and serving  
12 constitutes a quorum for the transaction of commission business. The  
13 affirmative vote of a majority of a quorum of the commission is  
14 required to carry a motion or resolution, to adopt a rule, or to pass  
15 a measure.

16 The commission may appoint members of panels of at least three  
17 members. A quorum for transaction of any business by a panel is a  
18 minimum of three members. A majority vote of a quorum of the panel is  
19 required to transact business delegated to it by the commission.

20 The members of the commission are immune from suit in an action,  
21 civil or criminal, based upon its disciplinary proceedings or other  
22 official acts performed in good faith as members of the commission.

23 The commission may, whenever the workload of the commission  
24 requires, request that the secretary appoint pro tempore members.  
25 While serving as members pro tempore persons have all the powers,  
26 duties, and immunities, and are entitled to the emoluments, including  
27 travel expenses, of the commission.

28 The commission shall prepare or determine the nature of the  
29 examinations for applicants to practice chiropractic.

30 **Sec. 208.** RCW 18.25.019 and 1987 c 150 s 12 are each amended to  
31 read as follows:

32 The Uniform Disciplinary Act, chapter 18.130 RCW, governs  
33 unlicensed practice ~~((and))~~, the issuance and denial of licenses, and  
34 the discipline of licensees under this chapter.

35 **Sec. 209.** RCW 18.25.020 and 1991 c 3 s 38 are each amended to read  
36 as follows:



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

25 (2) There shall be paid to the secretary by each applicant for a  
26 license, a fee determined by the secretary as provided in RCW 43.70.250  
27 which shall accompany application and a fee determined by the secretary  
28 as provided in RCW 43.70.250, which shall be paid upon issuance of  
29 license. Like fees shall be paid for any subsequent examination and  
30 application.

31 **Sec. 210.** RCW 18.25.025 and 1980 c 51 s 3 are each amended to read  
32 as follows:

33 The ((board)) commission shall have authority to grant  
34 accreditation to chiropractic schools and colleges.

35 The ((board)) commission shall have authority to adopt educational  
36 standards which may include standards of any accreditation agency  
37 recognized by the office of education of the department of health and  
38 human services or its successor agency, or any portion of such

1 standards, as the ((board's)) commission's standards: PROVIDED, That  
2 such standards, so adopted, shall contain, as a minimum of on-campus  
3 instruction in chiropractic, the following: Principles of  
4 chiropractic, two hundred hours; adjustive technique, four hundred  
5 hours; spinal roentgenology, one hundred seventy-five hours;  
6 symptomatology and diagnosis, four hundred twenty-five hours; clinic,  
7 six hundred twenty-five hours: PROVIDED FURTHER, That such standards  
8 shall not mandate, as a requirement for either graduation or  
9 accreditation, or include in the computation of hours of chiropractic  
10 instruction required by this section, instruction in the following:  
11 Mechanotherapy, physiotherapy, acupuncture, acupressure, or any other  
12 therapy.

13 The ((board)) commission shall approve and accredit chiropractic  
14 colleges and schools which apply for ((board)) commission accreditation  
15 and approval and which meet to the ((board's)) commission's  
16 satisfaction the educational standards adopted by the ((board))  
17 commission. It shall be the responsibility of the college to apply for  
18 accreditation and approval, and of a student to ascertain whether a  
19 college or school has been accredited or approved by the ((board))  
20 commission.

21 The ((board)) commission shall have authority to engage assistants  
22 in the giving of examinations called for under this chapter.

23 **Sec. 211.** RCW 18.25.030 and 1989 c 258 s 4 are each amended to  
24 read as follows:

25 Examinations for license to practice chiropractic shall be made by  
26 the ~~((board of chiropractic examiners))~~ commission according to the  
27 method deemed by it to be the most practicable and expeditious to test  
28 the applicant's qualifications. Such application shall be designated  
29 by a number instead of his or her name, so that the identity shall not  
30 be discovered or disclosed to the members of the ~~((examining~~  
31 ~~committee))~~ commission until after the examination papers are graded.

32 All examinations shall be in whole or in part in writing, the  
33 subject of which shall be as follows: Anatomy, physiology, spinal  
34 anatomy, microbiology-public health, general diagnosis,  
35 neuromuscularskeletal diagnosis, x-ray, principles of chiropractic and  
36 adjusting, as taught by chiropractic schools and colleges. ~~((The board~~  
37 ~~shall administer a practical examination to applicants which shall~~  
38 ~~consist of diagnosis, principles and practice, x ray, and adjustive~~

1 ~~technique consistent with chapter 18.25 RCW.))~~ A license shall be  
2 granted to all applicants whose score over each subject tested is  
3 seventy-five percent. The ~~((board))~~ commission may enact additional  
4 requirements for testing administered by the national board of  
5 chiropractic examiners.

6 **Sec. 212.** RCW 18.25.035 and 1971 ex.s. c 227 s 5 are each amended  
7 to read as follows:

8 The ~~((board))~~ commission may, in its discretion, waive any  
9 examination required by this chapter of persons applying for a license  
10 to practice chiropractic if, in its opinion, the applicant has  
11 successfully passed an examination conducted by the national board of  
12 chiropractic examiners of the United States that is of equal or greater  
13 difficulty than the examination being waived by the ~~((board))~~  
14 commission.

15 **Sec. 213.** RCW 18.25.040 and 1991 c 320 s 8 are each amended to  
16 read as follows:

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

26 **Sec. 214.** RCW 18.25.070 and 1991 c 3 s 40 are each amended to read  
27 as follows:

28 (1) Every person practicing chiropractic shall, as a prerequisite  
29 to annual renewal of license, submit to the secretary at the time of  
30 application therefor, satisfactory proof showing attendance of at least  
31 twenty-five hours during the preceding twelve-month period, at one or  
32 more chiropractic symposiums which are recognized and approved by the  
33 ~~((board of chiropractic examiners:—PROVIDED, That the board))~~  
34 commission. The commission may, for good cause shown, waive said  
35 attendance. The following guidelines for such symposiums shall apply:

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

6 (b) The ~~((board))~~ commission shall adopt standards for distribution  
7 of annual continuing education credit requirements;

8 (c) Rules shall be adopted by the ~~((board))~~ commission for  
9 licensees practicing and residing outside the state who shall meet all  
10 requirements established by rule of the ~~((board by rules and~~  
11 ~~regulations))~~ commission.

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

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

35 **Sec. 215.** RCW 18.25.075 and 1991 c 3 s 41 are each amended to read  
36 as follows:

1 (1) An individual may place his or her license on inactive status.  
2 The holder of an inactive license shall not practice chiropractic in  
3 this state without first activating the license.

4 (2) The inactive renewal fee shall be established by the secretary  
5 pursuant to RCW 43.70.250. Failure to renew an inactive license shall  
6 result in cancellation in the same manner as an active license.

7 (3) An inactive license may be placed in an active status upon  
8 compliance with the rules established by the ((board)) commission.

9 (4) The provisions relating to the denial, suspension, and  
10 revocation of a license shall be applicable to an inactive license,  
11 except that when proceedings to suspend or revoke an inactive license  
12 have been initiated, the license shall remain inactive until the  
13 proceedings have been completed.

14 NEW SECTION. Sec. 216. A new section is added to chapter 18.25  
15 RCW to read as follows:

16 (1) In addition to those acts defined in chapter 18.130 RCW, the  
17 term "unprofessional conduct" as used in this chapter includes failing  
18 to differentiate chiropractic care from any and all other methods of  
19 healing at all times.

20 (2) Proceedings involving alleged unprofessional conduct shall be  
21 prosecuted by the attorney general upon the direction of the  
22 commission.

23 **Sec. 217.** RCW 18.25.180 and 1991 c 222 s 9 are each amended to  
24 read as follows:

25 (1) A chiropractor may employ a technician to operate x-ray  
26 equipment after the technician has registered with the ((board))  
27 commission.

28 (2) The ((board)) commission may adopt rules necessary and  
29 appropriate to carry out the purposes of this section.

30 **Sec. 218.** RCW 18.25.190 and 1991 c 320 s 10 are each amended to  
31 read as follows:

32 Nothing in this chapter shall be construed to prohibit:

33 (1) The temporary practice in this state of chiropractic by any  
34 chiropractor licensed by another state, territory, or country in which  
35 he or she resides. However, the chiropractor shall not establish a  
36 practice open to the general public and shall not engage in temporary

1 practice under this section for a period longer than thirty days. The  
2 chiropractor shall register his or her intention to engage in the  
3 temporary practice of chiropractic in this state with the (~~board of~~  
4 ~~chiropractic examiners~~) commission before engaging in the practice of  
5 chiropractic, and shall agree to be bound by such conditions as may be  
6 prescribed by rule by the (~~board~~) commission.

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

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

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

31 Any provision of chiropractic services by any individual under  
32 subsection (1), (2), (3), or (4) of this section shall be subject to  
33 the jurisdiction of the (~~chiropractic disciplinary board~~) commission  
34 as provided in chapters 18.26 and 18.130 RCW.

35 NEW SECTION. Sec. 219. A new section is added to chapter 18.25  
36 RCW to read as follows:

37 The commission is the successor in interest of the board of  
38 chiropractic examiners, the chiropractic disciplinary board, and the

1 chiropractic peer review committee. All contracts, undertakings,  
2 agreements, rules, regulations, and policies of those bodies continue  
3 in full force and effect on the effective date of this act, unless  
4 otherwise repealed or rejected by chapter . . . , Laws of 1994 (this  
5 act) or by the commission.

6 NEW SECTION. **Sec. 220.** RCW 18.25.130, 18.25.140, 18.25.150,  
7 18.25.160, and 18.25.170 are each recodified within chapter 18.25 RCW  
8 between RCW 18.25.019 and 18.25.020.

9 NEW SECTION. **Sec. 221.** The following acts or parts of acts are  
10 each repealed:

11 (1) RCW 18.25.015 and 1989 c 258 s 1, 1984 c 279 s 49, 1980 c 51 s  
12 1, 1965 ex.s. c 50 s 1, & 1959 c 53 s 1;

13 (2) RCW 18.25.016 and 1989 c 258 s 13;

14 (3) RCW 18.25.017 and 1991 c 3 s 37, 1986 c 259 s 23, 1984 c 287 s  
15 27, 1975-'76 2nd ex.s. c 34 s 32, 1974 ex.s. c 97 s 8, & 1959 c 53 s 2;

16 (4) RCW 18.25.120 and 1974 ex.s. c 97 s 1;

17 (5) RCW 18.26.010 and 1989 c 258 s 7 & 1967 c 171 s 1;

18 (6) RCW 18.26.020 and 1991 c 3 s 43, 1989 c 258 s 8, & 1967 c 171  
19 s 2;

20 (7) RCW 18.26.028 and 1987 c 150 s 13 & 1986 c 259 s 22;

21 (8) RCW 18.26.030 and 1986 c 259 s 25, 1979 ex.s. c 111 s 17, 1975  
22 1st ex.s. c 39 s 1, 1974 ex.s. c 97 s 12, & 1967 c 171 s 3;

23 (9) RCW 18.26.040 and 1989 c 258 s 9 & 1980 c 46 s 1;

24 (10) RCW 18.26.050 and 1991 c 3 s 44, 1979 c 158 s 21, & 1967 c 171  
25 s 5;

26 (11) RCW 18.26.060 and 1967 c 171 s 6;

27 (12) RCW 18.26.070 and 1991 c 3 s 45, 1984 c 287 s 28, & 1980 c 46  
28 s 2;

29 (13) RCW 18.26.080 and 1967 c 171 s 8;

30 (14) RCW 18.26.090 and 1989 c 258 s 11 & 1967 c 171 s 9;

31 (15) RCW 18.26.110 and 1986 c 259 s 26, 1975 1st ex.s. c 39 s 2, &  
32 1967 c 171 s 11;

33 (16) RCW 18.26.320 and 1991 c 320 s 1;

34 (17) RCW 18.26.330 and 1991 c 320 s 2;

35 (18) RCW 18.26.340 and 1991 c 320 s 3;

36 (19) RCW 18.26.350 and 1991 c 320 s 4;

37 (20) RCW 18.26.360 and 1991 c 320 s 5;

- 1 (21) RCW 18.26.370 and 1991 c 320 s 6;  
2 (22) RCW 18.26.380 and 1991 c 320 s 7;  
3 (23) RCW 18.26.390 and 1991 c 320 s 11; and  
4 (24) RCW 18.26.900 and 1967 c 171 s 31.

5 **DENTAL**

6 NEW SECTION. **Sec. 301.** A new section is added to chapter 18.32  
7 RCW to read as follows:

8 The legislature finds that the health and well-being of the people  
9 of this state are of paramount importance.

10 The legislature further finds that the conduct of members of the  
11 dental profession licensed to practice dentistry in this state plays a  
12 vital role in preserving the health and well-being of the people of the  
13 state.

14 The legislature further finds that there is no effective means of  
15 handling disciplinary proceedings against members of the dental  
16 profession licensed in this state when such proceedings are necessary  
17 for the protection of the public health.

18 Therefore, the legislature declares its intention to exercise the  
19 police power of the state to protect the public health, to promote the  
20 welfare of the state, and to provide a commission to act as a  
21 disciplinary and regulatory body for the members of the dental  
22 profession licensed to practice dentistry in this state.

23 It is the purpose of the commission established in section 304 of  
24 this act to regulate the competency and quality of professional health  
25 care providers under its jurisdiction by establishing, monitoring, and  
26 enforcing qualifications for licensure, consistent standards of  
27 practice, continuing competency mechanisms, and discipline. Rules,  
28 policies, and procedures developed by the commission must promote the  
29 delivery of quality health care to the residents of the state.

30 **Sec. 302.** RCW 18.32.010 and 1991 c 3 s 58 are each amended to read  
31 as follows:

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



1 dental quality assurance commission; and the term "secretary" shall  
2 mean the secretary of health of the state of Washington.

3 **Sec. 303.** RCW 18.32.030 and 1991 c 3 s 59 are each amended to read  
4 as follows:

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

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

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

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

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

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

31 (6) The making, repairing, altering, or supplying of artificial  
32 restorations, substitutions, appliances, or materials for the  
33 correction of disease, loss, deformity, malposition, dislocation,  
34 fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or  
35 associated tissues or parts; providing the same are made, repaired,  
36 altered, or supplied pursuant to the written instructions and order of  
37 a licensed dentist which may be accompanied by casts, models, or  
38 impressions furnished by the dentist, and the prescriptions shall be

1 retained and filed for a period of not less than three years and shall  
2 be available to and subject to the examination of the secretary or the  
3 secretary's authorized representatives;

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

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

11 (9) The performing of dental operations or services by persons not  
12 licensed under this chapter when performed under the supervision of a  
13 licensed dentist: PROVIDED HOWEVER, That such nonlicensed person shall  
14 in no event perform the following dental operations or services unless  
15 permitted to be performed by the person under this chapter or chapters  
16 18.29, 18.57, 18.71, and 18.88 RCW:

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

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

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

25 (d) Any oral prophylaxis;

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

29 NEW SECTION. **Sec. 304.** A new section is added to chapter 18.32  
30 RCW to read as follows:

31 COMMISSION ESTABLISHED--MEMBERS APPOINTED. The Washington state  
32 dental quality assurance commission is established, consisting of  
33 fifteen members each appointed by the governor to a four-year term. No  
34 member may serve more than two consecutive full terms. In appointing  
35 the initial members of the commission, it is the intent of the  
36 legislature that, to the extent possible, members of the previous  
37 boards and committees regulating these professions be appointed to the  
38 commission. Members of the commission hold office until their

1 successors are appointed. The governor may appoint members of the  
2 initial commission to staggered terms of from one to four years.  
3 Thereafter, all members shall be appointed to full four-year terms.  
4 Twelve members of the commission must be dentists, two members must be  
5 public members, and one nonvoting member must be a licensed dental  
6 hygienist.

7 NEW SECTION. **Sec. 305.** A new section is added to chapter 18.32  
8 RCW to read as follows:

9 COMMISSION--REMOVAL OF MEMBERS--VACANCIES. The governor may remove  
10 a member of the commission for neglect of duty, misconduct, or  
11 malfeasance or misfeasance in office. Whenever the governor is  
12 satisfied that a member of the commission has been guilty of neglect of  
13 duty, misconduct, or malfeasance or misfeasance in office, the governor  
14 shall file with the secretary of state a statement of the causes for  
15 and the order of removal from office, and the secretary shall forthwith  
16 send a certified copy of the order of removal and statement of causes  
17 by certified mail to the last known post office address of the member.  
18 If a vacancy occurs on the commission, the governor shall appoint a  
19 replacement to fill the remainder of the unexpired term.

20 NEW SECTION. **Sec. 306.** A new section is added to chapter 18.32  
21 RCW to read as follows:

22 COMMISSION--QUALIFICATIONS OF MEMBERS. Members must be citizens of  
23 the United States and residents of this state. Dentist members must be  
24 licensed dentists in the active practice of dentistry for a period of  
25 five years before appointment. Of the twelve dentists appointed to the  
26 commission, at least four must reside and engage in the active practice  
27 of dentistry east of the summit of the Cascade mountain range. Public  
28 members of the commission may not be a member of any other health care  
29 licensing board or commission, or have a fiduciary obligation to a  
30 facility rendering health services regulated by the commission, or have  
31 a material or financial interest in the rendering of health services  
32 regulated by the commission. The dental hygienist member must be in  
33 the active practice of dental hygiene in this state for a period of  
34 five years before appointment to the commission, and at the time of  
35 initial appointment, be a member of the Washington state dental hygiene  
36 examining committee. No person is eligible to appointment to the

1 commission who is in any way connected with a dental college or dental  
2 department of an institution of learning.

3 NEW SECTION. **Sec. 307.** A new section is added to chapter 18.32  
4 RCW to read as follows:

5 COMMISSION--DUTIES AND POWERS. The commission shall elect a  
6 chairperson, vice-chairperson, and secretary each year. Meetings of  
7 the commission are open to the public, except the commission may hold  
8 executive sessions to the extent permitted by chapter 42.30 RCW. The  
9 secretary of health shall furnish such secretarial, clerical, and other  
10 assistance as the commission may require.

11 A majority of the commission members appointed and serving  
12 constitutes a quorum for the transaction of commission business. The  
13 affirmative vote of a majority of a quorum of the commission is  
14 required to carry a motion or resolution, to adopt a rule, or to pass  
15 a measure.

16 The commission may appoint members of panels consisting of not less  
17 than three members. A quorum for transaction of any business shall be  
18 a minimum of three members. A majority vote of a quorum of the panel  
19 is required to transact business delegated to it by the commission.

20 The members of the commission are immune from suit in an action,  
21 civil or criminal, based upon its disciplinary proceedings or other  
22 official acts performed in good faith as members of the commission.

23 The commission may, whenever the workload of the commission  
24 requires, request that the secretary appoint pro tempore members.  
25 While serving as members pro tempore persons have all the powers,  
26 duties, and immunities, and are entitled to the emoluments, including  
27 travel expenses, of the commission.

28 The commission shall prepare or determine the nature of the  
29 examinations for applicants to practice dentistry.

30 The attorney general shall advise the commission and represent it  
31 in all legal proceedings.

32 NEW SECTION. **Sec. 308.** A new section is added to chapter 18.32  
33 RCW to read as follows:

34 Each member of the commission shall be compensated in accordance  
35 with RCW 43.03.240. Members shall be reimbursed for travel expenses  
36 incurred in the actual performance of their duties, as provided in RCW  
37 43.03.050 and 43.03.060. Commission members shall be compensated and

1 reimbursed for their activities in developing or administering a  
2 multistate licensing examination, as provided in this chapter.

3 NEW SECTION. **Sec. 309.** A new section is added to chapter 18.32  
4 RCW to read as follows:

5 The commission may contract with competent persons on a temporary  
6 basis to assist in developing or administering examinations for  
7 licensure.

8 The commission may enter into compacts and agreements with other  
9 states and with organizations formed by several states, for the purpose  
10 of conducting multistate licensing examinations. The commission may  
11 enter into the compacts and agreements even though they would result in  
12 the examination of a candidate for a license in this state by an  
13 examiner or examiners from another state or states, and even though the  
14 compacts and agreements would result in the examination of a candidate  
15 or candidates for a license in another state or states by an examiner  
16 or examiners from this state.

17 NEW SECTION. **Sec. 310.** A new section is added to chapter 18.32  
18 RCW to read as follows:

19 The commission may adopt rules in accordance with chapter 34.05 RCW  
20 to implement this chapter and chapter 18.130 RCW.

21 **Sec. 311.** RCW 18.32.040 and 1991 c 3 s 61 are each amended to read  
22 as follows:

23 The ((board)) commission shall require that every applicant for a  
24 license to practice dentistry shall:

25 (1) Present satisfactory evidence of graduation from a dental  
26 college, school, or dental department of an institution approved by the  
27 ((board)) commission;

28 (2) Submit, for the files of the ((board)) commission, a recent  
29 picture duly identified and attested; and

30 (3) Pass an examination prepared or approved by and administered  
31 under the direction of the ((board)) commission. The dentistry  
32 licensing examination shall consist of practical and written tests upon  
33 such subjects and of such scope as the ((board)) commission determines.  
34 The ((board)) commission may accept, in lieu of all or part of a  
35 written examination, a certificate granted by a national or regional  
36 testing organization approved by the ((board)) commission. The

1 ((board)) commission shall set the standards for passing the  
2 examination. The secretary shall keep on file the examination papers  
3 and records of examination for at least one year. This file shall be  
4 open for inspection by the applicant or the applicant's agent unless  
5 the disclosure will compromise the examination process as determined by  
6 the ((board)) commission or is exempted from disclosure under RCW  
7 42.17.250 through 42.17.340.

8 **Sec. 312.** RCW 18.32.050 and 1984 c 287 s 30 are each amended to  
9 read as follows:

10 ~~((The members of the board shall each be compensated in accordance~~  
11 ~~with RCW 43.03.240 and shall be reimbursed for travel expenses incurred~~  
12 ~~in attending the meetings of the board in accordance with RCW 43.03.050~~  
13 ~~and 43.03.060.—Board)) Commission members shall be compensated and  
14 reimbursed pursuant to this section for their activities in  
15 administering a multi-state licensing examination pursuant to the  
16 ((board's)) commission's compact or agreement with another state or  
17 states or with organizations formed by several states(~~(:—PROVIDED,~~  
18 ~~That any)).~~ Compensation or reimbursement received by a ((board))  
19 commission member from another state, or organization formed by several  
20 states, for such member's services in administering a multi-state  
21 licensing examination, shall be deposited in the state general fund.~~

22 **Sec. 313.** RCW 18.32.100 and 1991 c 3 s 62 are each amended to read  
23 as follows:

24 The applicant for a dentistry license shall file an application on  
25 a form furnished by the secretary, stating the applicant's name, age,  
26 place of residence, the name of the school or schools attended by the  
27 applicant, the period of such attendance, the date of the applicant's  
28 graduation, whether the applicant has ever been the subject of any  
29 disciplinary action related to the practice of dentistry, and shall  
30 include a statement of all of the applicant's dental activities. This  
31 shall include any other information deemed necessary by the ((board))  
32 commission.

33 The application shall be signed by the applicant and sworn to by  
34 the applicant before some person authorized to administer oaths, and  
35 shall be accompanied by proof of the applicant's school attendance and  
36 graduation.

1       **Sec. 314.** RCW 18.32.120 and 1991 c 3 s 64 are each amended to read  
2 as follows:

3       When the application and the accompanying proof are found  
4 satisfactory, the secretary shall notify the applicant to appear before  
5 the ((board)) commission at a time and place to be fixed by the  
6 ((board)) commission.

7       The examination papers, and all grading thereon, and the grading of  
8 the practical work, shall be preserved for a period of not less than  
9 one year after the ((board)) commission has made and published its  
10 decisions thereon. All examinations shall be conducted by the  
11 ((board)) commission under fair and wholly impartial methods.

12       Any applicant who fails to make the required grade by his or her  
13 fourth examination may be reexamined only under rules adopted by the  
14 ((board)) commission.

15       Applicants for examination or reexamination shall pay a fee as  
16 determined by the secretary as provided in RCW 43.70.250.

17       **Sec. 315.** RCW 18.32.160 and 1991 c 3 s 65 are each amended to read  
18 as follows:

19       All licenses issued by the secretary on behalf of the ((board))  
20 commission shall be signed by the secretary or chairperson and  
21 secretary of the ((board)) commission.

22       **Sec. 316.** RCW 18.32.180 and 1991 c 3 s 67 are each amended to read  
23 as follows:

24       (1) Every person licensed to practice dentistry in this state shall  
25 register with the secretary, and pay a renewal registration fee  
26 determined by the secretary as provided in RCW 43.70.250. Any failure  
27 to register and pay the renewal registration fee renders the license  
28 invalid, and the practice of dentistry shall not be permitted. The  
29 license shall be reinstated upon written application to the secretary  
30 and payment to the state of a penalty fee determined by the secretary  
31 as provided in RCW 43.70.250, together with all delinquent license  
32 renewal fees.

33       (2) A person who fails to renew the license for a period of three  
34 years may not renew the license under subsection (1) of this section.  
35 In order to obtain a license to practice dentistry in this state, such  
36 a person shall file an original application as provided for in this  
37 chapter, along with the requisite fees. The ((board)) commission, in

1 its sole discretion, may permit the applicant to be licensed without  
2 examination, and with or without conditions, if it is satisfied that  
3 the applicant meets all the requirements for licensure in this state  
4 and is competent to engage in the practice of dentistry.

5 **Sec. 317.** RCW 18.32.190 and 1991 c 3 s 68 are each amended to read  
6 as follows:

7 Every person who engages in the practice of dentistry in this state  
8 shall cause his or her license to be, at all times, displayed in a  
9 conspicuous place, in his or her office wherein he or she shall  
10 practice such profession, and shall further, whenever requested,  
11 exhibit such license to any of the members of (~~said board~~) the  
12 commission, or its authorized agent, and to the secretary or his or her  
13 authorized agent. Every licensee shall notify the secretary of the  
14 address or addresses, and of every change thereof, where the licensee  
15 shall engage in the practice of dentistry.

16 **Sec. 318.** RCW 18.32.195 and 1992 c 59 s 1 are each amended to read  
17 as follows:

18 The (~~board~~) commission may, without examination, issue a license  
19 to persons who possess the qualifications set forth in this section.

20 (1) The (~~board~~) commission may, upon written request of the dean  
21 of the school of dentistry of the University of Washington, issue a  
22 license to practice dentistry in this state to persons who have been  
23 licensed or otherwise authorized to practice dentistry in another state  
24 or country and who have been accepted for employment by the school of  
25 dentistry as full-time faculty members. For purposes of this  
26 subsection, this means teaching members of the faculty of the school of  
27 dentistry of the University of Washington who are so employed on a one  
28 hundred percent of work time basis. Such license shall permit the  
29 holder thereof to practice dentistry within the confines of the  
30 university facilities for a period of one year while he or she is so  
31 employed as a full-time faculty member by the school of dentistry of  
32 the University of Washington. It shall terminate whenever the holder  
33 ceases to be such a full-time faculty member. Such license shall  
34 permit the holder thereof to practice dentistry only in connection with  
35 his or her duties in employment with the school of dentistry of the  
36 University of Washington. This limitation shall be stated on the  
37 license.



1       (2) The (~~board~~) commission may, upon written request of the dean  
2 of the school of dentistry of the University of Washington, issue a  
3 limited license to practice dentistry in this state to university  
4 residents in postgraduate dental education. The license shall permit  
5 the resident dentist to provide dental care only in connection with his  
6 or her duties as a university resident.

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

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

32       **Sec. 319.** RCW 18.32.215 and 1989 c 202 s 30 are each amended to  
33 read as follows:

34       An applicant holding a valid license and currently engaged in  
35 practice in another state may be granted a license without examination  
36 required by this chapter, on the payment of any required fees, if the  
37 (~~board~~) commission determines that the other state's licensing  
38 standards are substantively equivalent to the standards in this

1 state(~~(: PROVIDED, That)~~). The ((~~board~~)) commission may also require  
2 the applicant to: (1) File with the ((~~board~~)) commission documentation  
3 certifying the applicant is licensed to practice in another state; and  
4 (2) provide information as the ((~~board~~)) commission deems necessary  
5 pertaining to the conditions and criteria of the Uniform Disciplinary  
6 Act, chapter 18.130 RCW, and to demonstrate to the ((~~board~~)) commission  
7 a knowledge of Washington law pertaining to the practice of dentistry.

8 **Sec. 320.** RCW 18.32.534 and 1991 c 3 s 72 are each amended to read  
9 as follows:

10 (1) To implement an impaired dentist program as authorized by RCW  
11 18.130.175, the ((~~dental disciplinary board~~)) commission shall enter  
12 into a contract with a voluntary substance abuse monitoring program.  
13 The impaired dentist program may include any or all of the following:

14 (a) Contracting with providers of treatment programs;  
15 (b) Receiving and evaluating reports of suspected impairment from  
16 any source;

17 (c) Intervening in cases of verified impairment;

18 (d) Referring impaired dentists to treatment programs;

19 (e) Monitoring the treatment and rehabilitation of impaired  
20 dentists including those ordered by the ((~~board~~)) commission;

21 (f) Providing education, prevention of impairment, posttreatment  
22 monitoring, and support of rehabilitated impaired dentists; and

23 (g) Performing other related activities as determined by the  
24 ((~~board~~)) commission.

25 (2) A contract entered into under subsection (1) of this section  
26 shall be financed by a surcharge of up to fifteen dollars on each  
27 license issuance or renewal to be collected by the department of health  
28 from every dentist licensed under chapter 18.32 RCW. These moneys  
29 shall be placed in the health professions account to be used solely for  
30 the implementation of the impaired dentist program.

31 **Sec. 321.** RCW 18.32.640 and 1988 c 217 s 1 are each amended to  
32 read as follows:

33 (1) The ((~~board~~)) commission may adopt(~~(, amend, and rescind)~~) such  
34 rules as it deems necessary to carry out this chapter.

35 (2) The ((~~board~~)) commission may adopt rules governing  
36 administration of sedation and general anesthesia by persons licensed  
37 under this chapter, including necessary training, education, equipment,

1 and the issuance of any permits, certificates, or registration as  
2 required.

3 **Sec. 322.** RCW 18.32.655 and 1986 c 259 s 35 are each amended to  
4 read as follows:

5 The ~~((dental disciplinary board has the power and it shall be its  
6 duty to))~~ commission shall:

7 (1) Require licensed dentists to keep and maintain a copy of each  
8 laboratory referral instruction, describing detailed services rendered,  
9 for a period to be determined by the ~~((board))~~ commission but not more  
10 than three years, and ~~((to))~~ may require the production of all such  
11 records for examination by the ~~((board))~~ commission or its authorized  
12 representatives; and

13 (2) ~~((Promulgate))~~ Adopt reasonable rules ~~((and regulations))~~  
14 requiring licensed dentists to make, maintain, and produce for  
15 examination by the ~~((board))~~ commission or its authorized  
16 representatives such other records as may be reasonable and proper in  
17 the performance of its duties and enforcing the provisions of this  
18 chapter.

19 **Sec. 323.** RCW 18.32.665 and 1986 c 259 s 36 are each amended to  
20 read as follows:

21 It shall be unlawful for any person, firm, or corporation to  
22 publish, directly or indirectly, or circulate any fraudulent, false, or  
23 misleading statements within the state of Washington as to the skill or  
24 method of practice of any person or operator; or in any way to  
25 advertise in print any matter with a view of deceiving the public, or  
26 in any way that will tend to deceive or defraud the public; or to claim  
27 superiority over neighboring dental practitioners; or to publish  
28 reports of cases or certificates of same in any public advertising  
29 media; or to advertise as using any anesthetic, drug, formula,  
30 medicine, which is either falsely advertised or misnamed; or to employ  
31 "capper" or "steerers" to obtain patronage; and any person committing  
32 any offense against any of the provisions of this section shall, upon  
33 conviction, be subjected to such penalties as are provided in this  
34 chapter: PROVIDED, That any person licensed under this chapter may  
35 announce credit, terms of credit or installment payments that may be  
36 made at periodical intervals to apply on account of any dental service

1 rendered. The (~~dental disciplinary board~~) commission may adopt such  
2 rules as are necessary to carry out the intent of this section.

3 **Sec. 324.** RCW 18.32.745 and 1991 c 3 s 73 are each amended to read  
4 as follows:

5 No manager, proprietor, partnership, or association owning,  
6 operating, or controlling any room, office, or dental parlors, where  
7 dental work is done, provided, or contracted for, shall employ or  
8 retain any unlicensed person or dentist as an operator; nor shall fail,  
9 within ten days after demand made by the secretary of health(~~(  )~~) or  
10 the (~~state board of dental examiners, or the dental disciplinary~~  
11 ~~board~~) commission in writing sent by certified mail, addressed to any  
12 such manager, proprietor, partnership, or association at (~~said~~) the  
13 room, office, or dental parlor, to furnish the secretary of health(~~(  )~~)  
14 or the (~~state board of dental examiners, or the dental disciplinary~~  
15 ~~board~~) commission with the names and addresses of all persons  
16 practicing or assisting in the practice of dentistry in his or her  
17 place of business or under his or her control, together with a sworn  
18 statement showing by what license or authority (~~said~~) the persons are  
19 practicing dentistry.

20 The sworn statement shall not be used as evidence in any subsequent  
21 court proceedings, except in a prosecution for perjury connected with  
22 its execution.

23 Any violation of the provisions of this section (~~shall~~  
24 ~~constitute~~) is improper, unprofessional, and dishonorable conduct; it  
25 (~~shall~~) also (~~constitute~~) is grounds for injunction proceedings as  
26 provided by this chapter, and in addition (~~shall constitute~~) is a  
27 gross misdemeanor, except that the failure to furnish the information  
28 as may be requested in accordance with this section (~~shall~~  
29 ~~constitute~~) is a misdemeanor.

30 **Sec. 325.** RCW 18.32.755 and 1986 c 259 s 37 are each amended to  
31 read as follows:

32 Any advertisement or announcement for dental services must include  
33 for each office location advertised the names of all persons practicing  
34 dentistry at that office location.

35 Any violation of the provisions of this section (~~shall~~  
36 ~~constitute~~) is improper, unprofessional, and dishonorable conduct; it  
37 (~~shall~~) also (~~constitute~~) is grounds for injunction proceedings as

1 provided by RCW 18.130.190(~~(+2)~~) (4), and in addition (~~shall~~  
2 ~~constitute~~) is a gross misdemeanor.

3 NEW SECTION. Sec. 326. A new section is added to chapter 18.32  
4 RCW to read as follows:

5 The commission is the successor in interest of the board of dental  
6 examiners and the dental disciplinary board. All contracts,  
7 undertakings, agreements, rules, regulations, and policies continue in  
8 full force and effect on the effective date of this act, unless  
9 otherwise repealed or rejected by chapter ..., Laws of 1994 (this act)  
10 or by the commission.

11 NEW SECTION. Sec. 327. The following acts or parts of acts are  
12 each repealed:

13 (1) 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 (2) RCW 18.32.037 and 1991 c 3 s 60, 1989 c 202 s 15, & 1935 c 112  
16 s 3;

17 (3) RCW 18.32.042 and 1989 c 202 s 28;

18 (4) RCW 18.32.500 and 1989 c 202 s 24, 1986 c 259 s 39, & 1977  
19 ex.s. c 5 s 37;

20 (5) RCW 18.32.510 and 1977 ex.s. c 5 s 1;

21 (6) RCW 18.32.520 and 1991 c 3 s 71, 1989 c 202 s 25, 1986 c 259 s  
22 40, 1979 c 158 s 36, & 1977 ex.s. c 5 s 2;

23 (7) RCW 18.32.560 and 1984 c 279 s 51 & 1977 ex.s. c 5 s 6;

24 (8) RCW 18.32.570 and 1977 ex.s. c 5 s 7;

25 (9) RCW 18.32.580 and 1977 ex.s. c 5 s 8;

26 (10) RCW 18.32.590 and 1977 ex.s. c 5 s 9;

27 (11) RCW 18.32.600 and 1984 c 287 s 31 & 1977 ex.s. c 5 s 10;

28 (12) RCW 18.32.610 and 1977 ex.s. c 5 s 11; and

29 (13) RCW 18.32.620 and 1984 c 279 s 62 & 1977 ex.s. c 5 s 12.

30 **VISION CARE**

31 NEW SECTION. Sec. 401. LEGISLATIVE INTENT. The legislature finds  
32 that vision care practitioners provide a vital service that affects the  
33 health and welfare of the people of this state and should be regulated  
34 in the public interest and to ensure that practitioners are limited to

1 qualified persons licensed and authorized to practice under this  
2 chapter.

3 It is the purpose of the commission established under section 407  
4 of this act to regulate the competency and quality of professional  
5 health care providers under its jurisdiction by establishing,  
6 monitoring, and enforcing qualifications for licensing, consistent  
7 standards of practice, continuing competency mechanisms, and  
8 discipline. Rules, policies, and procedures developed by the  
9 commission must promote the delivery of quality health care to the  
10 residents of the state.

11 NEW SECTION. **Sec. 402.** DEFINITIONS. Unless the context clearly  
12 requires otherwise, the definitions set forth in this section apply  
13 throughout this chapter.

14 (1) "Apprentice" is a person registered by the secretary to a  
15 physician, optometrist, or dispensing optician for the purpose of  
16 obtaining training and direct supervision in the practice of a  
17 dispensing optician.

18 (2) "Commission" means the vision care quality assurance  
19 commission.

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

21 (4) "Dispensing optician" means a person licensed under this  
22 chapter to practice as a dispensing optician.

23 (5) "Optometrist" means a person licensed under this chapter to  
24 practice optometry.

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

28 (7) "Physician" is a person licensed under chapter 18.57 or 18.71  
29 RCW.

30 (8) "Secretary" means the secretary of health or the secretary's  
31 designee.

32 (9) "Vision care practitioner" means either a licensed dispensing  
33 optician or optometrist.

34 NEW SECTION. **Sec. 403.** OPTOMETRY--DEFINITION--SCOPE OF PRACTICE.

35 (1) The practice of optometry is defined as the examination of the  
36 human eye, the examination and ascertaining any defects of the human  
37 vision system, and the analysis of the process of vision. The practice

1 of optometry may include, but not necessarily be limited to, the  
2 following:

3 (a) The employment of objective or subjective means or methods  
4 including the use of drugs topically applied to the eye for diagnostic  
5 and therapeutic purposes by those licensed under this chapter and who  
6 meet the requirements of subsections (2) and (3) of this section, and  
7 the use of diagnostic instruments or devices for the examination or  
8 analysis of the human vision system, the measurement of the powers or  
9 range of human vision, or the determination of the refractive powers of  
10 the human eye or its functions in general;

11 (b) The prescription and provision of visual therapy, therapeutic  
12 aids, and other optical devices, and the treatment with topically  
13 applied drugs by those licensed under this chapter and who meet the  
14 requirements of subsections (2) and (3) of this section;

15 (c) The ascertainment of the perceptive, neural, muscular, or  
16 pathological condition of the visual system; and

17 (d) The adaptation of prosthetic eyes.

18 (2) Those persons using drugs for diagnostic purposes in the  
19 practice of optometry must have a minimum of sixty hours of didactic  
20 and clinical instruction in general and ocular pharmacology as applied  
21 to optometry, and for therapeutic purposes, an additional minimum of  
22 seventy-five hours of didactic and clinical instruction as established  
23 by the commission and certification from an institution of higher  
24 learning, accredited by those agencies recognized by the United States  
25 office of education or the council on postsecondary accreditation to  
26 qualify for certification by the commission to use drugs for  
27 diagnostic and therapeutic purposes. The courses are the fiscal  
28 responsibility of the participating and attending optometrist.

29 (3) The commission shall establish a schedule of drugs for  
30 diagnostic and treatment purposes limited to the practice of optometry,  
31 and no person licensed under this chapter may prescribe, dispense,  
32 purchase, possess, or administer drugs except as authorized and to the  
33 extent permitted by the commission.

34 (4) The commission shall develop a means of identification and  
35 verification of optometrists certified to use therapeutic drugs for the  
36 purpose of issuing prescriptions as authorized by this section.

37 NEW SECTION. **Sec. 404.** DISPENSING OPTICIAN. A dispensing  
38 optician is a person who prepares duplication of, or prepares and

1 dispenses lenses, spectacles, eyeglasses, or appurtenances to them on  
2 written prescriptions from physicians or optometrists, and in  
3 accordance with the prescriptions, measures, adapts, adjusts, and  
4 fabricates the lenses, spectacles, eyeglasses, or appurtenances to them  
5 to the human face for the aid or correction of visual or ocular  
6 anomalies of the human eye. However, contact lenses may be fitted only  
7 upon written prescription of a physician or optometrist.

8 NEW SECTION. **Sec. 405.** APPRENTICE. (1) A vision care  
9 practitioner shall not register more than two apprentices in the  
10 apprenticeship training program at one time.

11 (2) The vision care practitioner is responsible for the acts of his  
12 or her apprentices in the performance of their work in the  
13 apprenticeship program.

14 (3) An apprentice must complete the apprenticeship program within  
15 six years of the initial registration. An apprentice may request an  
16 extension from the secretary if the apprentice feels that unforeseen  
17 circumstances beyond his or her control prevented the apprentice from  
18 completing the program within the six-year period.

19 NEW SECTION. **Sec. 406.** EXEMPTIONS. Nothing in this chapter:

20 (1) Limits or restricts a duly licensed physician or optometrist or  
21 employees working under the personal supervision of a duly licensed  
22 physician or optometrist from the practices enumerated in this chapter  
23 that accrue to dispensing opticians licensed under this chapter, but  
24 this subsection does not permit a dispensing optician to practice  
25 optometry;

26 (2) Prohibits an unlicensed person from performing mechanical work  
27 upon inert matter in an optical office, laboratory, or shop;

28 (3) Prohibits an unlicensed person from engaging in the sale of  
29 spectacles, eyeglasses, magnifying glasses, goggles, sunglasses,  
30 telescopes, binoculars, or any such articles that are completely  
31 preassembled and sold only as merchandise;

32 (4) Authorizes or permits a dispensing optician to hold himself or  
33 herself out as being able to, or to offer to, or to undertake to  
34 attempt, by any manner of means, to examine or exercise the eyes,  
35 diagnose, treat, correct, relieve, operate, or prescribe for any human  
36 ailment, deficiency, deformity, disease, or injury.



1        NEW SECTION.    **Sec. 407.**    COMMISSION ESTABLISHED--MEMBERS APPOINTED.

2    The Washington state vision care quality assurance commission is  
3    established, consisting of nine members each appointed by the governor  
4    to a four-year term. No member may serve more than two consecutive  
5    full terms. In appointing the initial members of the commission, it is  
6    the intent of the legislature that, to the extent possible, members of  
7    the previous boards and committees regulating these professions be  
8    appointed to the commission. Members of the commission hold office  
9    until their successors are appointed. The governor may appoint members  
10   of the initial commissions to staggered terms of from one to four  
11   years. Thereafter, all members shall be appointed to full four-year  
12   terms.

13       NEW SECTION.    **Sec. 408.**    COMMISSION--REMOVAL OF MEMBERS--VACANCIES.

14   The governor may remove a member of the commission for neglect of duty,  
15   misconduct, or malfeasance or misfeasance in office. Whenever the  
16   governor is satisfied that a member of the commission has been guilty  
17   of neglect of duty, misconduct, or malfeasance or misfeasance in  
18   office, the governor shall file with the secretary of state a statement  
19   of the causes for and the order of removal from office, and the  
20   secretary shall forthwith send a certified copy of the order of removal  
21   and statement of causes by certified mail to the last known post office  
22   address of the member. If a vacancy occurs on the commission, the  
23   governor shall appoint a replacement to fill the remainder of the  
24   unexpired term.

25       NEW SECTION.    **Sec. 409.**    COMMISSION--QUALIFICATIONS FOR MEMBERS.

26   Members must be citizens of the United States and residents of this  
27   state, and no commission member may have a connection with a school or  
28   college embracing the teaching of optometry or opticianry or with an  
29   optical supply business. Three members must be licensed practicing  
30   optometrists for a period of four years before appointment; three  
31   members must be licensed practicing dispensing opticians for a period  
32   of four years before appointment; two members must be public members;  
33   and one nonvoting member must be a licensed practicing ophthalmologist  
34   who is a physician holding certification in that specialty from the  
35   American Academy of Ophthalmology. Public members of the commission  
36   may not be a member of any other health care licensing board or  
37   commission, or have a fiduciary obligation to a facility rendering

1 health services regulated by the commission, or have a material or  
2 financial interest in the rendering of health services regulated by the  
3 commission.

4 NEW SECTION. **Sec. 410.** COMMISSION--DUTIES AND POWERS. The  
5 commission shall elect a chairperson, vice-chairperson, and secretary  
6 each year. Meetings of the commission are open to the public, except  
7 that the commission may hold executive sessions to the extent permitted  
8 by chapter 42.30 RCW. The secretary of health shall furnish such  
9 secretarial, clerical, and other assistance as the commission may  
10 require.

11 Each member of the commission shall be compensated in accordance  
12 with RCW 43.03.240. Members shall be reimbursed for travel expenses  
13 incurred in the actual performance of their duties, as provided in RCW  
14 43.03.050 and 43.03.060.

15 A majority of the commission members appointed and serving  
16 constitutes a quorum for the transaction of commission business. The  
17 affirmative vote of a majority of a quorum of the commission is  
18 required to carry a motion or resolution, to adopt a rule, or to pass  
19 a measure.

20 The commission may appoint members of panels consisting of not less  
21 than three members. A quorum for transaction of any business is a  
22 minimum of three members. A majority vote of a quorum of the panel is  
23 required to transact business delegated to it by the commission.

24 The members of the commission are immune from suit in an action,  
25 civil or criminal, based upon its disciplinary proceedings or other  
26 official acts performed in good faith as members of the commission.

27 The commission may, whenever the workload of the commission  
28 requires, request that the secretary appoint pro tempore members.  
29 While serving as members pro tempore, persons have all the powers,  
30 duties, and immunities, and are entitled to the emoluments, including  
31 travel expenses, of the commission.

32 The commission shall prepare or determine the nature of the  
33 examinations for applicants for optometrist and dispensing optician  
34 licenses.

35 NEW SECTION. **Sec. 411.** LICENSE APPLICATIONS--ELIGIBILITY--  
36 QUALIFICATIONS. (1) Persons applying for licensing under this chapter  
37 must:

1 (a) Submit a completed application on forms provided by the  
2 department;

3 (b) Pay an application fee as determined by the secretary as  
4 provided in RCW 43.70.250;

5 (c) Be eighteen years of age or older;

6 (d) Be a graduate of a state-accredited high school or its  
7 equivalent;

8 (e) Be of good moral character;

9 (f) Have no contagious or infectious disease;

10 (g) Successfully complete an examination prepared and administered  
11 or approved for administration, or both, by the commission.

12 (2) Optometrists applying for licensing must, in addition to the  
13 requirements of subsection (1) of this section, meet the following  
14 requirements: Have a diploma or other certificate of completion from  
15 an accredited college of optometry or school of optometry, maintaining  
16 a course of four scholastic years in addition to preprofessional  
17 college level studies, and teaching substantially all of the following  
18 subjects: General anatomy, anatomy of the eyes, physiology, physics,  
19 chemistry, pharmacology, biology, bacteriology, general pathology,  
20 ocular pathology, ocular neurology, ocular mechanics, clinical  
21 optometry, visual field charting and orthoptics, general laws of optics  
22 and refraction, and use of the ophthalmoscope, retinoscope, and other  
23 clinical instruments necessary in the practice of optometry.

24 (3) Dispensing opticians applying for licensing must, in addition  
25 to the requirements of subsection (1) of this section, have either:

26 (a) Had at least three years of apprenticeship training;

27 (b) Successfully completed a prescribed course in opticianry in a  
28 college or university approved by the secretary; or

29 (c) Been principally engaged in practicing as a dispensing optician  
30 outside the state of Washington.

31 NEW SECTION. **Sec. 412.** LICENSE REQUIRED. It is a violation of  
32 RCW 18.130.190 for a person to practice or represent himself or herself  
33 as a vision care practitioner in this state without first obtaining a  
34 license under this chapter from the secretary.

35 NEW SECTION. **Sec. 413.** ANNUAL RENEWAL--FEE--REINSTATEMENT--  
36 PENALTY--CONTINUING EDUCATION. Each licensee under this chapter shall

1 pay an annual renewal registration fee determined by the secretary as  
2 provided in RCW 43.70.250, on the date prescribed by the secretary.

3 Failure to pay the annual renewal registration fee renders the  
4 license invalid, but the license shall be reinstated upon written  
5 application to the secretary as provided in RCW 43.70.250, together  
6 with all delinquent annual license renewal fees. In addition, the  
7 commission may adopt rules establishing mandatory continuing education  
8 or continuing competence requirements to be met by persons applying for  
9 license renewal.

10 NEW SECTION. **Sec. 414.** CREDENTIALING BY ENDORSEMENT. An  
11 applicant holding a credential in another state may be credentialed to  
12 practice in this state without examination if the commission determines  
13 that the other state's credentialing standards are substantially  
14 equivalent to the standards in this state.

15 NEW SECTION. **Sec. 415.** INTERIM PERMITS. The commission may, in  
16 its discretion, issue a permit to practice optometry during the interim  
17 between examinations, to a person who has filed an application for  
18 examination that has been accepted by the commission as admitting the  
19 applicant to the next examination. The permit is valid only until the  
20 date of the next examination and may not be issued sooner than thirty  
21 days after a regular examination. No permit may be issued to a person  
22 who has failed before the commission, nor where a certificate has been  
23 revoked.

24 NEW SECTION. **Sec. 416.** DISCIPLINING AUTHORITY. The Uniform  
25 Disciplinary Act, chapter 18.130 RCW, governs unlicensed practice, the  
26 issuance of licenses, and the discipline of licensees under this  
27 chapter.

28 The commission is the disciplining authority for optometrists  
29 licensed under this chapter. The secretary is the disciplining  
30 authority for dispensing opticians licensed under this chapter. The  
31 secretary may delegate by rule any powers or duties granted under this  
32 chapter or by law, to the commission.

33 NEW SECTION. **Sec. 417.** DISCIPLINARY ACTIONS--GROUNDS. The  
34 following are grounds for disciplinary action under chapter 18.130 RCW:

35 (1) Fraud or deceit used in securing a license;

1 (2) Unprofessional conduct of a nature likely to deceive or defraud  
2 the public;

3 (3) Employing either directly or indirectly a person or persons  
4 commonly known as "cappers" or "steerers" to obtain business;

5 (4) Employing a person to solicit from house to house, or to  
6 personally solicit from house to house;

7 (5) Placing or presenting an advertisement in which untruthful,  
8 improbable, or impossible statements are made regarding treatments,  
9 cures, or values; or

10 (6) Using the term "eye specialist" in connection with the name of  
11 the vision care practitioner.

12 NEW SECTION. **Sec. 418.** UNLAWFUL ACTS--OPTOMETRISTS. It is  
13 unlawful for an optometrist to:

14 (1) Sell or barter, or offer to sell or barter, a license issued by  
15 the secretary;

16 (2) Purchase or procure by barter a license with the intent to use  
17 it as evidence of the holder's qualification to practice optometry;

18 (3) Alter the license with fraudulent intent in a material regard;

19 (4) Use or attempt to use a license that has been purchased,  
20 fraudulently issued, counterfeited, or materially altered as a valid  
21 license;

22 (5) Practice optometry under a false or assumed name, or as a  
23 representative or agent of a person, firm, or corporation with which  
24 the licensee has no connection; but nothing in this chapter makes it  
25 unlawful for a licensed optometrist or association of licensed  
26 optometrists to practice optometry under the name of a lawfully  
27 licensed optometrist who may transfer by inheritance or otherwise the  
28 right to use the name;

29 (6) Barter or give away as premiums either on his or her own  
30 account or as agent or representative, any eyeglasses, spectacles,  
31 lenses, or frames;

32 (7) Use drugs in the practice of optometry, except those topically  
33 applied for diagnostic or therapeutic purposes;

34 (8) Use advertising, whether printed, radio, display, or of any  
35 other nature, that is misleading or inaccurate in a material  
36 particular, or misrepresents goods or services (including but without  
37 limitation, its use, trademark, grade quality, size, origin, substance,  
38 character, nature, finish, material, content, or preparation) or credit

1 terms, values, policies, services, or the nature or form of the  
2 business conducted;

3 (9) Advertise the "free examination of eyes," "free consultation,"  
4 "consultation without obligation," "free advice," or use words or  
5 phrases of similar import that convey the impression to the public that  
6 eyes are examined free, or are of a character tending to deceive or  
7 mislead the public, or are in the nature of "bait advertising";

8 (10) Use an advertisement of a frame or mounting that is not  
9 truthful in describing the frame or mounting and all of its component  
10 parts, or advertise a frame or mounting at a price, unless the  
11 advertisement contains a statement immediately following or adjacent to  
12 the advertised price, in type as large as that used for the price, that  
13 the price is for frame or mounting only, and does not include lenses,  
14 eye examination, and professional services; or advertise lenses or  
15 complete glasses, such as frame or mounting with lenses included, at a  
16 price either alone or in conjunction with professional services; or

17 (11) Use advertising, whether printed, radio, display, or of any  
18 other nature, that:

19 (a) Inaccurately lays claim to a policy or continuing practice of  
20 generally underselling competitors; or

21 (b) Refers inaccurately in any material particular to competitors  
22 or their goods, prices, values, credit terms, policies, or services; or

23 (c) States a definite amount of money as "down payment" and a  
24 definite amount of money as a subsequent payment, whether daily,  
25 weekly, monthly, or at the end of a period of time.

26 NEW SECTION. **Sec. 419.** UNLAWFUL ADVERTISING OF INDEMNITY  
27 BENEFITS. It is unlawful for a person licensed under this chapter to  
28 advertise to the effect that benefits in the form of indemnity will  
29 accrue to subscribers of health care service contracts for services  
30 performed by the licensee for a subscriber when the licensee is neither  
31 a health care service contractor nor a participant. A violation of  
32 this section is punishable as provided in chapter 18.130 RCW.

33 NEW SECTION. **Sec. 420.** DISCRIMINATION PROHIBITED--LEGISLATIVE  
34 FINDING AND DECLARATION. The legislature finds and declares that the  
35 costs of health care to the people are rising disproportionately to  
36 other costs and that there is a paramount concern that the right of the  
37 people to obtain access to health care in all its facets is being

1 impaired thereby. For this reason, the reliance on the mechanism of  
2 insurance, whether profit or nonprofit, is the only effective manner in  
3 which the large majority of the people can attain access to quality  
4 health care, and it is therefore declared to be in the public interest  
5 that health care insurance be regulated to assure that all the people  
6 have access to health care rendered by whatever means, and to the  
7 greatest extent possible. Sections 421 through 425 of this act,  
8 prohibiting discrimination against the legally recognized and vision  
9 care practitioners, are necessary in the interest of the public health,  
10 welfare, and safety.

11 NEW SECTION. **Sec. 421.** DISCRIMINATION PROHIBITED--ACCEPTANCE OF  
12 SERVICES BY STATE AGENCIES AND SUBDIVISIONS. Notwithstanding any  
13 other provision of law, the state and its political subdivisions shall  
14 accept the services of vision care practitioners for any service  
15 covered by their licenses with relation to any person receiving  
16 benefits, salaries, wages, or any other type of compensation from the  
17 state, its agencies, or subdivisions.

18 NEW SECTION. **Sec. 422.** DISCRIMINATION PROHIBITED--STATE AGENCIES  
19 AND SUBDIVISIONS--OFFICIALS AND EMPLOYEES. The state and its political  
20 subdivisions and all officials, agents, employees, or representatives  
21 of the state, are prohibited from discriminating against vision care  
22 practitioners in performing and receiving compensation for services  
23 covered by their licenses.

24 NEW SECTION. **Sec. 423.** DISCRIMINATION PROHIBITED--AGREEMENTS OR  
25 CONTRACTS BY STATE AND SUBDIVISIONS. Notwithstanding any other  
26 provision of law, the state and its political subdivisions, and all  
27 officials, agents, employees, or representatives of the state, are  
28 prohibited from entering into any agreement or contract with an  
29 individual, group, association, or corporation that discriminates  
30 against vision care practitioners in performing and receiving  
31 compensation for services covered by their licenses.

32 NEW SECTION. **Sec. 424.** DISCRIMINATION PROHIBITED--COSTS  
33 IMMATERIAL. Notwithstanding any other provision of law, for the  
34 purpose of sections 421 through 425 of this act it is immaterial

1 whether the cost of a policy, plan agreement, or contract is additional  
2 compensation for services, or otherwise.

3 NEW SECTION. **Sec. 425.** DISCRIMINATION PROHIBITED--APPLICATION OF  
4 LAW. Sections 421 through 425 of this act apply to all agreements,  
5 renewals, or contracts issued on or after the effective date of this  
6 act. Health care service contracts having a participant agreement with  
7 a majority of the vision care practitioners within its service area may  
8 provide benefits to persons or groups of persons through contracts that  
9 allow a subscriber to use on an equal participation basis the services  
10 of any participant provided in the contract, and such contracts must  
11 not be discriminatory.

12 NEW SECTION. **Sec. 426.** PRIVILEGED COMMUNICATIONS. The  
13 information and records of a vision care practitioner pertaining to a  
14 patient are privileged communications, the same as now or hereafter may  
15 exist in the relationship of physician and patient and shall not be  
16 released or subjected to disclosure without the consent of the patient  
17 or as otherwise required by law.

18 NEW SECTION. **Sec. 427.** VIOLATIONS--PENALTY. A person violating  
19 this chapter is guilty of a misdemeanor.

20 NEW SECTION. **Sec. 428.** COMMISSION--RULES--CONTINUATION IN EFFECT.  
21 The commission may adopt rules that are not inconsistent with the laws  
22 of this state as it determines are necessary to carry out the purpose  
23 of this chapter. The commission may adopt rules in accordance with  
24 chapter 34.05 RCW to implement this chapter.

25 The commission is the successor in interest of the examining board  
26 of dispensing opticians and the optometry board. All contracts,  
27 undertakings, agreements, rules, regulations, and policies of those  
28 boards continue in full force and effect on the effective date of this  
29 act, unless otherwise repealed or rejected by this chapter or by the  
30 commission.

31 NEW SECTION. **Sec. 429.** LEGISLATIVE DIRECTIVE. Sections 401  
32 through 428 of this act constitute a new chapter in Title 18 RCW.



1        NEW SECTION.    **Sec. 430.**    REPEALER.    The following acts or parts of  
2 acts are each repealed:

3        (1) RCW 18.34.010 and 1957 c 43 s 1;  
4        (2) RCW 18.34.020 and 1991 c 3 s 74, 1979 c 158 s 37, & 1957 c 43  
5 s 2;  
6        (3) RCW 18.34.030 and 1991 c 3 s 75 & 1957 c 43 s 3;  
7        (4) RCW 18.34.050 and 1984 c 287 s 32 & 1957 c 43 s 5;  
8        (5) RCW 18.34.060 and 1957 c 43 s 6;  
9        (6) RCW 18.34.070 and 1991 c 3 s 76, 1985 c 7 s 29, 1975 1st ex.s.  
10 c 30 s 34, 1971 ex.s. c 292 s 22, & 1957 c 43 s 7;  
11        (7) RCW 18.34.080 and 1991 c 3 s 77 & 1957 c 43 s 8;  
12        (8) RCW 18.34.110 and 1991 c 3 s 78 & 1957 c 43 s 11;  
13        (9) RCW 18.34.115 and 1991 c 332 s 33;  
14        (10) RCW 18.34.120 and 1991 c 3 s 79, 1984 c 279 s 52, 1975 1st  
15 ex.s. c 30 s 35, & 1957 c 43 s 12;  
16        (11) RCW 18.34.136 and 1987 c 150 s 19 & 1986 c 259 s 45;  
17        (12) RCW 18.34.141 and 1987 c 150 s 20;  
18        (13) RCW 18.34.900 and 1957 c 43 s 16;  
19        (14) RCW 18.53.005 and 1981 c 58 s 1 & 1975 1st ex.s. c 69 s 1;  
20        (15) RCW 18.53.010 and 1989 c 36 s 1, 1981 c 58 s 2, 1975 1st ex.s.  
21 c 69 s 2, & 1919 c 144 s 1;  
22        (16) RCW 18.53.021 and 1991 c 3 s 133 & 1987 c 150 s 38;  
23        (17) RCW 18.53.030 and 1986 c 259 s 80 & 1919 c 144 s 8;  
24        (18) RCW 18.53.035 and 1991 c 332 s 30;  
25        (19) RCW 18.53.040 and 1975 1st ex.s. c 69 s 15, 1937 c 155 s 3, &  
26 1919 c 144 s 15;  
27        (20) RCW 18.53.050 and 1991 c 3 s 134, 1985 c 7 s 51, 1983 c 168 s  
28 8, 1981 c 277 s 8, 1975 1st ex.s. c 30 s 56, 1971 ex.s. c 266 s 10,  
29 1955 c 275 s 1, & 1919 c 144 s 13;  
30        (21) RCW 18.53.055 and 1955 c 275 s 2;  
31        (22) RCW 18.53.060 and 1991 c 3 s 135, 1975 1st ex.s. c 69 s 4,  
32 1937 c 155 s 1, & 1919 c 144 s 5;  
33        (23) RCW 18.53.070 and 1991 c 3 s 136, 1985 c 7 s 52, & 1981 c 260  
34 s 5;  
35        (24) RCW 18.53.100 and 1991 c 3 s 137, 1986 c 259 s 81, 1975 1st  
36 ex.s. c 69 s 6, & 1919 c 144 s 11;  
37        (25) RCW 18.53.101 and 1987 c 150 s 36 & 1986 c 259 s 78;

1 (26) RCW 18.53.140 and 1991 c 3 s 138, 1989 c 36 s 2, 1986 c 259 s  
2 82, 1981 c 58 s 3, 1979 c 158 s 47, 1975 1st ex.s. c 69 s 7, 1945 c 78  
3 s 1, 1935 c 134 s 1, & 1919 c 144 s 7;  
4 (27) RCW 18.53.145 and 1969 c 143 s 2;  
5 (28) RCW 18.53.150 and 1986 c 259 s 83 & 1919 c 144 s 22;  
6 (29) RCW 18.53.160 and 1949 c 149 s 1;  
7 (30) RCW 18.53.165 and 1973 c 48 s 1;  
8 (31) RCW 18.53.170 and 1973 c 48 s 2;  
9 (32) RCW 18.53.175 and 1973 c 48 s 3;  
10 (33) RCW 18.53.180 and 1973 c 48 s 4;  
11 (34) RCW 18.53.185 and 1973 c 48 s 5;  
12 (35) RCW 18.53.190 and 1975 1st ex.s. c 69 s 8 & 1973 c 48 s 6;  
13 (36) RCW 18.53.200 and 1975 1st ex.s. c 69 s 14;  
14 (37) RCW 18.53.900 and 1919 c 144 s 20;  
15 (38) RCW 18.53.901 and 1973 c 48 s 7;  
16 (39) RCW 18.53.910 and 1919 c 144 s 18;  
17 (40) RCW 18.53.911 and 1975 1st ex.s. c 69 s 17;  
18 (41) RCW 18.53.912 and 1981 c 58 s 4;  
19 (42) RCW 18.53.920 and 1919 c 144 s 19;  
20 (43) RCW 18.54.010 and 1963 c 25 s 1;  
21 (44) RCW 18.54.020 and 1963 c 25 s 2;  
22 (45) RCW 18.54.030 and 1984 c 279 s 54 & 1963 c 25 s 3;  
23 (46) RCW 18.54.040 and 1963 c 25 s 4;  
24 (47) RCW 18.54.050 and 1991 c 3 s 139, 1989 c 175 s 65, 1979 c 158  
25 s 48, 1975 1st ex.s. c 69 s 9, & 1963 c 25 s 5;  
26 (48) RCW 18.54.060 and 1963 c 25 s 6;  
27 (49) RCW 18.54.070 and 1991 c 3 s 140, 1986 c 259 s 84, 1979 c 158  
28 s 49, 1975 1st ex.s. c 69 s 10, & 1963 c 25 s 7;  
29 (50) RCW 18.54.076 and 1987 c 150 s 37 & 1986 c 259 s 79;  
30 (51) RCW 18.54.090 and 1963 c 25 s 9;  
31 (52) RCW 18.54.130 and 1984 c 287 s 41, 1975-'76 2nd ex.s. c 34 s  
32 39, 1967 c 188 s 3, & 1963 c 25 s 13;  
33 (53) RCW 18.54.140 and 1991 c 3 s 141, 1983 c 168 s 9, 1979 c 158  
34 s 50, 1975 1st ex.s. c 69 s 12, & 1963 c 25 s 14;  
35 (54) RCW 18.54.150 and 1963 c 25 s 15;  
36 (55) RCW 18.54.900 and 1963 c 25 s 16;  
37 (56) RCW 18.54.910 and 1963 c 25 s 17; and  
38 (57) RCW 18.54.920 and 1963 c 25 s 18.

1 **MEDICAL**

2 NEW SECTION. Sec. 501. A new section is added to chapter 18.71  
3 RCW to read as follows:

4 It is the purpose of the medical quality assurance commission to  
5 regulate the competency and quality of professional health care  
6 providers under its jurisdiction by establishing, monitoring, and  
7 enforcing qualifications for licensing, consistent standards of  
8 practice, continuing competency mechanisms, and discipline. Rules,  
9 policies, and procedures developed by the commission must promote the  
10 delivery of quality health care to the residents of the state of  
11 Washington.

12 **Sec. 502.** RCW 18.71.010 and 1991 c 3 s 158 are each amended to  
13 read as follows:

14 The following terms used in this chapter shall have the meanings  
15 set forth in this section unless the context clearly indicates  
16 otherwise:

17 (1) (~~("Board" means the board of medical examiners)~~) "Commission"  
18 means the Washington state medical quality assurance commission.

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

20 (3) "Resident physician" means an individual who has graduated from  
21 a school of medicine which meets the requirements set forth in RCW  
22 18.71.055 and is serving a period of postgraduate clinical medical  
23 training sponsored by a college or university in this state or by a  
24 hospital accredited by this state. For purposes of this chapter, the  
25 term shall include individuals designated as intern or medical fellow.

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

28 **Sec. 503.** RCW 18.71.015 and 1991 c 44 s 1 and 1991 c 3 s 159 are  
29 each reenacted and amended to read as follows:

30 (~~(There is hereby created a board of medical examiners consisting  
31 of six individuals licensed to practice medicine in the state of  
32 Washington, one individual who is licensed as a physician assistant  
33 under chapter 18.71A RCW, and two individuals who are not physicians,  
34 to be known as the Washington state board of medical examiners.)~~) The  
35 Washington state medical quality assurance commission is established,  
36 consisting of thirteen individuals licensed to practice medicine in the

1 state of Washington under this chapter, two individuals who are  
2 licensed as physician assistants under chapter 18.71A RCW, and four  
3 individuals who are members of the public. Each congressional district  
4 now existing or hereafter created in the state must be represented by  
5 at least one physician member of the commission. The terms of office  
6 of members of the commission are not affected by changes in  
7 congressional district boundaries. Public members of the commission  
8 may not be a member of any other health care licensing board or  
9 commission, or have a fiduciary obligation to a facility rendering  
10 health services regulated by the commission, or have a material or  
11 financial interest in the rendering of health services regulated by the  
12 commission.

13 The ~~((board))~~ members of the commission shall be appointed by the  
14 governor. ~~((On expiration of the term of any member, the governor~~  
15 shall appoint for a period of five years an individual of similar  
16 qualifications to take the place of such member.)) Members of the  
17 initial commission may be appointed to staggered terms of one to four  
18 years, and thereafter all terms of appointment shall be for four years.  
19 The governor shall consider such physician and physician assistant  
20 members who are recommended for appointment by the appropriate  
21 professional associations in the state. In appointing the initial  
22 members of the commission, it is the intent of the legislature that, to  
23 the extent possible, the existing members of the board of medical  
24 examiners and medical disciplinary board repealed under section 536,  
25 chapter . . . , Laws of 1994 (this act) be appointed to the commission.  
26 No member may serve more than two consecutive full terms. Each member  
27 shall hold office until ~~((the expiration of the term for which such~~  
28 member is appointed or until)) a successor ~~((shall have been))~~ is  
29 appointed ~~((and shall have qualified))~~.

30 Each member of the ~~((board shall))~~ commission must be a citizen of  
31 the United States, must be an actual resident of this state, and, if a  
32 physician, must have been licensed to practice medicine in this state  
33 for at least five years.

34 The ~~((board))~~ commission shall meet as soon as practicable after  
35 appointment and elect a chair ~~((and)),~~ a vice-chair, and a secretary  
36 from its members. Meetings shall be held at least four times a year  
37 and at such place as the ~~((board shall))~~ commission determines and at  
38 such other times and places as the ~~((board))~~ commission deems  
39 necessary. A majority of the ~~((board))~~ commission members appointed

1 and serving (~~shall~~) constitutes a quorum for the transaction of  
2 (~~board~~) commission business.

3 (~~It shall require~~) The affirmative vote of a majority of a quorum  
4 of the (~~board~~) commission is required to carry any motion or  
5 resolution, to adopt any rule, or to pass any measure. The commission  
6 may appoint panels consisting of at least three members. A quorum for  
7 the transaction of any business by a panel is a minimum of three  
8 members. A majority vote of (~~the members appointed to a panel of the~~  
9 ~~board shall constitute~~) a quorum (~~for~~) of the panel is required to  
10 transact business delegated to it by the (~~board~~) commission.

11 Each member of the (~~board~~) commission shall be compensated in  
12 accordance with RCW 43.03.240 and in addition thereto shall be  
13 reimbursed for travel expenses incurred in carrying out the duties of  
14 the (~~board~~) commission in accordance with RCW 43.03.050 and  
15 43.03.060. Any such expenses shall be paid from funds appropriated to  
16 the department of health.

17 (~~Any member of the board may be removed by the governor for~~)  
18 Whenever the governor is satisfied that a member of a commission has  
19 been guilty of neglect of duty, misconduct, or malfeasance or  
20 misfeasance in office, the governor shall file with the secretary of  
21 state a statement of the causes for and the order of removal from  
22 office, and the secretary shall forthwith send a certified copy of the  
23 statement of causes and order of removal to the last known post office  
24 address of the member.

25 Vacancies in the membership of the (~~board~~) commission shall be  
26 filled for the unexpired term by appointment by the governor.

27 The members of the commission are immune from suit in an action,  
28 civil or criminal, based on its disciplinary proceedings or other  
29 official acts performed in good faith as members of the commission.

30 Whenever the workload of the commission requires, the commission  
31 may request that the secretary appoint pro tempore members of the  
32 commission. When serving, pro tempore members of the commission have  
33 all of the powers, duties, and immunities, and are entitled to all of  
34 the emoluments, including travel expenses, of regularly appointed  
35 members of the commission.

36 **Sec. 504.** RCW 18.71.017 and 1961 c 284 s 11 are each amended to  
37 read as follows:

1 The board may ~~((make))~~ adopt such rules ~~((and regulations))~~ as are  
2 not inconsistent with the laws of this state as may be determined  
3 necessary or proper to carry out the purposes of this chapter. The  
4 commission is the successor in interest of the board of medical  
5 examiners and the medical disciplinary board. All contracts,  
6 undertakings, agreements, rules, regulations, and policies continue in  
7 full force and effect on the effective date of this act, unless  
8 otherwise repealed or rejected by this chapter or by the commission.

9 **Sec. 505.** 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 discipline of licensees under this chapter.

14 **Sec. 506.** RCW 18.71.030 and 1990 c 196 s 12 and 1990 c 33 s 552  
15 are 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~~)  
5 commission, however, the performance of such services be only pursuant  
6 to a regular course of instruction or assignments from his or her  
7 instructor, or that such services are performed only under the  
8 supervision and control of a 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~~) commission,  
16 however, the performance of such services (~~shall~~) shall be only  
17 pursuant to a regular course of instruction in said program and such  
18 services are performed only under the supervision and control of a  
19 person licensed 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~~) commission, however, a  
30 dentist allowed to administer nondental anesthesia shall do so only  
31 under authorization of the patient's attending surgeon, obstetrician,  
32 or psychiatrist, and the (~~medical disciplinary board shall have~~)  
33 commission has jurisdiction to discipline a dentist practicing under  
34 this exemption and enjoin or suspend such dentist from the practice of  
35 nondental anesthesia according to (~~the provisions of chapter 18.72~~  
36 RCW) this chapter and chapter 18.130 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)) 18.--.--- (section 629  
7 of this act) and 28A.210.280.

8 **Sec. 507.** RCW 18.71.050 and 1991 c 3 s 161 are each amended to  
9 read as follows:

10 (1) Each applicant who has graduated from a school of medicine  
11 located in any state, territory, or possession of the United States,  
12 the District of Columbia, or the Dominion of Canada, shall file an  
13 application for licensure with the ((board)) commission on a form  
14 prepared by the secretary with the approval of the ((board))  
15 commission. Each applicant shall furnish proof satisfactory to the  
16 ((board)) commission of the following:

17 (a) That the applicant has attended and graduated from a school of  
18 medicine approved by the ((board)) commission;

19 (b) That the applicant has completed two years of postgraduate  
20 medical training in a program acceptable to the ((board)) commission,  
21 provided that applicants graduating before July 28, 1985, may complete  
22 only one year of postgraduate medical training;

23 (c) That the applicant is of good moral character; and

24 (d) That the applicant is physically and mentally capable of safely  
25 carrying on the practice of medicine. The ((board)) commission may  
26 require any applicant to submit to such examination or examinations as  
27 it deems necessary to determine an applicant's physical and/or mental  
28 capability to safely practice medicine.

29 (2) Nothing in this section shall be construed as prohibiting the  
30 ((board)) commission from requiring such additional information from  
31 applicants as it deems necessary. The issuance and denial of licenses  
32 are subject to chapter 18.130 RCW, the Uniform Disciplinary Act.

33 **Sec. 508.** RCW 18.71.051 and 1991 c 3 s 162 are each amended to  
34 read as follows:

35 Applicants for licensure to practice medicine who have graduated  
36 from a school of medicine located outside of the states, territories,  
37 and possessions of the United States, the District of Columbia, or the



1 Dominion of Canada, shall file an application for licensure with the  
2 ((~~board~~)) commission on a form prepared by the secretary with the  
3 approval of the ((~~board~~)) commission. Each applicant shall furnish  
4 proof satisfactory to the ((~~board~~)) commission of the following:

5 (1) That he or she has completed in a school of medicine a resident  
6 course of professional instruction equivalent to that required in this  
7 chapter for applicants generally;

8 (2) That he or she meets all the requirements which must be met by  
9 graduates of the United States and Canadian school of medicine except  
10 that he or she need not have graduated from a school of medicine  
11 approved by the ((~~board~~)) commission;

12 (3) That he or she has satisfactorily passed the examination given  
13 by the educational council for foreign medical graduates or has met the  
14 requirements in lieu thereof as set forth in rules ((~~and regulations~~))  
15 adopted by the ((~~board~~)) commission;

16 (4) That he or she has the ability to read, write, speak,  
17 understand, and be understood in the English language.

18 **Sec. 509.** RCW 18.71.055 and 1975 1st ex.s. c 171 s 8 are each  
19 amended to read as follows:

20 The ((~~board~~)) commission may approve any school of medicine which  
21 is located in any state, territory, or possession of the United States,  
22 the District of Columbia, or in the Dominion of Canada, provided that  
23 it:

24 (1) Requires collegiate instruction which includes courses deemed  
25 by the ((~~board~~)) commission to be prerequisites to medical education;

26 (2) Provides adequate instruction in the following subjects:  
27 Anatomy, biochemistry, microbiology and immunology, pathology,  
28 pharmacology, physiology, anaesthesiology, dermatology, gynecology,  
29 internal medicine, neurology, obstetrics, ((~~ophthalmology~~))  
30 ophthalmology, orthopedic surgery, otolaryngology, pediatrics, physical  
31 medicine and rehabilitation, preventive medicine and public health,  
32 psychiatry, radiology, surgery, and urology, and such other subjects  
33 determined by the ((~~board~~)) commission;

34 (3) Provides clinical instruction in hospital wards and out-patient  
35 clinics under guidance.

36 Approval may be withdrawn by the ((~~board~~)) commission at any time  
37 a medical school ceases to comply with one or more of the requirements  
38 of this section.

1 (4) Nothing in this section shall be construed to authorize the  
2 ((board)) commission to approve a school of osteopathy, osteopathy and  
3 surgery, or osteopathic medicine, for purposes of qualifying an  
4 applicant to be licensed under this chapter by direct licensure,  
5 reciprocity, or otherwise.

6 **Sec. 510.** RCW 18.71.060 and 1975 1st ex.s. c 171 s 9 are each  
7 amended to read as follows:

8 ((Said board)) The commission shall keep an official record of all  
9 its proceedings, a part of which record shall consist of a register of  
10 all applicants for licensure under this chapter, with the result of  
11 each application. ((Said)) The record shall be evidence of all the  
12 proceedings of ((said board which)) the commission that are set forth  
13 ((therein)) in it.

14 **Sec. 511.** RCW 18.71.070 and 1985 c 322 s 3 are each amended to  
15 read as follows:

16 With the exception of those applicants granted licensure through  
17 the provisions of RCW 18.71.090 or 18.71.095, applicants for licensure  
18 must successfully complete an examination administered by the ((board))  
19 commission to determine their professional qualifications. The  
20 ((board)) commission shall prepare and give, or approve the preparation  
21 and giving of, an examination which shall cover those general subjects  
22 and topics, a knowledge of which is commonly and generally required of  
23 candidates for the degree of doctor of medicine conferred by approved  
24 colleges or schools of medicine in the United States. Notwithstanding  
25 any other provision of law, the ((board shall have)) commission has the  
26 sole responsibility for determining the proficiency of applicants under  
27 this chapter, and, in so doing, may waive any prerequisite to licensure  
28 not set forth in this chapter.

29 The ((board)) commission may by rule establish the passing grade  
30 for the examination.

31 Examination results shall be part of the records of the ((board))  
32 commission and shall be permanently kept with the applicant's file.

33 **Sec. 512.** RCW 18.71.080 and 1991 c 195 s 1 and 1991 c 3 s 163 are  
34 each reenacted and amended to read as follows:

35 Every person licensed to practice medicine in this state shall  
36 register with the secretary of health annually, and pay an annual

1 renewal registration fee determined by the secretary as provided in RCW  
2 43.70.250. The ((board)) commission may establish rules governing  
3 mandatory continuing education requirements which shall be met by  
4 physicians applying for renewal of licenses. The rules ((and  
5 regulations)) shall provide that mandatory continuing education  
6 requirements may be met in part by physicians showing evidence of the  
7 completion of approved activities relating to professional liability  
8 risk management. Any failure to register and pay the annual renewal  
9 registration fee shall render the license invalid, but such license  
10 shall be reinstated upon written application therefor to the secretary,  
11 and payment to the state of a penalty fee determined by the secretary  
12 as provided in RCW 43.70.250, together with all delinquent annual  
13 license renewal fees: PROVIDED, HOWEVER, That any person who fails to  
14 renew the license for a period of three years, shall in no event be  
15 entitled to renew the license under this section. Such a person in  
16 order to obtain a license to practice medicine in this state, shall  
17 file an original application as provided for in this chapter, along  
18 with the requisite fee therefor. The ((board)) commission, in its sole  
19 discretion, may permit such applicant to be licensed without  
20 examination if it is satisfied that such applicant meets all the  
21 requirements for licensure in this state, and is competent to engage in  
22 the practice of medicine.

23 **Sec. 513.** RCW 18.71.085 and 1991 c 44 s 2 are each amended to read  
24 as follows:

25 The ((board)) commission may adopt rules pursuant to this section  
26 authorizing an inactive license status.

27 (1) An individual licensed pursuant to chapter 18.71 RCW may place  
28 his or her license on inactive status. The holder of an inactive  
29 license shall not practice medicine and surgery in this state without  
30 first activating the license.

31 (2) The inactive renewal fee shall be established by the secretary  
32 pursuant to RCW 43.70.250. Failure to renew an inactive license shall  
33 result in cancellation in the same manner as an active license.

34 (3) An inactive license may be placed in an active status upon  
35 compliance with rules established by the ((board)) commission.

36 (4) Provisions relating to disciplinary action against a person  
37 with a license shall be applicable to a person with an inactive  
38 license, except that when disciplinary proceedings against a person

1 with an inactive license have been initiated, the license shall remain  
2 inactive until the proceedings have been completed.

3 **Sec. 514.** RCW 18.71.090 and 1985 c 322 s 5 are each amended to  
4 read as follows:

5 Any applicant who meets the requirements of RCW 18.71.050 and has  
6 been licensed under the laws of another state, territory, or possession  
7 of the United States, or of any province of Canada, or an applicant who  
8 has satisfactorily passed examinations given by the national board of  
9 medical examiners may, in the discretion of the ((board)) commission,  
10 be granted a license without examination on the payment of the fees  
11 required by this chapter: PROVIDED, That the applicant must file with  
12 the ((board)) commission a copy of the license certified by the proper  
13 authorities of the issuing state to be a full, true copy thereof, and  
14 must show that the standards, eligibility requirements, and  
15 examinations of that state are at least equal in all respects to those  
16 of this state.

17 **Sec. 515.** RCW 18.71.095 and 1991 c 3 s 164 are each amended to  
18 read as follows:

19 The ((board)) commission may, without examination, issue a limited  
20 license to persons who possess the qualifications set forth herein:

21 (1) The ((board)) commission may, upon the written request of the  
22 secretary of the department of social and health services or the  
23 secretary of corrections, issue a limited license to practice medicine  
24 in this state to persons who have been accepted for employment by the  
25 department of social and health services or the department of  
26 corrections as physicians; who are licensed to practice medicine in  
27 another state of the United States or in the country of Canada or any  
28 province or territory thereof; and who meet all of the qualifications  
29 for licensure set forth in RCW 18.71.050.

30 Such license shall permit the holder thereof to practice medicine  
31 only in connection with patients, residents, or inmates of the state  
32 institutions under the control and supervision of the secretary of the  
33 department of social and health services or the department of  
34 corrections.

35 (2) The ((board)) commission may issue a limited license to  
36 practice medicine in this state to persons who have been accepted for  
37 employment by a county or city health department as physicians; who are

1 licensed to practice medicine in another state of the United States or  
2 in the country of Canada or any province or territory thereof; and who  
3 meet all of the qualifications for licensure set forth in RCW  
4 18.71.050.

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

8 (3) Upon receipt of a completed application showing that the  
9 applicant meets all of the requirements for licensure set forth in RCW  
10 18.71.050 except for completion of two years of postgraduate medical  
11 training, and that the applicant has been appointed as a resident  
12 physician in a program of postgraduate clinical training in this state  
13 approved by the ((~~board~~)) commission, the ((~~board~~)) commission may  
14 issue a limited license to a resident physician. Such license shall  
15 permit the resident physician to practice medicine only in connection  
16 with his or her duties as a resident physician and shall not authorize  
17 the physician to engage in any other form of practice. Each resident  
18 physician shall practice medicine only under the supervision and  
19 control of a physician licensed in this state, but such supervision and  
20 control shall not be construed to necessarily require the personal  
21 presence of the supervising physician at the place where services are  
22 rendered.

23 (4)(a) Upon nomination by the dean of the school of medicine at the  
24 University of Washington or the chief executive officer of a hospital  
25 or other appropriate health care facility licensed in the state of  
26 Washington, the ((~~board~~)) commission may issue a limited license to a  
27 physician applicant invited to serve as a teaching-research member of  
28 the institution's instructional staff if the sponsoring institution and  
29 the applicant give evidence that he or she has graduated from a  
30 recognized medical school and has been licensed or otherwise privileged  
31 to practice medicine at his or her location of origin. Such license  
32 shall permit the recipient to practice medicine only within the  
33 confines of the instructional program specified in the application and  
34 shall terminate whenever the holder ceases to be involved in that  
35 program, or at the end of one year, whichever is earlier. Upon request  
36 of the applicant and the institutional authority, the license may be  
37 renewed for no more than a total of two years.

38 (b) Upon nomination by the dean of the school of medicine of the  
39 University of Washington or the chief executive officer of any hospital

1 or appropriate health care facility licensed in the state of  
2 Washington, the (~~board~~) commission may issue a limited license to an  
3 applicant selected by the sponsoring institution to be enrolled in one  
4 of its designated departmental or divisional fellowship programs  
5 provided that the applicant shall have graduated from a recognized  
6 medical school and has been granted a license or other appropriate  
7 certificate to practice medicine in the location of the applicant's  
8 origin. Such license shall permit the holder only to practice medicine  
9 within the confines of the fellowship program to which he or she has  
10 been appointed and, upon the request of the applicant and the  
11 sponsoring institution, the license may be renewed by the (~~board~~)  
12 commission for no more than a total of two years.

13 All persons licensed under this section shall be subject to the  
14 jurisdiction of the (~~medical disciplinary board~~) commission to the  
15 same extent as other members of the medical profession, in accordance  
16 with this chapter and chapter(~~s 18.72 and~~) 18.130 RCW.

17 Persons applying for licensure pursuant to this section shall pay  
18 an application fee determined by the secretary as provided in RCW  
19 43.70.250 and, in the event the license applied for is issued, a  
20 license fee at the rate provided for renewals of licenses generally.  
21 Licenses issued hereunder may be renewed annually pursuant to the  
22 provisions of RCW 18.71.080. Any person who obtains a limited license  
23 pursuant to this section may, without an additional application fee,  
24 apply for licensure under this chapter, but shall submit a new  
25 application form and comply with all other licensing requirements of  
26 this chapter.

27 **Sec. 516.** RCW 18.71.205 and 1992 c 128 s 1 are each amended to  
28 read as follows:

29 (1) The secretary of the department of health, in conjunction with  
30 the advice and assistance of the emergency medical services licensing  
31 and certification advisory committee as prescribed in RCW 18.73.050,  
32 and the (~~board of medical examiners~~) commission, shall prescribe:

33 (a) Minimum standards and performance requirements for the  
34 certification and recertification of physician's trained intravenous  
35 therapy technicians, airway management technicians, and mobile  
36 intensive care paramedics; and

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

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

5 (3) Recertification shall be granted upon proof of continuing  
6 satisfactory performance and education, and shall be for a period of  
7 three years.

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

10 (a) Is licensed to practice medicine and surgery pursuant to  
11 chapter 18.71 RCW or osteopathy and surgery pursuant to chapter 18.57  
12 RCW; and

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

15 (c) Is so certified by the department of health for a county, group  
16 of counties, or cities with populations over four hundred thousand in  
17 coordination with the recommendations of the local medical community  
18 and local emergency medical services and trauma care council.

19 (5) The Uniform Disciplinary Act, chapter 18.130 RCW, governs  
20 uncertified practice, the issuance and denial of certificates, and the  
21 disciplining of certificate holders under this section. The secretary  
22 shall be the disciplining authority under this section. Disciplinary  
23 action shall be initiated against a person credentialed under this  
24 chapter in a manner consistent with the responsibilities and duties of  
25 the medical program director under whom such person is responsible.

26 **Sec. 517.** RCW 18.71.230 and 1986 c 259 s 112 are each amended to  
27 read as follows:

28 A right to practice medicine and surgery by an individual in this  
29 state pursuant to RCW 18.71.030 (5) through (12) shall be subject to  
30 discipline by order of the ((~~board~~)) commission upon a finding by the  
31 ((~~board~~)) commission of an act of unprofessional conduct as defined in  
32 RCW 18.130.180 or that the individual is unable to practice with  
33 reasonable skill or safety due to a mental or physical condition as  
34 described in RCW 18.130.170. Such physician shall have the same rights  
35 of notice, hearing, and judicial review as provided licensed physicians  
36 generally ((~~pursuant to chapters 18.72 and~~)) under this chapter and  
37 chapter 18.130 RCW.

1       **Sec. 518.** RCW 18.71A.010 and 1990 c 196 s 1 are each amended to  
2 read as follows:

3       The definitions set forth in this section apply throughout this  
4 chapter.

5       (1) "Physician assistant" means a person who is licensed by the  
6 (~~board~~) commission to practice medicine to a limited extent only  
7 under the supervision of a physician as defined in chapter 18.71 RCW  
8 and who is academically and clinically prepared to provide health care  
9 services and perform diagnostic, therapeutic, preventative, and health  
10 maintenance services.

11       (2) "~~(Board)~~ Commission" means the (~~board of medical examiners~~)  
12 medical quality assurance commission.

13       (3) "Practice medicine" (~~shall have~~) has the meaning defined in  
14 RCW 18.71.011.

15       (4) "Secretary" means the secretary of health or the secretary's  
16 designee.

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

18       **Sec. 519.** RCW 18.71A.020 and 1993 c 28 s 5 are each amended to  
19 read as follows:

20       (1) The (~~board~~) commission shall adopt rules fixing the  
21 qualifications and the educational and training requirements for  
22 licensure as a physician assistant or for those enrolled in any  
23 physician assistant training program. The requirements shall include  
24 completion of an accredited physician assistant training program  
25 approved by the (~~board~~) commission and eligibility to take an  
26 examination approved by the (~~board, provided such~~) commission, if the  
27 examination tests subjects substantially equivalent to the curriculum  
28 of an accredited physician assistant training program. Physician  
29 assistants licensed by the board of medical examiners as of June 7,  
30 1990, shall continue to be licensed.

31       (2)(a) The (~~board~~) commission shall adopt rules governing the  
32 extent to which:

33       (i) Physician assistant students may practice medicine during  
34 training; and

35       (ii) Physician assistants may practice after successful completion  
36 of a physician assistant training course.

37       (b) Such rules shall provide:



1 (i) That the practice of a physician assistant shall be limited to  
2 the performance of those services for which he or she is trained; and

3 (ii) That each physician assistant shall practice medicine only  
4 under the supervision and control of a physician licensed in this  
5 state, but such supervision and control shall not be construed to  
6 necessarily require the personal presence of the supervising physician  
7 or physicians at the place where services are rendered.

8 (3) Applicants for licensure shall file an application with the  
9 ((~~board~~)) commission on a form prepared by the secretary with the  
10 approval of the ((~~board~~)) commission, detailing the education,  
11 training, and experience of the physician assistant and such other  
12 information as the ((~~board~~)) commission may require. The application  
13 shall be accompanied by a fee determined by the secretary as provided  
14 in RCW 43.70.250. Each applicant shall furnish proof satisfactory to  
15 the ((~~board~~)) commission of the following:

16 (a) That the applicant has completed an accredited physician  
17 assistant program approved by the ((~~board~~)) commission and is eligible  
18 to take the examination approved by the ((~~board~~)) commission;

19 (b) That the applicant is of good moral character; and

20 (c) That the applicant is physically and mentally capable of  
21 practicing medicine as a physician assistant with reasonable skill and  
22 safety. The ((~~board~~)) commission may require an applicant to submit to  
23 such examination or examinations as it deems necessary to determine an  
24 applicant's physical or mental capability, or both, to safely practice  
25 as a physician assistant.

26 (4) The ((~~board~~)) commission may approve, deny, or take other  
27 disciplinary action upon the application for license as provided in the  
28 Uniform Disciplinary Act, chapter 18.130 RCW. The license shall be  
29 renewed on a periodic basis as determined by the secretary under RCW  
30 43.70.280, upon payment of a fee determined by the secretary as  
31 provided in RCW 43.70.250, and submission of a completed renewal  
32 application, in addition to any late renewal penalty fees as determined  
33 by the secretary as provided in RCW 43.70.250. The ((~~board~~))  
34 commission may authorize the use of alternative supervisors who are  
35 licensed either under chapter 18.57 or 18.71 RCW.

36 **Sec. 520.** RCW 18.71A.030 and 1993 c 28 s 6 are each amended to  
37 read as follows:

1 A physician assistant (~~(as defined in this chapter)~~) may practice  
2 medicine in this state only with the approval of the practice  
3 arrangement plan by the (~~(board)~~) commission and only to the extent  
4 permitted by the (~~(board)~~) commission. A physician assistant who has  
5 received a license but who has not received (~~(board)~~) commission  
6 approval of the practice arrangement plan under RCW 18.71A.040 may not  
7 practice. A physician assistant shall be subject to discipline under  
8 chapter 18.130 RCW.

9 **Sec. 521.** RCW 18.71A.040 and 1993 c 28 s 7 are each amended to  
10 read as follows:

11 (1) No physician assistant practicing in this state shall be  
12 employed or supervised by a physician or physician group without the  
13 approval of the (~~(board)~~) commission.

14 (2) Prior to commencing practice, a physician assistant licensed in  
15 this state shall apply to the (~~(board)~~) commission for permission to be  
16 employed or supervised by a physician or physician group. The practice  
17 arrangement plan shall be jointly submitted by the physician or  
18 physician group and physician assistant. The secretary may charge a  
19 fee as provided in RCW 43.70.250 to recover the cost for the plan  
20 review. The practice arrangement plan shall delineate the manner and  
21 extent to which the physician assistant would practice and be  
22 supervised. Whenever a physician assistant is practicing in a manner  
23 inconsistent with the approved practice arrangement plan, the medical  
24 disciplinary board may take disciplinary action under chapter 18.130  
25 RCW.

26 **Sec. 522.** RCW 18.71A.045 and 1988 c 113 s 2 are each amended to  
27 read as follows:

28 Foreign medical school graduates shall not be eligible for  
29 (~~(registration)~~) licensing as physician assistants after July 1, 1989.  
30 (~~(Those applying on or before that date shall remain eligible to~~  
31 ~~register as a physician assistant after July 1, 1989: PROVIDED, That~~  
32 ~~the graduate does not violate chapter 18.130 RCW or the rules of the~~  
33 ~~board. The board shall adopt rules regarding applications for~~  
34 ~~registration. The rules shall include board approval of training as~~  
35 ~~required in RCW 18.71.051(1) and receipt of original translated~~  
36 ~~transcripts directly from the medical school.))~~

1       **Sec. 523.** RCW 18.71A.050 and 1993 c 28 s 8 are each amended to  
2 read as follows:

3       No physician who supervises a licensed physician assistant in  
4 accordance with and within the terms of any permission granted by the  
5 (~~medical examining board shall be~~) commission is considered as aiding  
6 and abetting an unlicensed person to practice medicine. The  
7 supervising physician and physician assistant shall retain professional  
8 and personal responsibility for any act which constitutes the practice  
9 of medicine as defined in RCW 18.71.011 when performed by the physician  
10 assistant.

11       **Sec. 524.** RCW 18.71A.060 and 1990 c 196 s 6 are each amended to  
12 read as follows:

13       No health care services may be performed under this chapter in any  
14 of the following areas:

15       (1) The measurement of the powers or range of human vision, or the  
16 determination of the accommodation and refractive state of the human  
17 eye or the scope of its functions in general, or the fitting or  
18 adaptation of lenses or frames for the aid thereof.

19       (2) The prescribing or directing the use of, or using, any optical  
20 device in connection with ocular exercises, visual training, vision  
21 training, or orthoptics.

22       (3) The prescribing of contact lenses for, or the fitting or  
23 adaptation of contact lenses to, the human eye.

24       (4) Nothing in this section shall preclude the performance of  
25 routine visual screening.

26       (5) The practice of dentistry or dental hygiene as defined in  
27 chapters 18.32 and 18.29 RCW respectively. The exemptions set forth in  
28 RCW 18.32.030(~~(7 paragraphs)~~) (1) and (8), shall not apply to a  
29 physician assistant.

30       (6) The practice of chiropractic as defined in chapter 18.25 RCW  
31 including the adjustment or manipulation of the articulations of the  
32 spine.

33       (7) The practice of (~~podiatry~~) podiatric medicine and surgery as  
34 defined in chapter 18.22 RCW.

35       **Sec. 525.** RCW 18.71A.085 and 1990 c 196 s 10 are each amended to  
36 read as follows:

1 Any physician assistant acupuncturist currently licensed by the  
2 ((board)) commission may continue to perform acupuncture under the  
3 physician assistant license as long as he or she maintains licensure as  
4 a physician assistant.

5 **Sec. 526.** RCW 18.72.155 and 1991 c 3 s 168 are each amended to  
6 read as follows:

7 The secretary of the department of health shall appoint, from a  
8 list of three names supplied by the ((board)) commission, an executive  
9 ((secretary)) director who shall act to carry out the provisions of  
10 this chapter. The secretary shall also employ such additional staff  
11 including administrative assistants, investigators, and clerical staff  
12 as are required to enable the ((board)) commission to accomplish its  
13 duties and responsibilities. The executive ((secretary shall be))  
14 director is exempt from the provisions of the civil service law,  
15 chapter 41.06 RCW, as now or hereafter amended.

16 **Sec. 527.** RCW 18.72.165 and 1986 c 300 s 5 are each amended to  
17 read as follows:

18 (1) A licensed health care professional licensed under this chapter  
19 ((18.71 RCW)) shall report to the ((medical disciplinary board))  
20 commission when he or she has personal knowledge that a practicing  
21 physician has either committed an act or acts which may constitute  
22 statutorily defined unprofessional conduct or that a practicing  
23 physician may be unable to practice medicine with reasonable skill and  
24 safety to patients by reason of illness, drunkenness, excessive use of  
25 drugs, narcotics, chemicals, or any other type of material, or as a  
26 result of any mental or physical conditions.

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

28 (a) An appropriately appointed peer review committee member of a  
29 licensed hospital or by an appropriately designated professional review  
30 committee member of a county or state medical society during the  
31 investigative phase of their respective operations if these  
32 investigations are completed in a timely manner; or

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

1 (3) The (~~medical disciplinary board~~) commission may impose  
2 disciplinary sanctions, including license suspension or revocation, on  
3 any health care professional subject to the jurisdiction of the  
4 (~~board~~) commission who has failed to comply with this section.

5 **Sec. 528.** RCW 18.72.265 and 1986 c 259 s 117 are each amended to  
6 read as follows:

7 (1) The contents of any report file under RCW 18.130.070 shall be  
8 confidential and exempt from public disclosure pursuant to chapter  
9 42.17 RCW, except that it may be reviewed (a) by the licensee involved  
10 or his or her counsel or authorized representative who may submit any  
11 additional exculpatory or explanatory statements or other information,  
12 which statements or other information shall be included in the file, or  
13 (b) by a representative of the (~~medical disciplinary board~~)  
14 commission, or investigator thereof, who has been assigned to review  
15 the activities of a licensed physician.

16 Upon a determination that a report is without merit, the  
17 (~~board's~~) commission's records may be purged of information relating  
18 to the report.

19 (2) Every individual, medical association, medical society,  
20 hospital, medical service bureau, health insurance carrier or agent,  
21 professional liability insurance carrier, professional standards review  
22 organization, and agency of the federal, state, or local government  
23 shall be immune from civil liability, whether direct or derivative, for  
24 providing information to the (~~board subsequent to~~) commission under  
25 RCW 18.130.070, or for which an individual health care provider has  
26 immunity under the provisions of RCW 4.24.240, 4.24.250, or 4.24.260(~~(~~  
27 ~~as now or hereafter amended)~~)).

28 **Sec. 529.** RCW 18.72.301 and 1989 c 119 s 1 are each amended to  
29 read as follows:

30 Unless the context clearly requires otherwise, the definitions in  
31 this section apply throughout RCW 18.72.306 through 18.72.321 (as  
32 recodified by this act).

33 (1) (~~"Board" means the medical disciplinary board of this state.~~  
34 ~~(2)~~) "Committee" means a nonprofit corporation formed by  
35 physicians who have expertise in the areas of alcoholism, drug abuse,  
36 or mental illness and who broadly represent the physicians of the state  
37 and that has been designated to perform any or all of the activities

1 set forth in RCW 18.72.306(1) (as recodified by this act) pursuant to  
2 rules adopted by the ~~((board))~~ commission under chapter 34.05 RCW.

3 ~~((+3))~~ (2) "Impaired" or "impairment" means the presence of the  
4 diseases of alcoholism, drug abuse, mental illness, or other  
5 debilitating conditions.

6 ~~((+4))~~ (3) "Impaired physician program" means the program for the  
7 prevention, detection, intervention, and monitoring of impaired  
8 physicians established by the ~~((board))~~ commission pursuant to RCW  
9 18.72.306(1) (as recodified by this act).

10 ~~((+5))~~ (4) "Physician" means a person licensed under this chapter  
11 ~~((18.71 RCW))~~.

12 ~~((+6))~~ (5) "Treatment program" means a plan of care and  
13 rehabilitation services provided by those organizations or persons  
14 authorized to provide such services to be approved by the ~~((board))~~  
15 commission for impaired physicians taking part in the impaired  
16 physician program created by RCW 18.72.306 (as recodified by this act).

17 **Sec. 530.** RCW 18.72.306 and 1991 c 3 s 169 are each amended to  
18 read as follows:

19 (1) The ~~((board))~~ commission shall enter into a contract with the  
20 committee to implement an impaired physician program. The impaired  
21 physician program may include any or all of the following:

- 22 (a) Contracting with providers of treatment programs;
- 23 (b) Receiving and evaluating reports of suspected impairment from  
24 any source;
- 25 (c) Intervening in cases of verified impairment;
- 26 (d) Referring impaired physicians to treatment programs;
- 27 (e) Monitoring the treatment and rehabilitation of impaired  
28 physicians including those ordered by the ~~((board))~~ commission;
- 29 (f) Providing post-treatment monitoring and support of  
30 rehabilitative impaired physicians;
- 31 (g) Performing such other activities as agreed upon by the  
32 ~~((board))~~ commission and the committee; and
- 33 (h) Providing prevention and education services.

34 (2) A contract entered into under subsection (1) of this section  
35 shall be financed by a surcharge of up to twenty-five dollars on each  
36 license renewal or issuance of a new license to be collected by the  
37 department of health from every physician and surgeon licensed under  
38 this chapter ~~((18.71 RCW))~~ in addition to other license fees ~~((and the~~

1 ~~medical discipline assessment fee established under RCW 18.72.380~~).  
2 These moneys shall be placed in the health professions account to be  
3 used solely for the implementation of the impaired physician program.

4 **Sec. 531.** RCW 18.72.311 and 1987 c 416 s 3 are each amended to  
5 read as follows:

6 The committee shall develop procedures in consultation with the  
7 ((~~board~~)) commission for:

8 (1) Periodic reporting of statistical information regarding  
9 impaired physician activity;

10 (2) Periodic disclosure and joint review of such information as the  
11 ((~~board~~)) commission may deem appropriate regarding reports received,  
12 contacts or investigations made, and the disposition of each report:  
13 PROVIDED, That the committee shall not disclose any personally  
14 identifiable information except as provided in subsections (3) and (4)  
15 of this section;

16 (3) Immediate reporting to the ((~~board~~)) commission of the name and  
17 results of any contact or investigation regarding any impaired  
18 physician who is believed to constitute an imminent danger to the  
19 public;

20 (4) Reporting to the ((~~board~~)) commission, in a timely fashion, any  
21 impaired physician who refuses to cooperate with the committee, refuses  
22 to submit to treatment, or whose impairment is not substantially  
23 alleviated through treatment, and who, in the opinion of the committee,  
24 is unable to practice medicine with reasonable skill and safety.  
25 However, impairment, in and of itself, shall not give rise to a  
26 presumption of the inability to practice medicine with reasonable skill  
27 and safety;

28 (5) Informing each participant of the impaired physician program of  
29 the program procedures, the responsibilities of program participants,  
30 and the possible consequences of noncompliance with the program.

31 **Sec. 532.** RCW 18.72.316 and 1987 c 416 s 4 are each amended to  
32 read as follows:

33 If the ((~~board~~)) commission has reasonable cause to believe that a  
34 physician is impaired, the ((~~board~~)) commission shall cause an  
35 evaluation of such physician to be conducted by the committee or the  
36 committee's designee or the ((~~board's~~)) commission's designee for the  
37 purpose of determining if there is an impairment. The committee or

1 appropriate designee shall report the findings of its evaluation to the  
2 ((board)) commission.

3 **Sec. 533.** RCW 18.72.340 and 1993 c 367 s 17 are each amended to  
4 read as follows:

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

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

20 **Sec. 534.** RCW 18.72.345 and 1991 c 215 s 2 are each amended to  
21 read as follows:

22 To assist in identifying impairment related to alcohol abuse, the  
23 ((board)) commission may obtain a copy of the driving record of a  
24 physician or a physician assistant maintained by the department of  
25 licensing.

26 NEW SECTION. **Sec. 535.** (1) RCW 18.72.155, 18.72.165, 18.72.265,  
27 18.72.301, 18.72.306, 18.72.311, 18.72.316, 18.72.340, and 18.72.345,  
28 as amended by this act, are each recodified as sections in chapter  
29 18.71 RCW.

30 (2) RCW 18.72.010 and 18.72.321 are each recodified as sections in  
31 chapter 18.71 RCW.

32 NEW SECTION. **Sec. 536.** The following acts or parts of acts are  
33 each repealed:

34 (1) RCW 18.72.020 and 1986 c 259 s 115 & 1955 c 202 s 2;

35 (2) RCW 18.72.045 and 1991 c 215 s 1;



- 1 (3) RCW 18.72.090 and 1955 c 202 s 9;  
2 (4) RCW 18.72.100 and 1991 c 3 s 166, 1984 c 287 s 45, 1979 ex.s.  
3 c 111 s 3, 1979 c 158 s 59, 1975-'76 2nd ex.s. c 34 s 42, & 1955 c 202  
4 s 10;  
5 (5) RCW 18.72.110 and 1955 c 202 s 11;  
6 (6) RCW 18.72.120 and 1991 c 3 s 167 & 1955 c 202 s 12;  
7 (7) RCW 18.72.130 and 1979 ex.s. c 111 s 4 & 1955 c 202 s 13;  
8 (8) RCW 18.72.150 and 1986 c 259 s 116, 1979 ex.s. c 111 s 5, 1975  
9 c 61 s 4, & 1955 c 202 s 15;  
10 (9) RCW 18.72.154 and 1986 c 259 s 107;  
11 (10) RCW 18.72.190 and 1989 c 373 s 18 & 1955 c 202 s 19;  
12 (11) RCW 18.72.380 and 1993 c 367 s 18, 1991 c 3 s 170, 1985 c 7 s  
13 62, & 1983 c 71 s 1;  
14 (12) RCW 18.72.390 and 1991 sp.s. c 13 s 17, 1985 c 57 s 6, & 1983  
15 c 71 s 2;  
16 (13) RCW 18.72.400 and 1991 c 3 s 171 & 1983 c 71 s 3;  
17 (14) RCW 18.72.900 and 1955 c 202 s 46; and  
18 (15) RCW 18.72.910 and 1955 c 202 s 48.

19

#### **NURSING CARE**

20 NEW SECTION. **Sec. 601.** It is the purpose of the nursing care  
21 quality assurance commission to regulate the competency and quality of  
22 professional health care providers under its jurisdiction by  
23 establishing, monitoring, and enforcing qualifications for licensing,  
24 consistent standards of practice, continuing competency mechanisms, and  
25 discipline. Rules, policies, and procedures developed by the  
26 commission must promote the delivery of quality health care to the  
27 residents of the state of Washington.

28 NEW SECTION. **Sec. 602.** Unless a different meaning is plainly  
29 required by the context, the definitions set forth in this section  
30 apply throughout this chapter.

31 (1) "Commission" means the Washington state nursing care quality  
32 assurance commission.

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

34 (3) "Secretary" means the secretary of health or the secretary's  
35 designee.

1 (4) "Diagnosis," in the context of nursing practice, means the  
2 identification of, and discrimination between, the person's physical  
3 and psycho-social signs and symptoms that are essential to effective  
4 execution and management of the nursing care regimen.

5 (5) "Diploma" means written official verification of completion of  
6 an approved nursing education program.

7 (6) "Nurse" or "nursing," unless otherwise specified as a practical  
8 nurse or practical nursing, means a registered nurse or registered  
9 nursing.

10 NEW SECTION. **Sec. 603.** (1) It is unlawful for a person to  
11 practice or to offer to practice as a registered nurse in this state  
12 unless that person has been licensed under this chapter. A person who  
13 holds a license to practice as a registered nurse in this state may use  
14 the title "registered nurse" and the abbreviation "R.N." No other  
15 person may assume that title or use the abbreviation or any other  
16 words, letters, signs, or figures to indicate that the person using  
17 them is a registered nurse.

18 (2) It is unlawful for a person to practice or to offer to practice  
19 as an advanced registered nurse practitioner or as a nurse practitioner  
20 in this state unless that person has been licensed under this chapter.  
21 A person who holds a license to practice as an advanced registered  
22 nurse practitioner in this state may use the titles "advanced  
23 registered nurse practitioner" and "nurse practitioner" and the  
24 abbreviations "A.R.N.P." and "N.P." No other person may assume those  
25 titles or use those abbreviations or any other words, letters, signs,  
26 or figures to indicate that the person using them is an advanced  
27 registered nurse practitioner or nurse practitioner.

28 (3) It is unlawful for a person to practice or to offer to practice  
29 as a licensed practical nurse in this state unless that person has been  
30 licensed under this chapter. A person who holds a license to practice  
31 as a licensed practical nurse in this state may use the title "licensed  
32 practical nurse" and the abbreviation "L.P.N." No other person may  
33 assume that title or use that abbreviation or any other words, letters,  
34 signs, or figures to indicate that the person using them is a licensed  
35 practical nurse.

36 NEW SECTION. **Sec. 604.** (1) "Registered nursing practice" means  
37 the performance of acts requiring substantial specialized knowledge,

1 judgment, and skill based on the principles of the biological,  
2 physiological, behavioral, and sociological sciences in either:

3 (a) The observation, assessment, diagnosis, care or counsel, and  
4 health teaching of the ill, injured, or infirm, or in the maintenance  
5 of health or prevention of illness of others;

6 (b) The performance of such additional acts requiring education and  
7 training and that are recognized by the commission to be performed by  
8 registered nurses licensed under this chapter and that are authorized  
9 by the commission through its rules;

10 (c) The administration, supervision, delegation, and evaluation of  
11 nursing practice. However, nothing in this subsection affects the  
12 authority of a hospital, hospital district, medical clinic, or office,  
13 concerning its administration and supervision;

14 (d) The teaching of nursing;

15 (e) The executing of medical regimen as prescribed by a licensed  
16 physician and surgeon, dentist, osteopathic physician and surgeon,  
17 podiatric physician and surgeon, physician assistant, osteopathic  
18 physician assistant, or advanced registered nurse practitioner.

19 (2) Nothing in this section prohibits a person from practicing a  
20 profession for which a license has been issued under the laws of this  
21 state or specifically authorized by any other law of the state of  
22 Washington.

23 (3) This section does not prohibit (a) the nursing care of the  
24 sick, without compensation, by an unlicensed person who does not hold  
25 himself or herself out to be a registered nurse, or (b) the practice of  
26 licensed practical nursing by a licensed practical nurse.

27 NEW SECTION. **Sec. 605.** "Advanced registered nursing practice"  
28 means the performance of the acts of a registered nurse and the  
29 performance of an expanded role in providing health care services, the  
30 scope of which is defined by rule by the commission. Upon approval by  
31 the commission, an advanced registered nurse practitioner may prescribe  
32 legend drugs and controlled substances contained in Schedule V of the  
33 Uniform Controlled Substances Act, chapter 69.50 RCW.

34 Nothing in this section prohibits a person from practicing a  
35 profession for which a license has been issued under the laws of this  
36 state or specifically authorized by any other law of the state of  
37 Washington.

1 This section does not prohibit (1) the nursing care of the sick,  
2 without compensation, by an unlicensed person who does not hold himself  
3 or herself out to be an advanced registered nurse practitioner, or (2)  
4 the practice of registered nursing by a licensed registered nurse or  
5 the practice of licensed practical nursing by a licensed practical  
6 nurse.

7 NEW SECTION. **Sec. 606.** "Licensed practical nursing practice"  
8 means the performance of services requiring the knowledge, skill, and  
9 judgment necessary for carrying out selected aspects of the designated  
10 nursing regimen under the direction and supervision of a licensed  
11 physician and surgeon, dentist, osteopathic physician and surgeon,  
12 physician assistant, osteopathic physician assistant, podiatric  
13 physician and surgeon, advanced registered nurse practitioner, or  
14 registered nurse.

15 Nothing in this section prohibits a person from practicing a  
16 profession for which a license has been issued under the laws of this  
17 state or specifically authorized by any other law of the state of  
18 Washington.

19 This section does not prohibit the nursing care of the sick,  
20 without compensation, by an unlicensed person who does not hold himself  
21 or herself out to be a licensed practical nurse.

22 NEW SECTION. **Sec. 607.** (1) The state nursing care quality  
23 assurance commission is established, consisting of eleven members to be  
24 appointed by the governor to four-year terms. No person may serve as  
25 a member of the commission for more than two consecutive full terms.

26 (2) There must be three registered nurse members, two advanced  
27 registered nurse practitioner members, three licensed practical nurse  
28 members, two public members, and one nonvoting midwife member licensed  
29 under chapter 18.50 RCW, on the commission. Each member of the  
30 commission must be a citizen of the United States and a resident of  
31 this state.

32 (3) Registered nurse members of the commission must:

33 (a) Be licensed as registered nurses under this chapter; and

34 (b) Have had at least five years' experience in the active practice  
35 of nursing and have been engaged in that practice within two years of  
36 appointment.

1 (4) Advanced registered nurse practitioner members of the  
2 commission must:

3 (a) Be licensed as advanced registered nurse practitioners under  
4 this chapter; and

5 (b) Have had at least five years' experience in the active practice  
6 of advanced registered nursing and have been engaged in that practice  
7 within two years of appointment.

8 (5) Licensed practical nurse members of the commission must:

9 (a) Be licensed as licensed practical nurses under this chapter;  
10 and

11 (b) Have had at least five years' actual experience as a licensed  
12 practical nurse and have been engaged in practice as a practical nurse  
13 within two years of appointment.

14 (6) Public members of the commission may not be a member of any  
15 other health care licensing board or commission, or have a fiduciary  
16 obligation to a facility rendering health services regulated by the  
17 commission, or have a material or financial interest in the rendering  
18 of health services regulated by the commission.

19 (7) The nonvoting licensed midwife member of the commission must:

20 (a) Be licensed as a midwife under chapter 18.50 RCW; and

21 (b) Have had at least five years' actual experience as a licensed  
22 midwife and have been engaged in practice as a midwife within two years  
23 of appointment.

24 In appointing the initial members of the commission, it is the  
25 intent of the legislature that, to the extent possible, the governor  
26 appoint the existing members of the board of nursing and the board of  
27 practical nursing repealed under chapter . . . , Laws of 1994 (this  
28 act). The governor may appoint initial members of the commission to  
29 staggered terms of from one to four years. Thereafter, all members  
30 shall be appointed to full four-year terms. Members of the commission  
31 hold office until their successors are appointed.

32 NEW SECTION. **Sec. 608.** The governor may remove a member of the  
33 commission for neglect of duty, misconduct, malfeasance or misfeasance  
34 in office, or for incompetency or unprofessional conduct as defined in  
35 chapter 18.130 RCW. Whenever the governor is satisfied that a member  
36 of the commission has been guilty of neglect of duty, misconduct,  
37 malfeasance or misfeasance in office, or of incompetency or  
38 unprofessional conduct, the governor shall file with the secretary of

1 state a statement of the causes for and the order of removal from  
2 office, and the secretary shall forthwith send a certified copy of the  
3 statement of causes and order of removal to the last known post office  
4 address of the member. If a vacancy occurs on the commission, the  
5 governor shall appoint a replacement member to fill the remainder of  
6 the unexpired term.

7 NEW SECTION. **Sec. 609.** Each commission member shall be  
8 compensated in accordance with RCW 43.03.240 and shall be paid travel  
9 expenses when away from home in accordance with RCW 43.03.050 and  
10 43.03.060.

11 NEW SECTION. **Sec. 610.** The commission shall annually elect from  
12 its members a chairperson, a vice-chairperson, and a secretary. The  
13 commission shall meet at least quarterly at times and places it  
14 designates. It shall hold such other meetings during the year as may  
15 be deemed necessary to transact its business. A majority of the  
16 commission members appointed and serving constitutes a quorum at a  
17 meeting. All meetings of the commission must be open and public,  
18 except that the commission may hold executive sessions to the extent  
19 permitted by chapter 42.30 RCW.

20 Carrying a motion or resolution, adopting a rule, or passing a  
21 measure requires the affirmative vote of a majority of a quorum of the  
22 commission. The commission may appoint panels consisting of at least  
23 three members. A quorum for transaction of any business by a panel is  
24 a minimum of three members. A majority vote of a quorum of the panel  
25 is required to transact business delegated to it by the commission.

26 NEW SECTION. **Sec. 611.** The commission shall keep a record of all  
27 of its proceedings and make such reports to the governor as may be  
28 required. The commission may adopt rules or issue advisory opinions in  
29 response to questions put to it by professional health associations,  
30 licensed nurses, and consumers in this state concerning the authority  
31 of various categories of licensed nurses to perform particular acts.  
32 The commission shall define by rule the criteria for granting to  
33 advanced registered nurse practitioners the authority to prescribe  
34 legend drugs and Schedule V controlled substances.

35 The commission shall approve curricula and shall establish criteria  
36 for minimum standards for schools preparing persons for licensing as

1 registered nurses, advanced registered nurse practitioners, and  
2 licensed practical nurses under this chapter. The commission shall  
3 approve such schools of nursing as meet the requirements of this  
4 chapter and the commission, and the commission shall approve  
5 establishment of basic nursing education programs and shall establish  
6 criteria as to the need for and the size of a program and the type of  
7 program and the geographical location. The commission shall establish  
8 criteria for proof of reasonable currency of knowledge and skill as a  
9 basis for safe practice after three years' inactive or lapsed status.  
10 The commission shall establish criteria for licensing by endorsement.  
11 The commission shall determine examination requirements for applicants  
12 for licensing as registered nurses, advanced registered nurse  
13 practitioners, and licensed practical nurses under this chapter, and  
14 shall certify to the secretary for licensing duly qualified applicants.

15 The commission shall adopt such rules under chapter 34.05 RCW as  
16 are necessary to fulfill the purposes of this chapter.

17 The commission is the successor in interest of the board of nursing  
18 and the board of practical nursing. All contracts, undertakings,  
19 agreements, rules, regulations, decisions, orders, and policies of the  
20 former board of nursing or the board of practical nursing continue in  
21 full force and effect under the commission until the commission amends  
22 or rescinds those rules, regulations, decisions, orders, or policies.

23 The members of the commission are immune from suit in an action,  
24 civil or criminal, based on its disciplinary proceedings or other  
25 official acts performed in good faith as members of the commission.

26 Whenever the workload of the commission requires, the commission  
27 may request that the secretary appoint pro tempore members of the  
28 commission. When serving, pro tempore members of the commission have  
29 all of the powers, duties, and immunities, and are entitled to all of  
30 the emoluments, including travel expenses, of regularly appointed  
31 members of the commission.

32 NEW SECTION. **Sec. 612.** The Uniform Disciplinary Act, chapter  
33 18.130 RCW, governs unlicensed practice, the issuance and denial of  
34 licenses, and the discipline of licensees under this chapter.

35 NEW SECTION. **Sec. 613.** The secretary shall appoint, after  
36 consultation with the commission, an executive director who shall act  
37 to carry out this chapter. The secretary shall also employ such

1 professional, secretarial, clerical, and other assistants as may be  
2 necessary to effectively administer this chapter. The secretary shall  
3 fix the compensation and provide for travel expenses for the executive  
4 director and all such employees, in accordance with RCW 43.03.050 and  
5 43.03.060.

6 NEW SECTION. **Sec. 614.** The executive director must be a graduate  
7 of an approved nursing education program and of a college or  
8 university, with a masters' degree, and currently licensed as a  
9 registered nurse under this chapter; have a minimum of eight years'  
10 experience in nursing in any combination of administration and nursing  
11 education; and have been actively engaged in the practice of registered  
12 nursing or nursing education within two years immediately before the  
13 time of appointment.

14 NEW SECTION. **Sec. 615.** An institution desiring to conduct a  
15 school of registered nursing or a school or program of practical  
16 nursing, or both, shall apply to the commission and submit evidence  
17 satisfactory to the commission that:

18 (1) It is prepared to carry out the curriculum approved by the  
19 commission for basic registered nursing or practical nursing, or both;  
20 and

21 (2) It is prepared to meet other standards established by law and  
22 by the commission.

23 The commission shall make, or cause to be made, such surveys of the  
24 schools and programs, and of institutions and agencies to be used by  
25 the schools and programs, as it determines are necessary. If in the  
26 opinion of the commission, the requirements for an approved school of  
27 registered nursing or a school or program of practical nursing, or  
28 both, are met, the commission shall approve the school or program.

29 NEW SECTION. **Sec. 616.** (1) An applicant for a license to practice  
30 as a registered nurse shall submit to the commission:

31 (a) An attested written application on a department form;

32 (b) Written official evidence of a diploma from an approved school  
33 of nursing; and

34 (c) Any other official records specified by the commission.

35 (2) An applicant for a license to practice as an advanced  
36 registered nurse practitioner shall submit to the commission:



- 1 (a) An attested written application on a department form;
- 2 (b) Written official evidence of completion of an advanced  
3 registered nurse practitioner training program meeting criteria  
4 established by the commission; and
- 5 (c) Any other official records specified by the commission.
- 6 (3) An applicant for a license to practice as a licensed practical  
7 nurse shall submit to the commission:
- 8 (a) An attested written application on a department form;
- 9 (b) Written official evidence that the applicant is over the age of  
10 eighteen;
- 11 (c) Written official evidence of a high school diploma or general  
12 education development certificate or diploma;
- 13 (d) Written official evidence of completion of an approved  
14 practical nursing program, or its equivalent; and
- 15 (e) Any other official records specified by the commission.
- 16 (4) At the time of submission of the application, the applicant for  
17 a license to practice as a registered nurse, advanced registered nurse  
18 practitioner, or licensed practical nurse must not be in violation of  
19 chapter 18.130 RCW or this chapter.
- 20 (5) The commission shall establish by rule the criteria for  
21 evaluating the education of all applicants.

22 NEW SECTION. **Sec. 617.** An applicant for a license to practice as  
23 a registered nurse, advanced registered nurse practitioner, or licensed  
24 practical nurse must pass an examination in subjects determined by the  
25 commission. The examination may be supplemented by an oral or  
26 practical examination. The commission shall establish by rule the  
27 requirements for applicants who have failed the examination to qualify  
28 for reexamination.

29 NEW SECTION. **Sec. 618.** When authorized by the commission, the  
30 department shall issue an interim permit authorizing the applicant to  
31 practice registered nursing, advanced registered nursing, or licensed  
32 practical nursing, as appropriate, from the time of verification of the  
33 completion of the school or training program until notification of the  
34 results of the examination. Upon the applicant passing the  
35 examination, and if all other requirements established by the  
36 commission for licensing are met, the department shall issue the  
37 applicant a license to practice registered nursing, advanced registered

1 nursing, or licensed practical nursing, as appropriate. If the  
2 applicant fails the examination, the interim permit expires upon  
3 notification to the applicant, and is not renewable. The holder of an  
4 interim permit is subject to chapter 18.130 RCW.

5 NEW SECTION. **Sec. 619.** Upon approval of the application by the  
6 commission, the department shall issue a license by endorsement without  
7 examination to practice as a registered nurse or as a licensed  
8 practical nurse to a person who is licensed as a registered nurse or  
9 licensed practical nurse under the laws of another state, territory, or  
10 possession of the United States, and who meets all other qualifications  
11 for licensing.

12 An applicant who has graduated from a school or program of nursing  
13 outside the United States and is licensed as a registered nurse or  
14 licensed practical nurse, or their equivalents, outside the United  
15 States must meet all qualifications required by this chapter and pass  
16 examinations as determined by the commission.

17 NEW SECTION. **Sec. 620.** An applicant for a license to practice as  
18 a registered nurse, advanced registered nurse practitioner, or licensed  
19 practical nurse shall pay a fee as determined by the secretary under  
20 RCW 43.70.250 to the state treasurer.

21 NEW SECTION. **Sec. 621.** A license issued under this chapter,  
22 whether in an active or inactive status, must be renewed, except as  
23 provided in this chapter. The licensee shall send the renewal form to  
24 the department with a renewal fee, as determined by the secretary under  
25 RCW 43.70.250, before the expiration date. Upon receipt of the renewal  
26 form and the appropriate fee, the department shall issue the licensee  
27 a license, which declares the holder to be a legal practitioner of  
28 registered nursing, advanced registered nursing practice, or licensed  
29 practical nursing, as appropriate, in either active or inactive status,  
30 for the period of time stated on the license.

31 NEW SECTION. **Sec. 622.** A person licensed under this chapter who  
32 allows his or her license to lapse by failing to renew the license,  
33 shall on application for renewal pay a penalty determined by the  
34 secretary under RCW 43.70.250. If the licensee fails to renew the  
35 license before the end of the current licensing period, the department

1 shall issue the license for the next licensing period upon receipt of  
2 a written application and fee determined by the secretary under RCW  
3 43.70.250. Persons on lapsed status for three or more years must  
4 provide evidence of knowledge and skill of current practice as required  
5 by the commission.

6 NEW SECTION. **Sec. 623.** A person licensed under this chapter who  
7 desires to retire temporarily from registered nursing practice,  
8 advanced registered nursing practice, or licensed practical nursing  
9 practice in this state shall send a written notice to the secretary.

10 Upon receipt of the notice the department shall place the name of  
11 the person on inactive status. While remaining on this status the  
12 person shall not practice in this state any form of nursing provided  
13 for in this chapter. When the person desires to resume practice, the  
14 person shall apply to the commission for renewal of the license and pay  
15 a renewal fee to the state treasurer. Persons on inactive status for  
16 three years or more must provide evidence of knowledge and skill of  
17 current practice as required by the commission or as provided in this  
18 chapter.

19 NEW SECTION. **Sec. 624.** (1) For persons licensed as registered  
20 nurses or advanced registered nurse practitioners, this chapter shall  
21 not be construed as:

22 (a) Prohibiting the incidental care of the sick by domestic  
23 servants or persons primarily employed as housekeepers, so long as they  
24 do not practice registered nursing within the meaning of this chapter;

25 (b) Preventing a person from the domestic administration of family  
26 remedies or the furnishing of nursing assistance in case of emergency;

27 (c) Prohibiting the practice of nursing by students enrolled in  
28 approved schools as may be incidental to their course of study or  
29 prohibiting the students from working as nursing aides;

30 (d) Prohibiting auxiliary services provided by persons carrying out  
31 duties necessary for the support of nursing services, including those  
32 duties that involve minor nursing services for persons performed in  
33 hospitals, nursing homes, or elsewhere under the direction of licensed  
34 physicians or the supervision of licensed registered nurses;

35 (e) Prohibiting the practice of nursing in this state by a legally  
36 qualified nurse of another state or territory whose engagement requires  
37 him or her to accompany and care for a patient temporarily residing in

1 this state during the period of one such engagement, not to exceed six  
2 months in length, if the person does not represent or hold himself or  
3 herself out as a registered nurse licensed to practice in this state;

4 (f) Prohibiting nursing or care of the sick, with or without  
5 compensation, when done in connection with the practice of the  
6 religious tenets of a church by adherents of the church so long as they  
7 do not engage in the practice of nursing as defined in this chapter;

8 (g) Prohibiting the practice of a legally qualified nurse of  
9 another state who is employed by the United States government or a  
10 bureau, division, or agency thereof, while in the discharge of his or  
11 her official duties;

12 (h) Permitting the measurement of the powers or range of human  
13 vision, or the determination of the accommodation and refractive state  
14 of the human eye or the scope of its functions in general, or the  
15 fitting or adaptation of lenses for the aid thereof;

16 (i) Permitting the prescribing or directing the use of, or using,  
17 an optical device in connection with ocular exercises, visual training,  
18 vision training, or orthoptics;

19 (j) Permitting the prescribing of contact lenses for, or the  
20 fitting and adaptation of contact lenses to, the human eye;

21 (k) Prohibiting the performance of routine visual screening;

22 (l) Permitting the practice of dentistry or dental hygiene as  
23 defined in chapters 18.32 and 18.29 RCW, respectively;

24 (m) Permitting the practice of chiropractic as defined in chapter  
25 18.25 RCW including the adjustment or manipulation of the articulation  
26 of the spine;

27 (n) Permitting the practice of podiatric medicine and surgery as  
28 defined in chapter 18.-- RCW (sections 101 through 144 of this act);

29 (o) Permitting the performance of major surgery, except such minor  
30 surgery as the commission may have specifically authorized by rule  
31 adopted in accordance with chapter 34.05 RCW;

32 (p) Permitting the prescribing of controlled substances as defined  
33 in Schedules I through IV of the Uniform Controlled Substances Act,  
34 chapter 69.50 RCW, except as provided in (r) of this subsection;

35 (q) Prohibiting the determination and pronouncement of death;

36 (r) Prohibiting advanced registered nurse practitioners, approved  
37 by the commission as certified registered nurse anesthetists from  
38 selecting, ordering, or administering controlled substances as defined  
39 in Schedules II through IV of the Uniform Controlled Substances Act,

1 chapter 69.50 RCW, consistent with their commission-recognized scope of  
2 practice; subject to facility-specific protocols, and subject to a  
3 request for certified registered nurse anesthetist anesthesia services  
4 issued by a physician licensed under chapter 18.71 RCW, an osteopathic  
5 physician and surgeon licensed under chapter 18.-- RCW (sections 101  
6 through 144 of this act), a dentist licensed under chapter 18.32 RCW,  
7 or a podiatric physician and surgeon licensed under chapter 18.-- RCW  
8 (sections 101 through 144 of this act); the authority to select, order,  
9 or administer Schedule II through IV controlled substances being  
10 limited to those drugs that are to be directly administered to patients  
11 who require anesthesia for diagnostic, operative, obstetrical, or  
12 therapeutic procedures in a hospital, clinic, ambulatory surgical  
13 facility, or the office of a practitioner licensed under chapter 18.71,  
14 18.-- (sections 101 through 144 of this act), or 18.32 RCW; "select"  
15 meaning the decision-making process of choosing a drug, dosage, route,  
16 and time of administration; and "order" meaning the process of  
17 directing licensed individuals pursuant to their statutory authority to  
18 directly administer a drug or to dispense, deliver, or distribute a  
19 drug for the purpose of direct administration to a patient, under  
20 instructions of the certified registered nurse anesthetist. "Protocol"  
21 means a statement regarding practice and documentation concerning such  
22 items as categories of patients, categories of medications, or  
23 categories of procedures rather than detailed case-specific formulas  
24 for the practice of nurse anesthesia.

25 (2) For persons licensed as licensed practical nurses, this  
26 chapter shall not be construed as:

27 (a) Prohibiting the incidental care of the sick by domestic  
28 servants or persons primarily employed as housekeepers, so long as they  
29 do not practice practical nursing within the meaning of this chapter;

30 (b) Preventing a person from the domestic administration of family  
31 remedies or the furnishing of nursing assistance in case of emergency;

32 (c) Prohibiting the practice of practical nursing by students  
33 enrolled in approved schools as may be incidental to their course of  
34 study or prohibiting the students from working as nursing assistants;

35 (d) Prohibiting auxiliary services provided by persons carrying out  
36 duties necessary for the support of nursing services, including those  
37 duties that involve minor nursing services for persons performed in  
38 hospitals, nursing homes, or elsewhere under the direction of licensed  
39 physicians or the supervision of licensed registered nurses;

1 (e) Prohibiting or preventing the practice of nursing in this state  
2 by a legally qualified nurse of another state or territory whose  
3 engagement requires him or her to accompany and care for a patient  
4 temporarily residing in this state during the period of one such  
5 engagement, not to exceed six months in length, if the person does not  
6 represent or hold himself or herself out as a licensed practical nurse  
7 licensed to practice in this state;

8 (f) Prohibiting nursing or care of the sick, with or without  
9 compensation, when done in connection with the practice of the  
10 religious tenets of a church by adherents of the church so long as they  
11 do not engage in licensed practical nurse practice as defined in this  
12 chapter;

13 (g) Prohibiting the practice of a legally qualified nurse of  
14 another state who is employed by the United States government or any  
15 bureau, division, or agency thereof, while in the discharge of his or  
16 her official duties.

17 NEW SECTION. **Sec. 625.** An advanced registered nurse practitioner  
18 under his or her license may perform for compensation nursing care, as  
19 that term is usually understood, of the ill, injured, or infirm, and in  
20 the course thereof, she or he may do the following things that shall  
21 not be done by a person not so licensed, except as provided in sections  
22 626 and 627 of this act:

23 (1) Perform specialized and advanced levels of nursing as defined  
24 by the commission;

25 (2) Prescribe legend drugs and Schedule V controlled substances, as  
26 defined in the Uniform Controlled Substances Act, chapter 69.50 RCW,  
27 within the scope of practice defined by the commission;

28 (3) Perform all acts provided in section 626 of this act;

29 (4) Hold herself or himself out to the public or designate herself  
30 or himself as an advanced registered nurse practitioner or as a nurse  
31 practitioner.

32 NEW SECTION. **Sec. 626.** A registered nurse under his or her  
33 license may perform for compensation nursing care, as that term is  
34 usually understood, of the ill, injured, or infirm, and in the course  
35 thereof, she or he may do the following things that shall not be done  
36 by a person not so licensed, except as provided in section 627 of this  
37 act:

1 (1) At or under the general direction of a licensed physician and  
2 surgeon, dentist, osteopathic physician and surgeon, podiatric  
3 physician and surgeon, physician assistant, osteopathic physician  
4 assistant, or advanced registered nurse practitioner acting within the  
5 scope of his or her license, administer medications, treatments, tests,  
6 and inoculations, whether or not the severing or penetrating of tissues  
7 is involved and whether or not a degree of independent judgment and  
8 skill is required;

9 (2) Delegate to other persons engaged in nursing, the functions  
10 outlined in subsection (1) of this section;

11 (3) Instruct nurses in technical subjects pertaining to nursing;

12 (4) Hold herself or himself out to the public or designate herself  
13 or himself as a registered nurse.

14 NEW SECTION. **Sec. 627.** A licensed practical nurse under his or  
15 her license may perform nursing care, as that term is usually  
16 understood, of the ill, injured, or infirm, and in the course thereof  
17 may, under the direction of a licensed physician and surgeon,  
18 osteopathic physician and surgeon, dentist, podiatric physician and  
19 surgeon, physician assistant, osteopathic physician assistant, advanced  
20 registered nurse practitioner acting under the scope of his or her  
21 license, or at the direction and under the supervision of a registered  
22 nurse, administer drugs, medications, treatments, tests, injections,  
23 and inoculations, whether or not the piercing of tissues is involved  
24 and whether or not a degree of independent judgment and skill is  
25 required, when selected to do so by one of the licensed practitioners  
26 designated in this section, or by a registered nurse who need not be  
27 physically present; if the order given is reduced to writing within a  
28 reasonable time and made a part of the patient's record.

29 NEW SECTION. **Sec. 628.** It is not a violation of chapter 18.71 or  
30 18.57 RCW for a registered nurse, at or under the general direction of  
31 a licensed physician and surgeon, or osteopathic physician and surgeon,  
32 to administer prescribed drugs, injections, inoculations, tests, or  
33 treatment whether or not the piercing of tissues is involved.

34 NEW SECTION. **Sec. 629.** (1) In accordance with rules adopted by  
35 the commission, public school districts and private schools that offer  
36 classes for any of grades kindergarten through twelve may provide for

1 clean, intermittent bladder catheterization of students or assisted  
2 self-catheterization of students who are in the custody of the school  
3 district or private school at the time. After consultation with staff  
4 of the superintendent of public instruction, the commission shall adopt  
5 rules in accordance with chapter 34.05 RCW, that provide for the  
6 following and such other matters as the commission deems necessary to  
7 the proper implementation of this section:

8 (a) A requirement for a written, current, and unexpired request  
9 from a parent, legal guardian, or other person having legal control  
10 over the student that the school district or private school provide for  
11 the catheterization of the student;

12 (b) A requirement for a written, current, and unexpired request  
13 from a physician licensed under chapter 18.71 or 18.57 RCW that  
14 catheterization of the student be provided for during the hours when  
15 school is in session or the hours when the student is under the  
16 supervision of school officials;

17 (c) A requirement for written, current, and unexpired instructions  
18 from an advanced registered nurse practitioner or a registered nurse  
19 licensed under this chapter regarding catheterization that include (i)  
20 a designation of the school district or private school employee or  
21 employees who may provide for the catheterization, and (ii) a  
22 description of the nature and extent of any required supervision; and

23 (d) The nature and extent of acceptable training that shall (i) be  
24 provided by a physician, advanced registered nurse practitioner, or  
25 registered nurse licensed under chapter 18.71 or 18.57 RCW, or this  
26 chapter, and (ii) be required of school district or private school  
27 employees who provide for the catheterization of a student under this  
28 section, except that a licensed practical nurse licensed under this  
29 chapter is exempt from training.

30 (2) This section does not require school districts to provide  
31 intermittent bladder catheterization of students.

32 NEW SECTION. **Sec. 630.** The department, subject to chapter 34.05  
33 RCW, the Washington Administrative Procedure Act, may adopt such  
34 reasonable rules as may be necessary to carry out the duties imposed  
35 upon it in the administration of this chapter.

36 NEW SECTION. **Sec. 631.** As of the effective date of this act, all  
37 rules, regulations, decisions, and orders of the board of nursing under



1 chapter 18.88 RCW or the board of practical nursing under chapter 18.78  
2 RCW continue to be in effect under the commission, until the commission  
3 acts to modify the rules, regulations, decisions, or orders.

4 NEW SECTION. **Sec. 632.** Sections 601 through 631 of this act  
5 constitute a new chapter in Title 18 RCW.

6 NEW SECTION. **Sec. 633.** The following acts or parts of acts are  
7 each repealed:

8 (1) RCW 18.78.005 and 1991 c 84 s 1 & 1983 c 55 s 1;

9 (2) RCW 18.78.010 and 1991 c 84 s 13, 1991 c 3 s 185, 1983 c 55 s  
10 2, 1967 c 79 s 1, 1963 c 15 s 1, & 1949 c 222 s 1;

11 (3) RCW 18.78.020 and 1991 c 84 s 2, 1983 c 55 s 3, 1967 c 79 s 2,  
12 & 1949 c 222 s 2;

13 (4) RCW 18.78.030 and 1991 c 84 s 3, 1983 c 55 s 4, & 1949 c 222 s  
14 3;

15 (5) RCW 18.78.040 and 1991 c 84 s 4, 1984 c 287 s 47, 1983 c 55 s  
16 5, 1975-'76 2nd ex.s. c 34 s 45, 1967 c 188 s 4, & 1949 c 222 s 4;

17 (6) RCW 18.78.050 and 1991 c 84 s 5, 1988 c 211 s 4, 1986 c 259 s  
18 129, 1983 c 55 s 6, 1979 c 158 s 64, 1967 c 79 s 3, & 1949 c 222 s 5;

19 (7) RCW 18.78.054 and 1987 c 150 s 49 & 1986 c 259 s 128;

20 (8) RCW 18.78.055 and 1991 c 84 s 6 & 1983 c 55 s 7;

21 (9) RCW 18.78.058 and 1987 c 150 s 50;

22 (10) RCW 18.78.060 and 1991 c 84 s 7, 1988 c 212 s 1, 1983 c 55 s  
23 8, 1971 ex.s. c 292 s 26, 1963 c 15 s 2, & 1949 c 222 s 6;

24 (11) RCW 18.78.070 and 1986 c 259 s 130, 1983 c 55 s 9, & 1949 c  
25 222 s 7;

26 (12) RCW 18.78.072 and 1988 c 211 s 3;

27 (13) RCW 18.78.080 and 1991 c 84 s 8, 1985 c 7 s 65, 1979 c 158 s  
28 65, 1975 1st ex.s. c 30 s 68, 1963 c 15 s 3, & 1949 c 222 s 9;

29 (14) RCW 18.78.090 and 1991 c 84 s 9, 1986 c 259 s 131, 1985 c 7 s  
30 66, 1983 c 55 s 10, 1979 c 158 s 66, 1975 1st ex.s. c 30 s 69, 1971  
31 ex.s. c 266 s 14, 1967 c 79 s 4, 1963 c 15 s 4, & 1949 c 222 s 10;

32 (15) RCW 18.78.100 and 1991 c 84 s 10, 1991 c 3 s 190, 1983 c 55 s  
33 11, 1971 c 68 s 1, & 1949 c 222 s 11;

34 (16) RCW 18.78.160 and 1991 c 84 s 12, 1983 c 55 s 15, & 1949 c 222  
35 s 17;

36 (17) RCW 18.78.182 and 1991 c 84 s 11, 1983 c 55 s 19, 1971 c 68 s  
37 2, & 1967 c 79 s 6;

1 (18) RCW 18.78.225 and 1991 c 3 s 192 & 1988 c 211 s 12;  
2 (19) RCW 18.78.900 and 1949 c 222 s 19;  
3 (20) RCW 18.78.901 and 1983 c 55 s 22;  
4 (21) RCW 18.88.010 and 1973 c 133 s 1 & 1949 c 202 s 1;  
5 (22) RCW 18.88.020 and 1973 c 133 s 2 & 1949 c 202 s 2;  
6 (23) RCW 18.88.030 and 1991 c 3 s 213, 1989 c 114 s 1, 1979 c 158  
7 s 69, 1973 c 133 s 3, 1961 c 288 s 1, & 1949 c 202 s 4;  
8 (24) RCW 18.88.050 and 1989 c 114 s 2, 1973 c 133 s 4, & 1949 c 202  
9 s 5;  
10 (25) RCW 18.88.060 and 1973 c 133 s 5, 1961 c 288 s 3, & 1949 c 202  
11 s 6;  
12 (26) RCW 18.88.070 and 1989 c 114 s 3, 1973 c 133 s 6, & 1949 c 202  
13 s 7;  
14 (27) RCW 18.88.080 and 1991 c 3 s 214, 1988 c 211 s 8, 1984 c 287  
15 s 50, 1977 c 75 s 12, 1975-'76 2nd ex.s. c 34 s 50, 1973 c 133 s 7,  
16 1961 c 288 s 4, & 1949 c 202 s 8;  
17 (28) RCW 18.88.086 and 1987 c 150 s 57 & 1986 c 259 s 135;  
18 (29) RCW 18.88.090 and 1991 c 3 s 215, 1975-'76 2nd ex.s. c 34 s  
19 51, 1973 c 133 s 8, 1961 c 288 s 5, & 1949 c 202 s 9;  
20 (30) RCW 18.88.100 and 1973 c 133 s 9, 1961 c 288 s 6, & 1949 c 202  
21 s 10;  
22 (31) RCW 18.88.110 and 1973 c 133 s 10 & 1949 c 202 s 11;  
23 (32) RCW 18.88.120 and 1973 c 133 s 11 & 1949 c 202 s 12;  
24 (33) RCW 18.88.130 and 1989 c 114 s 4, 1973 c 133 s 12, 1961 s 288  
25 s 7, & 1949 c 202 s 13;  
26 (34) RCW 18.88.140 and 1989 c 114 s 5, 1973 c 133 s 13, 1961 c 288  
27 s 8, & 1949 c 202 s 14;  
28 (35) RCW 18.88.150 and 1989 c 114 s 6, 1988 c 211 s 5, 1973 c 133  
29 s 14, 1961 c 288 s 9, & 1949 c 202 s 15;  
30 (36) RCW 18.88.160 and 1991 c 3 s 216, 1985 c 7 s 68, 1975 1st  
31 ex.s. c 30 s 77, 1973 c 133 s 15, 1961 c 288 s 10, & 1949 c 202 s 16;  
32 (37) RCW 18.88.170 and 1973 c 133 s 16 & 1949 c 202 s 17;  
33 (38) RCW 18.88.175 and 1991 c 3 s 217 & 1988 c 211 s 13;  
34 (39) RCW 18.88.190 and 1991 c 3 s 218, 1988 c 211 s 9, 1985 c 7 s  
35 69, 1979 ex.s. c 106 s 1, 1975 1st ex.s. c 30 s 78, 1973 c 133 s 18,  
36 1971 ex.s. c 266 s 18, 1961 c 288 s 11, & 1949 c 202 s 19;  
37 (40) RCW 18.88.200 and 1991 c 3 s 219, 1988 c 211 s 10, 1985 c 7 s  
38 70, 1975 1st ex.s. c 30 s 79, 1973 c 133 s 19, 1961 c 288 s 12, & 1949  
39 c 202 s 20;

1 (41) RCW 18.88.220 and 1991 c 3 s 220, 1988 c 211 s 11, 1973 c 133  
2 s 20, & 1949 c 202 s 22;

3 (42) RCW 18.88.270 and 1986 c 259 s 136, 1973 c 133 s 26, & 1949 c  
4 202 s 27;

5 (43) RCW 18.88.280 and 1993 c 225 s 1, 1989 c 114 s 7, 1988 c 37 s  
6 1, 1973 c 133 s 27, 1961 c 288 s 13, & 1949 c 202 s 28;

7 (44) RCW 18.88.285 and 1989 c 114 s 8, 1973 c 133 s 28, 1967 c 79  
8 s 9, & 1961 c 288 s 14;

9 (45) RCW 18.88.290 and 1955 c 62 s 1;

10 (46) RCW 18.88.295 and 1988 c 48 s 1;

11 (47) RCW 18.88.300 and 1973 c 133 s 29;

12 (48) RCW 18.88.900 and 1949 c 202 s 29; and

13 (49) RCW 18.88A.070 and 1991 c 16 s 9, 1991 c 3 s 223, 1989 c 300  
14 s 9, & 1988 c 267 s 9.

15 **PHYSICAL HEALTH THERAPIES**

16 NEW SECTION. **Sec. 701.** PURPOSE. It is the purpose of the  
17 physical health therapies quality assurance commission to regulate the  
18 competency and quality of professional health care providers under its  
19 jurisdiction by establishing, monitoring, and enforcing qualifications  
20 for licensing, consistent standards of practice, continuing competency  
21 mechanisms, and discipline. Rules, policies, and procedures developed  
22 by the commission must promote the delivery of quality health care to  
23 the residents of the state of Washington.

24 NEW SECTION. **Sec. 702.** DEFINITIONS. Unless the context otherwise  
25 requires, the definitions in this section apply throughout this  
26 chapter.

27 (1) "Commission" means the physical health therapies quality  
28 assurance commission created under section 703 of this act.

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

30 (3) "Secretary" means the secretary of health.

31 (4) Words importing the masculine gender may be applied to females.

32 (5) "Person" means an individual, partnership, unincorporated  
33 organization, or corporate body, except that only an individual may be  
34 licensed under this chapter.

35 (6) "Authorized health care practitioner" means licensed  
36 physicians, osteopathic physicians, chiropractors, naturopaths,

1 podiatric physicians and surgeons, and dentists. Nothing in this  
2 chapter alters the scope of practice of those practitioners as defined  
3 in their respective licensing laws.

4 (7) "Physical therapy" means the treatment of a bodily or mental  
5 condition of a person by the use of the physical, chemical, and other  
6 properties of heat, cold, air, light, water, electricity, sound,  
7 massage, and therapeutic exercise, which includes posture and  
8 rehabilitation procedures; the performance of tests and measurements of  
9 neuromuscular function as an aid to the diagnosis or treatment of a  
10 human condition; performance of treatments on the basis of test  
11 findings after consultation with and periodic review by an authorized  
12 health care practitioner except as provided in section 707 of this act;  
13 supervision of selective forms of treatment by trained supportive  
14 personnel; and provision of consultative services for health,  
15 education, and community agencies. The use of roentgen rays and radium  
16 for diagnostic and therapeutic purposes, the use of electricity for  
17 surgical purposes, including cauterization, and the use of spinal  
18 manipulation or manipulative mobilization of the spine and its  
19 immediate articulations, are not included under the term "physical  
20 therapy" as used in this chapter.

21 (8) "Physical therapist" means a person licensed to practice  
22 physical therapy under this chapter but does not include massage  
23 practitioners.

24 (9) "Occupational therapy" is the scientifically based use of  
25 purposeful activity with individuals who are limited by physical injury  
26 or illness, psychosocial dysfunction, developmental or learning  
27 disabilities, or the aging process, in order to maximize independence,  
28 prevent disability, and maintain health. The practice encompasses  
29 evaluation, treatment, and consultation. Specific occupational therapy  
30 services include but are not limited to using specifically designed  
31 activities and exercises to enhance neurodevelopmental, cognitive,  
32 perceptual motor, sensory integrative, and psychomotor functioning;  
33 administering and interpreting tests such as manual muscle and sensory  
34 integration; teaching daily living skills; developing prevocational  
35 skills and play and avocational capabilities; designing, fabricating,  
36 or applying selected orthotic and prosthetic devices or selected  
37 adaptive equipment; and adapting environments for the handicapped.  
38 These services may be provided individually, in groups, or through  
39 social systems.

1 (10) "Occupational therapist" means a person licensed to practice  
2 occupational therapy under this chapter.

3 (11) "Occupational therapy assistant" means a person licensed to  
4 assist in the practice of occupational therapy under the supervision or  
5 with the regular consultation of an occupational therapist.

6 (12) "Occupational therapy aide" means a person who is trained to  
7 perform specific occupational therapy techniques under professional  
8 supervision as defined by the commission but who does not perform  
9 activities that require advanced training in the sciences or practices  
10 involved in the profession of occupational therapy.

11 (13) "Massage" and "massage therapy" mean a health care service  
12 involving the external manipulation or pressure of soft tissue for  
13 therapeutic purposes. Massage therapy includes massage techniques such  
14 as methods of effleurage, petrissage, tapotement, tapping,  
15 compressions, vibration, friction, nerve stokes, and Swedish gymnastics  
16 or movements either by manual means, as they relate to massage, with or  
17 without the aids of superficial heat, cold, water, lubricants, or  
18 salts. Massage therapy does not include diagnosis or attempts to  
19 adjust or manipulate any articulations of the body or spine or  
20 mobilization of these articulations by the use of a thrusting force.

21 (14) "Massage practitioner" means an individual licensed under this  
22 chapter.

23 (15) "Massage business" means the operation of a business where  
24 massages are given.

25 NEW SECTION. **Sec. 703.** PHYSICAL HEALTH THERAPIES QUALITY  
26 ASSURANCE COMMISSION--GENERALLY. The Washington state physical health  
27 therapies quality assurance commission is established, consisting of  
28 eight members appointed by the governor. The governor may appoint the  
29 initial members of the commission to staggered terms of from one to  
30 four years. Thereafter, all members shall be appointed to full four-  
31 year terms. Members of the commission hold office until their  
32 successors are appointed. No person may serve as a member of the  
33 commission for more than two consecutive full terms. In appointing the  
34 initial members of the commission, it is the intent of the legislature  
35 that, to the extent possible, the governor appoint to the commission  
36 the existing members of the board of occupational therapy practice, the  
37 board of physical therapy, and board of massage repealed under chapter  
38 . . ., Laws of 1994 (this act).

1 Members of the commission must include two occupational therapists,  
2 two physical therapists, two massage practitioners, and two public  
3 members. The occupational therapist members, the physical therapist  
4 members, and the massage practitioner members must be citizens of the  
5 United States and residents of this state and have not less than five  
6 years' experience in the practice of their respective professions  
7 immediately before their appointments and must be actively engaged in  
8 the practice of their professions during their incumbency. Public  
9 members of the commission may not be a member of any other health care  
10 licensing board or commission, or have a fiduciary obligation to a  
11 facility rendering health services regulated by the commission, or have  
12 a material or financial interest in the rendering of health services  
13 regulated by the commission.

14 The governor may remove a member of the commission for neglect of  
15 duty, misconduct, malfeasance or misfeasance in office, or for  
16 incompetency or unprofessional conduct as defined in chapter 18.130  
17 RCW. Whenever the governor is satisfied that a member of a commission  
18 has been guilty of neglect of duty, misconduct, malfeasance or  
19 misfeasance in office, or of incompetency or unprofessional conduct,  
20 the governor shall file with the secretary of state a statement of the  
21 causes for and the order of removal from office, and the secretary  
22 shall forthwith send a certified copy of the statement of causes and  
23 order of removal to the last known post office address of the member.  
24 If a vacancy occurs on the commission, the governor shall appoint a  
25 replacement member to fill the remainder of the unexpired term.

26 Each member of the commission shall be compensated in accordance  
27 with RCW 43.03.240. Members shall be reimbursed for travel expenses  
28 incurred in the actual performance of their duties, as provided in RCW  
29 43.03.050 and 43.03.060.

30 The commission shall annually elect a chairperson, a vice-  
31 chairperson, and a secretary. The commission shall meet as called by  
32 the chairperson or the secretary. Meetings of the commission must be  
33 open and public, except the commission may hold executive sessions to  
34 the extent permitted by chapter 42.30 RCW.

35 A majority of the commission members appointed and serving  
36 constitutes a quorum for the transaction of commission business. The  
37 affirmative vote of a majority of a quorum of the commission is  
38 required to carry a motion or resolution, to adopt a rule, or to pass  
39 a measure. The commission may appoint panels consisting of not less

1 than three members. A quorum for transaction of any business by a  
2 panel is a minimum of three members. A majority vote of a quorum of  
3 the panel is required to transact business delegated to it by the  
4 commission.

5 The secretary of health shall furnish such secretarial, clerical,  
6 and other assistance as the commission may require.

7 The members of the commission are immune from suit in an action,  
8 civil or criminal, based on its disciplinary proceedings or other  
9 official acts performed in good faith as members of the commission.

10 Whenever the workload of the commission requires, the commission  
11 may request that the secretary appoint pro tempore members of the  
12 commission. When serving, pro tempore members of the commission have  
13 all of the powers, duties, and immunities, and are entitled to all of  
14 the emoluments, including travel expenses, of regularly appointed  
15 members of the commission.

16 NEW SECTION. Sec. 704. POWERS AND DUTIES OF COMMISSION RELATED TO  
17 OCCUPATIONAL THERAPISTS AND PHYSICAL THERAPISTS--APPLICATION OF UNIFORM  
18 DISCIPLINARY ACT. (1) The commission has the following powers and  
19 duties:

20 (a) Administer examinations to applicants for physical therapist  
21 and occupational therapist licenses;

22 (b) Pass upon the qualifications of applicants for licensing and  
23 certify to the secretary qualified applicants;

24 (c) Make such rules not inconsistent with the laws of this state as  
25 may be deemed necessary or proper to carry out the purposes of this  
26 chapter;

27 (d) Establish and administer requirements for continuing  
28 competency;

29 (e) Keep an official record of all its proceedings, which record is  
30 evidence of all proceedings of the commission that are set forth in the  
31 record;

32 (f) Adopt rules not inconsistent with the laws of this state, when  
33 it deems appropriate, in response to questions put to it by  
34 professional health associations, massage practitioners, occupational  
35 therapists, physical therapists, and consumers in this state concerning  
36 the authority of occupational therapists, and physical therapists to  
37 perform particular acts; and recommend such rules related to massage

1 practitioners for adoption by the secretary in areas under the  
2 authority of the secretary;

3 (g) Determine and approve definitions, evaluations, and  
4 designations of massage practitioner schools, programs, and  
5 apprenticeship programs including such areas as curriculum, faculty,  
6 and health, sanitation, and facility standards, from which graduation  
7 will be accepted as proof of a massage practitioner applicant's  
8 eligibility to take the massage practitioner licensing examination;

9 (h) Periodically review approved colleges, schools, and programs  
10 under its jurisdiction.

11 (2) The Uniform Disciplinary Act, chapter 18.130 RCW, governs the  
12 issuance and denial of licenses and the disciplining of persons under  
13 this chapter. The commission is the disciplining authority for  
14 occupational therapists and physical therapists under this chapter.

15 (3) The commission is the successor in interest of the board of  
16 occupational therapy practice and the board of physical therapy. All  
17 contracts, undertakings, agreements, rules, regulations, and policies  
18 continue in full force and effect on the effective date of this act,  
19 unless otherwise repealed or rejected by this chapter or by the  
20 commission.

21 NEW SECTION. **Sec. 705.** POWERS AND DUTIES OF SECRETARY RELATED TO  
22 MASSAGE PRACTITIONERS--APPLICATION OF UNIFORM DISCIPLINARY ACT. (1) In  
23 addition to any other authority provided by law, the secretary may:

24 (a) Adopt rules, in accordance with chapter 34.05 RCW necessary to  
25 implement the provisions of this chapter related to massage  
26 practitioners;

27 (b) Set all license, examination, and renewal fees for massage  
28 practitioners under RCW 43.70.250;

29 (c) Establish forms and procedures necessary to administer this  
30 chapter;

31 (d) Issue a license to an applicant who has met the education,  
32 training, and examination requirements for licensing as a massage  
33 practitioner; and

34 (e) Hire clerical, administrative, and investigative staff as  
35 necessary to implement this chapter, and hire individuals licensed as  
36 massage practitioners under this chapter to serve as examiners for any  
37 practical examinations for massage practitioner.



1 (2) The Uniform Disciplinary Act, chapter 18.130 RCW, governs the  
2 issuance and denial of licenses and the disciplining of persons under  
3 this chapter. The secretary is the disciplining authority for massage  
4 practitioners under this chapter.

5 (3) The secretary shall keep an official record of all proceedings  
6 under this section, a part of which record must consist of a register  
7 of all applicants for licensing under this chapter, with the result of  
8 each application.

9 (4) The commission is the successor in interest of the board of  
10 massage. All contracts, undertakings, agreements, rules, regulations,  
11 and policies continue in full force and effect on the effective date of  
12 this act, unless otherwise repealed or rejected by this chapter or by  
13 the commission.

14 (5) The secretary may by rule delegate to the commission the powers  
15 and duties granted under this section related to massage practitioners.

16 NEW SECTION. **Sec. 706.** POWERS AND DUTIES OF COMMISSION RELATED TO  
17 MASSAGE PRACTITIONERS. The commission has the following powers and  
18 duties:

19 (1) Prepare and administer examinations to applicants for licensing  
20 as massage practitioners under this chapter;

21 (2) Determine and approve definitions, evaluations, and  
22 designations of massage practitioner schools, programs, and  
23 apprenticeship programs including such areas as curriculum, faculty,  
24 and health, sanitation, and facility standards from which graduation  
25 will be accepted as proof of a massage practitioner applicant's  
26 eligibility to take the massage practitioner licensing examination.  
27 The determinations must apply equally to schools and training within  
28 the United States of America and those in foreign jurisdictions;

29 (3) Periodically review approved schools and programs;

30 (4) Determine which states have educational and licensing  
31 requirements equivalent to those of this state.

32 **PHYSICAL THERAPISTS**

33 NEW SECTION. **Sec. 707.** PHYSICAL THERAPIST CONSULTATION WITH  
34 HEALTH CARE PRACTITIONER NOT REQUIRED FOR CERTAIN TREATMENTS.  
35 Notwithstanding section 702(7) of this act, a consultation and periodic  
36 review by an authorized health care practitioner is not required for

1 treatment of neuromuscular or musculoskeletal conditions. However, a  
2 physical therapist may only provide treatment using orthoses that  
3 support, align, prevent, or correct any structural problems intrinsic  
4 to the foot or ankle by referral or consultation from an authorized  
5 health care practitioner.

6 NEW SECTION. **Sec. 708.** PHYSICAL THERAPIST REFERRAL TO HEALTH CARE  
7 PRACTITIONERS--WHEN REQUIRED. (1) Physical therapists shall refer  
8 persons under their care to authorized health care practitioners if  
9 they have reasonable cause to believe symptoms or conditions are  
10 present that require services beyond the scope of their practice or for  
11 which physical therapy is contraindicated.

12 (2) A violation of this section is unprofessional conduct under  
13 this chapter and chapter 18.130 RCW.

14 NEW SECTION. **Sec. 709.** STANDARDS FOR APPROPRIATENESS OF PHYSICAL  
15 THERAPY CARE--VIOLATION. Under the commission's power in section 704  
16 of this act, the commission shall adopt rules relating to standards for  
17 appropriateness of physical therapy care. Violation of the standards  
18 adopted under this section is unprofessional conduct under this chapter  
19 and chapter 18.130 RCW.

20 NEW SECTION. **Sec. 710.** QUALIFICATIONS OF PHYSICAL THERAPIST  
21 APPLICANTS. An applicant for a license as a physical therapist must  
22 have the following minimum qualifications:

23 (1) Be of good moral character; and

24 (2) Have obtained either (a) a baccalaureate degree in physical  
25 therapy from an institution of higher learning approved by the  
26 commission or (b) a baccalaureate degree from an institution of higher  
27 learning and a certificate or advanced degree from a school of physical  
28 therapy approved by the commission.

29 The applicant shall present proof of qualification to the  
30 commission in the manner and on the forms prescribed by it.

31 NEW SECTION. **Sec. 711.** PHYSICAL THERAPIST LICENSING  
32 EXAMINATIONS--SCOPE--TIME AND PLACE. The commission shall examine all  
33 qualified applicants for a license as a physical therapist at such time  
34 and place as the commission determines. The examination must embrace  
35 the following subjects: The applied sciences of anatomy, neuroanatomy,

1 kinesiology, physiology, pathology, psychology, physics; physical  
2 therapy as applied to medicine, neurology, orthopedics, pediatrics,  
3 psychiatry, surgery; medical ethics; technical procedures in the  
4 practice of physical therapy; and such other subjects as the commission  
5 may deem useful to test the applicant's fitness to practice physical  
6 therapy, but not including the adjustment or manipulation of the spine  
7 or use of a thrusting force as mobilization. Examinations must be held  
8 within the state at least once a year, at such time and place as the  
9 commission determines. An applicant who fails an examination may apply  
10 for reexamination upon payment of a reexamination fee determined by the  
11 secretary.

12 NEW SECTION. **Sec. 712.** PHYSICAL THERAPIST LICENSES. The  
13 secretary shall license as a physical therapist, and shall furnish a  
14 license to each applicant, who successfully passes the examination for  
15 licensing as a physical therapist.

16 NEW SECTION. **Sec. 713.** PHYSICAL THERAPIST LICENSES--FEES. The  
17 secretary shall furnish a license upon the authority of the commission  
18 to any person who applies and who has qualified under this chapter. At  
19 the time of applying, the applicant shall pay to the state treasurer a  
20 fee determined by the secretary under RCW 43.70.250. No person  
21 registered or licensed on July 24, 1983, as a physical therapist may be  
22 required to pay an additional fee for a license under this chapter.

23 NEW SECTION. **Sec. 714.** PHYSICAL THERAPIST LICENSING BY  
24 ENDORSEMENT. Upon the recommendation of the commission, the secretary  
25 shall license as a physical therapist and shall furnish a license to a  
26 person who is a physical therapist registered or licensed under the  
27 laws of another state or territory, or the District of Columbia, if the  
28 qualifications for registration or license that were required of the  
29 applicant were substantially equal to the requirements under this  
30 chapter. At the time of applying for licensing by endorsement, the  
31 applicant shall pay to the state treasurer a fee determined by the  
32 secretary under RCW 43.70.250.

33 NEW SECTION. **Sec. 715.** PHYSICAL THERAPIST LICENSES--ISSUANCE TO  
34 PERSONS LICENSED OR REGISTERED BEFORE JULY 24, 1983. The secretary  
35 shall issue a license under this chapter to a person holding a valid

1 license or certificate of registration to practice physical therapy  
2 issued by authority of this state before July 24, 1983.

3 NEW SECTION. **Sec. 716.** RENEWAL OF PHYSICAL THERAPIST LICENSE--  
4 LAPSED LICENSE--FEES. A licensed physical therapist shall apply to the  
5 secretary for a renewal of the license and pay to the state treasurer  
6 a fee determined by the secretary under RCW 43.70.250. The license of  
7 a physical therapist who fails to renew the license within thirty days  
8 of the date set by the secretary for renewal will automatically lapse.  
9 Within three years from the date of lapsing and upon the recommendation  
10 of the commission, the secretary may revive a lapsed license upon the  
11 payment of all past unpaid renewal fees and a penalty fee to be  
12 determined by the secretary. The commission may require reexamination  
13 of an applicant whose license has lapsed for more than three years and  
14 who has not continuously engaged in lawful practice in another state or  
15 territory, or waive reexamination in favor of evidence of continuing  
16 education satisfactory to the commission.

17 NEW SECTION. **Sec. 717.** PHYSICAL THERAPIST INTERIM PERMITS. (1)  
18 The department, upon approval by the commission, shall issue an interim  
19 permit authorizing an applicant for physical therapist licensing who  
20 meets the minimum qualifications of section 720 of this act to practice  
21 physical therapy under graduate supervision pending notification of the  
22 results of the first licensing examination for which the applicant is  
23 eligible, but not to exceed six months.

24 (2) For purposes of this section, "graduate supervision" means  
25 supervision of a holder of an interim permit by a licensed physical  
26 therapist who is on the premises at all times. Graduate supervision  
27 must include consultation regarding evaluation, treatment plan,  
28 treatment program, and progress of each assigned patient at appropriate  
29 intervals and be documented by cosignature of notes by the licensed  
30 physical therapist. Section 707 of this act does not apply to holders  
31 of interim permits.

32 (3) If the holder of the interim permit fails the examination, the  
33 permit expires upon notification and is not renewable.

34 NEW SECTION. **Sec. 718.** ADVERTISING BY PHYSICAL THERAPIST OF  
35 SPINAL MANIPULATION OR MOBILIZATION PROHIBITED. (1) Physical

1 therapists shall not advertise that they perform spinal manipulation or  
2 manipulative mobilization of the spine.

3 (2) A violation of this section is unprofessional conduct under  
4 this chapter and chapter 18.130 RCW.

5 NEW SECTION. **Sec. 719.** FALSE ADVERTISING--USE OF NAME AND WORDS--  
6 LICENSE REQUIRED--PROSECUTIONS OF VIOLATIONS. A person who is not  
7 licensed with the secretary as a physical therapist under the  
8 requirements of this chapter shall not represent himself or herself as  
9 being so licensed and shall not use in connection with his or her name  
10 the words or letters "P.T.," "R.P.T.," "L.P.T.," "physical therapy,"  
11 "physiotherapy," "physical therapist," or "physiotherapist," or any  
12 other letters, words, signs, numbers, or insignia indicating or  
13 implying that he or she is a physical therapist. No person may  
14 practice physical therapy without first having a valid license. The  
15 prosecuting attorney of each county shall prosecute all cases involving  
16 a violation of this chapter arising within that county. The attorney  
17 general may assist in the prosecution and shall appear at all hearings  
18 when requested to do so by the commission.

19 NEW SECTION. **Sec. 720.** FALSE ADVERTISING--INJUNCTIONS. If a  
20 person violates this chapter, the attorney general, prosecuting  
21 attorney, the secretary, the commission, or any citizen of the county  
22 where the violation occurred may maintain an action in the name of the  
23 state to enjoin the violator from practicing or holding himself or  
24 herself out as practicing physical therapy. The injunction does not  
25 relieve criminal prosecution, but the remedy of injunction is in  
26 addition to the liability of the offender for criminal prosecution and  
27 the suspension or revocation of his or her license.

28 NEW SECTION. **Sec. 721.** ACTIVITIES NOT PROHIBITED--USE OF LETTERS  
29 OR WORDS IN CONNECTION WITH NAME. Nothing in this chapter prohibits a  
30 person licensed in this state under any other law from engaging in the  
31 practice for which he or she is licensed. Nothing in this chapter  
32 prohibits a person who, at any time before January 1, 1961, was  
33 practicing a healing or manipulative art in the state of Washington and  
34 designating the practice as physical therapy or physiotherapy, from  
35 continuing to do so after the effective date of this act. However, no  
36 such person may represent himself or herself as being registered and

1 may not use in connection with his or her name the words or letters  
2 "registered" or "licensed" or "R.P.T."

3 NEW SECTION. **Sec. 722.** PRACTICES AND SERVICES NOT REGULATED OR  
4 PROHIBITED BY PHYSICAL THERAPY PROVISIONS. This chapter does not  
5 prohibit or regulate:

6 (1) The practice of physical therapy by students enrolled in  
7 approved schools as may be incidental to their course of study so long  
8 as the activities do not go beyond the scope of practice defined by  
9 this chapter;

10 (2) Auxiliary services provided by physical therapy aides carrying  
11 out duties necessary for the support of physical therapy, including  
12 those duties that involve minor physical therapy services when  
13 performed under the direct supervision of licensed physical therapists  
14 so long as the activities do not go beyond the scope of practice  
15 defined by this chapter;

16 (3) The practice of physical therapy by licensed or registered  
17 physical therapists of other states or countries while appearing as  
18 clinicians of bona fide educational seminars sponsored by physical  
19 therapy, medical, or other healing art professional associations so  
20 long as the activities do not go beyond the scope of practice defined  
21 by this chapter;

22 (4) The practice of physical therapists in the armed services or  
23 employed by any other branch of the federal government.

24 NEW SECTION. **Sec. 723.** INSURANCE COVERAGE AND BENEFITS NOT  
25 MANDATED OR REGULATED. This chapter does not restrict the ability of  
26 an insurance entity regulated by Title 48 RCW, or a state agency or  
27 program, from limiting or controlling the use of physical therapy  
28 services through the use of a gatekeeper function; nor does it require  
29 or prohibit that individual or group policies or contracts of an  
30 insurance carrier, health care service contractor, or health  
31 maintenance organization provide benefits or coverage for services and  
32 supplies provided by a person licensed under this chapter. For the  
33 purpose of this chapter, "gatekeeper function" means a provision in a  
34 contract that establishes a threshold requirement, such as a  
35 recommendation from a case manager or a primary care provider, that  
36 must be satisfied before a covered person is eligible to receive  
37 benefits under the contract.

1 NEW SECTION. **Sec. 724.** PHYSICAL THERAPIST PRACTICE SETTING NOT  
2 RESTRICTED. Nothing in this chapter restricts the ability of physical  
3 therapists to work in the practice setting of their choice.

4 **OCCUPATIONAL THERAPISTS**

5 NEW SECTION. **Sec. 725.** OCCUPATIONAL THERAPIST LICENSE REQUIRED.  
6 No person may practice or represent himself or herself as an  
7 occupational therapist without first having a valid license to do so.

8 NEW SECTION. **Sec. 726.** PRACTICE, SERVICES, OR ACTIVITIES NOT  
9 PREVENTED OR RESTRICTED BY CHAPTER--LIMITED PERMITS. This chapter does  
10 not prevent or restrict the practice, services, or activities of:

11 (1) A person licensed in this state under any other law from  
12 engaging in the profession or occupation for which the person is  
13 licensed;

14 (2) A person employed as an occupational therapist or occupational  
15 therapy assistant by the government of the United States, if the person  
16 provides occupational therapy solely under the directions or control of  
17 the organization by which the person is employed;

18 (3) A person pursuing a course of study leading to a degree or  
19 certificate in occupational therapy in an accredited or approved  
20 educational program if the activities and services constitute a part of  
21 a supervised course of study, if the person is designated by a title  
22 that clearly indicates the person's status as a student or trainee;

23 (4) A person fulfilling the supervised fieldwork experience  
24 requirements of section 727 of this act, if the activities and services  
25 are a part of the experience necessary to meet the requirements of that  
26 section;

27 (5) A person performing occupational therapy services in this  
28 state, if the services are performed for no more than ninety working  
29 days and if:

30 (a) The person is licensed under the laws of another state that has  
31 licensing requirements at least as stringent as the requirements of  
32 this chapter, as determined by the commission; or

33 (b) The person has met commonly accepted standards for the practice  
34 of occupational therapy as specifically defined by the commission;

35 (6) A person employed by or supervised by an occupational therapist  
36 as an occupational therapy aide;

1 (7) A person with a limited permit. The commission may grant a  
2 limited permit to a person who has completed the education and  
3 experience requirements of this chapter, or education and experience  
4 requirements that the commission deems equivalent to those specified as  
5 requirements for licensing. The limited permit allows the applicant to  
6 practice in association with an occupational therapist. The limited  
7 permit is valid until the results of the next examination have been  
8 made public. The commission may grant one extension of this permit if  
9 the applicant has failed the examination, but during this period the  
10 person must be under the direct supervision of an occupational  
11 therapist;

12 (8) A person who teaches daily living skills, develops  
13 prevocational skills or play and avocational capabilities, adapts  
14 equipment or environments for the handicapped, or who does specific  
15 activities to enhance cognitive, perceptual motor, sensory integrative,  
16 and psychomotor skills, but who does not hold himself or herself out to  
17 the public by a title, initials, or description of services as being  
18 engaged in the practice of occupational therapy; or

19 (9) A person who designs, fabricates, or applies orthotic or  
20 prosthetic devices that are prescribed by a health care professional  
21 authorized by the laws of this state to prescribe the device or to  
22 direct the design, fabrication, or application of the device.

23 NEW SECTION. **Sec. 727.** OCCUPATIONAL THERAPIST LICENSES--  
24 APPLICATION--REQUIREMENTS--WAIVER. (1) An applicant for a license as  
25 an occupational therapist or an occupational therapy assistant shall  
26 file a written application on forms provided by the department showing  
27 to the satisfaction of the commission that the applicant meets the  
28 requirements of this subsection.

29 (a) The applicant must be of good moral character.

30 (b) The applicant shall present evidence satisfactory to the  
31 commission of having successfully completed the academic requirements  
32 of an educational program in occupational therapy recognized by the  
33 commission, with concentration in biological or physical science,  
34 psychology, sociology, and with education in selected manual skills.

35 (i) For an occupational therapist, the program must be nationally  
36 accredited and approved by rules of the commission.

37 (ii) For an occupational therapy assistant, the program must be  
38 nationally accredited and approved by rules of the commission.



1 (c) The applicant shall submit to the commission evidence of having  
2 successfully completed a period of supervised fieldwork experience at  
3 a recognized educational institution or a training program approved by  
4 the educational institution at which the applicant met the academic  
5 requirements.

6 (i) For an occupational therapist, a minimum of six months of  
7 supervised fieldwork experience is required.

8 (ii) For an occupational therapy assistant, a minimum of two months  
9 of supervised fieldwork experience is required.

10 (d) An applicant for licensure as an occupational therapist or as  
11 an occupational therapy assistant shall pass an examination as provided  
12 in section 728 of this act.

13 (2) The commission may waive the educational requirements specified  
14 under subsection (1)(b)(ii) of this section for an occupational therapy  
15 assistant who has met the experience and any other requirements  
16 established by the commission. Upon successful completion of the  
17 examination required of the occupational therapist, the commission  
18 shall grant the individual a license.

19 NEW SECTION. **Sec. 728.** OCCUPATIONAL THERAPIST LICENSING  
20 EXAMINATIONS. (1) A person applying for licensing shall demonstrate  
21 eligibility in accordance with section 727 of this act and shall apply  
22 for examination upon a form and in such a manner as the department  
23 prescribes. The application must be accompanied by the fee prescribed  
24 by section 733 of this act, which fee is not refundable. A person who  
25 fails an examination may apply for reexamination. The reexamination  
26 application must be accompanied by the prescribed fee.

27 (2) An applicant for licensing under this chapter shall be given a  
28 written examination to test the applicant's knowledge of the basic and  
29 clinical sciences relating to occupational therapy and occupational  
30 therapy theory and practice, including the applicant's professional  
31 skills of occupational therapy techniques and methods, and such other  
32 subjects as the commission deems useful to determine the applicant's  
33 fitness to practice. The commission shall approve the examination and  
34 establish standards for acceptable performance.

35 (3) Applicants for licensing shall be examined at a time and place  
36 and under such supervision as the commission may determine. The  
37 examination must be given at least twice each year at such places as  
38 the commission determines, and the commission shall give reasonable

1 public notice of the examinations in accordance with its rules at least  
2 sixty days before the administration of the examination.

3 (4) Applicants may obtain their examination scores and may review  
4 their tests in accordance with rules of the commission.

5 NEW SECTION. **Sec. 729.** WAIVER OF OCCUPATIONAL THERAPIST  
6 EXAMINATION AND LICENSING REQUIREMENTS--APPLICANTS LICENSED IN OTHER  
7 STATES OR TERRITORIES. (1) The commission shall waive the examination  
8 and grant a license to a person engaged in the profession of an  
9 occupational therapist or an occupational therapy assistant on June 7,  
10 1984, if the commission determines that the person meets commonly  
11 accepted standards for the profession, as established by rule of the  
12 commission. The commission may waive the examination, education, or  
13 experience requirements and grant a license to a person meeting the  
14 standards adopted by the commission under this section after June 7,  
15 1984, if the commission considers the requirements for licensing in  
16 this chapter as having been met.

17 (2) The commission may grant a license to an applicant who presents  
18 proof of current licensing as an occupational therapist or occupational  
19 therapy assistant in another state, the District of Columbia, or a  
20 territory of the United States, that requires standards for licensing  
21 that the commission considers to be equivalent to the requirements for  
22 licensing under this chapter.

23 (3) The commission shall waive the education and experience  
24 requirements for licensing in section 727(1) (c) and (d) of this act  
25 for an applicant who presents evidence to the commission that he or she  
26 has been engaged in the practice of occupational therapy for the three  
27 years immediately before June 7, 1984. The applicant shall present  
28 proof of actual practice to the commission in the manner prescribed by  
29 rule of the commission. To obtain the waiver, an applicant shall file  
30 an application for examination no later than six months from June 7,  
31 1984. An applicant who has filed for examination under this subsection  
32 is excused from the licensing requirement until the date the results of  
33 the examination are made public.

34 NEW SECTION. **Sec. 730.** LICENSE ISSUANCE--POSTING. The secretary  
35 shall issue a license to a person who meets the licensing requirements  
36 of this chapter upon payment of the prescribed license fee. The

1 license must be posted in a conspicuous location at the person's work  
2 site.

3 NEW SECTION. **Sec. 731.** RENEWAL OF OCCUPATIONAL THERAPIST  
4 LICENSES--REINSTATEMENT OF SUSPENDED OR REVOKED LICENSES--INACTIVE  
5 STATUS. (1) Licenses under this chapter may be renewed at the time and  
6 in the manner determined by the secretary and with the payment of a  
7 renewal fee. The commission shall establish requirements for license  
8 renewal that provide evidence of continued competency. The secretary  
9 may provide for the late renewal of a license upon the payment of a  
10 late fee in accordance with commission rules. The rules may include  
11 additional continuing education or examination requirements.

12 (2) A suspended occupational therapist license is subject to  
13 expiration and may be renewed as provided in this section, but the  
14 renewal does not entitle the licensee, while the license remains  
15 suspended and until it is reinstated, to engage in the licensed  
16 activity, or in any other conduct or activity in violation of the order  
17 or judgment by which the license was suspended. If a license revoked  
18 on disciplinary grounds is reinstated, the licensee, as a condition of  
19 reinstatement, shall pay the renewal fee and any applicable late fee.

20 (3) An occupational therapist or occupational therapy assistant not  
21 practicing occupational therapy or providing services may place his or  
22 her license in an inactive status. The secretary may prescribe  
23 requirements for maintaining an inactive status and converting from an  
24 inactive or active status.

25 NEW SECTION. **Sec. 732.** DUTY TO REFER MEDICAL CASES. An  
26 occupational therapist shall, after evaluating a patient and if the  
27 case is a medical one, refer the case to a physician for appropriate  
28 medical direction if that direction is lacking. Treatment by an  
29 occupational therapist of such a medical case may take place only upon  
30 the referral of a physician or a podiatric physician and surgeon  
31 licensed to practice in this state.

32 NEW SECTION. **Sec. 733.** FEES. The secretary shall prescribe and  
33 publish occupational therapist fees in amounts determined by the  
34 secretary under RCW 43.70.250 for the following purposes:

- 35 (1) Application for examination;  
36 (2) Initial license fee;

- 1 (3) Renewal of license fee;
- 2 (4) Late renewal fee; and
- 3 (5) Limited permit fee.

4 The secretary shall set the fees in amounts that will reimburse the  
5 state, to the extent feasible, for the cost of the services rendered.

6 **MESSAGE PRACTITIONERS**

7 NEW SECTION. **Sec. 734.** INTENT OF MESSAGE PRACTITIONERS  
8 REGULATION--HEALTH CARE INSURANCE NOT AFFECTED. The legislature finds  
9 it necessary to license the practice of massage and massage therapy in  
10 order to protect the public health and safety. It is the legislature's  
11 intent that only individuals who meet and maintain minimum standards of  
12 competence and conduct may provide services to the public. This  
13 chapter does not require or prohibit individual or group policies or  
14 contracts of an insurance carrier, health care service contractor, or  
15 health maintenance organization from providing benefits or coverage for  
16 services and supplies provided by a person registered or certified  
17 under this chapter.

18 NEW SECTION. **Sec. 735.** MESSAGE PRACTITIONER LICENSE REQUIRED.  
19 (1) No person may practice or represent himself or herself as a massage  
20 practitioner without first applying for and receiving from the  
21 department a license to practice.

22 (2) A person represents himself or herself as a massage  
23 practitioner when the person adopts or uses any title or any  
24 description of services that incorporates one or more of the following  
25 terms or designations: Massage, massage practitioner, massage  
26 therapist, massage therapy, therapeutic massage, massage technician,  
27 massage technology, massagist, masseur, masseuse, myotherapist or  
28 myotherapy, touch therapist, reflexologist, acupressurist, body therapy  
29 or body therapist, or any derivation of those terms that implies a  
30 massage technique or method.

31 NEW SECTION. **Sec. 736.** ADVERTISING PRACTICE OF MESSAGE BY  
32 UNLICENSED PERSON UNLAWFUL. It is unlawful to advertise the practice  
33 of massage using the term massage or any other term that implies a  
34 massage technique or method in a public or private publication or  
35 communication by a person not licensed by the secretary as a massage

1 practitioner. A person who holds a license to practice as a massage  
2 practitioner in this state may use the title "licensed massage  
3 practitioner" and the abbreviation "L.M.P." No other persons may  
4 assume that title or use that abbreviation or any other word, letters,  
5 signs, or figures to indicate that the person using the title is a  
6 licensed massage practitioner.

7 NEW SECTION. **Sec. 737.** EXEMPTIONS. This chapter does not apply  
8 to:

9 (1) An individual giving massage to members of his or her immediate  
10 family;

11 (2) The practice of a profession by individuals who are licensed,  
12 certified, or registered under other laws of this state and who are  
13 performing services within their authorized scope of practice;

14 (3) Massage practiced at the athletic department of an institution  
15 maintained by the public funds of the state, or any of its political  
16 subdivisions;

17 (4) Massage practiced at the athletic department of a school or  
18 college approved by the department by rule using recognized national  
19 professional standards.

20 NEW SECTION. **Sec. 738.** MASSAGE PRACTITIONER LICENSE--ISSUANCE--  
21 EXPIRATION--RENEWAL--FEES. Licenses issued under sections 739 through  
22 742 of this act, unless otherwise provided, expire on the annual  
23 anniversary date of the individual's date of birth.

24 The secretary shall prorate the licensing fee for a massage  
25 practitioner based on one-twelfth of the annual license fee for each  
26 full calendar month between the issue date and the next anniversary of  
27 the applicant's birth date, a date used as the expiration date of the  
28 license.

29 An applicant for a license shall pay an examination fee determined  
30 by the secretary under RCW 43.70.250, which fee must accompany the  
31 application. Applications for licensing must be submitted on forms  
32 provided by the secretary.

33 An applicant granted a license under sections 739 through 742 of  
34 this act shall pay to the secretary a license fee determined by the  
35 secretary under RCW 43.70.250, before the issuance of the license, and  
36 an annual renewal fee determined by the secretary under RCW 43.70.250.  
37 Failure to renew invalidates the license and all privileges granted to

1 the licensee, but the license may be reinstated upon written  
2 application to the secretary and payment to the state of all delinquent  
3 fees and penalties as determined by the secretary. If a license has  
4 lapsed for a period longer than three years, the licensee shall  
5 demonstrate competence to the satisfaction of the secretary by proof of  
6 continuing education or other standard determined by the secretary with  
7 the advice of the commission.

8 NEW SECTION. **Sec. 739.** QUALIFICATIONS FOR MASSAGE PRACTITIONER  
9 LICENSE. The secretary shall issue a massage practitioner's license to  
10 an applicant who demonstrates to the secretary's satisfaction that the  
11 following requirements have been met:

12 (1) Successful completion of a course of study in an approved  
13 massage program or approved apprenticeship program;

14 (2) Successful completion of an examination administered or  
15 approved by the commission; and

16 (3) Be eighteen years of age or older.

17 In addition, applicants are subject to the grounds for denial or  
18 issuance of a conditional license under chapter 18.130 RCW.

19 The secretary may require information and documentation that  
20 reasonably relates to the need to determine whether the applicant meets  
21 the criteria for licensing provided for in this section and chapter  
22 18.130 RCW. The secretary shall establish by rule what constitutes  
23 adequate proof of meeting the criteria. The commission shall give an  
24 appropriate alternate form of examination for persons who cannot read  
25 or speak English to determine equivalent competency.

26 NEW SECTION. **Sec. 740.** MASSAGE PRACTITIONER LICENSE EXAMINATION.

27 (1) The secretary shall establish the date and location of the  
28 examination. Applicants who demonstrate to the secretary's  
29 satisfaction that the following requirements have been met shall be  
30 scheduled for the next examination after the filing of the application:

31 (a) Successful completion of a course of study in an approved  
32 massage program; or

33 (b) Successful completion of an apprenticeship program established  
34 by the commission; and

35 (c) Be eighteen years of age or older.

36 In addition, completed and approved applications must be received  
37 sixty days before the scheduled examination.

1 (2) The commission or its designee shall examine each applicant in  
2 a written and practical examination determined most effective on  
3 subjects appropriate to the massage scope of practice. The subjects  
4 may include anatomy, kinesiology, physiology, pathology, principles of  
5 human behavior, massage theory and practice, hydrotherapy, hygiene,  
6 first aid, Washington law pertaining to the practice of massage, and  
7 such other subjects as the commission may deem useful to test the  
8 applicant's fitness to practice massage therapy. The examinations must  
9 be limited in purpose to determining whether the applicant possesses  
10 the minimum skill and knowledge necessary to practice competently.

11 (3) The commission shall preserve the examination papers, all  
12 grading of examinations, and the grading of any practical work for at  
13 least one year after the commission has made and published decisions  
14 upon them. The commission shall conduct all examinations under fair  
15 and impartial methods as determined by the secretary.

16 (4) An applicant who fails to make the required grade in the first  
17 examination is entitled to take up to two additional examinations upon  
18 the payment of a fee for each subsequent examination determined by the  
19 secretary under RCW 43.70.250. Upon failure of three examinations, the  
20 secretary may invalidate the original application and require such  
21 remedial education as is required by the commission before admission to  
22 future examinations.

23 (5) The commission may approve an examination prepared or  
24 administered, or both, by a private testing agency or association of  
25 licensing commissions for use by an applicant in meeting the licensing  
26 requirement.

27 NEW SECTION. **Sec. 741.** OUT-OF-STATE MASSAGE PRACTITIONER  
28 LICENSING APPLICANTS. The secretary may grant a Washington massage  
29 practitioner's license without examination to an applicant holding a  
30 license in another state or foreign jurisdiction if, in the opinion of  
31 the commission, the other state's or foreign jurisdiction's examination  
32 and educational requirements are substantially equivalent to  
33 Washington's and the applicant demonstrates to the satisfaction of the  
34 secretary a working knowledge of Washington law pertaining to the  
35 practice of massage. The applicant shall provide proof in a manner  
36 approved by the department that the examination and requirements are  
37 equivalent to Washington's.

1        NEW SECTION.    **Sec. 742.**    PERSONS LICENSED TO PRACTICE MASSAGE UNDER  
2    PRIOR LAW.    A person holding a valid license to practice massage issued  
3    by authority of the state before the effective date of this act  
4    continues to be licensed as a massage practitioner under this chapter.

5        NEW SECTION.    **Sec. 743.**    INSPECTION OF MASSAGE PREMISES BY LAW  
6    ENFORCEMENT PERSONNEL.    State and local law enforcement personnel may  
7    inspect massage premises at any time, including business hours.

8        NEW SECTION.    **Sec. 744.**    PROVISIONS RELATING TO LICENSING OF  
9    MASSAGE BUSINESSES NONEXCLUSIVE--AUTHORITY OF LOCAL POLITICAL  
10    SUBDIVISIONS.    The provisions of this chapter relating to the  
11    registration and licensing of a massage business are not exclusive and  
12    any political subdivision of the state of Washington within whose  
13    jurisdiction the massage business is located may require any  
14    registrations or licenses, or charge any fee for the same or similar  
15    purpose; and nothing in this chapter limits or abridges the authority  
16    of a political subdivision to levy and collect a general and  
17    nondiscriminatory license fee levied upon all businesses, or to levy a  
18    tax based upon gross business conducted by a firm within that political  
19    subdivision.

20        NEW SECTION.    **Sec. 745.**    SAVINGS.    This chapter does not affect any  
21    existing right acquired or liability or obligations incurred under the  
22    sections repealed in chapter . . . , Laws of 1994 (this act) or under  
23    any rule, regulation, or order adopted under those sections, nor as  
24    affecting any proceeding instituted under those sections.

25        NEW SECTION.    **Sec. 746.**    Sections 701 through 745 of this act  
26    constitute a new chapter in Title 18 RCW.

27        NEW SECTION.    **Sec. 747.**    The following acts or parts of acts are  
28    each repealed:

- 29        (1) RCW 18.59.010 and 1984 c 9 s 2;  
30        (2) RCW 18.59.020 and 1991 c 3 s 153 & 1984 c 9 s 3;  
31        (3) RCW 18.59.031 and 1987 c 150 s 44;  
32        (4) RCW 18.59.040 and 1985 c 296 s 1 & 1984 c 9 s 5;  
33        (5) RCW 18.59.050 and 1984 c 9 s 6;  
34        (6) RCW 18.59.060 and 1984 c 9 s 7;



1 (7) RCW 18.59.070 and 1984 c 9 s 8;  
2 (8) RCW 18.59.080 and 1991 c 3 s 154 & 1984 c 9 s 9;  
3 (9) RCW 18.59.090 and 1991 c 3 s 155, 1990 c 13 s 1, & 1984 c 9 s  
4 10;  
5 (10) RCW 18.59.100 and 1986 c 259 s 101 & 1984 c 9 s 11;  
6 (11) RCW 18.59.110 and 1991 c 3 s 156, 1985 c 7 s 58, & 1984 c 9 s  
7 12;  
8 (12) RCW 18.59.120 and 1984 c 9 s 13;  
9 (13) RCW 18.59.130 and 1986 c 259 s 102 & 1984 c 9 s 14;  
10 (14) RCW 18.59.141 and 1987 c 150 s 43 & 1986 c 259 s 100;  
11 (15) RCW 18.59.150 and 1991 c 3 s 157 & 1984 c 9 s 15;  
12 (16) RCW 18.59.900 and 1984 c 9 s 1;  
13 (17) RCW 18.59.905 and 1984 c 9 s 21;  
14 (18) RCW 18.74.005 and 1983 c 116 s 1;  
15 (19) RCW 18.74.010 and 1991 c 12 s 1, 1988 c 185 s 1, 1983 c 116 s  
16 2, 1961 c 64 s 1, & 1949 c 239 s 1;  
17 (20) RCW 18.74.012 and 1991 c 12 s 2, 1990 c 297 s 19, & 1988 c 185  
18 s 2;  
19 (21) RCW 18.74.015 and 1988 c 185 s 3;  
20 (22) RCW 18.74.020 and 1991 c 3 s 174, 1984 c 287 s 46, 1983 c 116  
21 s 3, 1979 c 158 s 62, 1975-'76 2nd ex.s. c 34 s 44, & 1949 c 239 s 2;  
22 (23) RCW 18.74.023 and 1991 c 12 s 3, 1991 c 3 s 175, 1986 c 259 s  
23 124, & 1983 c 116 s 4;  
24 (24) RCW 18.74.025 and 1991 c 12 s 5;  
25 (25) RCW 18.74.027 and 1983 c 116 s 5;  
26 (26) RCW 18.74.029 and 1993 c 133 s 2, 1987 c 150 s 47, & 1986 c  
27 259 s 123;  
28 (27) RCW 18.74.030 and 1983 c 116 s 6, 1961 c 64 s 2, & 1949 c 239  
29 s 3;  
30 (28) RCW 18.74.035 and 1991 c 3 s 176, 1983 c 116 s 7, & 1961 c 64  
31 s 3;  
32 (29) RCW 18.74.040 and 1991 c 3 s 177, 1983 c 116 s 8, & 1949 c 239  
33 s 4;  
34 (30) RCW 18.74.050 and 1991 c 3 s 178, 1985 c 7 s 63, 1983 c 116 s  
35 9, 1975 1st ex.s. c 30 s 65, 1961 c 64 s 4, & 1949 c 239 s 5;  
36 (31) RCW 18.74.060 and 1991 c 3 s 179, 1985 c 7 s 64, 1983 c 116 s  
37 10, 1975 1st ex.s. c 30 s 66, 1961 c 64 s 5, & 1949 c 239 s 6;  
38 (32) RCW 18.74.065 and 1983 c 116 s 11;

1 (33) RCW 18.74.070 and 1991 c 3 s 180, 1983 c 116 s 12, 1975 1st  
2 ex.s. c 30 s 67, 1971 ex.s. c 266 s 13, 1961 c 64 s 6, & 1949 c 239 s  
3 7;

4 (34) RCW 18.74.075 and 1993 c 133 s 1;

5 (35) RCW 18.74.085 and 1988 c 185 s 4;

6 (36) RCW 18.74.090 and 1991 c 3 s 181, 1987 c 150 s 48, 1986 c 259  
7 s 125, 1983 c 116 s 18, 1961 c 64 s 8, & 1949 c 239 s 9;

8 (37) RCW 18.74.095 and 1991 c 3 s 182, 1983 c 116 s 19, & 1961 c 64  
9 s 9;

10 (38) RCW 18.74.120 and 1991 c 3 s 183, 1983 c 116 s 21, 1979 c 158  
11 s 63, 1977 c 75 s 11, & 1949 c 239 s 12;

12 (39) RCW 18.74.125 and 1961 c 64 s 10;

13 (40) RCW 18.74.130 and 1983 c 116 s 22;

14 (41) RCW 18.74.135 and 1988 c 185 s 5;

15 (42) RCW 18.74.140 and 1991 c 12 s 4;

16 (43) RCW 18.74.900 and 1949 c 239 s 13;

17 (44) RCW 18.74.910 and 1961 c 64 s 11; and

18 (45) RCW 18.74.911 and 1983 c 116 s 24.

19 **MENTAL HEALTH CARE**

20 **Sec. 801.** RCW 18.19.070 and 1991 c 3 s 22 are each amended to read  
21 as follows:

22 (1) (~~Within sixty days of July 26, 1987, the secretary shall have~~  
23 ~~authority to appoint advisory committees to further the purposes of~~  
24 ~~this chapter. Each such committee shall be composed of five members,~~  
25 ~~one member initially appointed for a term of one year, two for terms of~~  
26 ~~two years, and two for terms of three years. No person may serve as a~~  
27 ~~member of the committee for more than two consecutive terms.)) The  
28 Washington state mental health quality assurance council is created,  
29 consisting of nine members appointed by the secretary. All  
30 appointments shall be for a term of four years. No person may serve as  
31 a member of the council for more than two consecutive full terms.~~

32 Voting members of the council must include one social worker  
33 certified under RCW 18.19.110, one mental health counselor certified  
34 under RCW 18.19.120, one marriage and family therapist certified under  
35 RCW 18.19.130, one counselor registered under RCW 18.19.090, one  
36 hypnotherapist registered under RCW 18.19.090, and two public members.  
37 Nonvoting members of the council must include one psychiatrist licensed

1 under chapter 18.71 RCW and one psychologist licensed under chapter  
2 18.83 RCW. Each member of the council must be a citizen of the United  
3 States and a resident of this state. Public members of the council may  
4 not be a member of any other health care licensing board or commission,  
5 or have a fiduciary obligation to a facility rendering health services  
6 regulated by the council, or have a material or financial interest in  
7 the rendering of health services regulated by the council.

8 The secretary may appoint the initial members of the council to  
9 staggered terms of from one to four years. Thereafter, all members  
10 shall be appointed to full four-year terms. Members of the council  
11 hold office until their successors are appointed.

12 The secretary may remove any member of the (~~(advisory committees)~~)  
13 council for cause as specified by rule. In the case of a vacancy, the  
14 secretary shall appoint a person to serve for the remainder of the  
15 unexpired term.

16 (2) The (~~(advisory committees)~~) council shall (~~(each)~~) meet at the  
17 times and places designated by the secretary and shall hold meetings  
18 during the year as necessary to provide advice to the secretary.

19 Each member of (~~(an advisory committee)~~) the council shall be  
20 reimbursed for travel expenses as authorized in RCW 43.03.050 and  
21 43.03.060. In addition, members of the (~~(committees)~~) council shall be  
22 compensated in accordance with RCW 43.03.240 when engaged in the  
23 authorized business of (~~(their committee.~~

24 (~~(3) Members of an advisory committee shall be residents of this~~  
25 ~~state. Each committee shall be composed of four individuals registered~~  
26 ~~or certified in the category designated by the committee title, and one~~  
27 ~~member who is a member of the public)) the council. The members of the  
28 council are immune from suit in an action, civil or criminal, based on  
29 their official acts performed in good faith as members of the council.~~

30 **ACUPUNCTURE**

31 **Sec. 802.** RCW 18.06.080 and 1992 c 110 s 3 are each amended to  
32 read as follows:

33 (1) The secretary is hereby authorized and empowered to execute the  
34 provisions of this chapter and shall offer examinations in acupuncture  
35 at least twice a year at such times and places as the secretary may

1 select. The examination shall be a written examination and may include  
2 a practical examination.

3 (2) The secretary shall develop or approve a certification  
4 examination in the subjects that the secretary determines are within  
5 the scope of and commensurate with the work performed by certified  
6 acupuncturists and shall include but not necessarily be limited to  
7 anatomy, physiology, microbiology, biochemistry, pathology, hygiene,  
8 and acupuncture. All application papers shall be deposited with the  
9 secretary and there retained for at least one year, when they may be  
10 destroyed.

11 (3) If the examination is successfully passed, the secretary shall  
12 confer on such candidate the title of Certified Acupuncturist.

13 (4) The secretary may appoint members of the profession to serve in  
14 an ad hoc advisory capacity to the secretary in carrying out this  
15 chapter. The members will serve for designated times and provide  
16 advice on matters specifically identified and requested by the  
17 secretary. The members shall be compensated in accordance with RCW  
18 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and  
19 43.03.060.

20 (5) The secretary, ad hoc committee members, or individuals acting  
21 in their behalf are immune from suit in a civil action based on any  
22 certification or disciplinary proceedings or other official acts  
23 performed in the course of their duties.

24 NEW SECTION. Sec. 803. RCW 18.06.170 and 1991 c 3 s 16 & 1985 c  
25 326 s 17 are each repealed.

26 **RADIOLOGIC TECHNOLOGISTS**

27 **Sec. 804.** RCW 18.84.020 and 1991 c 222 s 2 are each amended to  
28 read as follows:

29 Unless the context clearly requires otherwise, the definitions in  
30 this section apply throughout this chapter.

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

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

33 (3) "Licensed practitioner" means any licensed health care  
34 practitioner performing services within the person's authorized scope  
35 of practice.

1 (4) "Radiologic technologist" means an individual certified under  
2 this chapter, other than a licensed practitioner, who practices  
3 radiologic technology as a:

4 (a) Diagnostic radiologic technologist, who is a person who  
5 actually handles x-ray equipment in the process of applying radiation  
6 on a human being for diagnostic purposes at the direction of a licensed  
7 practitioner; or

8 (b) Therapeutic radiologic technologist, who is a person who uses  
9 radiation-generating equipment for therapeutic purposes on human  
10 subjects at the direction of a licensed practitioner; or

11 (c) Nuclear medicine technologist, who is a person who prepares  
12 radiopharmaceuticals and administers them to human beings for  
13 diagnostic and therapeutic purposes and who performs in vivo and in  
14 vitro detection and measurement of radioactivity for medical purposes  
15 at the direction of a licensed practitioner.

16 (5) (~~("Advisory committee" means the Washington state radiologic  
17 technology advisory committee.~~

18 ~~(6))~~) "Approved school of radiologic technology" means a school of  
19 radiologic technology approved by the council on medical education of  
20 the American medical association or a school found to maintain the  
21 equivalent of such a course of study as determined by the department.  
22 Such school may be operated by a medical or educational institution,  
23 and for the purpose of providing the requisite clinical experience,  
24 shall be affiliated with one or more general hospitals.

25 (~~(7))~~) (6) "Radiologic technology" means the use of ionizing  
26 radiation upon a human being for diagnostic or therapeutic purposes.

27 (~~(8))~~) (7) "Radiologist" means a physician certified by the  
28 American board of radiology or the American osteopathic board of  
29 radiology.

30 (~~(9))~~) (8) "Registered x-ray technician" means a person who is  
31 registered with the department, and who applies ionizing radiation at  
32 the direction of a licensed practitioner.

33 **Sec. 805.** RCW 18.84.040 and 1991 c 222 s 11 are each amended to  
34 read as follows:

35 (1) In addition to any other authority provided by law, the  
36 secretary may (~~(in consultation with the advisory committee))~~):

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

1 (b) Set all registration, certification, and renewal fees in  
2 accordance with RCW 43.70.250;

3 (c) Establish forms and procedures necessary to administer this  
4 chapter;

5 (d) Evaluate and designate those schools from which graduation will  
6 be accepted as proof of an applicant's eligibility to receive a  
7 certificate;

8 (e) Determine whether alternative methods of training are  
9 equivalent to formal education, and to establish forms, procedures, and  
10 criteria for evaluation of an applicant's alternative training to  
11 determine the applicant's eligibility to receive a certificate;

12 (f) Issue a certificate to any applicant who has met the education,  
13 training, and conduct requirements for certification; and

14 (g) Issue a registration to an applicant who meets the requirement  
15 for a registration.

16 (2) The secretary may hire clerical, administrative, and  
17 investigative staff as needed to implement this chapter.

18 (3) The Uniform Disciplinary Act, chapter 18.130 RCW, governs the  
19 issuance and denial of registrations and certifications, unregistered  
20 and uncertified practice, and the discipline of registrants and  
21 certificants under this chapter. The secretary is the disciplining  
22 authority under this chapter.

23 (4) The secretary may appoint ad hoc members of the profession to  
24 serve in an ad hoc advisory capacity to the secretary in carrying out  
25 this chapter. The members will serve for designated times and provide  
26 advice on matters specifically identified and requested by the  
27 secretary. The members shall be compensated in accordance with RCW  
28 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and  
29 43.03.060.

30 **Sec. 806.** RCW 18.84.070 and 1991 c 3 s 208 are each amended to  
31 read as follows:

32 The secretary, ad hoc committee members (~~(of the committee)~~), or  
33 individuals acting on their behalf are immune from suit in any civil  
34 action based on any certification or disciplinary proceedings or other  
35 official acts performed in the course of their duties.

36 **Sec. 807.** RCW 18.84.090 and 1991 c 3 s 210 are each amended to  
37 read as follows:

1 The secretary(~~(, in consultation with the advisory committee,)~~)  
2 shall establish by rule the standards and procedures for approval of  
3 schools and alternate training, and may contract with individuals or  
4 organizations having expertise in the profession or in education to  
5 assist in evaluating those applying for approval. The standards and  
6 procedures set shall apply equally to schools and training within the  
7 United States and those in foreign jurisdictions.

8 **Sec. 808.** RCW 18.84.110 and 1991 c 3 s 212 are each amended to  
9 read as follows:

10 The secretary(~~(, in consultation with the advisory committee,)~~)  
11 shall establish by rule the requirements and fees for renewal of  
12 certificates. Failure to renew invalidates the certificate and all  
13 privileges granted by the certificate. In the event a certificate has  
14 lapsed for a period longer than three years, the certificant shall  
15 demonstrate competence to the satisfaction of the secretary by  
16 continuing education or under the other standards determined by the  
17 secretary.

18 NEW SECTION. **Sec. 809.** RCW 18.84.060 and 1991 c 3 s 207 & 1987 c  
19 412 s 7 are each repealed.

## 20 **RESPIRATORY CARE PRACTITIONERS**

21 **Sec. 810.** RCW 18.89.020 and 1991 c 3 s 227 are each amended to  
22 read as follows:

23 Unless the context clearly requires otherwise, the definitions in  
24 this section apply throughout this chapter.

25 (1) (~~("Advisory committee" means the Washington state advisory~~  
26 ~~respiratory care committee.~~

27 ~~(2))~~ "Department" means the department of health.

28 ~~((3))~~ (2) "Secretary" means the secretary of health or the  
29 secretary's designee.

30 ~~((4))~~ (3) "Respiratory care practitioner" means an individual  
31 certified under this chapter.

32 ~~((5))~~ (4) "Physician" means an individual licensed under chapter  
33 18.57 or 18.71 RCW.

34 ~~((6))~~ (5) "Rural hospital" means a hospital located anywhere in  
35 the state except the following areas:

1 (a) The entire counties of Snohomish (including Camano Island),  
2 King, Kitsap, Pierce, Thurston, Clark, and Spokane;

3 (b) Areas within a twenty-mile radius of an urban area with a  
4 population exceeding thirty thousand persons; and

5 (c) Those cities or city-clusters located in rural counties but  
6 which for all practical purposes are urban. These areas are  
7 Bellingham, Aberdeen-Hoquiam, Longview-Kelso, Wenatchee, Yakima,  
8 Sunnyside, Richland-Kennewick-Pasco, and Walla Walla.

9 **Sec. 811.** RCW 18.89.050 and 1991 c 3 s 228 are each amended to  
10 read as follows:

11 (1) In addition to any other authority provided by law, the  
12 secretary(~~(, in consultation with the advisory committee,)~~) may:

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

15 (b) Set all certification, examination, and renewal fees in  
16 accordance with RCW 43.70.250;

17 (c) Establish forms and procedures necessary to administer this  
18 chapter;

19 (d) Issue a certificate to any applicant who has met the education,  
20 training, and examination requirements for certification;

21 (e) Hire clerical, administrative, and investigative staff as  
22 needed to implement this chapter and hire individuals certified under  
23 this chapter to serve as examiners for any practical examinations;

24 (f) Approve those schools from which graduation will be accepted as  
25 proof of an applicant's eligibility to take the certification  
26 examination;

27 (g) Prepare, grade, and administer, or determine the nature of, and  
28 supervise the grading and administration of, examinations for  
29 applicants for certification;

30 (h) Determine whether alternative methods of training are  
31 equivalent to formal education and establish forms, procedures, and  
32 criteria for evaluation of an applicant's alternative training to  
33 determine the applicant's eligibility to take the examination;

34 (i) Determine which states have legal credentialing requirements  
35 equivalent to those of this state and issue certificates to individuals  
36 legally credentialed in those states without examination; ~~((and))~~

37 (j) Define and approve any experience requirement for  
38 certification; and



1 (k) Appoint members of the profession to serve in an ad hoc  
2 advisory capacity to the secretary in carrying out this chapter. The  
3 members will serve for designated times and provide advice on matters  
4 specifically identified and requested by the secretary. The members  
5 shall be compensated in accordance with RCW 43.03.220 and reimbursed  
6 for travel expenses under RCW 43.03.040 and 43.03.060.

7 (2) The provisions of chapter 18.130 RCW shall govern the issuance  
8 and denial of certificates, uncertified practice, and the disciplining  
9 of persons certified under this chapter. The secretary shall be the  
10 disciplining authority under this chapter.

11 **Sec. 812.** RCW 18.89.080 and 1991 c 3 s 231 are each amended to  
12 read as follows:

13 The secretary, ad hoc committee members (~~of the advisory~~  
14 ~~committee)), or individuals acting on their behalf are immune from suit  
15 in any civil action based on any certification or disciplinary  
16 proceedings, or other official acts performed in the course of their  
17 duties.~~

18 NEW SECTION. **Sec. 813.** RCW 18.89.070 and 1991 c 3 s 230 & 1987 c  
19 415 s 8 are each repealed.

20 **HEALTH CARE ASSISTANTS**

21 **Sec. 814.** RCW 18.135.030 and 1991 c 3 s 273 are each amended to  
22 read as follows:

23 The secretary(~~(7)~~) or the secretary's designee(~~(7, with the advice~~  
24 ~~of designees of the board of medical examiners, the board of~~  
25 ~~osteopathic medicine and surgery, the podiatry board, and the board of~~  
26 ~~nursing7)) shall adopt rules necessary to administer, implement, and  
27 enforce this chapter and establish the minimum requirements necessary  
28 for a health care facility or health care practitioner to certify a  
29 health care assistant capable of performing the functions authorized in  
30 this chapter. The rules shall establish minimum requirements for each  
31 and every category of health care assistant. Said rules shall be  
32 adopted after fair consideration of input from representatives of each  
33 category. These requirements shall ensure that the public health and  
34 welfare are protected and shall include, but not be limited to, the  
35 following factors:~~

- 1 (1) The education and occupational qualifications for the health  
2 care assistant category;
- 3 (2) The work experience for the health care assistant category;
- 4 (3) The instruction and training provided for the health care  
5 assistant category; and
- 6 (4) The types of drugs or diagnostic agents which may be  
7 administered by injection by health care assistants working in a  
8 hospital or nursing home. The rules established pursuant to this  
9 subsection shall not prohibit health care assistants working in a  
10 health care facility other than a nursing home or hospital from  
11 performing the functions authorized under this chapter.

12 **DIETITIANS AND NUTRITIONISTS**

13 **Sec. 815.** RCW 18.138.070 and 1991 c 3 s 284 are each amended to  
14 read as follows:

15 In addition to any other authority provided by law, the secretary  
16 may:

- 17 (1) Adopt rules in accordance with chapter 34.05 RCW necessary to  
18 implement this chapter;
- 19 (2) Establish forms necessary to administer this chapter;
- 20 (3) Issue a certificate to an applicant who has met the  
21 requirements for certification and deny a certificate to an applicant  
22 who does not meet the minimum qualifications;
- 23 (4) Hire clerical, administrative, and investigative staff as  
24 needed to implement and administer this chapter and hire individuals,  
25 including those certified under this chapter, to serve as consultants  
26 as necessary to implement and administer this chapter;
- 27 (5) Maintain the official departmental record of all applicants and  
28 certificate holders;
- 29 (6) Conduct a hearing, pursuant to chapter 34.05 RCW, on an appeal  
30 of a denial of certification based on the applicant's failure to meet  
31 the minimum qualifications for certification;
- 32 (7) Investigate alleged violations of this chapter and consumer  
33 complaints involving the practice of persons representing themselves as  
34 certified dietitians or certified nutritionists;
- 35 (8) Issue subpoenas, statements of charges, statements of intent to  
36 deny certifications, and orders and delegate in writing to a designee

1 the authority to issue subpoenas, statements of charges, and statements  
2 on intent to deny certifications;

3 (9) Conduct disciplinary proceedings, impose sanctions, and assess  
4 fines for violations of this chapter or any rules adopted under it in  
5 accordance with chapter 34.05 RCW;

6 (10) Set all certification, renewal, and late renewal fees in  
7 accordance with RCW 43.70.250; (~~and~~)

8 (11) Set certification expiration dates and renewal periods for all  
9 certifications under this chapter; and

10 (12) Appoint members of the profession to serve in an ad hoc  
11 advisory capacity to the secretary in carrying out this chapter. The  
12 members will serve for designated time and provide advice on matters  
13 specifically identified and requested by the secretary. The members  
14 shall be compensated in accordance with RCW 43.03.220 and reimbursed  
15 for travel expenses under RCW 43.03.040 and 43.03.060. The secretary,  
16 ad hoc committee members, or individuals acting in their behalf are  
17 immune from suit in a civil action based on any certification or  
18 disciplinary proceedings or other official acts performed in the course  
19 of their duties.

20 NEW SECTION. Sec. 816. RCW 18.138.080 and 1991 c 3 s 285 & 1988  
21 c 277 s 8 are each repealed.

## 22 **UNIFORM DISCIPLINARY ACT**

23 **Sec. 901.** RCW 18.130.010 and 1991 c 332 s 1 are each amended to  
24 read as follows:

25 It is the intent of the legislature to strengthen and consolidate  
26 disciplinary and licensure procedures for the licensed health and  
27 health-related professions and businesses by providing a uniform  
28 disciplinary act with standardized procedures for the licensure of  
29 health care professionals and the enforcement of laws the purpose of  
30 which is to assure the public of the adequacy of professional  
31 competence and conduct in the healing arts.

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

35 Further, the legislature declares that the addition of public  
36 members on all health care commissions and boards can give both the

1 state and the public, which it has a statutory responsibility to  
2 protect, assurances of accountability and confidence in the various  
3 practices of health care.

4 **Sec. 902.** RCW 18.130.020 and 1989 1st ex.s. c 9 s 312 are each  
5 amended to read as follows:

6 Unless the context clearly requires otherwise, the definitions in  
7 this section apply throughout this chapter.

8 (1) "Disciplining authority" means (~~((a) the board of medical~~  
9 ~~examiners, the board of dental examiners, and the board of chiropractic~~  
10 ~~examiners with respect to applicants for a license for the respective~~  
11 ~~professions, (b) the medical disciplinary board, the dental~~  
12 ~~disciplinary board, and the chiropractic disciplinary board with~~  
13 ~~respect to holders of licenses for the respective professions, or (c))~~)  
14 the agency (~~(or)~~), board, or commission having the authority to take  
15 disciplinary action against a holder of, or applicant for, a  
16 professional or business license upon a finding of a violation of this  
17 chapter or a chapter specified under RCW 18.130.040.

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

19 (3) "Secretary" means the secretary of health or the secretary's  
20 designee.

21 (4) "Board" means any of those boards specified in RCW 18.130.040.

22 (5) "Commission" means any of the commissions specified in RCW  
23 18.130.040.

24 (6) "Unlicensed practice" means:

25 (a) Practicing a profession or operating a business identified in  
26 RCW 18.130.040 without holding a valid, unexpired, unrevoked, and  
27 unsuspended license to do so; or

28 (b) Representing to a consumer, through offerings, advertisements,  
29 or use of a professional title or designation, that the individual is  
30 qualified to practice a profession or operate a business identified in  
31 RCW 18.130.040, without holding a valid, unexpired, unrevoked, and  
32 unsuspended license to do so.

33 (~~((6))~~) (7) "Disciplinary action" means sanctions identified in RCW  
34 18.130.160.

35 (~~((7))~~) (8) "Practice review" means an investigative audit of  
36 records related to the complaint, without prior identification of  
37 specific patient or consumer names, to determine whether unprofessional  
38 conduct may have been committed.

1       (~~(8)~~) (9) "Health agency" means city and county health  
2 departments and the department of health.

3       (~~(9)~~) (10) "License," "licensing," and "licensure" shall be  
4 deemed equivalent to the terms "license," "licensing," "licensure,"  
5 "certificate," "certification," and "registration" as those terms are  
6 defined in RCW 18.120.020.

7       **Sec. 903.** RCW 18.130.040 and 1993 c 367 s 4 are each amended to  
8 read as follows:

9       (1) This chapter applies only to the secretary and the boards and  
10 commissions having jurisdiction in relation to the professions licensed  
11 under the chapters specified in this section. This chapter does not  
12 apply to any business or profession not licensed under the chapters  
13 specified in this section.

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

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

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

18       (iii) Midwives licensed under chapter 18.50 RCW;

19       (iv) Ocularists licensed under chapter 18.55 RCW;

20       (v) Massage operators and businesses licensed under chapter 18.108  
21 RCW;

22       (vi) Dental hygienists licensed under chapter 18.29 RCW;

23       (vii) Acupuncturists certified under chapter 18.06 RCW;

24       (viii) Radiologic technologists certified and x-ray technicians  
25 registered under chapter 18.84 RCW;

26       (ix) Respiratory care practitioners certified under chapter 18.89  
27 RCW;

28       (x) Persons registered or certified under chapter 18.19 RCW;

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

31       (xii) Nursing assistants registered or certified under chapter  
32 (~~18.88A~~) 18.-- (sections 601 through 631 of this act) RCW;

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

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

36       (xv) Sex offender treatment providers certified under chapter  
37 18.155 RCW; and

1 (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW  
2 18.71.205.

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

5 (i) ~~((The podiatric medical board as established in chapter 18.22  
6 RCW;~~

7 ~~((ii))) The chiropractic ((disciplinary board)) quality assurance  
8 commission as established in chapter ~~((18.26 RCW governing licenses~~  
9 ~~issued under chapter)) 18.25 RCW;~~~~

10 (iii) The dental ~~((disciplinary board)) quality assurance  
11 commission as established in chapter 18.32 RCW;~~

12 (iv) The ~~((council)) board on fitting and dispensing of hearing  
13 aids as established in chapter 18.35 RCW;~~

14 (v) The board of funeral directors and embalmers as established in  
15 chapter 18.39 RCW;

16 (vi) The board of examiners for nursing home administrators as  
17 established in chapter 18.52 RCW;

18 (vii) The ~~((optometry board)) vision care quality assurance  
19 commission as established in chapter ~~((18.54)) 18.-- RCW (sections 401~~  
20 ~~through 428 of this act) governing licenses issued under chapter 18.53~~  
21 ~~RCW;~~~~

22 (viii) The ~~((board of osteopathic medicine and surgery)) allied  
23 physicians quality assurance commission as established in chapter  
24 ~~((18.57)) 18.-- RCW (sections 101 through 144 of this act) governing~~  
25 ~~licenses issued under ((chapters 18.57 and 18.57A RCW)) that chapter;~~~~

26 (ix) The board of pharmacy as established in chapter 18.64 RCW  
27 governing licenses issued under chapters 18.64 and 18.64A RCW;

28 (x) The medical ~~((disciplinary board)) quality assurance commission  
29 as established in chapter ~~((18.72)) 18.71 RCW governing licenses and~~  
30 ~~registrations issued under chapters 18.71 and 18.71A RCW;~~~~

31 (xi) The ~~((board of)) physical ((therapy)) health therapies quality  
32 assurance commission as established in chapter ~~((18.74)) 18.-- RCW~~  
33 ~~(sections 701 through 745 of this act) governing licenses issued under~~  
34 ~~that chapter;~~~~

35 (xii) ~~((The board of occupational therapy practice as established~~  
36 ~~in chapter 18.59 RCW;~~

37 ~~((xiii) The board of practical)) The nursing care quality assurance  
38 commission as established in chapter ~~((18.78)) 18.-- RCW (sections 601~~  
39 ~~through 631 of this act) governing licenses issued under that chapter;~~~~

1       (~~(xiv)~~) (xiii) The examining board of psychology and its  
 2       disciplinary committee as established in chapter 18.83 RCW;  
 3       (~~(xv)~~) The board of nursing as established in chapter 18.88 RCW;  
 4       and  
 5       (~~(xvi)~~) (xiv) The veterinary board of governors as established in  
 6       chapter 18.92 RCW.

7       (3) In addition to the authority to discipline license holders, the  
 8       disciplining authority has the authority to grant or deny licenses  
 9       based on the conditions and criteria established in this chapter and  
 10       the chapters specified in subsection (2) of this section. (~~(However,~~  
 11       ~~the board of chiropractic examiners has authority over issuance and~~  
 12       ~~denial of licenses provided for in chapter 18.25 RCW, the board of~~  
 13       ~~dental examiners has authority over issuance and denial of licenses~~  
 14       ~~provided for in RCW 18.32.040, and the board of medical examiners has~~  
 15       ~~authority over issuance and denial of licenses and registrations~~  
 16       ~~provided for in chapters 18.71 and 18.71A RCW.)) This chapter also  
 17       governs any investigation, hearing, or proceeding relating to denial of  
 18       licensure or issuance of a license conditioned on the applicant's  
 19       compliance with an order entered pursuant to RCW 18.130.160 by the  
 20       disciplining authority.~~

21       **Sec. 904.** RCW 18.130.300 and 1993 c 367 s 10 are each amended to  
 22       read as follows:

23       The secretary, members of the boards or commissions, or individuals  
 24       acting on their behalf are immune from suit in any action, civil or  
 25       criminal, based on any disciplinary proceedings or other official acts  
 26       performed in the course of their duties.

#### 27                                   **CONFORMING AMENDMENTS**

28       **Sec. 1001.** RCW 4.24.260 and 1975 1st ex.s. c 114 s 3 are each  
 29       amended to read as follows:

30       Physicians licensed under chapter 18.71 RCW(~~(+)~~), dentists  
 31       licensed under chapter 18.32 RCW, and pharmacists licensed under  
 32       chapter 18.64 RCW who, in good faith, file charges or present evidence  
 33       against another member of their profession based on the claimed  
 34       incompetency or gross misconduct of such person before the medical  
 35       (~~(disciplinary board)~~) quality assurance commission established under  
 36       chapter 18.72 RCW, in a proceeding under chapter 18.32 RCW, or to the

1 board of pharmacy under RCW 18.64.160 shall be immune from civil action  
2 for damages arising out of such activities.

3 **Sec. 1002.** RCW 4.24.290 and 1985 c 326 s 26 are each amended to  
4 read as follows:

5 In any civil action for damages based on professional negligence  
6 against a hospital which is licensed by the state of Washington or  
7 against the personnel of any such hospital, or against a member of the  
8 healing arts including, but not limited to, an acupuncturist certified  
9 under chapter 18.06 RCW, a physician licensed under chapter 18.71 RCW,  
10 an osteopathic physician licensed under chapter 18.57 RCW, a  
11 chiropractor licensed under chapter 18.25 RCW, a dentist licensed under  
12 chapter 18.32 RCW, a (~~podiatrist~~) podiatric physician and surgeon  
13 licensed under chapter 18.22 RCW, or a nurse licensed under (~~chapters~~  
14 ~~18.78 or 18.88~~) chapter 18.-- RCW (sections 601 through 631 of this  
15 act), the plaintiff in order to prevail shall be required to prove by  
16 a preponderance of the evidence that the defendant or defendants failed  
17 to exercise that degree of skill, care, and learning possessed at that  
18 time by other persons in the same profession, and that as a proximate  
19 result of such failure the plaintiff suffered damages, but in no event  
20 shall the provisions of this section apply to an action based on the  
21 failure to obtain the informed consent of a patient.

22 **Sec. 1003.** RCW 5.62.010 and 1987 c 198 s 1 are each amended to  
23 read as follows:

24 Unless the context clearly requires otherwise, the definitions in  
25 this section apply throughout this chapter.

26 (1) "Registered nurse" means a registered nurse or advanced nurse  
27 practitioner licensed under chapter (~~18.88~~) 18.-- RCW (sections 601  
28 through 631 of this act).

29 (2) "Protocol" means a regimen to be carried out by a registered  
30 nurse and prescribed by a licensed physician under chapter 18.71 RCW,  
31 or a licensed osteopathic physician under chapter 18.57 RCW, which is  
32 consistent with chapter (~~18.88~~) 18.-- RCW (sections 601 through 631  
33 of this act) and the rules adopted under that chapter (~~18.88 RCW~~).

34 (3) "Primary care" means screening, assessment, diagnosis, and  
35 treatment for the purpose of promotion of health and detection of  
36 disease or injury, as authorized by chapter (~~18.88~~) 18.-- RCW



1 (sections 601 through 631 of this act) and the rules adopted under that  
2 chapter (~~(18.88-RCW)~~).

3 **Sec. 1004.** RCW 18.32.030 and 1991 c 3 s 59 are each amended to  
4 read as follows:

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

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

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

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

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

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

31 (6) The making, repairing, altering, or supplying of artificial  
32 restorations, substitutions, appliances, or materials for the  
33 correction of disease, loss, deformity, malposition, dislocation,  
34 fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or  
35 associated tissues or parts; providing the same are made, repaired,  
36 altered, or supplied pursuant to the written instructions and order of  
37 a licensed dentist which may be accompanied by casts, models, or  
38 impressions furnished by the dentist, and the prescriptions shall be

1 retained and filed for a period of not less than three years and shall  
2 be available to and subject to the examination of the secretary or the  
3 secretary's authorized representatives;

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

8 (8) A qualified and licensed physician and surgeon extracting teeth  
9 or performing oral surgery pursuant to the scope of practice under  
10 chapter 18.71 or (~~18.57~~) 18.-- (sections 101 through 144 of this act)  
11 RCW;

12 (9) The performing of dental operations or services by persons not  
13 licensed under this chapter when performed under the supervision of a  
14 licensed dentist: PROVIDED HOWEVER, That such nonlicensed person shall  
15 in no event perform the following dental operations or services unless  
16 permitted to be performed by the person under this chapter or chapters  
17 18.29, (~~18.57~~) 18.-- (sections 101 through 144 of this act), 18.71,  
18 and (~~18.88~~) 18.-- (sections 601 through 631 of this act) RCW:

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

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

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

27 (d) Any oral prophylaxis;

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

31 **Sec. 1005.** RCW 18.50.032 and 1981 c 53 s 10 are each amended to  
32 read as follows:

33 Registered nurses and nurse midwives certified by the (~~board of~~)  
34 nursing care quality assurance commission under chapter (~~18.88~~) 18.--  
35 RCW (sections 601 through 631 of this act) shall be exempt from the  
36 requirements and provisions of this chapter.

1       **Sec. 1006.** RCW 18.50.040 and 1991 c 3 s 106 are each amended to  
2 read as follows:

3       (1) Any person seeking to be examined shall present to the  
4 secretary, at least forty-five days before the commencement of the  
5 examination, a written application on a form or forms provided by the  
6 secretary setting forth under affidavit such information as the  
7 secretary may require and proof the candidate has received a high  
8 school degree or its equivalent; that the candidate is twenty-one years  
9 of age or older; that the candidate has received a certificate or  
10 diploma from a midwifery program accredited by the secretary and  
11 licensed under chapter 28C.10 RCW, when applicable, or a certificate or  
12 diploma in a foreign institution on midwifery of equal requirements  
13 conferring the full right to practice midwifery in the country in which  
14 it was issued. The diploma must bear the seal of the institution from  
15 which the applicant was graduated. Foreign candidates must present  
16 with the application a translation of the foreign certificate or  
17 diploma made by and under the seal of the consulate of the country in  
18 which the certificate or diploma was issued.

19       (2) The candidate shall meet the following conditions:

20       (a) Obtaining a minimum period of midwifery training for at least  
21 three years including the study of the basic nursing skills that the  
22 department shall prescribe by rule. However, if the applicant is a  
23 registered nurse or licensed practical nurse under chapter (~~18.88 RCW,~~  
24 ~~a licensed practical nurse under chapter 18.78 RCW~~) 18.-- RCW  
25 (sections 601 through 631 of this act), or has had previous nursing  
26 education or practical midwifery experience, the required period of  
27 training may be reduced depending upon the extent of the candidate's  
28 qualifications as determined under rules adopted by the department. In  
29 no case shall the training be reduced to a period of less than two  
30 years.

31       (b) Meeting minimum educational requirements which shall include  
32 studying obstetrics; neonatal pediatrics; basic sciences; female  
33 reproductive anatomy and physiology; behavioral sciences; childbirth  
34 education; community care; obstetrical pharmacology; epidemiology;  
35 gynecology; family planning; genetics; embryology; neonatology; the  
36 medical and legal aspects of midwifery; nutrition during pregnancy and  
37 lactation; breast feeding; nursing skills, including but not limited to  
38 injections, administering intravenous fluids, catheterization, and  
39 aseptic technique; and such other requirements prescribed by rule.

1 (c) For a student midwife during training, undertaking the care of  
2 not less than fifty women in each of the prenatal, intrapartum, and  
3 early postpartum periods, but the same women need not be seen through  
4 all three periods. A student midwife may be issued a permit upon the  
5 satisfactory completion of the requirements in (a), (b), and (c) of  
6 this subsection and the satisfactory completion of the licensure  
7 examination required by RCW 18.50.060. The permit permits the student  
8 midwife to practice under the supervision of a midwife licensed under  
9 this chapter, a physician or a certified nurse-midwife licensed under  
10 the authority of chapter ~~((18.88))~~ 18.-- RCW (sections 601 through 631  
11 of this act). The permit shall expire within one year of issuance and  
12 may be extended as provided by rule.

13 (d) Observing an additional fifty women in the intrapartum period  
14 before the candidate qualifies for a license.

15 (3) Notwithstanding subsections (1) and (2) of this section, the  
16 department shall adopt rules to provide credit toward the educational  
17 requirements for licensure before July 1, 1988, of nonlicensed  
18 midwives, including rules to provide:

19 (a) Credit toward licensure for documented deliveries;

20 (b) The substitution of relevant experience for classroom time; and

21 (c) That experienced lay midwives may sit for the licensing  
22 examination without completing the required coursework.

23 The training required under this section shall include training in  
24 either hospitals or alternative birth settings or both with particular  
25 emphasis on learning the ability to differentiate between low-risk and  
26 high-risk pregnancies.

27 **Sec. 1007.** RCW 18.50.140 and 1991 c 3 s 114 are each amended to  
28 read as follows:

29 The midwifery advisory committee is created.

30 The committee shall be composed of one physician who is a  
31 practicing obstetrician; one practicing physician; one certified nurse  
32 midwife licensed under chapter ~~((18.88))~~ 18.-- RCW (sections 601  
33 through 631 of this act); three midwives licensed under this chapter;  
34 and one public member, who shall have no financial interest in the  
35 rendering of health services. The committee may seek other consultants  
36 as appropriate, including persons trained in childbirth education and  
37 perinatology or neonatology.

1 The members are appointed by the secretary and serve at the  
2 pleasure of the secretary but may not serve more than five years  
3 consecutively. The terms of office shall be staggered. Members of the  
4 committee shall be reimbursed for travel expenses as provided in RCW  
5 43.03.050 and 43.03.060 (~~as now or hereafter amended~~).

6 **Sec. 1008.** RCW 18.50.115 and 1991 c 3 s 112 are each amended to  
7 read as follows:

8 A midwife licensed under this chapter may obtain and administer  
9 prophylactic ophthalmic medication, postpartum oxytocic, vitamin K, Rho  
10 immune globulin (human), and local anesthetic and may administer such  
11 other drugs or medications as prescribed by a physician. A pharmacist  
12 who dispenses such drugs to a licensed midwife shall not be liable for  
13 any adverse reactions caused by any method of use by the midwife.

14 The secretary, after consultation with representatives of the  
15 midwife advisory committee, the board of pharmacy, and the (~~board of~~)  
16 medical (~~examiners~~) quality assurance commission, may (~~issue~~  
17 ~~regulations which~~) adopt rules that authorize licensed midwives to  
18 purchase and use legend drugs and devices in addition to the drugs  
19 authorized in this chapter.

20 **Sec. 1009.** RCW 18.88A.020 and 1991 c 16 s 2 are each amended to  
21 read as follows:

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

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

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

26 (3) "~~(Board)~~ Commission" means the Washington (~~state board of~~)  
27 nursing care quality assurance commission.

28 (4) "Nursing assistant" means an individual, regardless of title,  
29 who, under the direction and supervision of a registered nurse or  
30 licensed practical nurse, assists in the delivery of nursing and  
31 nursing-related activities to patients in a health care facility. The  
32 two levels of nursing assistants are (a) "nursing assistant-certified,"  
33 an individual certified under this chapter, (b) "nursing assistant-  
34 registered," an individual registered under this chapter.

35 (5) (~~"Committee" means the Washington state nursing assistant~~  
36 ~~advisory committee.~~

1       ~~(6))~~ "Approved training program" means a nursing assistant-  
2 certified training program approved by the ~~((board))~~ commission. For  
3 community college, vocational-technical institutes, skill centers, and  
4 secondary school as defined in chapter 28B.50 RCW, nursing assistant-  
5 certified training programs shall be approved by the ~~((board))~~  
6 commission in cooperation with the board for community and technical  
7 colleges ~~((education))~~ or the superintendent of public instruction.

8       ~~((7))~~ (6) "Health care facility" means a nursing home, hospital,  
9 hospice care facility, home health care agency, hospice agency, or  
10 other entity for delivery of health care services as defined by the  
11 ~~((board))~~ commission.

12       ~~((8))~~ (7) "Competency evaluation" means the measurement of an  
13 individual's knowledge and skills as related to safe, competent  
14 performance as a nursing assistant.

15       **Sec. 1010.** RCW 18.88A.030 and 1991 c 16 s 3 are each amended to  
16 read as follows:

17       (1) A nursing assistant may assist in the care of individuals as  
18 delegated by and under the direction and supervision of a licensed  
19 (registered) nurse or licensed practical nurse.

20       (2) A health care facility shall not assign a nursing assistant-  
21 registered to provide care until the nursing assistant-registered has  
22 demonstrated skills necessary to perform competently all assigned  
23 duties and responsibilities.

24       (3) Nothing in this chapter shall be construed to confer on a  
25 nursing assistant the authority to administer medication or to practice  
26 as a licensed (registered) nurse ~~((as defined in chapter 18.88 RCW))~~ or  
27 licensed practical nurse as defined in chapter ~~((18.78))~~ 18.-- RCW  
28 (sections 601 through 631 of this act).

29       (4) Certification is voluntary for nursing assistants working in  
30 health care facilities other than nursing homes unless otherwise  
31 required by state or federal law or regulation.

32       (5) The ~~((board of nursing shall have the authority to))~~ commission  
33 may adopt rules to implement the provisions of this chapter.

34       **Sec. 1011.** RCW 18.88A.060 and 1991 c 16 s 8 are each amended to  
35 read as follows:

36       In addition to any other authority provided by law, the ~~((state~~  
37 ~~board of nursing has the authority to))~~ commission may:

1 (1) Determine minimum education requirements and approve training  
2 programs;

3 (2) Prepare, grade, and administer, or determine the nature of, and  
4 supervise the grading and administration of, examinations of training  
5 and competency for applicants for certification;

6 (3) Determine whether alternative methods of training are  
7 equivalent to approved training programs, and establish forms,  
8 procedures, and criteria for evaluation of an applicant's alternative  
9 training to determine the applicant's eligibility to take any  
10 qualifying examination for certification;

11 (4) Define and approve any experience requirement for  
12 certification;

13 (5) Adopt rules implementing a continuing competency evaluation  
14 program;

15 (6) Adopt rules to enable it to carry into effect the provisions of  
16 this chapter.

17 **Sec. 1012.** RCW 18.88A.080 and 1991 c 16 s 10 are each amended to  
18 read as follows:

19 (1) The secretary shall issue a registration to any applicant who  
20 pays any applicable fees and submits, on forms provided by the  
21 secretary, the applicant's name, address, and other information as  
22 determined by the secretary, provided there are no grounds for denial  
23 of registration or issuance of a conditional registration under this  
24 chapter or chapter 18.130 RCW.

25 (2) Applicants must file an application with the ((board))  
26 commission for registration within three days of employment.

27 **Sec. 1013.** RCW 18.88A.085 and 1991 c 16 s 11 are each amended to  
28 read as follows:

29 (1) After January 1, 1990, the secretary shall issue a certificate  
30 to any applicant who demonstrates to the secretary's satisfaction that  
31 the following requirements have been met:

32 (a) Completion of an approved training program or successful  
33 completion of alternate training meeting established criteria approved  
34 by the ((board)) commission; and

35 (b) Successful completion of a competency evaluation.

36 (2) In addition, applicants shall be subject to the grounds for  
37 denial of certification under chapter 18.130 RCW.

1       **Sec. 1014.** RCW 18.88A.090 and 1991 c 3 s 225 are each amended to  
2 read as follows:

3       (1) The date and location of examinations shall be established by  
4 the secretary. Applicants who have been found by the secretary to meet  
5 the requirements for certification shall be scheduled for the next  
6 examination following the filing of the application. The secretary  
7 shall establish by rule the examination application deadline.

8       (2) The ((~~board~~)) commission shall examine each applicant, by a  
9 written or oral and a manual component of competency evaluation.  
10 Examinations shall be limited to the purpose of determining whether the  
11 applicant possesses the minimum skill and knowledge necessary to  
12 practice competently.

13       (3) The examination papers, all grading of the papers, and the  
14 grading of skills demonstration shall be preserved for a period of not  
15 less than one year after the ((~~board~~)) commission has made and  
16 published the decisions. All examinations shall be conducted under  
17 fair and wholly impartial methods.

18       (4) Any applicant failing to make the required grade in the first  
19 examination may take up to three subsequent examinations as the  
20 applicant desires upon prepaying a fee determined by the secretary  
21 under RCW 43.70.250 for each subsequent examination. Upon failing four  
22 examinations, the secretary may invalidate the original application and  
23 require such remedial education before the person may take future  
24 examinations.

25       (5) The ((~~board~~)) commission may approve an examination prepared or  
26 administered by a private testing agency or association of licensing  
27 agencies for use by an applicant in meeting the credentialing  
28 requirements.

29       **Sec. 1015.** RCW 18.88A.100 and 1991 c 16 s 12 and 1991 c 3 s 226  
30 are each reenacted and amended to read as follows:

31       The secretary shall waive the competency evaluation and certify a  
32 person to practice within the state of Washington if the ((~~board~~))  
33 commission determines that the person meets commonly accepted standards  
34 of education and experience for the nursing assistants. This section  
35 applies only to those individuals who file an application for waiver by  
36 December 31, 1991.



1       **Sec. 1016.** RCW 18.88A.130 and 1991 c 16 s 15 are each amended to  
2 read as follows:

3       The secretary shall establish by rule the procedural requirements  
4 and fees for renewal of a registration or certificate. Failure to  
5 renew shall invalidate the credential and all privileges granted by the  
6 credential. If a certificate has lapsed for a period longer than three  
7 years, the person shall demonstrate competence to the satisfaction of  
8 the ((board)) commission by taking continuing education courses, or  
9 meeting other standards determined by the ((board)) commission.

10       **Sec. 1017.** RCW 18.89.040 and 1987 c 415 s 5 are each amended to  
11 read as follows:

12       A respiratory care practitioner certified under this chapter is  
13 employed in the treatment, management, diagnostic testing,  
14 rehabilitation, and care of patients with deficiencies and  
15 abnormalities which affect the cardiopulmonary system and associated  
16 aspects of other systems, and is under the direct order and under the  
17 qualified medical direction of a physician. The practice of  
18 respiratory care includes, but is not limited to:

19       (1) The use and administration of medical gases, exclusive of  
20 general anesthesia;

21       (2) The use of air and oxygen administering apparatus;

22       (3) The use of humidification and aerosols;

23       (4) The administration of prescribed pharmacologic agents related  
24 to respiratory care;

25       (5) The use of mechanical or physiological ventilatory support;

26       (6) Postural drainage, chest percussion, and vibration;

27       (7) Bronchopulmonary hygiene;

28       (8) Cardiopulmonary resuscitation as it pertains to establishing  
29 airways and external cardiac compression;

30       (9) The maintenance of natural and artificial airways and  
31 insertion, without cutting tissues, of artificial airways, as ordered  
32 by the attending physician;

33       (10) Diagnostic and monitoring techniques such as the measurement  
34 of cardiorespiratory volumes, pressures, and flows; and

35       (11) The drawing and analyzing of arterial, capillary, and mixed  
36 venous blood specimens as ordered by the attending physician or an  
37 advanced registered nurse practitioner as authorized by the ((board

1 of)) nursing care quality assurance commission under chapter ((18-88))  
2 18.-- RCW (sections 601 through 631 of this act).

3 **Sec. 1018.** RCW 18.100.140 and 1987 c 447 s 16 are each amended to  
4 read as follows:

5 Nothing in this chapter shall authorize a director, officer,  
6 shareholder, agent or employee of a corporation organized under this  
7 chapter, or a corporation itself organized under this chapter, to do or  
8 perform any act which would be illegal, unethical or unauthorized  
9 conduct under the provisions of the following acts: (1) ((~~Medical~~  
10 ~~disciplinary act~~)) Physicians and surgeons, chapter ((18-72)) 18.71  
11 RCW; (2) anti-rebating act, chapter 19.68 RCW; (3) state bar act,  
12 chapter 2.48 RCW; (4) professional accounting act, chapter 18.04 RCW;  
13 (5) professional architects act, chapter 18.08 RCW; (6) professional  
14 auctioneers act, chapter 18.11 RCW; (7) cosmetologists, barbers, and  
15 manicurists, chapter 18.16 RCW; (8) boarding homes act, chapter 18.20  
16 RCW; (9) ((~~podiatry~~)) podiatric medicine and surgery, chapter 18.22  
17 RCW; (10) chiropractic act, chapter 18.25 RCW; (11) registration of  
18 contractors, chapter 18.27 RCW; (12) debt adjusting act, chapter 18.28  
19 RCW; (13) dental hygienist act, chapter 18.29 RCW; (14) dentistry,  
20 chapter 18.32 RCW; (15) dispensing opticians, chapter ((18-34)) 18.--  
21 RCW (sections 401 through 428 of this act); (16) ((~~naturopathic act~~))  
22 naturopathic physicians, chapter ((18-36A)) 18.-- RCW (sections 101  
23 through 144 of this act); (17) embalmers and funeral directors, chapter  
24 18.39 RCW; (18) engineers and land surveyors, chapter 18.43 RCW; (19)  
25 escrow agents registration act, chapter 18.44 RCW; (20) maternity  
26 homes, chapter 18.46 RCW; (21) midwifery, chapter 18.50 RCW; (22)  
27 nursing homes, chapter 18.51 RCW; (23) optometry, chapter ((18-53))  
28 18.-- RCW (sections 401 through 428 of this act); (24) ((~~osteopathy~~))  
29 osteopathic physicians and surgeons, chapter ((18-57)) 18.-- RCW  
30 (sections 101 through 144 of this act); (25) pharmacists, chapter 18.64  
31 RCW; (26) physical therapy, chapter 18.74 RCW; (27) registered nurses,  
32 advanced registered nurse practitioners, and practical nurses, chapter  
33 ((18-78)) 18.-- RCW (sections 601 through 631 of this act); (28)  
34 psychologists, chapter 18.83 RCW; (29) real estate brokers and  
35 salesmen, chapter 18.85 RCW; (30) ((~~registered professional nurses,~~  
36 ~~chapter 18.88 RCW;~~ (31))) veterinarians, chapter 18.92 RCW.

1       **Sec. 1019.** RCW 18.120.020 and 1989 c 300 s 14 are each amended to  
2 read as follows:

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

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

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

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

21       (4) "Health professions" means and includes the following health  
22 and health-related licensed or regulated professions and occupations:  
23 (~~Podiatry~~) Podiatric medicine and surgery under chapter ((18.22))  
24 18.-- RCW (sections 101 through 144 of this act); chiropractic under  
25 chapter(~~s~~) 18.25 (~~and 18.26 RCW~~); dental hygiene under chapter  
26 18.29 RCW; dentistry under chapter 18.32 RCW; dispensing opticians  
27 under chapter ((18.34)) 18.-- RCW (sections 401 through 428 of this  
28 act); hearing aids under chapter 18.35 RCW; naturopaths under chapter  
29 ((18.36A)) 18.-- RCW (sections 101 through 144 of this act); embalming  
30 and funeral directing under chapter 18.39 RCW; midwifery under chapter  
31 18.50 RCW; nursing home administration under chapter 18.52 RCW;  
32 optometry under chapter(~~s 18.53 and 18.54~~) 18.-- RCW (sections 401  
33 through 428 of this act); ocularists under chapter 18.55 RCW;  
34 osteopathy and osteopathic medicine and surgery under chapter(~~s 18.57~~  
35 ~~and 18.57A~~) 18.-- RCW (sections 101 through 144 of this act); pharmacy  
36 under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71(~~(7)~~)  
37 and 18.71A((7 and 18.72)) RCW; emergency medicine under chapter 18.73  
38 RCW; physical therapy under chapter ((18.74)) 18.-- RCW (sections 701  
39 through 745 of this act); practical nurses under chapter ((18.78)) 18.-

1 - RCW (sections 601 through 631 of this act); psychologists under  
2 chapter 18.83 RCW; registered nurses under chapter ~~((18.88))~~ 18.-- RCW  
3 (sections 601 through 631 of this act); occupational therapists  
4 licensed ~~((pursuant to))~~ under chapter ~~((18.59))~~ 18.-- RCW (sections  
5 701 through 745 of this act); respiratory care practitioners certified  
6 under chapter 18.89 RCW; veterinarians and animal technicians under  
7 chapter 18.92 RCW; health care assistants under chapter 18.135 RCW;  
8 massage practitioners under chapter ~~((18.108))~~ 18.-- RCW (sections 701  
9 through 745 of this act); acupuncturists certified under chapter 18.06  
10 RCW; persons registered or certified under chapter 18.19 RCW;  
11 dietitians and nutritionists certified by chapter 18.138 RCW;  
12 radiologic technicians under chapter 18.84 RCW; and nursing assistants  
13 registered or certified under chapter 18.88A RCW.

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

18 (6) "Legislative committees of reference" means the standing  
19 legislative committees designated by the respective rules committees of  
20 the senate and house of representatives to consider proposed  
21 legislation to regulate health professions not previously regulated.

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

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

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

35 (10) "Public member" means an individual who is not, and never was,  
36 a member of the health profession being regulated or the spouse of a  
37 member, or an individual who does not have and never has had a material  
38 financial interest in either the rendering of the health professional

1 service being regulated or an activity directly related to the  
2 profession being regulated.

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

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

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

17 **Sec. 1020.** RCW 18.135.020 and 1991 c 3 s 272 are each amended to  
18 read as follows:

19 As used in this chapter:

20 (1) "Secretary" means the secretary of health.

21 (2) "Health care assistant" means an unlicensed person who assists  
22 a licensed health care practitioner in providing health care to  
23 patients pursuant to this chapter.

24 (3) "Health care practitioner" means:

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

26 (b) An osteopathic physician or surgeon licensed under chapter  
27 (~~(18.57)~~) 18.-- RCW (sections 101 through 144 of this act); or

28 (c) Acting within the scope of their respective licensure, a  
29 (~~(podiatrist)~~) podiatric physician and surgeon licensed under chapter  
30 (~~(18.22)~~) 18.-- RCW (sections 101 through 144 of this act) or a  
31 registered nurse or advanced registered nurse practitioner licensed  
32 under chapter (~~(18.88)~~) 18.-- RCW (sections 601 through 631 of this  
33 act).

34 (4) "Supervision" means supervision of procedures permitted  
35 pursuant to this chapter by a health care practitioner who is  
36 physically present and is immediately available in the facility during  
37 the administration of injections, as defined in this chapter, but need  
38 not be present during procedures to withdraw blood.

1 (5) "Health care facility" means any hospital, hospice care center,  
2 licensed or certified health care facility, health maintenance  
3 organization regulated under chapter 48.46 RCW, federally qualified  
4 health maintenance organization, renal dialysis center or facility  
5 federally approved under 42 C.F.R. 405.2100, blood bank federally  
6 licensed under 21 C.F.R. 607, or clinical laboratory certified under 20  
7 C.F.R. 405.1301-16.

8 (6) "Delegation" means direct authorization granted by a licensed  
9 health care practitioner to a health care assistant to perform the  
10 functions authorized in this chapter which fall within the scope of  
11 practice of the delegator and which are not within the scope of  
12 practice of the delegatee.

13 **Sec. 1021.** RCW 28A.210.260 and 1982 c 195 s 1 are each amended to  
14 read as follows:

15 Public school districts and private schools which conduct any of  
16 grades kindergarten through the twelfth grade may provide for the  
17 administration of oral medication of any nature to students who are in  
18 the custody of the school district or school at the time of  
19 administration, but are not required to do so by this section, subject  
20 to the following conditions:

21 (1) The board of directors of the public school district or the  
22 governing board of the private school or, if none, the chief  
23 administrator of the private school shall adopt policies which address  
24 the designation of employees who may administer oral medications to  
25 students, the acquisition of parent requests and instructions, and the  
26 acquisition of dentist and physician requests and instructions  
27 regarding students who require medication for more than fifteen  
28 consecutive school days, the identification of the medication to be  
29 administered, the means of safekeeping medications with special  
30 attention given to the safeguarding of legend drugs as defined in  
31 chapter 69.41 RCW, and the means of maintaining a record of the  
32 administration of such medication;

33 (2) The board of directors shall seek advice from one or more  
34 licensed physicians or nurses in the course of developing the foregoing  
35 policies;

36 (3) The public school district or private school is in receipt of  
37 a written, current and unexpired request from a parent, or a legal

1 guardian, or other person having legal control over the student to  
2 administer the medication to the student;

3 (4) The public school district or the private school is in receipt  
4 of (a) a written, current and unexpired request from a licensed  
5 physician or dentist for administration of the medication, as there  
6 exists a valid health reason which makes administration of such  
7 medication advisable during the hours when school is in session or the  
8 hours in which the student is under the supervision of school  
9 officials, and (b) written, current and unexpired instructions from  
10 such physician or dentist regarding the administration of prescribed  
11 medication to students who require medication for more than fifteen  
12 consecutive work days;

13 (5) The medication is administered by an employee designated by or  
14 pursuant to the policies adopted pursuant to subsection (1) of this  
15 section and in substantial compliance with the prescription of a  
16 physician or dentist or the written instructions provided pursuant to  
17 subsection (4) of this section;

18 (6) The medication is first examined by the employee administering  
19 the same to determine in his or her judgment that it appears to be in  
20 the original container and to be properly labeled; and

21 (7) The board of directors shall designate a professional person  
22 licensed pursuant to chapter 18.71 or (~~18.88~~) 18.-- RCW (sections 601  
23 through 631 of this act) to train and supervise the designated school  
24 district personnel in proper medication procedures.

25 **Sec. 1022.** RCW 28A.210.280 and 1988 c 48 s 2 are each amended to  
26 read as follows:

27 (1) Public school districts and private schools that offer classes  
28 for any of grades kindergarten through twelve may provide for clean,  
29 intermittent bladder catheterization of students, or assisted self-  
30 catheterization of students pursuant to (~~RCW 18.88.295:—PROVIDED,~~  
31 ~~That~~) section 629 of this act, if the catheterization is provided for  
32 in substantial compliance with:

33 (a) Rules adopted by the state (~~board of~~) nursing care quality  
34 assurance commission and the instructions of a registered nurse or  
35 advanced registered nurse practitioner issued under such rules; and

36 (b) Written policies of the school district or private school which  
37 shall be adopted in order to implement this section and shall be

1 developed in accordance with such requirements of chapters 41.56 and  
2 41.59 RCW as may be applicable.

3 (2) This section does not require school districts to provide  
4 intermittent bladder catheterization of students.

5 **Sec. 1023.** RCW 28A.210.290 and 1990 c 33 s 209 are each amended to  
6 read as follows:

7 (1) In the event a school employee provides for the catheterization  
8 of a student pursuant to RCW (~~(18.88.295)~~) 18.--.--- (section 629 of  
9 this act) and 28A.210.280 in substantial compliance with (a) rules  
10 adopted by the state (~~(board of)~~) nursing care quality assurance  
11 commission and the instructions of a registered nurse or advanced  
12 registered nurse practitioner issued under such rules, and (b) written  
13 policies of the school district or private school, then the employee,  
14 the employee's school district or school of employment, and the members  
15 of the governing board and chief administrator thereof shall not be  
16 liable in any criminal action or for civil damages in their individual,  
17 marital, governmental, corporate, or other capacity as a result of  
18 providing for the catheterization.

19 (2) Providing for the catheterization of any student pursuant to  
20 RCW (~~(18.88.295)~~) 18.--.--- (section 629 of this act) and 28A.210.280  
21 may be discontinued by a public school district or private school and  
22 the school district or school, its employees, its chief administrator,  
23 and members of its governing board shall not be liable in any criminal  
24 action or for civil damages in their individual, marital, governmental,  
25 corporate, or other capacity as a result of the discontinuance:  
26 PROVIDED, That the chief administrator of the public school district or  
27 private school, or his or her designee, has first provided actual  
28 notice orally or in writing in advance of the date of discontinuance to  
29 a parent or legal guardian of the student or other person having legal  
30 control over the student: PROVIDED FURTHER, That the public school  
31 district otherwise provides for the catheterization of the student to  
32 the extent required by federal or state law.

33 **Sec. 1024.** RCW 28C.10.030 and 1990 c 188 s 6 are each amended to  
34 read as follows:

35 This chapter does not apply to:

36 (1) Bona fide trade, business, professional, or fraternal  
37 organizations sponsoring educational programs primarily for that



1 organization's membership or offered by that organization on a no-fee  
2 basis;

3 (2) Entities offering education that is exclusively avocational or  
4 recreational;

5 (3) Education not requiring payment of money or other consideration  
6 if this education is not advertised or promoted as leading toward  
7 educational credentials;

8 (4) Entities that are established, operated, and governed by this  
9 state or its political subdivisions under Title 28A, 28B, or 28C RCW;

10 (5) Degree-granting programs in compliance with the rules of the  
11 higher education coordinating board;

12 (6) Any other entity to the extent that it has been exempted from  
13 some or all of the provisions of this chapter under RCW 28C.10.100;

14 (7) Entities not otherwise exempt that are of a religious  
15 character, but only as to those educational programs exclusively  
16 devoted to religious or theological objectives and represented  
17 accurately in institutional catalogs or other official publications;

18 (8) Entities offering only courses certified by the federal  
19 aviation administration;

20 (9) Barber and cosmetology schools licensed under chapter 18.16  
21 RCW;

22 (10) Entities which only offer courses approved to meet the  
23 continuing education requirements for licensure under chapter(~~(§)~~)  
24 18.04, (~~(18.78, 18.88)~~) 18.-- (sections 601 through 631 of this act),  
25 or 48.17 RCW; and

26 (11) Entities not otherwise exempt offering only workshops or  
27 seminars lasting no longer than three calendar days.

28 **Sec. 1025.** RCW 35.21.692 and 1991 c 182 s 1 are each amended to  
29 read as follows:

30 (1) A state licensed massage practitioner seeking a city or town  
31 license to operate a massage business must provide verification of his  
32 or her state massage license as provided for in RCW (~~(18.108.030)~~)  
33 18.--.--- (section 735 of this act).

34 (2) The city or town may charge a licensing or operating fee, but  
35 the fee charged a state licensed massage practitioner shall not exceed  
36 the licensing or operating fee imposed on similar health care  
37 providers, such as physical therapists or occupational therapists,  
38 operating within the same city or town.

1 (3) A state licensed massage practitioner is not subject to  
2 additional licensing requirements not currently imposed on similar  
3 health care providers, such as physical therapists or occupational  
4 therapists.

5 **Sec. 1026.** RCW 35A.82.025 and 1991 c 182 s 2 are each amended to  
6 read as follows:

7 (1) A state licensed massage practitioner seeking a city license to  
8 operate a massage business must provide verification of his or her  
9 state massage license as provided for in RCW (~~(18.108.030)~~) 18.--.---  
10 (section 735 of this act).

11 (2) The city may charge a licensing or operating fee, but the fee  
12 charged a state licensed massage practitioner shall not exceed the  
13 licensing or operating fee imposed on similar health care providers,  
14 such as physical therapists or occupational therapists, operating  
15 within the same city.

16 (3) A state licensed massage practitioner is not subject to  
17 additional licensing requirements not currently imposed on similar  
18 health care providers, such as physical therapists or occupational  
19 therapists.

20 **Sec. 1027.** RCW 36.32.122 and 1991 c 182 s 3 are each amended to  
21 read as follows:

22 (1) A state licensed massage practitioner seeking a county license  
23 to operate a massage business must provide verification of his or her  
24 state massage license as provided for in RCW (~~(18.108.030)~~) 18.--.---  
25 (section 735 of this act).

26 (2) The county may charge a licensing or operating fee, but the fee  
27 charged a state licensed massage practitioner shall not exceed the  
28 licensing or operating fee imposed on similar health care providers,  
29 such as physical therapists or occupational therapists, operating  
30 within the same county.

31 (3) A state licensed massage practitioner is not subject to  
32 additional licensing requirements not currently imposed on similar  
33 health care providers, such as physical therapists or occupational  
34 therapists.

35 **Sec. 1028.** RCW 41.05.075 and 1993 c 386 s 10 are each amended to  
36 read as follows:

1 (1) The administrator shall provide benefit plans designed by the  
2 board through a contract or contracts with insuring entities, through  
3 self-funding, self-insurance, or other methods of providing insurance  
4 coverage authorized by RCW 41.05.140.

5 (2) The administrator shall establish a contract bidding process  
6 that encourages competition among insuring entities, is timely to the  
7 state budgetary process, and sets conditions for awarding contracts to  
8 any insuring entity.

9 (3) The administrator shall establish a requirement for review of  
10 utilization and financial data from participating insuring entities on  
11 a quarterly basis.

12 (4) The administrator shall centralize the enrollment files for all  
13 employee and retired or disabled school employee health plans offered  
14 under chapter 41.05 RCW and develop enrollment demographics on a plan-  
15 specific basis.

16 (5) The administrator shall establish methods for collecting,  
17 analyzing, and disseminating to covered individuals information on the  
18 cost and quality of services rendered by individual health care  
19 providers.

20 (6) All claims data shall be the property of the state. The  
21 administrator may require of any insuring entity that submits a bid to  
22 contract for coverage all information deemed necessary to fulfill the  
23 administrator's duties as set forth in this chapter.

24 (7) All contracts with insuring entities for the provision of  
25 health care benefits shall provide that the beneficiaries of such  
26 benefit plans may use on an equal participation basis the services of  
27 practitioners licensed pursuant to chapters 18.22, 18.25, 18.32,  
28 ~~((18.53))~~ 18.-- (sections 401 through 428 of this act), ~~((18.57))~~ 18.--  
29 (sections 101 through 144 of this act), 18.71, ~~((18.74))~~ 18.--  
30 (sections 701 through 745 of this act), 18.83, and 18.88 RCW. However,  
31 nothing in this subsection may preclude the administrator from  
32 establishing appropriate utilization controls approved pursuant to RCW  
33 41.05.065(2) (a)~~((i))~~, (b), and (d).

34 (8) Beginning in January 1990, and each January thereafter, the  
35 administrator shall publish and distribute to each school district a  
36 description of health care benefit plans available through the  
37 authority and the estimated cost if school district employees were  
38 enrolled.

1       **Sec. 1029.** RCW 41.05.180 and 1989 c 338 s 5 are each amended to  
2 read as follows:

3       Each health plan offered to public employees and their covered  
4 dependents under this chapter that is not subject to the provisions of  
5 Title 48 RCW and is established or renewed after January 1, 1990, and  
6 that provides benefits for hospital or medical care shall provide  
7 benefits for screening or diagnostic mammography services, provided  
8 that such services are delivered upon the recommendation of the  
9 patient's physician or advanced registered nurse practitioner as  
10 authorized by the ((board of)) nursing care quality assurance  
11 commission pursuant to chapter ((18.88)) 18.-- RCW (sections 601  
12 through 631 of this act) or physician((s)) assistant pursuant to  
13 chapter 18.71A RCW.

14       This section shall not be construed to prevent the application of  
15 standard health plan provisions applicable to other benefits such as  
16 deductible or copayment provisions. This section does not limit the  
17 authority of the state health care authority to negotiate rates and  
18 contract with specific providers for the delivery of mammography  
19 services. This section shall not apply to medicare supplement policies  
20 or supplemental contracts covering a specified disease or other limited  
21 benefits.

22       **Sec. 1030.** RCW 42.17.316 and 1987 c 416 s 7 are each amended to  
23 read as follows:

24       The disclosure requirements of this chapter shall not apply to  
25 records of the committee obtained in an action under RCW 18.72.301  
26 through 18.72.321 (as recodified by this act).

27       **Sec. 1031.** RCW 43.70.220 and 1989 1st ex.s. c 9 s 301 are each  
28 amended to read as follows:

29       The powers and duties of the department of licensing and the  
30 director of licensing under the following statutes are hereby  
31 transferred to the department of health and the secretary of health:  
32 Chapters 18.06, 18.19, ((18.22)) 18.25, ((18.26)) 18.29, 18.32,  
33 ((18.34)) 18.35, ((18.36A)) 18.50, 18.52, ((18.52A, 18.52B)) 18.52C,  
34 ((18.53, 18.54)) 18.55, ((18.57, 18.57A, 18.59)) 18.-- (sections 101  
35 through 144 of this act), 18.71, 18.71A, ((18.72, 18.74)) 18.--  
36 (sections 701 through 745 of this act), 18.78, 18.83, 18.84, 18.88,  
37 18.89, 18.92, ((18.108)) 18.-- (sections 701 through 745 of this act),

1 18.135, and 18.138 RCW. More specifically, the health professions  
2 regulatory programs and services presently administered by the  
3 department of licensing are hereby transferred to the department of  
4 health.

5 **Sec. 1032.** RCW 48.20.393 and 1989 c 338 s 1 are each amended to  
6 read as follows:

7 Each disability insurance policy issued or renewed after January 1,  
8 1990, that provides coverage for hospital or medical expenses shall  
9 provide coverage for screening or diagnostic mammography services,  
10 provided that such services are delivered upon the recommendation of  
11 the patient's physician or advanced registered nurse practitioner as  
12 authorized by the ((board of)) nursing care quality assurance  
13 commission pursuant to chapter ((18.88)) 18.-- RCW (sections 601  
14 through 631 of this act) or physician((s)) assistant pursuant to  
15 chapter 18.71A RCW.

16 This section shall not be construed to prevent the application of  
17 standard policy provisions applicable to other benefits such as  
18 deductible or copayment provisions. This section does not limit the  
19 authority of an insurer to negotiate rates and contract with specific  
20 providers for the delivery of mammography services. This section shall  
21 not apply to medicare supplement policies or supplemental contracts  
22 covering a specified disease or other limited benefits.

23 **Sec. 1033.** RCW 48.20.411 and 1973 1st ex.s. c 188 s 3 are each  
24 amended to read as follows:

25 Notwithstanding any provision of any disability insurance contract  
26 as provided for in this chapter, benefits shall not be denied  
27 thereunder for any health care service performed by a holder of a  
28 license for registered nursing practice or advanced registered nursing  
29 practice issued pursuant to chapter ((18.88)) 18.-- RCW (sections 601  
30 through 631 of this act) if (1) the service performed was within the  
31 lawful scope of such person's license, and (2) such contract would have  
32 provided benefits if such service had been performed by a holder of a  
33 license issued pursuant to chapter 18.71 RCW: PROVIDED, HOWEVER, That  
34 no provision of chapter 18.71 RCW shall be asserted to deny benefits  
35 under this section.

1 The provisions of this section are intended to be remedial and  
2 procedural to the extent they do not impair the obligation of any  
3 existing contract.

4 **Sec. 1034.** RCW 48.21.141 and 1973 1st ex.s. c 188 s 4 are each  
5 amended to read as follows:

6 Notwithstanding any provision of any group disability insurance  
7 contract or blanket disability insurance contract as provided for in  
8 this chapter, benefits shall not be denied thereunder for any health  
9 service performed by a holder of a license for registered nursing  
10 practice or advanced registered nursing practice issued pursuant to  
11 chapter ((18.88)) 18.-- RCW (sections 601 through 631 of this act) if  
12 (1) the service performed was within the lawful scope of such person's  
13 license, and (2) such contract would have provided benefits if such  
14 service had been performed by a holder of a license issued pursuant to  
15 chapter 18.71 RCW: PROVIDED, HOWEVER, That no provision of chapter  
16 18.71 RCW shall be asserted to deny benefits under this section.

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

20 **Sec. 1035.** RCW 48.21.225 and 1989 c 338 s 2 are each amended to  
21 read as follows:

22 Each group disability insurance policy issued or renewed after  
23 January 1, 1990, that provides coverage for hospital or medical  
24 expenses shall provide coverage for screening or diagnostic mammography  
25 services, provided that such services are delivered upon the  
26 recommendation of the patient's physician or advanced registered nurse  
27 practitioner as authorized by the ((board of)) nursing care quality  
28 assurance commission pursuant to chapter ((18.88)) 18.-- RCW (sections  
29 601 through 631 of this act) or physician((-s)) assistant pursuant to  
30 chapter 18.71A RCW.

31 This section shall not be construed to prevent the application of  
32 standard policy provisions applicable to other benefits such as  
33 deductible or copayment provisions. This section does not limit the  
34 authority of an insurer to negotiate rates and contract with specific  
35 providers for the delivery of mammography services. This section shall  
36 not apply to medicare supplement policies or supplemental contracts  
37 covering a specified disease or other limited benefits.

1       **Sec. 1036.** RCW 48.44.026 and 1990 c 120 s 6 are each amended to  
2 read as follows:

3       Checks in payment for claims pursuant to any health care service  
4 contract for health care services provided by persons licensed or  
5 regulated under chapters (~~(18.22)~~) 18.-- (sections 101 through 144 of  
6 this act), 18.25, 18.29, 18.32, (~~(18.53)~~) 18.-- (sections 401 through  
7 428 of this act), (~~(18.57)~~) 18.-- (sections 101 through 144 of this  
8 act), 18.64, 18.71, 18.73, (~~(18.74)~~) 18.-- (sections 701 through 745 of  
9 this act), 18.83, or 18.88 RCW, where the provider is not a  
10 participating provider under a contract with the health care service  
11 contractor, shall be made out to both the provider and the enrolled  
12 participant with the provider as the first named payee, jointly, to  
13 require endorsement by each: PROVIDED, That payment shall be made in  
14 the single name of the enrolled participant if the enrolled participant  
15 as part of his or her claim furnishes evidence of prepayment to the  
16 health care service provider: AND PROVIDED FURTHER, That nothing in  
17 this section shall preclude a health care service contractor from  
18 voluntarily issuing payment in the single name of the provider.

19       **Sec. 1037.** RCW 48.44.290 and 1986 c 223 s 6 are each amended to  
20 read as follows:

21       Notwithstanding any provision of this chapter, for any health care  
22 service contract thereunder which is entered into or renewed after July  
23 26, 1981, benefits shall not be denied under such contract for any  
24 health care service performed by a holder of a license for registered  
25 nursing practice or advanced registered nursing practice issued  
26 pursuant to chapter (~~(18.88)~~) 18.-- RCW (sections 601 through 631 of  
27 this act) if (1) the service performed was within the lawful scope of  
28 such person's license, and (2) such contract would have provided  
29 benefits if such service had been performed by a holder of a license  
30 issued pursuant to chapter 18.71 RCW: PROVIDED, HOWEVER, That no  
31 provision of chapter 18.71 RCW shall be asserted to deny benefits under  
32 this section.

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

36       **Sec. 1038.** RCW 48.44.325 and 1989 c 338 s 3 are each amended to  
37 read as follows:

1 Each health care service contract issued or renewed after January  
2 1, 1990, that provides benefits for hospital or medical care shall  
3 provide benefits for screening or diagnostic mammography services,  
4 provided that such services are delivered upon the recommendation of  
5 the patient's physician or advanced registered nurse practitioner as  
6 authorized by the ((board of)) nursing care quality assurance  
7 commission pursuant to chapter ((18-88)) 18.-- RCW (sections 601  
8 through 631 of this act) or physician((('s))) assistant pursuant to  
9 chapter 18.71A RCW.

10 This section shall not be construed to prevent the application of  
11 standard contract provisions applicable to other benefits such as  
12 deductible or copayment provisions. This section does not limit the  
13 authority of a contractor to negotiate rates and contract with specific  
14 providers for the delivery of mammography services. This section shall  
15 not apply to medicare supplement policies or supplemental contracts  
16 covering a specified disease or other limited benefits.

17 **Sec. 1039.** RCW 48.46.275 and 1989 c 338 s 4 are each amended to  
18 read as follows:

19 Each health maintenance agreement issued or renewed after January  
20 1, 1990, that provides benefits for hospital or medical care shall  
21 provide benefits for screening or diagnostic mammography services,  
22 provided that such services are delivered upon the recommendation of  
23 the patient's physician or advanced registered nurse practitioner as  
24 authorized by the ((board of)) nursing care quality assurance  
25 commission pursuant to chapter ((18-88)) 18.-- RCW (sections 601  
26 through 631 of this act) or physician((('s))) assistant pursuant to  
27 chapter 18.71A RCW.

28 All services must be provided by the health maintenance  
29 organization or rendered upon referral by the health maintenance  
30 organization. This section shall not be construed to prevent the  
31 application of standard agreement provisions applicable to other  
32 benefits such as deductible or copayment provisions. This section does  
33 not limit the authority of a health maintenance organization to  
34 negotiate rates and contract with specific providers for the delivery  
35 of mammography services. This section shall not apply to medicare  
36 supplement policies or supplemental contracts covering a specified  
37 disease or other limited benefits.



1       **Sec. 1040.** RCW 50.04.223 and 1993 c 167 s 1 are each amended to  
2 read as follows:

3       The term "employment" does not include services performed by a  
4 massage practitioner licensed under chapter ~~((18.108))~~ 18.-- RCW  
5 (sections 701 through 745 of this act) in a massage business if the use  
6 of the business facilities is contingent upon compensation to the owner  
7 of the business facilities and the person receives no compensation from  
8 the owner for the services performed.

9       **Sec. 1041.** RCW 69.41.010 and 1989 1st ex.s. c 9 s 426 and 1989 c  
10 36 s 3 are each reenacted and amended to read as follows:

11       As used in this chapter, the following terms ~~((has-[have]))~~ have  
12 the ~~((meaning[s]))~~ meanings indicated unless the context clearly  
13 requires otherwise:

14       (1) "Administer" means the direct application of a legend drug  
15 whether by injection, inhalation, ingestion, or any other means, to the  
16 body of a patient or research subject by:

17       (a) A practitioner; or

18       (b) The patient or research subject at the direction of the  
19 practitioner.

20       (2) "Deliver" or "delivery" means the actual, constructive, or  
21 attempted transfer from one person to another of a legend drug, whether  
22 or not there is an agency relationship.

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

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

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

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

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

32       (8) "Drug" means:

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

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

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

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

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

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

12 (11) "Practitioner" means:

13 (a) A physician under chapter 18.71 RCW, an osteopathic physician  
14 or an osteopathic physician and surgeon under chapter ~~((18.57))~~ 18.--  
15 (sections 101 through 144 of this act) RCW, a dentist under chapter  
16 18.32 RCW, a ~~((podiatrist))~~ podiatric physician and surgeon under  
17 chapter ~~((18.22))~~ 18.-- RCW (sections 101 through 144 of this act), a  
18 veterinarian under chapter 18.92 RCW, a registered nurse ~~((under~~  
19 ~~chapter 18.88 RCW, a))~~, advanced registered nurse practitioner, or  
20 licensed practical nurse under chapter ((18.78)) 18.-- RCW (sections  
21 601 through 631 of this act), an optometrist under chapter ~~((18.53))~~  
22 18.-- RCW (sections 401 through 428 of this act) who is certified by  
23 the ~~((optometry board))~~ vision care quality assurance commission under  
24 ~~((RCW 18.53.010))~~ section 403 of this act, an osteopathic  
25 physician~~((s))~~ assistant under chapter ~~((18.57A))~~ 18.-- RCW (sections  
26 101 through 144 of this act), ~~((or))~~ a physician~~((s))~~ assistant under  
27 chapter 18.71A RCW, or a pharmacist under chapter 18.64 RCW;

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

32 (c) A physician licensed to practice medicine and surgery or a  
33 physician licensed to practice osteopathy and surgery in any state, or  
34 province of Canada, which shares a common border with the state of  
35 Washington.

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

1       **Sec. 1042.** RCW 69.41.030 and 1991 c 30 s 1 are each amended to  
2 read as follows:

3       It shall be unlawful for any person to sell, deliver, or possess  
4 any legend drug except upon the order or prescription of a physician  
5 under chapter 18.71 RCW, an osteopathic physician or an osteopathic  
6 physician and surgeon under chapter ~~((18.57))~~ 18.-- RCW (sections 101  
7 through 144 of this act), a dentist under chapter 18.32 RCW, a  
8 podiatric physician and surgeon under chapter ~~((18.22))~~ 18.-- RCW  
9 (sections 101 through 144 of this act), a veterinarian under chapter  
10 18.92 RCW, a commissioned medical or dental officer in the United  
11 States armed forces or public health service in the discharge of his or  
12 her official duties, a duly licensed physician or dentist employed by  
13 the veterans administration in the discharge of his or her official  
14 duties, a registered nurse or advanced registered nurse practitioner  
15 under chapter ~~((18.88))~~ 18.-- RCW (sections 601 through 631 of this  
16 act) when authorized by the ~~((board of))~~ nursing care quality assurance  
17 commission, an osteopathic physician~~((s))~~ assistant under chapter  
18 ~~((18.57A))~~ 18.-- RCW (sections 101 through 144 of this act) when  
19 authorized by the ~~((committee of osteopathic examiners))~~ allied  
20 physicians quality assurance commission, a physician assistant under  
21 chapter 18.71A RCW when authorized by the ~~((board of))~~ medical  
22 ~~((examiners))~~ quality assurance commission, a physician licensed to  
23 practice medicine and surgery or a physician licensed to practice  
24 osteopathy and surgery, a dentist licensed to practice dentistry, a  
25 podiatric physician and surgeon licensed to practice podiatric medicine  
26 and surgery, or a veterinarian licensed to practice veterinary  
27 medicine, in any province of Canada which shares a common border with  
28 the state of Washington or in any state of the United States:  
29 PROVIDED, HOWEVER, That the above provisions shall not apply to sale,  
30 delivery, or possession by drug wholesalers or drug manufacturers, or  
31 their agents or employees, or to any practitioner acting within the  
32 scope of his or her license, or to a common or contract carrier or  
33 warehouseman, or any employee thereof, whose possession of any legend  
34 drug is in the usual course of business or employment: PROVIDED  
35 FURTHER, That nothing in this chapter or chapter 18.64 RCW shall  
36 prevent a family planning clinic that is under contract with the  
37 department of social and health services from selling, delivering,  
38 possessing, and dispensing commercially prepackaged oral contraceptives  
39 prescribed by authorized, licensed health care practitioners.

1       **Sec. 1043.** RCW 69.45.010 and 1989 1st ex.s. c 9 s 444 are each  
2 amended to read as follows:

3       The definitions in this section apply throughout this chapter.

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

5       (2) "Drug samples" means any federal food and drug administration  
6 approved controlled substance, legend drug, or products requiring  
7 prescriptions in this state, which is distributed at no charge to a  
8 practitioner by a manufacturer or a manufacturer's representative,  
9 exclusive of drugs under clinical investigations approved by the  
10 federal food and drug administration.

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

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

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

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

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

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

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

32       (10) "Practitioner" means a physician under chapter 18.71 RCW, an  
33 osteopathic physician or an osteopathic physician and surgeon under  
34 chapter (~~(18.57)~~) 18.-- RCW (sections 101 through 144 of this act), a  
35 dentist under chapter 18.32 RCW, a (~~podiatrist~~) podiatric physician  
36 and surgeon under chapter (~~(18.22)~~) 18.-- RCW (sections 101 through 144  
37 of this act), a veterinarian under chapter 18.92 RCW, a pharmacist  
38 under chapter 18.64 RCW, a commissioned medical or dental officer in  
39 the United States armed forces or the public health service in the

1 discharge of his or her official duties, a duly licensed physician or  
2 dentist employed by the veterans administration in the discharge of his  
3 or her official duties, a registered nurse or advanced registered nurse  
4 practitioner under chapter ~~((18.88))~~ 18.-- RCW (sections 601 through  
5 631 of this act) when authorized to prescribe by the ~~((board of))~~  
6 nursing care quality assurance commission, an osteopathic  
7 ~~((physician's))~~ physician assistant under chapter ~~((18.57A))~~ 18.-- RCW  
8 (sections 101 through 144 of this act) when authorized by the ~~((board~~  
9 ~~of osteopathic medicine and surgery))~~ allied physicians quality  
10 assurance commission, or a ~~((physician's))~~ physician assistant under  
11 chapter 18.71A RCW when authorized by the ~~((board of))~~ medical  
12 ~~((examiners))~~ quality assurance commission.

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

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

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

21 (14) "Secretary" means the secretary of health or the secretary's  
22 designee.

23 **Sec. 1044.** RCW 69.50.101 and 1993 c 187 s 1 are each amended to  
24 read as follows:

25 Unless the context clearly requires otherwise, definitions of terms  
26 shall be as indicated where used in this chapter:

27 (a) "Administer" means to apply a controlled substance, whether by  
28 injection, inhalation, ingestion, or any other means, directly to the  
29 body of a patient or research subject by:

30 (1) a practitioner authorized to prescribe (or, by the  
31 practitioner's authorized agent); or

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

34 (b) "Agent" means an authorized person who acts on behalf of or at  
35 the direction of a manufacturer, distributor, or dispenser. It does  
36 not include a common or contract carrier, public warehouseperson, or  
37 employee of the carrier or warehouseperson.

38 (c) "Board" means the state board of pharmacy.

1 (d) "Controlled substance" means a drug, substance, or immediate  
2 precursor included in Schedules I through V as set forth in federal or  
3 state laws, or federal or board rules.

4 (e)(1) "Controlled substance analog" means a substance the chemical  
5 structure of which is substantially similar to the chemical structure  
6 of a controlled substance in Schedule I or II and:

7 (i) that has a stimulant, depressant, or hallucinogenic effect on  
8 the central nervous system substantially similar to the stimulant,  
9 depressant, or hallucinogenic effect on the central nervous system of  
10 a controlled substance included in Schedule I or II; or

11 (ii) with respect to a particular individual, that the individual  
12 represents or intends to have a stimulant, depressant, or  
13 hallucinogenic effect on the central nervous system substantially  
14 similar to the stimulant, depressant, or hallucinogenic effect on the  
15 central nervous system of a controlled substance included in Schedule  
16 I or II.

17 (2) The term does not include:

18 (i) a controlled substance;

19 (ii) a substance for which there is an approved new drug  
20 application;

21 (iii) a substance with respect to which an exemption is in effect  
22 for investigational use by a particular person under Section 505 of the  
23 federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the extent  
24 conduct with respect to the substance is pursuant to the exemption; or

25 (iv) any substance to the extent not intended for human consumption  
26 before an exemption takes effect with respect to the substance.

27 (f) "Deliver" or "delivery," means the actual or constructive  
28 transfer from one person to another of a substance, whether or not  
29 there is an agency relationship.

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

31 (h) "Dispense" means the interpretation of a prescription or order  
32 for a controlled substance and, pursuant to that prescription or order,  
33 the proper selection, measuring, compounding, labeling, or packaging  
34 necessary to prepare that prescription or order for delivery.

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

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

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

1 (1) "Drug" means (1) a controlled substance recognized as a drug in  
2 the official United States pharmacopoeia/national formulary or the  
3 official homeopathic pharmacopoeia of the United States, or any  
4 supplement to them; (2) controlled substances intended for use in the  
5 diagnosis, cure, mitigation, treatment, or prevention of disease in  
6 individuals or animals; (3) controlled substances (other than food)  
7 intended to affect the structure or any function of the body of  
8 individuals or animals; and (4) controlled substances intended for use  
9 as a component of any article specified in (1), (2), or (3) of this  
10 subsection. The term does not include devices or their components,  
11 parts, or accessories.

12 (m) "Drug enforcement administration" means the drug enforcement  
13 administration in the United States Department of Justice, or its  
14 successor agency.

15 (n) "Immediate precursor" means a substance:

16 (1) that the state board of pharmacy has found to be and by rule  
17 designates as being the principal compound commonly used, or produced  
18 primarily for use, in the manufacture of a controlled substance;

19 (2) that is an immediate chemical intermediary used or likely to be  
20 used in the manufacture of a controlled substance; and

21 (3) the control of which is necessary to prevent, curtail, or limit  
22 the manufacture of the controlled substance.

23 (o) "Isomer" means an optical isomer, but in RCW 69.50.101(r)(5),  
24 69.50.204(a) (12) and (34), and 69.50.206(a)(4), the term includes any  
25 geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c)  
26 the term includes any positional isomer; and in RCW 69.50.204(a)(35),  
27 69.50.204(c), and 69.50.208(a) the term includes any positional or  
28 geometric isomer.

29 (p) "Manufacture" means the production, preparation, propagation,  
30 compounding, conversion, or processing of a controlled substance,  
31 either directly or indirectly or by extraction from substances of  
32 natural origin, or independently by means of chemical synthesis, or by  
33 a combination of extraction and chemical synthesis, and includes any  
34 packaging or repackaging of the substance or labeling or relabeling of  
35 its container. The term does not include the preparation, compounding,  
36 packaging, repackaging, labeling, or relabeling of a controlled  
37 substance:

1 (1) by a practitioner as an incident to the practitioner's  
2 administering or dispensing of a controlled substance in the course of  
3 the practitioner's professional practice; or

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

7 (q) "Marijuana" or "marihuana" means all parts of the plant  
8 Cannabis, whether growing or not; the seeds thereof; the resin  
9 extracted from any part of the plant; and every compound, manufacture,  
10 salt, derivative, mixture, or preparation of the plant, its seeds or  
11 resin. The term does not include the mature stalks of the plant, fiber  
12 produced from the stalks, oil or cake made from the seeds of the plant,  
13 any other compound, manufacture, salt, derivative, mixture, or  
14 preparation of the mature stalks (except the resin extracted  
15 therefrom), fiber, oil, or cake, or the sterilized seed of the plant  
16 which is incapable of germination.

17 (r) "Narcotic drug" means any of the following, whether produced  
18 directly or indirectly by extraction from substances of vegetable  
19 origin, or independently by means of chemical synthesis, or by a  
20 combination of extraction and chemical synthesis:

21 (1) Opium, opium derivative, and any derivative of opium or opium  
22 derivative, including their salts, isomers, and salts of isomers,  
23 whenever the existence of the salts, isomers, and salts of isomers is  
24 possible within the specific chemical designation. The term does not  
25 include the isoquinoline alkaloids of opium.

26 (2) Synthetic opiate and any derivative of synthetic opiate,  
27 including their isomers, esters, ethers, salts, and salts of isomers,  
28 esters, and ethers, whenever the existence of the isomers, esters,  
29 ethers, and salts is possible within the specific chemical designation.

30 (3) Poppy straw and concentrate of poppy straw.

31 (4) Coca leaves, except coca leaves and extracts of coca leaves  
32 from which cocaine, ecgonine, and derivatives or ecgonine or their  
33 salts have been removed.

34 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

35 (6) Cocaine base.

36 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer  
37 thereof.

38 (8) Any compound, mixture, or preparation containing any quantity  
39 of any substance referred to in subparagraphs (1) through (7).



1 (s) "Opiate" means any substance having an addiction-forming or  
2 addiction-sustaining liability similar to morphine or being capable of  
3 conversion into a drug having addiction-forming or addiction-sustaining  
4 liability. The term includes opium, substances derived from opium  
5 (opium derivatives), and synthetic opiates. The term does not include,  
6 unless specifically designated as controlled under RCW 69.50.201, the  
7 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts  
8 (dextromethorphan). The term includes the racemic and levorotatory  
9 forms of dextromethorphan.

10 (t) "Opium poppy" means the plant of the species *Papaver somniferum*  
11 L., except its seeds.

12 (u) "Person" means individual, corporation, business trust, estate,  
13 trust, partnership, association, joint venture, government,  
14 governmental subdivision or agency, or any other legal or commercial  
15 entity.

16 (v) "Poppy straw" means all parts, except the seeds, of the opium  
17 poppy, after mowing.

18 (w) "Practitioner" means:

19 (1) A physician under chapter 18.71 RCW, a physician assistant  
20 under chapter 18.71A RCW, an osteopathic physician and surgeon under  
21 chapter ~~((18.57))~~ 18.-- RCW (sections 101 through 144 of this act), a  
22 dentist under chapter 18.32 RCW, a podiatric physician and surgeon  
23 under chapter ~~((18.22))~~ 18.-- RCW (sections 101 through 144 of this  
24 act), a veterinarian under chapter 18.92 RCW, a registered nurse,  
25 advanced registered nurse practitioner, or licensed practical nurse  
26 under chapter ~~((18.88))~~ 18.-- RCW (sections 601 through 632 of this  
27 act), ~~((a licensed practical nurse under chapter 18.78 RCW,))~~ a  
28 pharmacist under chapter 18.64 RCW or a scientific investigator under  
29 this chapter, licensed, registered or otherwise permitted insofar as is  
30 consistent with those licensing laws to distribute, dispense, conduct  
31 research with respect to or administer a controlled substance in the  
32 course of their professional practice or research in this state.

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

37 (3) A physician licensed to practice medicine and surgery, a  
38 physician licensed to practice osteopathy and surgery, a dentist  
39 licensed to practice dentistry, a podiatric physician and surgeon

1 licensed to practice podiatric medicine and surgery, or a veterinarian  
2 licensed to practice veterinary medicine in any state of the United  
3 States.

4 (x) "Prescription" means an order for controlled substances issued  
5 by a practitioner duly authorized by law or rule in the state of  
6 Washington to prescribe controlled substances within the scope of his  
7 or her professional practice for a legitimate medical purpose.

8 (y) "Production" includes the manufacturing, planting, cultivating,  
9 growing, or harvesting of a controlled substance.

10 (z) "Secretary" means the secretary of health or the secretary's  
11 designee.

12 (aa) "State," unless the context otherwise requires, means a state  
13 of the United States, the District of Columbia, the Commonwealth of  
14 Puerto Rico, or a territory or insular possession subject to the  
15 jurisdiction of the United States.

16 (bb) "Ultimate user" means an individual who lawfully possesses a  
17 controlled substance for the individual's own use or for the use of a  
18 member of the individual's household or for administering to an animal  
19 owned by the individual or by a member of the individual's household.

20 **Sec. 1045.** RCW 69.50.402 and 1980 c 138 s 6 are each amended to  
21 read as follows:

22 (a) It is unlawful for any person:

23 (1) who is subject to Article III to distribute or dispense a  
24 controlled substance in violation of RCW 69.50.308;

25 (2) who is a registrant, to manufacture a controlled substance not  
26 authorized by his registration, or to distribute or dispense a  
27 controlled substance not authorized by his registration to another  
28 registrant or other authorized person;

29 (3) who is a practitioner, to prescribe, order, dispense,  
30 administer, supply, or give to any person:

31 (i) any amphetamine, including its salts, optical isomers, and  
32 salts of optical isomers classified as a schedule II controlled  
33 substance by the board of pharmacy pursuant to chapter 34.05 RCW; or

34 (ii) any nonnarcotic stimulant classified as a schedule II  
35 controlled substance and designated as a nonnarcotic stimulant by the  
36 board of pharmacy pursuant to chapter 34.05 RCW;

37 except for the treatment of narcolepsy or for the treatment of  
38 hyperkinesia, or for the treatment of drug-induced brain dysfunction,

1 or for the treatment of epilepsy, or for the differential diagnostic  
2 psychiatric evaluation of depression, or for the treatment of  
3 depression shown to be refractory to other therapeutic modalities, or  
4 for the clinical investigation of the effects of such drugs or  
5 compounds, in which case an investigative protocol therefor shall have  
6 been submitted to and reviewed and approved by the state board of  
7 pharmacy before the investigation has been begun: PROVIDED, That the  
8 board of pharmacy, in consultation with the medical (~~disciplinary~~  
9 board)) quality assurance commission and the (~~osteopathic disciplinary~~  
10 board)) allied physicians quality assurance commission, may establish  
11 by rule, pursuant to chapter 34.05 RCW, disease states or conditions in  
12 addition to those listed in this subsection for the treatment of which  
13 Schedule II nonnarcotic stimulants may be prescribed, ordered,  
14 dispensed, administered, supplied, or given to patients by  
15 practitioners: AND PROVIDED, FURTHER, That investigations by the board  
16 of pharmacy of abuse of prescriptive authority by physicians, licensed  
17 pursuant to chapter 18.71 RCW, pursuant to subsection (a)(3) of this  
18 section shall be done in consultation with the medical (~~disciplinary~~  
19 board)) quality assurance commission;

20 (4) to refuse or fail to make, keep or furnish any record,  
21 notification, order form, statement, invoice, or information required  
22 under this chapter;

23 (5) to refuse an entry into any premises for any inspection  
24 authorized by this chapter; or

25 (6) knowingly to keep or maintain any store, shop, warehouse,  
26 dwelling, building, vehicle, boat, aircraft, or other structure or  
27 place, which is resorted to by persons using controlled substances in  
28 violation of this chapter for the purpose of using these substances, or  
29 which is used for keeping or selling them in violation of this chapter.

30 (b) Any person who violates this section is guilty of a crime and  
31 upon conviction may be imprisoned for not more than two years, fined  
32 not more than two thousand dollars, or both.

33 **Sec. 1046.** RCW 70.02.030 and 1993 c 448 s 3 are each amended to  
34 read as follows:

35 (1) A patient may authorize a health care provider to disclose the  
36 patient's health care information. A health care provider shall honor  
37 an authorization and, if requested, provide a copy of the recorded

1 health care information unless the health care provider denies the  
2 patient access to health care information under RCW 70.02.090.

3 (2) A health care provider may charge a reasonable fee for  
4 providing the health care information and is not required to honor an  
5 authorization until the fee is paid.

6 (3) To be valid, a disclosure authorization to a health care  
7 provider shall:

8 (a) Be in writing, dated, and signed by the patient;

9 (b) Identify the nature of the information to be disclosed;

10 (c) Identify the name, address, and institutional affiliation of  
11 the person to whom the information is to be disclosed;

12 (d) Except for third-party payors, identify the provider who is to  
13 make the disclosure; and

14 (e) Identify the patient.

15 (4) Except as provided by this chapter, the signing of an  
16 authorization by a patient is not a waiver of any rights a patient has  
17 under other statutes, the rules of evidence, or common law.

18 (5) A health care provider shall retain each authorization or  
19 revocation in conjunction with any health care information from which  
20 disclosures are made. This requirement shall not apply to disclosures  
21 to third-party payors.

22 (6) Except for authorizations given pursuant to an agreement with  
23 a treatment or monitoring program or disciplinary authority under  
24 chapter ((18.72)) 18.71 or 18.130 RCW or to provide information to  
25 third-party payors, an authorization may not permit the release of  
26 health care information relating to future health care that the patient  
27 receives more than ninety days after the authorization was signed.  
28 Patients shall be advised of the period of validity of their  
29 authorization on the disclosure authorization form. If the  
30 authorization does not contain an expiration date, it expires ninety  
31 days after it is signed.

32 **Sec. 1047.** RCW 70.41.200 and 1993 c 492 s 415 are each amended to  
33 read as follows:

34 (1) Every hospital shall maintain a coordinated quality improvement  
35 program for the improvement of the quality of health care services  
36 rendered to patients and the identification and prevention of medical  
37 malpractice. The program shall include at least the following:

1 (a) The establishment of a quality improvement committee with the  
2 responsibility to review the services rendered in the hospital, both  
3 retrospectively and prospectively, in order to improve the quality of  
4 medical care of patients and to prevent medical malpractice. The  
5 committee shall oversee and coordinate the quality improvement and  
6 medical malpractice prevention program and shall insure that  
7 information gathered pursuant to the program is used to review and to  
8 revise hospital policies and procedures;

9 (b) A medical staff privileges sanction procedure through which  
10 credentials, physical and mental capacity, and competence in delivering  
11 health care services are periodically reviewed as part of an evaluation  
12 of staff privileges;

13 (c) The periodic review of the credentials, physical and mental  
14 capacity, and competence in delivering health care services of all  
15 persons who are employed or associated with the hospital;

16 (d) A procedure for the prompt resolution of grievances by patients  
17 or their representatives related to accidents, injuries, treatment, and  
18 other events that may result in claims of medical malpractice;

19 (e) The maintenance and continuous collection of information  
20 concerning the hospital's experience with negative health care outcomes  
21 and incidents injurious to patients, patient grievances, professional  
22 liability premiums, settlements, awards, costs incurred by the hospital  
23 for patient injury prevention, and safety improvement activities;

24 (f) The maintenance of relevant and appropriate information  
25 gathered pursuant to (a) through (e) of this subsection concerning  
26 individual physicians within the physician's personnel or credential  
27 file maintained by the hospital;

28 (g) Education programs dealing with quality improvement, patient  
29 safety, injury prevention, staff responsibility to report professional  
30 misconduct, the legal aspects of patient care, improved communication  
31 with patients, and causes of malpractice claims for staff personnel  
32 engaged in patient care activities; and

33 (h) Policies to ensure compliance with the reporting requirements  
34 of this section.

35 (2) Any person who, in substantial good faith, provides information  
36 to further the purposes of the quality improvement and medical  
37 malpractice prevention program or who, in substantial good faith,  
38 participates on the quality improvement committee shall not be subject

1 to an action for civil damages or other relief as a result of such  
2 activity.

3 (3) Information and documents, including complaints and incident  
4 reports, created specifically for, and collected, and maintained by a  
5 quality improvement committee are not subject to discovery or  
6 introduction into evidence in any civil action, and no person who was  
7 in attendance at a meeting of such committee or who participated in the  
8 creation, collection, or maintenance of information or documents  
9 specifically for the committee shall be permitted or required to  
10 testify in any civil action as to the content of such proceedings or  
11 the documents and information prepared specifically for the committee.  
12 This subsection does not preclude: (a) In any civil action, the  
13 discovery of the identity of persons involved in the medical care that  
14 is the basis of the civil action whose involvement was independent of  
15 any quality improvement activity; (b) in any civil action, the  
16 testimony of any person concerning the facts which form the basis for  
17 the institution of such proceedings of which the person had personal  
18 knowledge acquired independently of such proceedings; (c) in any civil  
19 action by a health care provider regarding the restriction or  
20 revocation of that individual's clinical or staff privileges,  
21 introduction into evidence information collected and maintained by  
22 quality improvement committees regarding such health care provider; (d)  
23 in any civil action, disclosure of the fact that staff privileges were  
24 terminated or restricted, including the specific restrictions imposed,  
25 if any and the reasons for the restrictions; or (e) in any civil  
26 action, discovery and introduction into evidence of the patient's  
27 medical records required by regulation of the department of health to  
28 be made regarding the care and treatment received.

29 (4) Each quality improvement committee shall, on at least a  
30 semiannual basis, report to the governing board of the hospital in  
31 which the committee is located. The report shall review the quality  
32 improvement activities conducted by the committee, and any actions  
33 taken as a result of those activities.

34 (5) The department of health shall adopt such rules as are deemed  
35 appropriate to effectuate the purposes of this section.

36 (6) The medical (~~(disciplinary board)~~) quality assurance commission  
37 or the (~~board of osteopathic medicine and surgery~~) allied physicians  
38 quality assurance commission, as appropriate, may review and audit the  
39 records of committee decisions in which a physician's privileges are

1 terminated or restricted. Each hospital shall produce and make  
2 accessible to the ((board)) commission the appropriate records and  
3 otherwise facilitate the review and audit. Information so gained shall  
4 not be subject to the discovery process and confidentiality shall be  
5 respected as required by subsection (3) of this section. Failure of a  
6 hospital to comply with this subsection is punishable by a civil  
7 penalty not to exceed two hundred fifty dollars.

8 (7) Violation of this section shall not be considered negligence  
9 per se.

10 **Sec. 1048.** RCW 70.41.210 and 1986 c 300 s 7 are each amended to  
11 read as follows:

12 The chief administrator or executive officer of a hospital shall  
13 report to the ((board)) medical quality assurance commission when a  
14 physician's clinical privileges are terminated or are restricted based  
15 on a determination, in accordance with an institution's bylaws, that a  
16 physician has either committed an act or acts which may constitute  
17 unprofessional conduct. The officer shall also report if a physician  
18 accepts voluntary termination in order to foreclose or terminate actual  
19 or possible hospital action to suspend, restrict, or terminate a  
20 physician's clinical privileges. Such a report shall be made within  
21 sixty days of the date action was taken by the hospital's peer review  
22 committee or the physician's acceptance of voluntary termination or  
23 restriction of privileges. Failure of a hospital to comply with this  
24 section is punishable by a civil penalty not to exceed two hundred  
25 fifty dollars.

26 **Sec. 1049.** RCW 70.41.230 and 1993 c 492 s 416 are each amended to  
27 read as follows:

28 (1) Prior to granting or renewing clinical privileges or  
29 association of any physician or hiring a physician, a hospital or  
30 facility approved pursuant to this chapter shall request from the  
31 physician and the physician shall provide the following information:

32 (a) The name of any hospital or facility with or at which the  
33 physician had or has any association, employment, privileges, or  
34 practice;

35 (b) If such association, employment, privilege, or practice was  
36 discontinued, the reasons for its discontinuation;

1 (c) Any pending professional medical misconduct proceedings or any  
2 pending medical malpractice actions in this state or another state, the  
3 substance of the allegations in the proceedings or actions, and any  
4 additional information concerning the proceedings or actions as the  
5 physician deems appropriate;

6 (d) The substance of the findings in the actions or proceedings and  
7 any additional information concerning the actions or proceedings as the  
8 physician deems appropriate;

9 (e) A waiver by the physician of any confidentiality provisions  
10 concerning the information required to be provided to hospitals  
11 pursuant to this subsection; and

12 (f) A verification by the physician that the information provided  
13 by the physician is accurate and complete.

14 (2) Prior to granting privileges or association to any physician or  
15 hiring a physician, a hospital or facility approved pursuant to this  
16 chapter shall request from any hospital with or at which the physician  
17 had or has privileges, was associated, or was employed, the following  
18 information concerning the physician:

19 (a) Any pending professional medical misconduct proceedings or any  
20 pending medical malpractice actions, in this state or another state;

21 (b) Any judgment or settlement of a medical malpractice action and  
22 any finding of professional misconduct in this state or another state  
23 by a licensing or disciplinary board; and

24 (c) Any information required to be reported by hospitals pursuant  
25 to RCW 18.72.265 (as recodified by this act).

26 (3) The medical (~~(disciplinary board)~~) quality assurance commission  
27 shall be advised within thirty days of the name of any physician denied  
28 staff privileges, association, or employment on the basis of adverse  
29 findings under subsection (1) of this section.

30 (4) A hospital or facility that receives a request for information  
31 from another hospital or facility pursuant to subsections (1) and (2)  
32 of this section shall provide such information concerning the physician  
33 in question to the extent such information is known to the hospital or  
34 facility receiving such a request, including the reasons for  
35 suspension, termination, or curtailment of employment or privileges at  
36 the hospital or facility. A hospital, facility, or other person  
37 providing such information in good faith is not liable in any civil  
38 action for the release of such information.



1 (5) Information and documents, including complaints and incident  
2 reports, created specifically for, and collected, and maintained by a  
3 quality improvement committee are not subject to discovery or  
4 introduction into evidence in any civil action, and no person who was  
5 in attendance at a meeting of such committee or who participated in the  
6 creation, collection, or maintenance of information or documents  
7 specifically for the committee shall be permitted or required to  
8 testify in any civil action as to the content of such proceedings or  
9 the documents and information prepared specifically for the committee.  
10 This subsection does not preclude: (a) In any civil action, the  
11 discovery of the identity of persons involved in the medical care that  
12 is the basis of the civil action whose involvement was independent of  
13 any quality improvement activity; (b) in any civil action, the  
14 testimony of any person concerning the facts which form the basis for  
15 the institution of such proceedings of which the person had personal  
16 knowledge acquired independently of such proceedings; (c) in any civil  
17 action by a health care provider regarding the restriction or  
18 revocation of that individual's clinical or staff privileges,  
19 introduction into evidence information collected and maintained by  
20 quality improvement committees regarding such health care provider; (d)  
21 in any civil action, disclosure of the fact that staff privileges were  
22 terminated or restricted, including the specific restrictions imposed,  
23 if any and the reasons for the restrictions; or (e) in any civil  
24 action, discovery and introduction into evidence of the patient's  
25 medical records required by regulation of the department of health to  
26 be made regarding the care and treatment received.

27 (6) Hospitals shall be granted access to information held by the  
28 medical (~~(disciplinary board)~~) quality assurance commission and the  
29 (~~(board of osteopathic medicine and surgery)~~) allied physicians quality  
30 assurance commission pertinent to decisions of the hospital regarding  
31 credentialing and recredentialing of practitioners.

32 (7) Violation of this section shall not be considered negligence  
33 per se.

34 **Sec. 1050.** RCW 70.127.250 and 1993 c 42 s 10 are each amended to  
35 read as follows:

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

1 (a) Establishment of case management guidelines for acute and  
2 maintenance care patients;

3 (b) Establishment of guidelines for periodic review of the home  
4 health care plan of care and plan of treatment by appropriate health  
5 care professionals; and

6 (c) Maintenance of written policies regarding the delivery and  
7 supervision of patient care and clinical consultation as necessary by  
8 appropriate health care professionals.

9 (2) As used in this section:

10 (a) "Acute care" means care provided by a home health agency for  
11 patients who are not medically stable or have not attained a  
12 satisfactory level of rehabilitation. These patients require frequent  
13 monitoring by a health care professional in order to maintain their  
14 health status.

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

18 (c) "Home health plan of care" means a written plan of care  
19 established by a home health agency by appropriate health care  
20 professionals that describes maintenance care to be provided. A  
21 patient or his or her representative shall be allowed to participate in  
22 the development of the plan of care to the extent practicable.

23 (d) "Home health plan of treatment" means a written plan of care  
24 established by a physician licensed under chapter (~~(18.57)~~) 18.--  
25 (sections 101 through 144 of this act) or 18.71 RCW, a podiatric  
26 physician and surgeon licensed under chapter (~~(18.22)~~) 18.-- RCW  
27 (sections 101 through 144 of this act), or an advanced registered nurse  
28 practitioner as authorized by the (~~board of~~) nursing care quality  
29 assurance commission under chapter (~~(18.88)~~) 18.-- RCW (sections 601  
30 through 631 of this act), in consultation with appropriate health care  
31 professionals within the agency that describes medically necessary  
32 acute care to be provided for treatment of illness or injury.

33 **Sec. 1051.** RCW 70.180.030 and 1990 c 271 s 3 are each amended to  
34 read as follows:

35 (1) The department, in cooperation with (~~{the}~~) the University of  
36 Washington school of medicine, the state's registered nursing programs,  
37 the state's pharmacy programs, and other appropriate public and private  
38 agencies and associations, shall develop and keep current a register of

1 physicians, physician assistants, pharmacists, and advanced registered  
2 nurse practitioners who are available to practice on a short-term basis  
3 in rural communities of the state. The department shall periodically  
4 screen individuals on the registry for violations of the Uniform  
5 Disciplinary Act as authorized in chapter 18.130 RCW. If a finding of  
6 unprofessional conduct has been made by the appropriate disciplinary  
7 authority against any individual on the registry, the name of that  
8 individual shall be removed from the registry and that person shall be  
9 made ineligible for the program. The department shall include a list  
10 of back-up physicians and hospitals who can provide support to health  
11 care providers in the pool. The register shall be compiled, published,  
12 and made available to all rural hospitals, public health departments  
13 and districts, rural pharmacies, and other appropriate public and  
14 private agencies and associations. The department shall coordinate  
15 with existing entities involved in health professional recruitment when  
16 developing the registry for the health professional temporary  
17 substitute resource pool.

18 (2) Eligible health care professionals are those licensed under  
19 chapters (~~(18.57, 18.57A)~~) 18.-- (sections 1 through 144 of this act),  
20 18.64, 18.71, and 18.71A RCW and advanced registered nurse  
21 practitioners licensed under chapter (~~(18.88)~~) 18.-- RCW (sections 601  
22 through 631 of this act).

23 (3) Participating health care professionals shall receive:

24 (a) Reimbursement for travel to and from the rural community and  
25 for lodging at a rate determined under RCW 43.03.050 and 43.03.060;

26 (b) Medical malpractice insurance purchased by the department, or  
27 the department may reimburse participants for medical malpractice  
28 insurance premium costs for medical liability while providing health  
29 care services in the program, if the services provided are not covered  
30 by the participant's or local provider's existing medical malpractice  
31 insurance; and

32 (c) Information on back-up support from other physicians and  
33 hospitals in the area to the extent necessary and available.

34 (4) The department may require rural communities to participate in  
35 health professional recruitment programs as a condition for providing  
36 a temporary substitute health care professional if the community does  
37 not have adequate permanent health care personnel. To the extent  
38 deemed appropriate and subject to funding, the department may also  
39 require communities to participate in other programs or projects, such

1 as the rural health system project authorized in chapter 70.175 RCW,  
2 that are designed to assist communities to reorganize the delivery of  
3 rural health care services.

4 (5) The department may require a community match for assistance  
5 provided in subsection (3) of this section if it determines that  
6 adequate community resources exist.

7 (6) The maximum continuous period of time a participating health  
8 professional may serve in a community is ninety days. The department  
9 may modify or waive this limitation should it determine that the health  
10 and safety of the community warrants a waiver or modification. The  
11 community shall be responsible for all salary expenses of participating  
12 health professionals.

13 **Sec. 1052.** RCW 71.05.210 and 1991 c 364 s 11 and 1991 c 105 s 4  
14 are each reenacted and amended to read as follows:

15 Each person involuntarily admitted to an evaluation and treatment  
16 facility shall, within twenty-four hours of his or her admission, be  
17 examined and evaluated by a licensed physician who may be assisted by  
18 a physician assistant according to chapter 18.71A RCW or ((a)) an  
19 advanced registered nurse practitioner according to chapter ((18-88))  
20 18.-- RCW (sections 601 through 631 of this act) and a mental health  
21 professional as defined in this chapter, and shall receive such  
22 treatment and care as his or her condition requires including treatment  
23 on an outpatient basis for the period that he or she is detained,  
24 except that, beginning twenty-four hours prior to a court proceeding,  
25 the individual may refuse all but emergency life-saving treatment, and  
26 the individual shall be informed at an appropriate time of his or her  
27 right to such refusal of treatment. Such person shall be detained up  
28 to seventy-two hours, if, in the opinion of the professional person in  
29 charge of the facility, or his or her professional designee, the person  
30 presents a likelihood of serious harm to himself or herself or others,  
31 or is gravely disabled. A person who has been detained for seventy-two  
32 hours shall no later than the end of such period be released, unless  
33 referred for further care on a voluntary basis, or detained pursuant to  
34 court order for further treatment as provided in this chapter.

35 If, after examination and evaluation, the licensed physician and  
36 mental health professional determine that the initial needs of the  
37 person would be better served by placement in a chemical dependency

1 treatment facility, then the person shall be referred to an approved  
2 treatment program defined under RCW 70.96A.020.

3 An evaluation and treatment center admitting any person pursuant to  
4 this chapter whose physical condition reveals the need for  
5 hospitalization shall assure that such person is transferred to an  
6 appropriate hospital for treatment. Notice of such fact shall be given  
7 to the court, the designated attorney, and the designated county mental  
8 health professional and the court shall order such continuance in  
9 proceedings under this chapter as may be necessary, but in no event may  
10 this continuance be more than fourteen days.

11 **Sec. 1053.** RCW 71.24.025 and 1991 c 306 s 2 are each amended to  
12 read as follows:

13 Unless the context clearly requires otherwise, the definitions in  
14 this section apply throughout this chapter.

15 (1) "Acutely mentally ill" means a condition which is limited to a  
16 short-term severe crisis episode of:

17 (a) A mental disorder as defined in RCW 71.05.020(2) or, in the  
18 case of a child, as defined in RCW 71.34.020(12);

19 (b) Being gravely disabled as defined in RCW 71.05.020(1) or, in  
20 the case of a child, as defined in RCW 71.34.020(8); or

21 (c) Presenting a likelihood of serious harm as defined in RCW  
22 71.05.020(3) or, in the case of a child, as defined in RCW  
23 71.34.020(11).

24 (2) "Available resources" means those funds which shall be  
25 appropriated under this chapter by the legislature during any biennium  
26 for the purpose of providing community mental health programs under RCW  
27 71.24.045. When regional support networks are established or after  
28 July 1, 1995, "available resources" means federal funds, except those  
29 provided according to Title XIX of the Social Security Act, and state  
30 funds appropriated under this chapter or chapter 71.05 RCW by the  
31 legislature during any biennium for the purpose of providing  
32 residential services, resource management services, community support  
33 services, and other mental health services. This does not include  
34 funds appropriated for the purpose of operating and administering the  
35 state psychiatric hospitals, except as negotiated according to RCW  
36 71.24.300(1)(d).

37 (3) "Licensed service provider" means an entity licensed according  
38 to this chapter or chapter 71.05 RCW that meets state minimum standards

1 or individuals licensed under chapter (~~(18.57)~~) 18.-- (sections 101  
2 through 144 of this act), 18.71, 18.83, or (~~(18.88)~~) 18.-- (sections  
3 601 through 631 of this act) RCW.

4 (4) "Child" means a person under the age of eighteen years.

5 (5) "Chronically mentally ill adult" means an adult who has a  
6 mental disorder and meets at least one of the following criteria:

7 (a) Has undergone two or more episodes of hospital care for a  
8 mental disorder within the preceding two years; or

9 (b) Has experienced a continuous psychiatric hospitalization or  
10 residential treatment exceeding six months' duration within the  
11 preceding year; or

12 (c) Has been unable to engage in any substantial gainful activity  
13 by reason of any mental disorder which has lasted for a continuous  
14 period of not less than twelve months. "Substantial gainful activity"  
15 shall be defined by the department by rule consistent with Public Law  
16 92-603, as amended.

17 (6) "Severely emotionally disturbed child" means an infant or child  
18 who has been determined by the regional support network to be  
19 experiencing a mental disorder as defined in chapter 71.34 RCW,  
20 including those mental disorders that result in a behavioral or conduct  
21 disorder, that is clearly interfering with the child's functioning in  
22 family or school or with peers and who meets at least one of the  
23 following criteria:

24 (a) Has undergone inpatient treatment or placement outside of the  
25 home related to a mental disorder within the last two years;

26 (b) Has undergone involuntary treatment under chapter 71.34 RCW  
27 within the last two years;

28 (c) Is currently served by at least one of the following child-  
29 serving systems: Juvenile justice, child-protection/welfare, special  
30 education, or developmental disabilities;

31 (d) Is at risk of escalating maladjustment due to:

32 (i) Chronic family dysfunction involving a mentally ill or  
33 inadequate caretaker;

34 (ii) Changes in custodial adult;

35 (iii) Going to, residing in, or returning from any placement  
36 outside of the home, for example, psychiatric hospital, short-term  
37 inpatient, residential treatment, group or foster home, or a  
38 correctional facility;

39 (iv) Subject to repeated physical abuse or neglect;

1 (v) Drug or alcohol abuse; or

2 (vi) Homelessness.

3 (7) "Community mental health program" means all mental health  
4 services established by a county authority. After July 1, 1995, or  
5 when the regional support networks are established, "community mental  
6 health program" means all activities or programs using available  
7 resources.

8 (8) "Community support services" means services for acutely  
9 mentally ill persons, chronically mentally ill adults, and severely  
10 emotionally disturbed children and includes: (a) Discharge planning  
11 for clients leaving state mental hospitals, other acute care inpatient  
12 facilities, inpatient psychiatric facilities for persons under twenty-  
13 one years of age, and other children's mental health residential  
14 treatment facilities; (b) sufficient contacts with clients, families,  
15 schools, or significant others to provide for an effective program of  
16 community maintenance; and (c) medication monitoring. After July 1,  
17 1995, or when regional support networks are established, for adults and  
18 children "community support services" means services authorized,  
19 planned, and coordinated through resource management services  
20 including, at least, assessment, diagnosis, emergency crisis  
21 intervention available twenty-four hours, seven days a week,  
22 prescreening determinations for mentally ill persons being considered  
23 for placement in nursing homes as required by federal law, screening  
24 for patients being considered for admission to residential services,  
25 diagnosis and treatment for acutely mentally ill and severely  
26 emotionally disturbed children discovered under screening through the  
27 federal Title XIX early and periodic screening, diagnosis, and  
28 treatment program, investigation, legal, and other nonresidential  
29 services under chapter 71.05 RCW, case management services, psychiatric  
30 treatment including medication supervision, counseling, psychotherapy,  
31 assuring transfer of relevant patient information between service  
32 providers, other services determined by regional support networks, and  
33 maintenance of a patient tracking system for chronically mentally ill  
34 adults and severely emotionally disturbed children.

35 (9) "County authority" means the board of county commissioners,  
36 county council, or county executive having authority to establish a  
37 community mental health program, or two or more of the county  
38 authorities specified in this subsection which have entered into an  
39 agreement to provide a community mental health program.

1 (10) "Department" means the department of social and health  
2 services.

3 (11) "Mental health services" means community services pursuant to  
4 RCW 71.24.035(5)(b) and other services provided by the state for the  
5 mentally ill. When regional support networks are established, or after  
6 July 1, 1995, "mental health services" shall include all services  
7 provided by regional support networks.

8 (12) "Mentally ill persons" and "the mentally ill" mean persons and  
9 conditions defined in subsections (1), (5), (6), and (16) of this  
10 section.

11 (13) "Regional support network" means a county authority or group  
12 of county authorities recognized by the secretary that enter into joint  
13 operating agreements to contract with the secretary pursuant to this  
14 chapter.

15 (14) "Residential services" means a facility or distinct part  
16 thereof which provides food and shelter, and may include treatment  
17 services.

18 When regional support networks are established, or after July 1,  
19 1995, for adults and children "residential services" means a complete  
20 range of residences and supports authorized by resource management  
21 services and which may involve a facility, a distinct part thereof, or  
22 services which support community living, for acutely mentally ill  
23 persons, chronically mentally ill adults, severely emotionally  
24 disturbed children, or seriously disturbed adults determined by the  
25 regional support network to be at risk of becoming acutely or  
26 chronically mentally ill. The services shall include at least  
27 evaluation and treatment services as defined in chapter 71.05 RCW,  
28 acute crisis respite care, long-term adaptive and rehabilitative care,  
29 and supervised and supported living services, and shall also include  
30 any residential services developed to service mentally ill persons in  
31 nursing homes. Residential services for children in out-of-home  
32 placements related to their mental disorder shall not include the costs  
33 of food and shelter, except for children's long-term residential  
34 facilities existing prior to January 1, 1991.

35 (15) "Resource management services" mean the planning,  
36 coordination, and authorization of residential services and community  
37 support services administered pursuant to an individual service plan  
38 for acutely mentally ill adults and children, chronically mentally ill  
39 adults, severely emotionally disturbed children, or seriously disturbed



1 adults determined by the regional support network at their sole  
2 discretion to be at risk of becoming acutely or chronically mentally  
3 ill. Such planning, coordination, and authorization shall include  
4 mental health screening for children eligible under the federal Title  
5 XIX early and periodic screening, diagnosis, and treatment program.  
6 Resource management services include seven day a week, twenty-four hour  
7 a day availability of information regarding mentally ill adults' and  
8 children's enrollment in services and their individual service plan to  
9 county-designated mental health professionals, evaluation and treatment  
10 facilities, and others as determined by the regional support network.

11 (16) "Seriously disturbed person" means a person who:

12 (a) Is gravely disabled or presents a likelihood of serious harm to  
13 oneself or others as a result of a mental disorder as defined in  
14 chapter 71.05 RCW;

15 (b) Has been on conditional release status at some time during the  
16 preceding two years from an evaluation and treatment facility or a  
17 state mental health hospital;

18 (c) Has a mental disorder which causes major impairment in several  
19 areas of daily living;

20 (d) Exhibits suicidal preoccupation or attempts; or

21 (e) Is a child diagnosed by a mental health professional, as  
22 defined in RCW 71.05.020, as experiencing a mental disorder which is  
23 clearly interfering with the child's functioning in family or school or  
24 with peers or is clearly interfering with the child's personality  
25 development and learning.

26 (17) "Secretary" means the secretary of social and health services.

27 (18) "State minimum standards" means: (a) Minimum requirements for  
28 delivery of mental health services as established by departmental rules  
29 and necessary to implement this chapter, including but not limited to  
30 licensing service providers and services; (b) minimum service  
31 requirements for licensed service providers for the provision of mental  
32 health services as established by departmental rules pursuant to  
33 chapter 34.05 RCW as necessary to implement this chapter, including,  
34 but not limited to: Qualifications for staff providing services  
35 directly to mentally ill persons; the intended result of each service;  
36 and the rights and responsibilities of persons receiving mental health  
37 services pursuant to this chapter; (c) minimum requirements for  
38 residential services as established by the department in rule based on  
39 clients' functional abilities and not solely on their diagnoses,

1 limited to health and safety, staff qualifications, and program  
2 outcomes. Minimum requirements for residential services are those  
3 developed in collaboration with consumers, families, counties,  
4 regulators, and residential providers serving the mentally ill.  
5 Minimum requirements encourage the development of broad-range  
6 residential programs, including integrated housing and cross-systems  
7 programs where appropriate, and do not unnecessarily restrict  
8 programming flexibility; and (d) minimum standards for community  
9 support services and resource management services, including at least  
10 qualifications for resource management services, client tracking  
11 systems, and the transfer of patient information between service  
12 providers.

13 **Sec. 1054.** RCW 74.09.290 and 1990 c 100 s 5 are each amended to  
14 read as follows:

15 The secretary of the department of social and health services or  
16 his authorized representative shall have the authority to:

17 (1) Conduct audits and investigations of providers of medical and  
18 other services furnished pursuant to this chapter, except that the  
19 Washington state medical (~~(disciplinary board)~~) quality assurance  
20 commission shall generally serve in an advisory capacity to the  
21 secretary in the conduct of audits or investigations of physicians.  
22 Any overpayment discovered as a result of an audit of a provider under  
23 this authority shall be offset by any underpayments discovered in that  
24 same audit sample. In order to determine the provider's actual, usual,  
25 customary, or prevailing charges, the secretary may examine such random  
26 representative records as necessary to show accounts billed and  
27 accounts received except that in the conduct of such examinations,  
28 patient names, other than public assistance applicants or recipients,  
29 shall not be noted, copied, or otherwise made available to the  
30 department. In order to verify costs incurred by the department for  
31 treatment of public assistance applicants or recipients, the secretary  
32 may examine patient records or portions thereof in connection with  
33 services to such applicants or recipients rendered by a health care  
34 provider, notwithstanding the provisions of RCW 5.60.060, 18.53.200,  
35 18.83.110, or any other statute which may make or purport to make such  
36 records privileged or confidential: PROVIDED, That no original patient  
37 records shall be removed from the premises of the health care provider,  
38 and that the disclosure of any records or information by the department

1 of social and health services is prohibited and shall be punishable as  
2 a class C felony according to chapter 9A.20 RCW, unless such disclosure  
3 is directly connected to the official purpose for which the records or  
4 information were obtained: PROVIDED FURTHER, That the disclosure of  
5 patient information as required under this section shall not subject  
6 any physician or other health services provider to any liability for  
7 breach of any confidential relationship between the provider and the  
8 patient, but no evidence resulting from such disclosure may be used in  
9 any civil, administrative, or criminal proceeding against the patient  
10 unless a waiver of the applicable evidentiary privilege is obtained:  
11 PROVIDED FURTHER, That the secretary shall destroy all copies of  
12 patient medical records in their possession upon completion of the  
13 audit, investigation or proceedings;

14 (2) Approve or deny applications to participate as a provider of  
15 services furnished pursuant to this chapter;

16 (3) Terminate or suspend eligibility to participate as a provider  
17 of services furnished pursuant to this chapter; and

18 (4) Adopt, promulgate, amend, and (~~repeal~~) repeal administrative  
19 rules (~~and regulations~~), in accordance with the Administrative  
20 Procedure Act, chapter 34.05 RCW, to carry out the policies and  
21 purposes of RCW 74.09.200 through 74.09.290.

22 **Sec. 1055.** RCW 74.42.010 and 1993 c 508 s 4 are each amended to  
23 read as follows:

24 Unless the context clearly requires otherwise, the definitions in  
25 this section apply throughout this chapter.

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

28 (2) "Facility" refers to a nursing home as defined in RCW  
29 18.51.010.

30 (3) "Licensed practical nurse" means a person licensed to practice  
31 practical nursing under chapter (~~18.78~~) 18.-- RCW (sections 601  
32 through 631 of this act).

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

36 (5) "Nursing care" means that care provided by a registered nurse,  
37 an advanced registered nurse practitioner, a licensed practical nurse,  
38 or a nursing assistant in the regular performance of their duties.

1 (6) "Qualified therapist" means:

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

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

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

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

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

14 (f) A physical therapist as defined in chapter ~~((18.74))~~ 18.-- RCW  
15 (sections 701 through 745 of this act).

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

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

20 (7) "Registered nurse" means a person ~~((practicing))~~ licensed to  
21 practice registered nursing under chapter ~~((18.88))~~ 18.-- RCW (sections  
22 601 through 631 of this act).

23 (8) "Resident" means an individual residing in a nursing home, as  
24 defined in RCW 18.51.010.

25 (9) "Physician~~((s))~~ assistant" means a person practicing pursuant  
26 to chapters 18.57A and 18.71A RCW.

27 (10) "Nurse practitioner" means a person ~~((practicing such expanded~~  
28 ~~acts of nursing as are authorized by the board of nursing pursuant to~~  
29 ~~RCW 18.88.030))~~ licensed to practice advanced registered nursing under  
30 chapter 18.-- RCW (sections 601 through 631 of this act).

31 **Sec. 1056.** RCW 74.42.230 and 1982 c 120 s 2 are each amended to  
32 read as follows:

33 (1) The resident's attending or staff physician or authorized  
34 practitioner approved by the attending physician shall order all  
35 medications for the resident. The order may be oral or written and  
36 shall be limited by time. An "authorized practitioner," as used in  
37 this section, is a registered nurse under chapter ~~((18.88))~~ 18.-- RCW  
38 (sections 601 through 631 of this act) when authorized by the ~~((board~~

1 of)) nursing care quality assurance commission, an osteopathic  
2 physician(~~(s)~~) assistant under chapter (~~(18.57A)~~) 18.-- RCW (sections  
3 101 through 144 of this act) when authorized by the (~~(committee of~~  
4 ~~osteopathic examiners)~~) allied physicians quality assurance commission,  
5 or a physician(~~(s)~~) assistant under chapter 18.71A RCW when authorized  
6 by the (~~(board of)~~) medical (~~(examiners)~~) quality assurance commission.

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

12 **Sec. 1057.** RCW 74.42.240 and 1989 c 372 s 5 are each amended to  
13 read as follows:

14 (1) No staff member may administer any medication to a resident  
15 unless the staff member is licensed to administer medication:  
16 PROVIDED, That nothing herein shall be construed as prohibiting  
17 graduate nurses or student nurses from administering medications when  
18 permitted to do so under chapter (~~(18.88 or 18.78)~~) 18.-- RCW (sections  
19 601 through 631 of this act) and rules adopted thereunder.

20 (2) The facility may only allow a resident to give himself or  
21 herself medication with the attending physician's permission.

22 (3) Medication shall only be administered to or used by the  
23 resident for whom it is ordered.

24 **Sec. 1058.** RCW 74.42.380 and 1989 c 372 s 6 are each amended to  
25 read as follows:

26 (1) The facility shall have a director of nursing services. The  
27 director of nursing services shall be a registered nurse or an advanced  
28 registered nurse practitioner.

29 (2) The director of nursing services is responsible for:

30 (a) Coordinating the plan of care for each resident;

31 (b) Permitting only licensed personnel to administer medications:  
32 PROVIDED, That nothing herein shall be construed as prohibiting  
33 graduate nurses or student nurses from administering medications when  
34 permitted to do so under chapter (~~(18.88 or 18.78)~~) 18.-- RCW (sections  
35 601 through 631 of this act) and rules (~~(promulgated pursuant thereto)~~)  
36 adopted under it: PROVIDED FURTHER, That nothing herein shall be  
37 construed as prohibiting persons certified under chapter 18.135 RCW

1 from practicing pursuant to the delegation and supervision requirements  
2 of chapter 18.135 RCW and rules (~~promulgated pursuant thereto~~)  
3 adopted under it; and

4 (c) Insuring that the licensed practical nurses (~~comply with~~  
5 ~~chapter 18.78 RCW,~~) and the registered nurses comply with chapter  
6 (~~18.88~~) 18.-- RCW (sections 601 through 631 of this act), and persons  
7 certified under chapter 18.135 RCW comply with the provisions of that  
8 chapter and rules (~~promulgated pursuant thereto~~) adopted under it.

9 **Sec. 1059.** RCW 74.46.020 and 1993 sp.s. c 13 s 1 are each amended  
10 to read as follows:

11 Unless the context clearly requires otherwise, the definitions in  
12 this section apply throughout this chapter.

13 (1) "Accrual method of accounting" means a method of accounting in  
14 which revenues are reported in the period when they are earned,  
15 regardless of when they are collected, and expenses are reported in the  
16 period in which they are incurred, regardless of when they are paid.

17 (2) "Ancillary care" means those services required by the  
18 individual, comprehensive plan of care provided by qualified  
19 therapists.

20 (3) "Appraisal" means the process of estimating the fair market  
21 value or reconstructing the historical cost of an asset acquired in a  
22 past period as performed by a professionally designated real estate  
23 appraiser with no pecuniary interest in the property to be appraised.  
24 It includes a systematic, analytic determination and the recording and  
25 analyzing of property facts, rights, investments, and values based on  
26 a personal inspection and inventory of the property.

27 (4) "Arm's-length transaction" means a transaction resulting from  
28 good-faith bargaining between a buyer and seller who are not related  
29 organizations and have adverse positions in the market place. Sales or  
30 exchanges of nursing home facilities among two or more parties in which  
31 all parties subsequently continue to own one or more of the facilities  
32 involved in the transactions shall not be considered as arm's-length  
33 transactions for purposes of this chapter. Sale of a nursing home  
34 facility which is subsequently leased back to the seller within five  
35 years of the date of sale shall not be considered as an arm's-length  
36 transaction for purposes of this chapter.

1 (5) "Assets" means economic resources of the contractor, recognized  
2 and measured in conformity with generally accepted accounting  
3 principles.

4 (6) "Bad debts" means amounts considered to be uncollectable from  
5 accounts and notes receivable.

6 (7) "Beds" means the number of set-up beds in the facility, not to  
7 exceed the number of licensed beds.

8 (8) "Beneficial owner" means:

9 (a) Any person who, directly or indirectly, through any contract,  
10 arrangement, understanding, relationship, or otherwise has or shares:

11 (i) Voting power which includes the power to vote, or to direct the  
12 voting of such ownership interest; and/or

13 (ii) Investment power which includes the power to dispose, or to  
14 direct the disposition of such ownership interest;

15 (b) Any person who, directly or indirectly, creates or uses a  
16 trust, proxy, power of attorney, pooling arrangement, or any other  
17 contract, arrangement, or device with the purpose or effect of  
18 divesting himself of beneficial ownership of an ownership interest or  
19 preventing the vesting of such beneficial ownership as part of a plan  
20 or scheme to evade the reporting requirements of this chapter;

21 (c) Any person who, subject to subparagraph (b) of this subsection,  
22 has the right to acquire beneficial ownership of such ownership  
23 interest within sixty days, including but not limited to any right to  
24 acquire:

25 (i) Through the exercise of any option, warrant, or right;

26 (ii) Through the conversion of an ownership interest;

27 (iii) Pursuant to the power to revoke a trust, discretionary  
28 account, or similar arrangement; or

29 (iv) Pursuant to the automatic termination of a trust,  
30 discretionary account, or similar arrangement;

31 except that, any person who acquires an ownership interest or power  
32 specified in subparagraphs (i), (ii), or (iii) of this subparagraph (c)  
33 with the purpose or effect of changing or influencing the control of  
34 the contractor, or in connection with or as a participant in any  
35 transaction having such purpose or effect, immediately upon such  
36 acquisition shall be deemed to be the beneficial owner of the ownership  
37 interest which may be acquired through the exercise or conversion of  
38 such ownership interest or power;

1 (d) Any person who in the ordinary course of business is a pledgee  
2 of ownership interest under a written pledge agreement shall not be  
3 deemed to be the beneficial owner of such pledged ownership interest  
4 until the pledgee has taken all formal steps necessary which are  
5 required to declare a default and determines that the power to vote or  
6 to direct the vote or to dispose or to direct the disposition of such  
7 pledged ownership interest will be exercised; except that:

8 (i) The pledgee agreement is bona fide and was not entered into  
9 with the purpose nor with the effect of changing or influencing the  
10 control of the contractor, nor in connection with any transaction  
11 having such purpose or effect, including persons meeting the conditions  
12 set forth in subparagraph (b) of this subsection; and

13 (ii) The pledgee agreement, prior to default, does not grant to the  
14 pledgee:

15 (A) The power to vote or to direct the vote of the pledged  
16 ownership interest; or

17 (B) The power to dispose or direct the disposition of the pledged  
18 ownership interest, other than the grant of such power(s) pursuant to  
19 a pledge agreement under which credit is extended and in which the  
20 pledgee is a broker or dealer.

21 (9) "Capitalization" means the recording of an expenditure as an  
22 asset.

23 (10) "Contractor" means an entity which contracts with the  
24 department to provide services to medical care recipients in a facility  
25 and which entity is responsible for operational decisions.

26 (11) "Department" means the department of social and health  
27 services (DSHS) and its employees.

28 (12) "Depreciation" means the systematic distribution of the cost  
29 or other basis of tangible assets, less salvage, over the estimated  
30 useful life of the assets.

31 (13) "Direct care supplies" means medical, pharmaceutical, and  
32 other supplies required for the direct nursing and ancillary care of  
33 medical care recipients.

34 (14) "Entity" means an individual, partnership, corporation, or any  
35 other association of individuals capable of entering enforceable  
36 contracts.

37 (15) "Equity" means the net book value of all tangible and  
38 intangible assets less the recorded value of all liabilities, as



1 recognized and measured in conformity with generally accepted  
2 accounting principles.

3 (16) "Facility" means a nursing home licensed in accordance with  
4 chapter 18.51 RCW, excepting nursing homes certified as institutions  
5 for mental diseases, or that portion of a hospital licensed in  
6 accordance with chapter 70.41 RCW which operates as a nursing home.

7 (17) "Fair market value" means the replacement cost of an asset  
8 less observed physical depreciation on the date for which the market  
9 value is being determined.

10 (18) "Financial statements" means statements prepared and presented  
11 in conformity with generally accepted accounting principles including,  
12 but not limited to, balance sheet, statement of operations, statement  
13 of changes in financial position, and related notes.

14 (19) "Generally accepted accounting principles" means accounting  
15 principles approved by the Financial Accounting Standards Board (FASB).

16 (20) "Generally accepted auditing standards" means auditing  
17 standards approved by the American Institute of Certified Public  
18 Accountants (AICPA).

19 (21) "Goodwill" means the excess of the price paid for a business  
20 over the fair market value of all other identifiable, tangible, and  
21 intangible assets acquired.

22 (22) "Historical cost" means the actual cost incurred in acquiring  
23 and preparing an asset for use, including feasibility studies,  
24 architect's fees, and engineering studies.

25 (23) "Imprest fund" means a fund which is regularly replenished in  
26 exactly the amount expended from it.

27 (24) "Joint facility costs" means any costs which represent  
28 resources which benefit more than one facility, or one facility and any  
29 other entity.

30 (25) "Lease agreement" means a contract between two parties for the  
31 possession and use of real or personal property or assets for a  
32 specified period of time in exchange for specified periodic payments.  
33 Elimination (due to any cause other than death or divorce) or addition  
34 of any party to the contract, expiration, or modification of any lease  
35 term in effect on January 1, 1980, or termination of the lease by  
36 either party by any means shall constitute a termination of the lease  
37 agreement. An extension or renewal of a lease agreement, whether or  
38 not pursuant to a renewal provision in the lease agreement, shall be  
39 considered a new lease agreement. A strictly formal change in the

1 lease agreement which modifies the method, frequency, or manner in  
2 which the lease payments are made, but does not increase the total  
3 lease payment obligation of the lessee, shall not be considered  
4 modification of a lease term.

5 (26) "Medical care program" means medical assistance provided under  
6 RCW 74.09.500 or authorized state medical care services.

7 (27) "Medical care recipient" or "recipient" means an individual  
8 determined eligible by the department for the services provided in  
9 chapter 74.09 RCW.

10 (28) "Net book value" means the historical cost of an asset less  
11 accumulated depreciation.

12 (29) "Net invested funds" means the net book value of tangible  
13 fixed assets employed by a contractor to provide services under the  
14 medical care program, including land, buildings, and equipment as  
15 recognized and measured in conformity with generally accepted  
16 accounting principles, plus an allowance for working capital which  
17 shall be five percent of the product of the per patient day rate  
18 multiplied by the prior calendar year reported total patient days of  
19 each contractor.

20 (30) "Operating lease" means a lease under which rental or lease  
21 expenses are included in current expenses in accordance with generally  
22 accepted accounting principles.

23 (31) "Owner" means a sole proprietor, general or limited partners,  
24 and beneficial interest holders of five percent or more of a  
25 corporation's outstanding stock.

26 (32) "Ownership interest" means all interests beneficially owned by  
27 a person, calculated in the aggregate, regardless of the form which  
28 such beneficial ownership takes.

29 (33) "Patient day" or "client day" means a calendar day of care  
30 which will include the day of admission and exclude the day of  
31 discharge; except that, when admission and discharge occur on the same  
32 day, one day of care shall be deemed to exist.

33 (34) "Professionally designated real estate appraiser" means an  
34 individual who is regularly engaged in the business of providing real  
35 estate valuation services for a fee, and who is deemed qualified by a  
36 nationally recognized real estate appraisal educational organization on  
37 the basis of extensive practical appraisal experience, including the  
38 writing of real estate valuation reports as well as the passing of  
39 written examinations on valuation practice and theory, and who by

1 virtue of membership in such organization is required to subscribe and  
2 adhere to certain standards of professional practice as such  
3 organization prescribes.

4 (35) "Qualified therapist" means:

5 (a) An activities specialist who has specialized education,  
6 training, or experience as specified by the department;

7 (b) An audiologist who is eligible for a certificate of clinical  
8 competence in audiology or who has the equivalent education and  
9 clinical experience;

10 (c) A mental health professional as defined by chapter 71.05 RCW;

11 (d) A mental retardation professional who is either a qualified  
12 therapist or a therapist approved by the department who has had  
13 specialized training or one year's experience in treating or working  
14 with the mentally retarded or developmentally disabled;

15 (e) A social worker who is a graduate of a school of social work;

16 (f) A speech pathologist who is eligible for a certificate of  
17 clinical competence in speech pathology or who has the equivalent  
18 education and clinical experience;

19 (g) A physical therapist as defined by chapter (~~18.74~~) 18.-- RCW  
20 (sections 701 through 745 of this act);

21 (h) An occupational therapist who is a graduate of a program in  
22 occupational therapy, or who has the equivalent of such education or  
23 training; and

24 (i) A respiratory care practitioner certified under chapter 18.89  
25 RCW.

26 (36) "Questioned costs" means those costs which have been  
27 determined in accordance with generally accepted accounting principles  
28 but which may constitute disallowed costs or departures from the  
29 provisions of this chapter or rules and regulations adopted by the  
30 department.

31 (37) "Records" means those data supporting all financial statements  
32 and cost reports including, but not limited to, all general and  
33 subsidiary ledgers, books of original entry, and transaction  
34 documentation, however such data are maintained.

35 (38) "Related organization" means an entity which is under common  
36 ownership and/or control with, or has control of, or is controlled by,  
37 the contractor.

1 (a) "Common ownership" exists when an entity is the beneficial  
2 owner of five percent or more ownership interest in the contractor and  
3 any other entity.

4 (b) "Control" exists where an entity has the power, directly or  
5 indirectly, significantly to influence or direct the actions or  
6 policies of an organization or institution, whether or not it is  
7 legally enforceable and however it is exercisable or exercised.

8 (39) "Restricted fund" means those funds the principal and/or  
9 income of which is limited by agreement with or direction of the donor  
10 to a specific purpose.

11 (40) "Secretary" means the secretary of the department of social  
12 and health services.

13 (41) "Title XIX" or "Medicaid" means the 1965 amendments to the  
14 social security act, P.L. 89-07, as amended.

15 (42) "Physical plant capital improvement" means a capitalized  
16 improvement that is limited to an improvement to the building or the  
17 related physical plant.

18 **DISABILITY ACCOMMODATION REVOLVING FUND ADVISORY REVIEW BOARD**

19 **Sec. 1101.** RCW 41.04.395 and 1987 c 9 s 2 are each amended to read  
20 as follows:

21 (1) The disability accommodation revolving fund is created in the  
22 custody of the state treasurer. Disbursements from the fund shall be  
23 on authorization of the director of the department of personnel or the  
24 director's designee. The fund is subject to the allotment procedure  
25 provided under chapter 43.88 RCW, but no appropriation is required for  
26 disbursements. The fund shall be used exclusively by state agencies to  
27 accommodate the unanticipated job site or equipment needs of persons of  
28 disability in state employ.

29 (2) The director of the department of personnel shall (~~appoint an~~  
30 ~~advisory review board to review and approve~~) consult with the  
31 governor's committee on disability issues and employment regarding  
32 requests for disbursements from the disability accommodation revolving  
33 fund. The (~~review board~~) department shall establish application  
34 procedures, adopt criteria, and provide technical assistance to users  
35 of the fund.

36 (3) Agencies that receive moneys from the disability accommodation  
37 revolving fund shall return to the fund the amount received from the

1 fund by no later than the end of the first month of the following  
2 fiscal biennium.

3 **MOTOR VEHICLE ADVISORY COMMITTEE**

4 **Sec. 1102.** RCW 43.19.558 and 1989 c 57 s 5 are each amended to  
5 read as follows:

6 The motor transport account shall be used to pay the costs of  
7 carrying out the programs provided for in RCW 43.19.550 through  
8 43.19.558, unless otherwise specified by law. The director of general  
9 administration may recover the costs of the programs by billing  
10 agencies that own and operate passenger motor vehicles on the basis of  
11 a per vehicle charge. The director of general administration, after  
12 consultation with affected state agencies (~~and recommendation of the~~  
13 ~~motor vehicle advisory committee~~)), shall establish the rates. All  
14 rates shall be approved by the director of financial management. The  
15 proceeds generated by these charges shall be used solely to carry out  
16 RCW 43.19.550 through 43.19.558.

17 **Sec. 1103.** RCW 43.19.554 and 1990 c 75 s 1 are each amended to  
18 read as follows:

19 (1) To carry out the purposes of RCW 43.19.550 through 43.19.558  
20 and 46.08.065, the director of general administration has the following  
21 powers and duties:

22 (a) To develop and implement a state-wide information system to  
23 collect, analyze, and disseminate data on the acquisition, operation,  
24 management, maintenance, repair, disposal, and replacement of all  
25 state-owned passenger motor vehicles. State agencies shall provide the  
26 department with such data as is necessary to implement and maintain the  
27 system. The department shall provide state agencies with information  
28 and reports designed to assist them in achieving efficient and cost-  
29 effective management of their passenger motor vehicle operations.

30 (b) To survey state agencies to identify the location, ownership,  
31 and condition of all state-owned fuel storage tanks.

32 (c) In cooperation with the department of ecology and other public  
33 agencies, to prepare a plan and funding proposal for the inspection and  
34 repair or replacement of state-owned fuel storage tanks, and for the  
35 clean-up of fuel storage sites where leakage has occurred. The plan

1 and funding proposal shall be submitted to the governor no later than  
2 December 1, 1989.

3 (d) To develop and implement a state-wide motor vehicle fuel  
4 purchase, distribution, and accounting system to be used by all state  
5 agencies and their employees. The director may exempt agencies from  
6 participation in the system if the director determines that  
7 participation interferes with the statutory duties of the agency.

8 (e) To establish minimum standards and requirements for the content  
9 and frequency of safe driving instruction for state employees operating  
10 state-owned passenger motor vehicles, which shall include consideration  
11 of employee driving records. In carrying out this requirement, the  
12 department shall consult with other agencies that have expertise in  
13 this area.

14 (f) To develop a schedule, after consultation with (~~the state~~  
15 ~~motor vehicle advisory committee and~~) affected state agencies, for  
16 state employees to participate in safe driving instruction.

17 (g) To require all state employees to provide proof of a driver's  
18 license recognized as valid under Washington state law prior to  
19 operating a state-owned passenger vehicle.

20 (h) To develop standards for the efficient and economical  
21 replacement of all categories of passenger motor vehicles used by state  
22 agencies and provide those standards to state agencies and the office  
23 of financial management.

24 (i) To develop and implement a uniform system and standards to be  
25 used for the marking of passenger motor vehicles as state-owned  
26 vehicles as provided for in RCW 46.08.065. The system shall be  
27 designed to enhance the resale value of passenger motor vehicles, yet  
28 ensure that the vehicles are clearly identified as property of the  
29 state.

30 (j) To develop and implement other programs to improve the  
31 performance, efficiency, and cost-effectiveness of passenger motor  
32 vehicles owned and operated by state agencies.

33 (k) To consult with state agencies and institutions of higher  
34 education in carrying out RCW 43.19.550 through 43.19.558.

35 (2) The director shall establish an operational unit within the  
36 department to carry out subsection (1) of this section. The director  
37 shall employ such personnel as are necessary to carry out RCW 43.19.550  
38 through 43.19.558. Not more than three employees within the unit may  
39 be exempt from chapter 41.06 RCW.

1 (3) No later than December 31, 1992, the director shall report to  
2 the governor and appropriate standing committees of the legislature on  
3 the implementation of programs prescribed by this section, any cost  
4 savings and efficiencies realized by their implementation, and  
5 recommendations for statutory changes.

6 **SOLID WASTE PLAN ADVISORY COMMITTEE**

7 NEW SECTION. **Sec. 1104.** The director of ecology shall abolish the  
8 solid waste plan advisory committee effective July 1, 1994.

9 **POLLUTION LIABILITY INSURANCE PROGRAM TECHNICAL ADVISORY COMMITTEE**

10 **Sec. 1105.** RCW 70.148.030 and 1990 c 64 s 4 are each amended to  
11 read as follows:

12 (1) The Washington pollution liability insurance program is created  
13 as an independent agency of the state. The administrative head and  
14 appointing authority of the program shall be the director who shall be  
15 appointed by the governor, with the consent of the senate, and shall  
16 serve at the pleasure of the governor. The salary for this office  
17 shall be set by the governor pursuant to RCW 43.03.040. The director  
18 shall appoint a deputy director. The director, deputy director, and up  
19 to three other employees are exempt from the civil service law, chapter  
20 41.06 RCW.

21 (2) The director shall employ such other staff as are necessary to  
22 fulfill the responsibilities and duties of the director. The staff is  
23 subject to the civil service law, chapter 41.06 RCW. In addition, the  
24 director may contract with third parties for services necessary to  
25 carry out its activities where this will promote economy, avoid  
26 duplication of effort, and make best use of available expertise. To  
27 the extent necessary to protect the state from unintended liability and  
28 ensure quality program and contract design, the director shall contract  
29 with an organization or organizations with demonstrated experience and  
30 ability in managing and designing pollution liability insurance and  
31 with an organization or organizations with demonstrated experience and  
32 ability in managing and designing pollution liability reinsurance. The  
33 director shall enter into such contracts after competitive bid but need  
34 not select the lowest bid. Any such contractor or consultant is  
35 prohibited from releasing, publishing, or otherwise using any

1 information made available to it under its contractual responsibility  
2 without specific permission of the program director. The director may  
3 call upon other agencies of the state to provide technical support and  
4 available information as necessary to assist the director in meeting  
5 the director's responsibilities under this chapter. Agencies shall  
6 supply this support and information as promptly as circumstances  
7 permit.

8 ~~(3) ((The governor shall appoint a standing technical advisory  
9 committee that is representative of the public, the petroleum marketing  
10 industry, business and local government owners of underground storage  
11 tanks, and insurance professionals. Individuals appointed to the  
12 technical advisory committee shall serve at the pleasure of the  
13 governor and without compensation for their services as members, but  
14 may be reimbursed for their travel expenses in accordance with RCW  
15 43.03.050 and 43.03.060.~~

16 ~~(4) A member of the technical advisory committee of the program is  
17 not civilly liable for any act or omission in the course and scope of  
18 his or her official capacity unless the act or omission constitutes  
19 gross negligence.)) The director may appoint ad hoc technical advisory  
20 committees to obtain expertise necessary to fulfill the purposes of  
21 this chapter.~~

22 **OFFICE OF RURAL HEALTH ADVISORY COMMITTEE**

23 **Sec. 1106.** RCW 70.175.030 and 1989 1st ex.s. c 9 s 703 are each  
24 amended to read as follows:

25 (1) The department shall establish the Washington rural health  
26 system project to provide financial and technical assistance to  
27 participants. The goal of the project is to help assure access to  
28 affordable health care services to citizens in the rural areas of  
29 Washington state.

30 (2) Administrative costs necessary to implement this project shall  
31 be kept at a minimum to insure the maximum availability of funds for  
32 participants.

33 ~~(3) ((The secretary may appoint such technical or advisory  
34 committees as he or she deems necessary consistent with the provisions  
35 of RCW 43.70.040. In appointing an advisory committee the secretary  
36 should assure representation by health care professionals, health care  
37 providers, and those directly involved in the purchase, provision, or~~



1 ~~delivery of health care services as well as consumers, rural community~~  
2 ~~leaders, and those knowledgeable of the issues involved with health~~  
3 ~~care public policy. Individuals appointed to any technical advisory~~  
4 ~~committee shall serve without compensation for their services as~~  
5 ~~members, but may be reimbursed for their travel expenses pursuant to~~  
6 ~~RCW 43.03.050 and 43.03.060.~~

7 ~~(4))~~ The secretary may contract with third parties for services  
8 necessary to carry out activities to implement this chapter where this  
9 will promote economy, avoid duplication of effort, and make the best  
10 use of available expertise.

11 ~~((5))~~ (4) The secretary may apply for, receive, and accept gifts  
12 and other payments, including property and service, from any  
13 governmental or other public or private entity or person, and may make  
14 arrangements as to the use of these receipts, including the undertaking  
15 of special studies and other projects related to the delivery of health  
16 care in rural areas.

17 ~~((6))~~ (5) In designing and implementing the project the secretary  
18 shall consider the report of the Washington rural health care  
19 commission established under chapter 207, Laws of 1988. Nothing in  
20 this chapter requires the secretary to follow any specific  
21 recommendation contained in that report except as it may also be  
22 included in this chapter.

23 **FISHERIES ADVISORY REVIEW BOARDS**

24 **Sec. 1107.** RCW 75.30.050 and 1993 c 376 s 9 and 1993 c 240 s 27  
25 are each reenacted and amended to read as follows:

26 (1) The director shall appoint three-member advisory review boards  
27 to hear cases as provided in RCW 75.30.060. Members shall be from:

28 ~~(a) ((The salmon charter boat fishing industry in cases involving~~  
29 ~~salmon charter licenses or angler permits;~~

30 ~~(b) The commercial salmon fishing industry in cases involving~~  
31 ~~commercial salmon fishery licenses;~~

32 ~~(c))~~ The commercial crab fishing industry in cases involving  
33 dungeness crab--Puget Sound fishery licenses;

34 ~~((d))~~ (b) The commercial herring fishery in cases involving  
35 herring fishery licenses;

36 ~~((e) The commercial Puget Sound whiting fishery in cases involving~~  
37 ~~whiting--Puget Sound fishery licenses;~~

1       ~~(f))~~ (c) The commercial sea urchin fishery in cases involving sea  
2 urchin dive fishery licenses;

3       ~~((g))~~ (d) The commercial sea cucumber fishery in cases involving  
4 sea cucumber dive fishery licenses; and

5       ~~((h))~~ (e) The commercial ocean pink shrimp industry (*Pandalus*  
6 *jordani*) in cases involving ocean pink shrimp delivery licenses.

7       (2) Members shall serve at the discretion of the director and shall  
8 be reimbursed for travel expenses as provided in RCW 43.03.050,  
9 43.03.060, and 43.03.065.

10                                   **FISHERIES REGIONAL ADVISORY COMMITTEES**

11       NEW SECTION.   **Sec. 1108.**   A new section is added to chapter 75.30  
12 RCW to read as follows:

13       The director of the department of fish and wildlife shall abolish  
14 the department's regional advisory committees, effective July 1, 1994.

15                                   **OIL AND GAS CONSERVATION COMMITTEE**

16       **Sec. 1109.**   RCW 78.52.010 and 1983 c 253 s 2 are each amended to  
17 read as follows:

18       For the purposes of this chapter, unless the text otherwise  
19 requires, the following terms shall have the following meanings:

20       (1) "Certificate of clearance" means a permit prescribed by the  
21 ~~((committee))~~ department for the transportation or the delivery of oil,  
22 gas, or product.

23       (2) "~~((Committee))~~ Department" means the ~~((oil and gas conservation~~  
24 ~~committee))~~ department of natural resources.

25       (3) "Development unit" means the maximum area of a pool which may  
26 be drained efficiently and economically by one well.

27       (4) "Division order" means an instrument showing percentage of  
28 royalty or rental divisions among royalty owners.

29       (5) "Fair and reasonable share of the production" means, as to each  
30 separately-owned tract or combination of tracts, that part of the  
31 authorized production from a pool that is substantially in the  
32 proportion that the amount of recoverable oil or gas under the  
33 development unit of that separately-owned tract or tracts bears to the  
34 recoverable oil or gas or both in the total of the development units in  
35 the pool.

1 (6) "Field" means the general area which is underlaid by at least  
2 one pool and includes the underground reservoir or reservoirs  
3 containing oil or gas, or both. The words "field" and "pool" mean the  
4 same thing when only one underground reservoir is involved; however,  
5 "field," unlike "pool," may relate to two or more pools.

6 (7) "Gas" means all natural gas, all gaseous substances, and all  
7 other fluid or gaseous hydrocarbons not defined as oil in subsection  
8 (12) of this section, including but not limited to wet gas, dry gas,  
9 residue gas, condensate, and distillate, as those terms are generally  
10 understood in the petroleum industry.

11 (8) "Illegal oil" or "illegal gas" means oil or gas that has been  
12 produced from any well within the state in violation of this chapter or  
13 any rule or order of the ((committee)) department.

14 (9) "Illegal product" means any product derived in whole or part  
15 from illegal oil or illegal gas.

16 (10) "Interested person" means a person with an ownership, basic  
17 royalty, or leasehold interest in oil or gas within an existing or  
18 proposed development unit or unitized pool.

19 (11) "Lessee" means the lessee under an oil and gas lease, or the  
20 owner of any land or mineral rights who has the right to conduct or  
21 carry on any oil and gas development, exploration and operation  
22 thereon, or any person so operating for himself, herself, or others.

23 (12) "Oil" means crude petroleum, oil, and all hydrocarbons,  
24 regardless of gravity, that are in the liquid phase in the original  
25 reservoir conditions and are produced and recovered at the wellhead in  
26 liquid form.

27 (13) "Operator" means the person who operates a well or unit or who  
28 has been designated or accepted by the owners to operate the well or  
29 unit, and who is responsible for compliance with the ((committee's))  
30 department's rules and policies.

31 (14) "Owner" means the person who has the right to develop,  
32 operate, drill into, and produce from a pool and to appropriate the oil  
33 or gas that he or she produces therefrom, either for that person or for  
34 that person and others.

35 (15) "Person" means any natural person, corporation, association,  
36 partnership, receiver, trustee, executor, administrator, guardian,  
37 fiduciary, or representative of any kind and includes any governmental  
38 or political subdivision or any agency thereof.

1 (16) "Pool" means an underground reservoir containing a common  
2 accumulation of oil or gas, or both. Each zone of a structure which is  
3 completely separated from any other zone in the same structure such  
4 that the accumulations of oil or gas are not common with each other is  
5 considered a separate pool and is covered by the term "pool" as used in  
6 this chapter.

7 (17) "Pooling" means the integration or combination of two or more  
8 tracts into an area sufficient to constitute a development unit of the  
9 size for one well as prescribed by the ((committee)) department.

10 (18) "Product" means any commodity made from oil or gas.

11 (19) "Protect correlative rights" means that the action or  
12 regulation by the ((committee)) department should afford a reasonable  
13 opportunity to each person entitled thereto to recover or receive  
14 without causing waste his or her fair and reasonable share of the oil  
15 and gas in this tract or tracts or its equivalent.

16 (20) "Royalty" means a right to or interest in oil or gas or the  
17 value from or attributable to production, other than the right or  
18 interest of a lessee, owner, or operator, as defined herein. Royalty  
19 includes, but is not limited to the basic royalty in a lease,  
20 overriding royalty, and production payments. Any such interest may be  
21 referred to in this chapter as "royalty" or "royalty interest." As  
22 used in this chapter "basic royalty" means the royalty reserved in a  
23 lease. "Royalty owner" means a person who owns a royalty interest.

24 (21) "Supervisor" means the state oil and gas supervisor.

25 (22) "Unitization" means the operation of all or part of a field or  
26 reservoir as a single entity for operating purposes.

27 (23) "Waste" in addition to its ordinary meaning, means and  
28 includes:

29 (a) "Physical waste" as that term is generally understood in the  
30 petroleum industry;

31 (b) The inefficient, excessive, or improper use of, or unnecessary  
32 dissipation of, reservoir energy, and the locating, spacing, drilling,  
33 equipping, operating, or producing of any oil or gas well in a manner  
34 which results or is probable to result in reducing the quantity of oil  
35 or gas to be recovered from any pool in this state under operations  
36 conducted in accordance with prudent and proper practices or that  
37 causes or tends to cause unnecessary wells to be drilled;

38 (c) The inefficient above-ground storage of oil, and the locating,  
39 spacing, drilling, equipping, operating, or producing of any oil or gas

1 well in a manner causing or tending to cause unnecessary or excessive  
2 surface loss or destruction of oil or gas;

3 (d) The production of oil or gas in such manner as to cause  
4 unnecessary water channeling, or coning;

5 (e) The operation of an oil well with an inefficient gas-oil ratio;

6 (f) The drowning with water of any pool or part thereof capable of  
7 producing oil or gas, except insofar as and to the extent authorized by  
8 the ((committee)) department;

9 (g) Underground waste;

10 (h) The creation of unnecessary fire hazards;

11 (i) The escape into the open air, from a well producing oil or gas,  
12 of gas in excess of the amount which is reasonably necessary in the  
13 efficient development or production of the well;

14 (j) The use of gas for the manufacture of carbon black, except as  
15 provided in RCW 78.52.140;

16 (k) Production of oil and gas in excess of the reasonable market  
17 demand;

18 (l) The flaring of gas from gas wells except that which is  
19 necessary for the drilling, completing, or testing of the well; and

20 (m) The unreasonable damage to natural resources including but not  
21 limited to the destruction of the surface, soils, wildlife, fish, or  
22 aquatic life from or by oil and gas operations.

23 **Sec. 1110.** RCW 78.52.025 and 1983 c 253 s 3 are each amended to  
24 read as follows:

25 The ((committee)) department shall hold hearings or meetings at  
26 such times and places as may be found by the ((committee)) department  
27 to be necessary to carry out its duties. The ((committee)) department  
28 may establish its own rules for the conduct of public hearings or  
29 meetings consistent with other applicable law.

30 **Sec. 1111.** RCW 78.52.030 and 1951 c 146 s 6 are each amended to  
31 read as follows:

32 The ~~((committee shall have the authority and it shall be its duty~~  
33 ~~to)) department shall employ all personnel necessary to carry out the~~  
34 provisions of this chapter.

35 **Sec. 1112.** RCW 78.52.031 and 1983 c 253 s 5 are each amended to  
36 read as follows:

1       The (~~committee shall have the power to~~) department may subpoena  
2 witnesses, (~~to~~) administer oaths, and (~~to~~) require the production  
3 of records, books, and documents for examination at any hearing or  
4 investigation conducted by it. No person shall be excused from  
5 attending and testifying, or from producing books, papers, and records  
6 before the (~~committee~~) department or a court, or from obedience to  
7 the subpoena of the (~~committee~~) department or a court, on the ground  
8 or for the reason that the testimony or evidence, documentary or  
9 otherwise, required of (~~him~~) the person may tend to incriminate  
10 (~~him~~) the person or subject (~~him~~) the person to a penalty or  
11 forfeiture: PROVIDED, That nothing herein contained shall be construed  
12 as requiring any person to produce any books, papers, or records, or to  
13 testify in response to any inquiry not pertinent to some question  
14 lawfully before (~~such committee~~) the department or court for  
15 determination. No person shall be subjected to criminal prosecution or  
16 to any penalty or forfeiture for or on account of any transaction,  
17 matter, or thing concerning which, in spite of his or her objection, he  
18 or she may be required to testify or produce evidence, documentary or  
19 otherwise before the (~~committee~~) department or court, or in obedience  
20 to its subpoena: PROVIDED, HOWEVER, That no person testifying shall be  
21 exempt from prosecution and punishment for perjury committed in so  
22 testifying.

23       **Sec. 1113.** RCW 78.52.032 and 1983 c 253 s 10 are each amended to  
24 read as follows:

25       In addition to the powers and authority, either express or implied,  
26 granted to the (~~Washington oil and gas conservation committee~~)  
27 department by virtue of the laws of this state, the (~~committee~~)  
28 department may, in prescribing its rules of order or procedure in  
29 connection with hearings or other proceedings before the (~~committee~~)  
30 department, provide for the appointment of one or more examiners to  
31 conduct a hearing or hearings with respect to any matter properly  
32 coming before the (~~committee~~) department and to make reports and  
33 recommendations to the (~~committee~~) department with respect thereto.  
34 Any (~~member~~) employee of the (~~committee, or its staff~~) department  
35 or any other person designated by the (~~committee~~) commissioner of  
36 public lands, or the supervisor when this power is so delegated, may  
37 serve as an examiner. The (~~committee~~) department shall adopt rules  
38 governing hearings to be conducted before examiners.

1       **Sec. 1114.** RCW 78.52.033 and 1951 c 146 s 8 are each amended to  
2 read as follows:

3       In case of failure or refusal on the part of any person to comply  
4 with a subpoena issued by the ~~((committee))~~ department or in case of  
5 the refusal of any witness to testify as to any matter regarding which  
6 ~~((he))~~ the witness may be interrogated, any superior court in the  
7 state, upon the application of the ~~((committee))~~ department, may compel  
8 ~~((him))~~ the person to comply with such subpoena, and to attend before  
9 the ~~((committee))~~ department and produce such records, books, and  
10 documents for examination, and to give his or her testimony and shall  
11 have the power to punish for contempt as in the case of disobedience to  
12 a like subpoena issued by the court, or for refusal to testify therein.

13       **Sec. 1115.** RCW 78.52.035 and 1951 c 146 s 9 are each amended to  
14 read as follows:

15       The attorney general shall be the attorney for the ~~((committee:~~  
16 ~~PROVIDED,—That))~~ department, but in cases of emergency, the  
17 ~~((committee))~~ department may call upon the prosecuting attorney of the  
18 county where the action is to be brought, or defended, to represent the  
19 ~~((committee))~~ department until such time as the attorney general may  
20 take charge of the litigation.

21       **Sec. 1116.** RCW 78.52.037 and 1983 c 253 s 4 are each amended to  
22 read as follows:

23       ~~((The department of natural resources is the designated agent of  
24 the committee for the purpose of carrying out this chapter. It shall  
25 administer and enforce this chapter consistent with the policies  
26 adopted by the committee, together with all rules and orders which the  
27 committee may adopt and delegate, including but not limited to issuing  
28 permits, orders, enforcement actions, and other actions or decisions  
29 authorized to be made under this chapter.))~~ The department shall  
30 designate a state oil and gas supervisor who shall be charged with  
31 duties as may be delegated by the department. The department ~~((of  
32 natural resources))~~ may designate one or more deputy supervisors and  
33 employ all personnel necessary including the appointment of examiners  
34 as provided in RCW 78.52.032 to carry out this chapter and the rules  
35 and orders of the ~~((committee))~~ department.

1       **Sec. 1117.** RCW 78.52.040 and 1983 c 253 s 6 are each amended to  
2 read as follows:

3       (~~It shall be the duty of the committee to~~) The department shall  
4 administer and enforce the provisions of this chapter by the adoption  
5 of policies, and all rules, regulations, and orders promulgated  
6 hereunder, and the (~~committee is hereby vested with~~) department has  
7 jurisdiction, power, and authority, over all persons and property,  
8 public and private, necessary to enforce effectively such duty.

9       **Sec. 1118.** RCW 78.52.050 and 1983 c 253 s 7 are each amended to  
10 read as follows:

11       The (~~committee shall have authority to~~) department may make such  
12 reasonable rules, regulations, and orders as may be necessary from time  
13 to time for the proper administration and enforcement of this chapter.  
14 Unless otherwise required by law or by this chapter or by rules of  
15 procedure made under this chapter, the (~~committee~~) department may  
16 make such rules, regulations, and orders, after notice, as the basis  
17 therefor. The notice may be given by publication in some newspaper of  
18 general circulation in the state in a manner and form which may be  
19 prescribed by the (~~committee~~) department by general rule. The public  
20 hearing shall be at the time and in the manner and at the place  
21 prescribed by the (~~committee~~) department, and any person having any  
22 interest in the subject matter of the hearing shall be entitled to be  
23 heard. In addition, written notice shall be mailed to all interested  
24 persons who have requested, in writing, notice of (~~committee~~)  
25 department hearings, rulings, policies, and orders. The (~~committee~~)  
26 department shall establish and maintain a mailing list for this  
27 purpose. Substantial compliance with these mailing requirements is  
28 deemed compliance with (~~the provisions herewith~~) this section.

29       **Sec. 1119.** RCW 78.52.070 and 1951 c 146 s 12 are each amended to  
30 read as follows:

31       Any interested person shall have the right to have the  
32 (~~committee~~) department call a hearing for the purpose of taking  
33 action with respect to any matter within the jurisdiction of the  
34 (~~committee~~) department by filing a verified written petition  
35 therefor, which shall state in substance the matter and reasons for and  
36 nature of the action requested. Upon receipt of any such request the  
37 (~~committee~~) department, if in its judgment a hearing is warranted and



1 justifiable, shall promptly call a hearing thereon, and after such  
2 hearing, and with all convenient speed, and in any event within twenty  
3 days after the conclusion of such hearing, shall take such action with  
4 regard to the subject matter thereof as it may deem appropriate.

5 **Sec. 1120.** RCW 78.52.100 and 1983 c 253 s 8 are each amended to  
6 read as follows:

7 All rules, regulations, policies, and orders of the (~~committee~~)  
8 department, all petitions, copies of all notices and actions with  
9 affidavits of posting, mailing, or publications pertaining thereto, all  
10 findings of fact, and transcripts of all hearings shall be in writing  
11 and shall be entered in full by the (~~committee~~) department in the  
12 permanent official records of the office of the commissioner of public  
13 lands and shall be open for inspection at all times during reasonable  
14 office hours. A copy of any rule, regulation, policy, order, or other  
15 official records of the (~~committee~~) department, certified by the  
16 (~~executive secretary of the committee~~) commissioner of public lands,  
17 shall be received in evidence in all courts of this state with the same  
18 effect as the original. The (~~committee~~) department is hereby  
19 required to furnish to any person upon request, copies of all rules,  
20 regulations, policies, orders, and amendments thereof.

21 **Sec. 1121.** RCW 78.52.120 and 1983 c 253 s 11 are each amended to  
22 read as follows:

23 Any person desiring or proposing to drill any well in search of oil  
24 or gas, before commencing the drilling of any such well, shall apply to  
25 the (~~committee~~) department upon such form as the (~~committee~~)  
26 department may prescribe, and shall pay to the state treasurer a fee of  
27 the following amounts for each application:

28 (1) For each well the estimated depth of which is three thousand  
29 five hundred feet or less, two hundred fifty dollars;

30 (2) From three thousand five hundred one feet to seven thousand  
31 feet, five hundred dollars;

32 (3) From seven thousand one feet to twelve thousand feet, seven  
33 hundred fifty dollars; and

34 (4) From twelve thousand one feet and deeper, one thousand dollars.

35 In addition, as pertains to the tract upon which the well is  
36 proposed to be located, the applicant must notify the surface  
37 landowner, the landowner's tenant, and other surface users in the

1 manner provided by regulations of the ((committee)) department that a  
2 drilling permit has been applied for by furnishing each such surface  
3 landowner, tenant, and other users with a copy of the application  
4 concurrent with the filing of the application. Within fifteen days of  
5 receipt of the application, each such surface landowner, the  
6 landowner's tenant, and other surface users have the right to inform  
7 the ((committee)) department of objections or comments as to the  
8 proposed use of the surface by the applicant, and the ((committee))  
9 department shall consider the objections or comments.

10 The drilling of any well is prohibited until a permit is given and  
11 such fee has been paid as ((herein)) provided in this section. The  
12 ((committee shall have the authority to)) department may prescribe that  
13 the said form indicate the exact location of such well, the name and  
14 address of the owner, operator, contractor, driller, and any other  
15 person responsible for the conduct of drilling operations, the proposed  
16 depth of the well, the elevation of the well above sea level, and such  
17 other relevant and reasonable information as the ((committee))  
18 department may deem necessary or convenient to effectuate the purposes  
19 of this chapter.

20 The ((committee)) department shall issue a permit if it finds that  
21 the proposed drilling will be consistent with this chapter, the  
22 rules((7)) and orders adopted under it, and is not detrimental to the  
23 public interest. The ((committee)) department shall impose conditions  
24 and restrictions as necessary to protect the public interest and to  
25 ensure compliance with this chapter, and the rules and orders adopted  
26 by the ((committee)) department. A person shall not apply to drill a  
27 well in search of oil or gas unless that person holds an ownership or  
28 contractual right to locate and operate the drilling operations upon  
29 the proposed drilling site. A person shall not be issued a permit  
30 unless that person prima facie holds an ownership or contractual right  
31 to drill to the proposed depth, or proposed horizon. Proof of prima  
32 facie ownership shall be presented to the ((committee)) department.

33 **Sec. 1122.** RCW 78.52.125 and 1971 ex.s. c 180 s 8 are each amended  
34 to read as follows:

35 Any person desiring or proposing to drill any well in search of oil  
36 or gas, when such drilling would be conducted through or under any  
37 surface waters of the state, shall prepare and submit an environmental  
38 impact statement upon such form as the department of ecology shall

1 prescribe at least one hundred and twenty days prior to commencing the  
2 drilling of any such well. Within ninety days after receipt of such  
3 environmental statement the department of ecology shall prepare and  
4 submit to ~~((each member of the committee))~~ the department of natural  
5 resources a report examining the potential environmental impact of the  
6 proposed well and recommendations for ~~((committee))~~ department action  
7 thereon. If after consideration of the report the ~~((committee))~~  
8 department determines that the proposed well is likely to have a  
9 substantial environmental impact the drilling permit for such well may  
10 be denied.

11 The ~~((committee))~~ department shall require sufficient safeguards to  
12 minimize the hazards of pollution of all surface and ground waters of  
13 the state. If safeguards acceptable to the ~~((committee))~~ department  
14 cannot be provided the drilling permit shall be denied.

15 **Sec. 1123.** RCW 78.52.140 and 1951 c 146 s 16 are each amended to  
16 read as follows:

17 The use of gas from a well producing gas only, or from a well which  
18 is primarily a gas well, for the manufacture of carbon black or similar  
19 products predominantly carbon, is declared to constitute waste prima  
20 facie, and such gas well shall not be used for any such purpose unless  
21 it is clearly shown, at a public hearing to be held by the  
22 ~~((committee))~~ department, on application of the person desiring to use  
23 such gas, that waste would not take place by the use of such gas for  
24 the purpose or purposes applied for, and that gas which would otherwise  
25 be lost is not available for such purpose or purposes, and that the gas  
26 to be used cannot be used for a more beneficial purpose, such as for  
27 light or fuel purposes, except at prohibitive cost, and that it would  
28 be in the public interest to grant such permit. If the ~~((committee))~~  
29 department finds that the applicant has clearly shown a right to use  
30 such gas for the purpose or purposes applied for, it shall issue a  
31 permit upon such terms and conditions as may be found necessary in  
32 order to permit the use of the gas, and at the same time require  
33 compliance with the intent of this section.

34 **Sec. 1124.** RCW 78.52.150 and 1951 c 146 s 17 are each amended to  
35 read as follows:

36 The ~~((committee has authority, and it shall be its duty, to))~~  
37 department shall make such investigations as it may deem proper to

1 determine whether waste exists or is imminent or whether other facts  
2 exist which justify action by the ((committee)) department.

3 **Sec. 1125.** RCW 78.52.155 and 1983 c 253 s 9 are each amended to  
4 read as follows:

5 (1) The ((committee)) department shall make investigations as  
6 necessary to carry out this chapter.

7 (2) The ~~((committee and the))~~ department ~~((, consistent with the~~  
8 ~~committee's policies,))~~ shall require:

9 (a) Identification of ownership of oil or gas wells, producing  
10 leases, tanks, plants, structures, and facilities for the  
11 transportation or refining of oil or gas;

12 (b) The making and filing of well logs, core samples, directional  
13 surveys, and reports on well locations, drilling, and production;

14 (c) The testing of oil and gas wells;

15 (d) The drilling, casing, operating, and plugging of wells in such  
16 a manner as to prevent the escape of oil or gas out of the casings, or  
17 out of one pool into another, the intrusion of water into an oil or gas  
18 pool, and the pollution of freshwater supplies by oil, gas, or  
19 saltwater and to prevent blowouts, cavings, seepages, and fires;

20 (e) The furnishing of adequate security acceptable to the  
21 department, conditioned on the performance of the duty to plug each dry  
22 or abandoned well, the duty to reclaim and clean-up well drilling  
23 sites, the duty to repair wells causing waste, the duty to comply with  
24 all applicable laws and rules adopted by the ((committee)) department,  
25 orders of the ~~((committee and the))~~ department, all permit conditions,  
26 and this chapter;

27 (f) The operation of wells with efficient gas-oil and water-oil  
28 ratios and may fix these ratios and limit production from wells with  
29 inefficient gas-oil or water-oil ratios;

30 (g) The production of oil and gas from wells be accurately measured  
31 by means and upon standards prescribed by the ((committee)) department,  
32 and that every person who produces, sells, purchases, acquires, stores,  
33 transports, treats, or processes oil or gas in this state keeps and  
34 maintains for a period of five years within this state complete and  
35 accurate records thereof, which records shall be available for  
36 examination by the ((committee)) department or its agents at all  
37 reasonable times, and that every person file with the ((committee))

1 department such reports as it may prescribe with respect to the oil or  
2 gas; and

3 (h) Compliance with all applicable laws and rules of this state.

4 (3) The ~~((committee and the department, consistent with the  
5 committee's policies,))~~ department shall regulate:

6 (a) The drilling, producing, locating, spacing, and plugging of  
7 wells and all other operations for the production of oil or gas;

8 (b) The physical, mechanical, and chemical treatment of wells, and  
9 the perforation of wells;

10 (c) Operations to increase ultimate recovery such as cycling of  
11 gas, the maintenance of pressure, and the introduction of gas, water,  
12 or other substances into producing formations;

13 (d) Disposal of saltwater and oil field brines;

14 (e) The storage, processing, and treatment of natural gas and oil  
15 produced within this state; and

16 (f) Reclamation and clean-up of all well sites and any areas  
17 directly affected by the drilling, production, operation, and plugging  
18 of oil and gas wells.

19 (4) The ~~((committee))~~ department may limit and prorate oil and gas  
20 produced in this state and may restrict future production of oil and  
21 gas from any pool in such amounts as will offset and compensate for any  
22 production determined by the ~~((committee))~~ department to be in excess  
23 of or in violation of "oil allowable" or "gas allowable."

24 (5) The ~~((committee))~~ department shall classify wells as oil or gas  
25 wells for purposes material to the interpretation or enforcement of  
26 this chapter.

27 (6) The ~~((committee and the department, consistent with the  
28 committee's policies,))~~ department shall regulate oil and gas  
29 exploration and drilling activities so as to prevent or remedy  
30 unreasonable or excessive waste or surface destruction.

31 **Sec. 1126.** RCW 78.52.200 and 1983 c 253 s 12 are each amended to  
32 read as follows:

33 When necessary to prevent waste, to avoid the drilling of  
34 unnecessary wells, or to protect correlative rights including those of  
35 royalty owners, the ~~((committee))~~ department, upon its own motion or  
36 upon application of interested persons, shall establish development  
37 units covering any known pool. Development units shall be of uniform  
38 size and shape for the entire pool unless the ~~((committee))~~ department

1 finds that it must make an exception due to geologic, geographic, or  
2 other factors. When necessary, the ((committee)) department may divide  
3 any pool into zones and establish development units for each zone,  
4 which units may differ in size and shape from those established in any  
5 other zone.

6 **Sec. 1127.** RCW 78.52.205 and 1983 c 253 s 13 are each amended to  
7 read as follows:

8 Within sixty days after the discovery of oil or gas in a pool not  
9 then covered by an order of the ((committee)) department, a hearing  
10 shall be held and the ((committee)) department shall issue an order  
11 prescribing development units for the pool. If sufficient geological  
12 or other scientific data from drilling operations or other evidence is  
13 not available to determine the maximum area that can be efficiently and  
14 economically drained by one well, the ((committee)) department may  
15 establish temporary development units to ensure the orderly development  
16 of the pool pending availability of the necessary data. A temporary  
17 order shall continue in force for a period of not more than twenty-four  
18 months at the expiration of which time, or upon the petition of an  
19 affected person, the ((committee)) department shall require the  
20 presentation of such geological, scientific, drilling, or other  
21 evidence as will enable it to determine the proper development units in  
22 the pool. During the interim period between the discovery and the  
23 issuance of the temporary order, permits shall not be issued for the  
24 drilling of direct offsets to a discovery well.

25 **Sec. 1128.** RCW 78.52.210 and 1983 c 253 s 14 are each amended to  
26 read as follows:

27 (1) The size and the shape of any development units shall be such  
28 as will result in the efficient and economical development of the pool  
29 as a whole, and the size shall not be smaller than the maximum area  
30 that can be efficiently and economically drained by one well as  
31 determined by competent geological, geophysical, engineering, drilling,  
32 or other scientific testimony, data, and evidence. The ((committee))  
33 department shall fix a development unit of not more than one hundred  
34 sixty acres for any pool deemed by the ((committee)) department to be  
35 an oil reservoir, or of six hundred forty acres for any pool deemed by  
36 the ((committee)) department to be a gas reservoir, plus a ten percent  
37 tolerance in either case to allow for irregular sections. The

1 ((committee)) department may, at its discretion, after notice and  
2 hearing, establish development units for oil and gas in variance of  
3 these limitations when competent geological, geophysical, engineering,  
4 drilling, or other scientific testimony, data, and evidence is  
5 presented and upon a finding that one well can efficiently and  
6 economically drain a larger or smaller area and is justified because of  
7 technical, economic, environmental, or safety considerations.

8 (2) The ((committee)) department may establish development units of  
9 different sizes or shapes for different parts of a pool or may grant  
10 exceptions to the size or shapes of any development unit or units.  
11 Where development units of different sizes or shapes exist in a pool,  
12 the ((committee)) department shall, if necessary, make such adjustments  
13 to the allowable production from the well or wells drilled thereon so  
14 that each operator in each development unit will have a reasonable  
15 opportunity to produce or receive his or her just and equitable share  
16 of the production.

17 **Sec. 1129.** RCW 78.52.220 and 1983 c 253 s 15 are each amended to  
18 read as follows:

19 An order establishing development units for a pool shall specify  
20 the size and shape of each area and the location of the permitted well  
21 thereon in accordance with a reasonable uniform spacing plan. Upon  
22 application and after notice and a hearing, if the ((committee))  
23 department finds that a well drilled at the prescribed location would  
24 not produce in paying quantities, or that surface conditions would  
25 substantially add to the burden or hazard of drilling such well, the  
26 ((committee is authorized to)) department may enter an order permitting  
27 the well to be drilled pursuant to permit at a location other than that  
28 prescribed by such development order; however, the ((committee))  
29 department shall include in the order suitable provisions to prevent  
30 the production from the development unit of more than its just and  
31 equitable share of the oil and gas in the pool.

32 **Sec. 1130.** RCW 78.52.230 and 1983 c 253 s 16 are each amended to  
33 read as follows:

34 An order establishing development units for a pool shall cover all  
35 lands determined or believed to be underlaid by such pool, and may be  
36 modified by the ((committee)) department from time to time to include  
37 additional areas determined to be underlaid by such pool. When the

1 ((committee)) department determines that it is necessary for the  
2 prevention of waste, or to avoid the drilling of unnecessary wells, or  
3 to protect correlative rights, an order establishing development units  
4 in a pool may be modified by the ((committee)) department to increase  
5 or decrease the size of development units in the pool or to permit the  
6 drilling of additional wells on a reasonably uniform plan in the pool.

7 **Sec. 1131.** RCW 78.52.240 and 1983 c 253 s 17 are each amended to  
8 read as follows:

9 When two or more separately-owned tracts are embraced within a  
10 development unit, or when there are separately owned interests in all  
11 or a part of the development unit, then the owners and lessees thereof  
12 may pool their interests for the development and operation of the  
13 development unit. In the absence of this voluntary pooling, the  
14 ((committee)) department, upon the application of any interested  
15 person, shall enter an order pooling all interests, including royalty  
16 interests, in the development unit for the development and operation  
17 thereof. Each such pooling order shall be made after notice and  
18 hearing. The applicant or applicants shall have the burden of proving  
19 that all reasonable efforts have been made to obtain the consent of, or  
20 to reach agreement with, other owners.

21 **Sec. 1132.** RCW 78.52.245 and 1983 c 253 s 18 are each amended to  
22 read as follows:

23 A pooling order shall be upon terms and conditions that are fair  
24 and reasonable and that afford to each owner and royalty owner his or  
25 her fair and reasonable share of production. Production shall be  
26 allocated as follows:

27 (1) For the purpose of determining the portions of production owned  
28 by the persons owning interests in the pooled unit, the production  
29 shall be allocated to the respective tracts within the unit in the  
30 proportion that the surface acres in each tract bear to the number of  
31 surface acres included in the entire unit.

32 (2) Notwithstanding subsection (1) of this section, if the  
33 ((committee)) department finds that allocation on a surface acreage  
34 basis does not allocate to each tract its fair share, the ((committee))  
35 department shall allocate the production so that each tract will  
36 receive its fair share.



1       **Sec. 1133.** RCW 78.52.250 and 1983 c 253 s 19 are each amended to  
2 read as follows:

3       (1) Each such pooling order shall make provision for the drilling  
4 and operation of a well on the development unit, and for the payment of  
5 the reasonable actual cost thereof by the owners of interests required  
6 to pay such costs in the development unit, plus a reasonable charge for  
7 supervision and storage facilities. Costs associated with production  
8 from the pooled unit shall be allocated in the same manner as is  
9 production in RCW 78.52.245. In the event of any dispute as to such  
10 costs the ((committee)) department shall determine the proper costs.

11       (2) As to each owner who fails or refuses to agree to bear his or  
12 her proportionate share of the costs of the drilling and operation of  
13 the well, the order shall provide for reimbursement of those persons  
14 paying for the drilling and operation of the well of the nonconsenting  
15 owner's share of the costs from, and only from, production from the  
16 unit representing that person's interest, excluding royalty or other  
17 interests not obligated to pay any part of the cost thereof. The  
18 ((committee)) department may provide that the consenting owners shall  
19 own and be entitled to receive all production from the well after  
20 payment of the royalty as provided in the lease, if any, applicable to  
21 each tract or interest, and obligations payable from production, until  
22 the consenting owners have been paid the amount due under the terms of  
23 the pooling order or order settling any dispute.

24       The order shall determine the interest of each owner in the unit  
25 and shall provide that each consenting owner is entitled to receive,  
26 subject to royalty or similar obligations, the share of the production  
27 of the well applicable to the owner's interest in the unit, and, unless  
28 the owner has agreed otherwise, his or her proportionate part of the  
29 nonconsenting owner's share of the production until costs are recovered  
30 as provided in this subsection. Each nonconsenting owner is entitled  
31 to receive, subject to royalty or similar obligations, the share of  
32 production from the well applicable to the owner's interest in the unit  
33 after the consenting owners have recovered from the nonconsenting  
34 owner's share of production the following:

35       (a) In respect to every such well, one hundred percent of the  
36 nonconsenting owner's share of the cost of surface equipment beyond the  
37 wellhead connections, including but not limited to, stock tanks,  
38 separators, treaters, pumping equipment, and piping, plus one hundred  
39 percent of the nonconsenting owner's share of the cost of operation of

1 the well, commencing with first production and continuing until the  
2 consenting owners have recovered these costs, with the intent that the  
3 nonconsenting owner's share of these costs and equipment will be that  
4 interest which would have been chargeable to the nonconsenting owner  
5 had he or she initially agreed to pay his or her share of the costs of  
6 the well from the beginning of the operation;

7 (b) One hundred fifty percent of that portion of the costs and  
8 expenses of staking the location, well site preparation, rights of way,  
9 rigging-up, drilling, reworking, deepening or plugging back, testing,  
10 and completing, after deducting any cash contributions received by the  
11 consenting owners, and also one hundred fifty percent of that portion  
12 of the cost of equipment in the well, up to and including the wellhead  
13 connections; and

14 (c) If there is a dispute regarding the costs, the ((committee))  
15 department shall determine the proper costs and their allocation among  
16 working interest owners after due notice to interested parties and a  
17 hearing on the costs.

18 (3) The operator of a well under a pooling order in which there are  
19 nonconsenting owners shall furnish the nonconsenting owners with  
20 monthly statements of all costs incurred, together with the quantity of  
21 oil or gas produced, and the amount of proceeds realized from the sale  
22 of this production during the preceding month. If and when the  
23 consenting owners recover from a nonconsenting owner's relinquished  
24 interest the amounts provided for in subsection (2) of this section,  
25 the relinquished interest of the nonconsenting owner shall  
26 automatically revert to him or her, and the nonconsenting owner shall  
27 own the same interest in the well and the production from it and be  
28 liable for the further costs of the operation as if he or she had  
29 participated in the initial drilling and operation.

30 (4) A nonconsenting owner of a tract in a development unit which is  
31 not subject to any lease or other contract for the development thereof  
32 for oil and gas shall elect within fifteen days of the issuance of the  
33 pooling order or such further time as the ((committee)) department  
34 shall, in the order, allow:

35 (a) To be treated as a nonconsenting owner as provided in  
36 subsections (2) and (3) of this section and is deemed to have a basic  
37 landowners' royalty of one-eighth, or twelve and one-half percent, of  
38 the production allocated to the tract, unless a higher basic royalty  
39 has been established in the development unit. If a higher royalty has

1 been established, then the nonconsenting owner of a nonleased tract  
2 shall receive the higher basic royalty. This presumed royalty shall  
3 exist only during the time that costs and expenses are being recovered  
4 under subsection (2) of this section, and is intended to assure that  
5 the owner of a nonleased tract receive a basic royalty free of all  
6 costs at all times. Notwithstanding anything herein to the contrary,  
7 the owner shall at all times retain his or her entire ownership of the  
8 property, including the right to execute an oil and gas lease on any  
9 terms negotiated, and be entitled to all production subject to  
10 subsection (2) of this section; or

11 (b) To grant a lease to the operator at the current fair market  
12 value for that interest for comparable leases or interests at the time  
13 of the commencement of drilling; or

14 (c) To pay his or her pro rata share of the costs of the well or  
15 wells in the development unit and receive his or her pro rata share of  
16 production, if any.

17 A nonconsenting owner who does not make an election as provided in  
18 this subsection is deemed to have elected to be treated under (a) of  
19 this subsection.

20 **Sec. 1134.** RCW 78.52.257 and 1983 c 253 s 22 are each amended to  
21 read as follows:

22 (1) An order pooling a development unit shall automatically  
23 dissolve:

24 (a) One year after its effective date if there has been no  
25 production of commercial quantities or drilling operations on lands  
26 within the unit;

27 (b) Six months after completion of a dry hole on the unit; or

28 (c) Six months after cessation of production of commercial  
29 quantities from the unit, unless, prior to the expiration of such six-  
30 month period, the operator shall, in good faith, commence drilling or  
31 reworking operations in an effort to restore production.

32 (2) Upon the termination of a lease pooled by order of the  
33 (~~committee~~) department under authority granted in this chapter,  
34 interests covered by the lease are considered pooled as unleased  
35 mineral interests.

36 (3) Any party to a pooling order is entitled, after due notice to  
37 all parties, to a hearing to modify or terminate a previously entered

1 pooling order upon presenting new evidence showing that the previous  
2 determination of reservoir conclusions are substantially incorrect.

3 (4) The (~~committee, in its discretion~~) department, after notice  
4 and hearing, may grant additional time, for good cause shown, before a  
5 pooling order is automatically dissolved as provided in subsection (1)  
6 of this section. In no case may such an extension be longer than six  
7 months.

8 **Sec. 1135.** RCW 78.52.260 and 1951 c 146 s 28 are each amended to  
9 read as follows:

10 Whenever the (~~committee shall~~) department requires the making and  
11 filing of well logs, directional surveys, or reports on the drilling  
12 of, subsurface conditions found in, or reports with respect to the  
13 substance produced, or capable of being produced from, a "wildcat" or  
14 "exploratory" well, as those terms are used in the petroleum industry,  
15 such logs, surveys, reports, or information shall be kept confidential  
16 by the (~~committee~~) department for a period of one year, if at the  
17 time of filing such logs, surveys, reports, or other information, the  
18 owner, lessee, or operator of such well requests that such information  
19 be kept confidential: PROVIDED, HOWEVER, That the (~~committee shall~~  
20 ~~have the right to~~) department may divulge or use such information in  
21 a public hearing or suit when it is necessary for the enforcement of  
22 the provisions of this chapter or any rule, regulation, or order made  
23 hereunder.

24 **Sec. 1136.** RCW 78.52.270 and 1951 c 146 s 29 are each amended to  
25 read as follows:

26 Whenever the total amount of oil which all of the pools in this  
27 state can currently produce in accordance with good operating  
28 practices, exceeds the amount reasonably required to meet the  
29 reasonable market demand, the (~~committee~~) department shall limit the  
30 oil which may be currently produced in this state to an amount,  
31 designated the "oil allowable(~~( $\pm$ )")." The (~~committee~~) department  
32 shall then prorate this "oil allowable" among the pools on a reasonable  
33 basis, avoiding undue discrimination among the pools, and so that waste  
34 will be prevented. In determining the "oil allowable(~~( $\pm$ )")," and in  
35 prorating such "oil allowable" among the pools in the state, the  
36 (~~committee~~) department shall take into account the producing  
37 conditions and other relevant facts with respect to such pools,~~~~

1 including the separate needs for oil and gas, and separate needs for  
2 oil of particular kinds or qualities, and shall formulate rules setting  
3 forth standards or a program for the determination of the "oil  
4 allowable(<sup>u</sup>)," and shall prorate the "oil allowable" in accordance  
5 with such standards or program, and where conditions in one pool or  
6 area are substantially similar to those in another pool or area, then  
7 the same standards or program shall be applied to such pools or areas  
8 so that as far as practicable a uniform program will be followed:  
9 PROVIDED, HOWEVER, That if the amount prorated to a pool as its share  
10 of the "oil allowable" is in excess of the amount which the pool can  
11 efficiently produce currently, then the ((committee)) department shall  
12 prorate to such pool the maximum amount which can be efficiently  
13 produced currently without waste.

14 **Sec. 1137.** RCW 78.52.280 and 1951 c 146 s 30 are each amended to  
15 read as follows:

16 The ((committee)) department shall not be required to determine the  
17 reasonable market demand applicable to any single pool of oil except in  
18 relation to all pools producing oil of similar kind and quality and in  
19 relation to the reasonable market demand. The ((committee)) department  
20 shall prorate the "allowable" in such manner as will prevent undue  
21 discrimination against any pool or area in favor of another or others  
22 resulting from selective buying or nomination by purchasers.

23 **Sec. 1138.** RCW 78.52.290 and 1951 c 146 s 31 are each amended to  
24 read as follows:

25 Whenever the total amount of gas which all of the pools in this  
26 state can currently produce in accordance with good operating practice  
27 exceeds the amount reasonably required to meet the reasonable market  
28 demand, the ((committee)) department shall limit the gas which may be  
29 currently produced to an amount, designated as the "gas  
30 allowable(<sup>u</sup>)," which will not exceed the reasonable market demand for  
31 gas. The ((committee)) department shall then prorate the "gas  
32 allowable" among the pools on a reasonable basis, avoiding undue  
33 discrimination among the pools, and so that waste will be prevented,  
34 giving due consideration to location of pipe lines, cost of  
35 interconnecting such pipe lines, and other pertinent factors, and  
36 insofar as applicable, the provisions of RCW 78.52.270 shall be  
37 followed in determining the "gas allowable" and in prorating such "gas

1 allowable" among the pools therein: PROVIDED, HOWEVER, That in  
2 determining the reasonable market demand for gas as between pools, the  
3 ((committee)) department shall give due regard to the fact that gas  
4 produced from oil pools is to be regulated in a manner which will  
5 protect the reasonable use of gas energy for oil production and promote  
6 the most or maximum efficient recovery of oil from such pools.

7 **Sec. 1139.** RCW 78.52.300 and 1951 c 146 s 32 are each amended to  
8 read as follows:

9 Whenever the total amount of gas which may be currently produced  
10 from all of the pools in this state has not been limited as hereinabove  
11 provided, and the available production from any one pool containing gas  
12 only is in excess of the reasonable market demand or available  
13 transportation facilities for gas from such pool, the ((committee))  
14 department shall limit the production of gas from such pool to that  
15 amount which does not exceed the reasonable market demand or  
16 transportation facilities for gas from such pool.

17 **Sec. 1140.** RCW 78.52.310 and 1951 c 146 s 33 are each amended to  
18 read as follows:

19 Whenever the ((committee)) department limits the total amount of  
20 oil or gas which may be produced from any pool to an amount less than  
21 that which the pool could produce if no restrictions were imposed  
22 (whether incidental to, or without, a limitation of the total amount of  
23 oil which may be produced in the state) the ((committee)) department  
24 shall prorate the allowable production for the pool among the producers  
25 in the pool on a reasonable basis, so that each producer will have  
26 opportunity to produce or receive his or her just and equitable share,  
27 subject to the reasonable necessities for the prevention of waste,  
28 giving where reasonable, under the circumstances, to each pool with  
29 small wells of settled production, allowable production which prevents  
30 the premature abandonment of wells in the pool.

31 All orders establishing the "oil allowable" and "gas allowable" for  
32 this state, and all orders prorating such allowables as herein  
33 provided, and any changes thereof, for any month or period shall be  
34 issued by the ((committee)) department on or before the fifteenth day  
35 of the month preceding the month for which such orders are to be  
36 effective, and such orders shall be immediately published in some  
37 newspaper of general circulation printed in Olympia, Washington. No

1 orders establishing such allowables, or prorating such allowables, or  
2 any changes thereof, shall be issued without first having a hearing,  
3 after notice, as provided in this chapter: PROVIDED, HOWEVER, When in  
4 the judgment of the (~~committee~~) department, an emergency requiring  
5 immediate action is found to exist, the (~~committee is authorized to~~)  
6 department may issue an emergency order under this section which shall  
7 have the same effect and validity as if a hearing with respect to the  
8 same had been held after due notice. The emergency order permitted by  
9 this (~~subsection~~) section shall remain in force no longer than thirty  
10 days, and in any event it shall expire when the order made after due  
11 notice and hearing with respect to the subject matter of the emergency  
12 order becomes effective.

13 **Sec. 1141.** RCW 78.52.320 and 1951 c 146 s 34 are each amended to  
14 read as follows:

15 Whenever the production of oil or gas in this state or any pool  
16 therein is limited and the "oil allowable" or "gas allowable" is  
17 established and prorated by the (~~committee~~) department as provided in  
18 RCW 78.52.310, no person shall thereafter produce from any well, pool,  
19 lease, or property more than the production which is prorated thereto.

20 **Sec. 1142.** RCW 78.52.330 and 1951 c 146 s 35 are each amended to  
21 read as follows:

22 To assist in the development of oil and gas in this state and to  
23 further the purposes of this chapter, the persons owning interests in  
24 separate tracts of land, may validly agree to integrate their interests  
25 and manage, operate, and develop their land as a unit, subject to the  
26 approval of the (~~committee~~) department.

27 **Sec. 1143.** RCW 78.52.335 and 1983 c 253 s 23 are each amended to  
28 read as follows:

29 (1) The (~~committee~~) department shall upon the application of any  
30 interested person, or upon its own motion, hold a hearing to consider  
31 the need for the operation as a unit of one or more pools or parts of  
32 them in a field.

33 (2) The (~~committee shall have the authority to~~) department may  
34 enter an order providing for the unit operations if (~~the committee~~)  
35 it finds that:

1 (a) The unit operations are necessary for secondary recovery or  
2 enhanced recovery purposes. For purposes of this chapter secondary or  
3 enhanced recovery means that oil or gas or both are recovered by any  
4 method, artificial flowing or pumping, that may be employed to produce  
5 oil or gas, or both, through the joint use of two or more wells with an  
6 application of energy extrinsic to the pool or pools. This includes  
7 pressuring, cycling, pressure maintenance, or injections into the pool  
8 or pools of a substance or form of energy: PROVIDED, That this does  
9 not include the injection in a well of a substance or form of energy  
10 for the sole purpose of (i) aiding in the lifting of fluids in the  
11 well, or (ii) stimulation of the reservoir at or near the well by  
12 mechanical, chemical, thermal, or explosive means;

13 (b) The unit operations will protect correlative rights;

14 (c) The operations will increase the ultimate recovery of oil or  
15 gas, or will prevent waste, or will prevent the drilling of unnecessary  
16 wells; and

17 (d) The value of the estimated additional recovery of oil and/or  
18 gas exceeds the estimated additional cost incident to conducting these  
19 operations.

20 (3) The (~~committee shall also have the authority to~~) department  
21 may also enter an order providing for unit operations, after notice and  
22 hearing, only if the (~~committee~~) department finds that there is clear  
23 and convincing evidence that all of the following conditions are met:

24 (a) In the absence of unitization, the ultimate recovery of oil or  
25 gas, or both, will be substantially decreased because normal production  
26 techniques and methods are not feasible and will not result in the  
27 maximum efficient and economic recovery of oil or gas, or both;

28 (b) The unit operations will protect correlative rights;

29 (c) The unit operations will prevent waste, or will prevent the  
30 drilling of unnecessary wells;

31 (d) There has been a discovery of a commercial oil or gas field;  
32 and

33 (e) There has been sufficient exploration, drilling activity, and  
34 development to properly define the one or more pools or parts of them  
35 in a field proposed to be unitized.

36 (4) Notwithstanding any of the above, nothing in this chapter may  
37 be construed to prevent the voluntary agreement of all interested  
38 persons to any plan of unit operations. The (~~committee~~) department



1 shall approve operations upon making a finding consistent with  
2 subsection((s)) (2) (b) and (c) of this section.

3 (5) The order shall be upon terms and conditions that are fair and  
4 reasonable and shall prescribe a plan for unit operations that  
5 includes:

6 (a) A description of the pool or pools or parts thereof to be so  
7 operated, termed the unitized area;

8 (b) A statement of the nature of the operations contemplated;

9 (c) An allocation of production and costs to the separately-owned  
10 tracts in the unitized area. The allocation shall be in accord with  
11 the agreement, if any, of the interested parties. If there is no  
12 agreement, production shall be allocated in a manner calculated to  
13 ensure that each owner's correlative rights are protected, and each  
14 separately-owned tract or combination of tracts receives its fair and  
15 reasonable share of production. Costs shall be allocated on a fair and  
16 reasonable basis;

17 (d) A provision, if necessary, prescribing fair, reasonable, and  
18 equitable terms and conditions as to time and rate of interest for  
19 carrying or otherwise financing any person who is unable to promptly  
20 meet his or her financial obligations in connection with the unit, such  
21 carrying and interest charges to be paid as provided by the  
22 ((committee)) department from the person's prorated share of  
23 production;

24 (e) A provision for the supervision and conduct of the unit  
25 operations, in respect to which each owner shall have a vote with a  
26 value corresponding to the percentage of the costs of unit operations  
27 chargeable against the owner's interest;

28 (f) The time when the unit operations shall commence, the timetable  
29 for development, and the manner and circumstances under which the unit  
30 operations shall terminate; and

31 (g) Additional provisions which are found to be appropriate for  
32 carrying out the unit operations and for the protection of correlative  
33 rights.

34 (6) No order of the ((committee)) department providing for unit  
35 operations may become effective until:

36 (a) The plan for unit operations approved by the ((committee))  
37 department has been approved in writing by those persons who, under the  
38 ((committee's)) department's order, will be required to pay at least  
39 seventy-five percent of the costs of unit operations;

1 (b) The plan has been approved in writing by those persons such as  
2 royalty owners, overriding royalty owners, and production payment  
3 owners, who own at least seventy-five percent of the production or  
4 proceeds thereof that will be credited to interests that are free of  
5 costs; and

6 (c) The ((committee)) department has made a finding, either in the  
7 order providing for unit operations or in a supplemental order, that  
8 the plan for unit operations has been so approved. If the plan for  
9 unit operations has not been so approved at the time the order  
10 providing for unit operations is made, the ((committee)) department  
11 shall upon application and notice hold such supplemental hearings as  
12 may be required to determine if and when the plan for unit operations  
13 has been so approved. If the persons owning required percentages of  
14 interest in the unitized area do not approve the plan for unit  
15 operations within a period of six months from the date on which the  
16 order providing for unit operations is made, or within such additional  
17 period or periods of time as the ((committee)) department prescribes,  
18 the order will become unenforceable and shall be vacated by the  
19 ((committee)) department.

20 (7) An order providing for unit operations may be amended by an  
21 order made by the ((committee)) department in the same manner and  
22 subject to the same conditions as an original order, except as provided  
23 in subsection (8) of this section, providing for unit operations, but  
24 (a) if such an amendment affects only the rights and interests of the  
25 owners, the approval of the amendment by those persons who own  
26 interests that are free of costs is not required, and (b) no such  
27 amending order may change the percentage for the allocation of oil and  
28 gas as established for any separately-owned tract or combination of  
29 tracts by the original order, except with the consent of all persons  
30 owning oil and gas rights in the tract, and no such order may change  
31 the percentage for the allocation of cost as established for any  
32 separately-owned tract or combination of tracts by the original order,  
33 except with the consent of all persons owning an interest in the tract  
34 or combination of tracts. An amendment that provides for the expansion  
35 of the unit area shall comply with subsection (8) of this section.

36 (8) The ((committee)) department, by order, may provide for the  
37 unit operation of a reservoir or reservoirs or parts thereof that  
38 include a unitized area established by a previous order of the  
39 ((committee)) department. The order, in providing for the allocation

1 of unit production, shall first treat the unitized area previously  
2 established as a single tract and the portion of the new unit  
3 production allocated thereto shall then be allocated among the  
4 separately-owned tracts included in the previously established unit  
5 area in the same proportions as those specified in the previous order.

6 (9) After the date designated by the (~~committee~~) department the  
7 unit plan shall be effective, oil and gas leases within the unit area,  
8 or other contracts pertaining to the development thereof, shall be  
9 changed only to the extent necessary to meet the requirements of the  
10 unit plan, and otherwise shall remain in full force. Operations  
11 carried on under and in accordance with the unit plan shall be regarded  
12 and considered as fulfillment of and compliance with all of the  
13 provisions, covenants, and conditions, expressed or implied, of the  
14 several oil and gas leases upon lands within the unit area, or other  
15 contracts pertaining to the development thereof, insofar as the leases  
16 or other contracts may relate to the pool or field subject to the unit  
17 plan. The amount of production apportioned and allocated under the  
18 unit plan to each separately-owned tract within the unit area, and only  
19 that amount, regardless of the location of the well within the unit  
20 area from which it may be produced, and regardless of whether it is  
21 more or less than the amount of production from the well, if any, on  
22 each separately-owned tract, shall for all purposes be regarded as  
23 production from the separately-owned tract. Lessees shall not be  
24 obligated to pay royalties or make other payments, required by the oil  
25 and gas leases or other contracts affecting each such separately-owned  
26 tract, on production in excess of that amount apportioned and allocated  
27 to the separately-owned tract under the unit plan.

28 (10) The portion of the unit production allocated to any tract and  
29 the proceeds from its sale are the property and income of the several  
30 persons to whom, or to whose credit, the portion and proceeds are  
31 allocated or payable under the order providing for unit operations.

32 (11) No division order or other contract relating to the sale,  
33 purchase, or production from a separately-owned tract or combination of  
34 tracts may be terminated by the order providing for unit operations but  
35 shall remain in force and shall apply to oil and gas allocated to the  
36 tract until terminated by an amended division order or contract in  
37 accordance with the order.

38 (12) Except to the extent that parties affected so agree, an order  
39 providing for unit operations shall not be construed to result in a

1 transfer of all or any part of the title of any person to the oil and  
2 gas rights in any tract in the unit area. All property, whether real  
3 or personal, that may be acquired in the conduct of unit operations  
4 hereunder shall be acquired for the account of the owners within the  
5 unit area, and shall be the property of those owners in the proportion  
6 that the expenses of unit operations are charged.

7 (13) After the date designated by the order of the ((committee))  
8 department that a unit plan shall become effective, the designation of  
9 one or more unit operators shall be by vote of the lessees of land in  
10 the unit area, in a manner to be provided in the unit plan, and any  
11 operations in conflict with such unit plan shall be unlawful and are  
12 prohibited.

13 (14) A certified copy of any order of the ((committee)) department  
14 entered under this section is entitled to be recorded in the auditor's  
15 office in the county or counties wherein all or any portion of the unit  
16 area is located and, if recorded, constitute notice thereof to all  
17 persons. A copy of this order shall be mailed by certified mail to all  
18 interested persons.

19 (15) No order for unitization may be construed to allow the  
20 drilling of a well on a tract within the unit which is not leased or  
21 under contract for oil and gas exploration or production.

22 **Sec. 1144.** RCW 78.52.365 and 1983 c 253 s 26 are each amended to  
23 read as follows:

24 The ((committee)) department may administer and enforce RCW  
25 78.52.345 and 78.52.355 in accordance with the procedures in this  
26 chapter for its enforcement and with the rules and orders of the  
27 ((committee)) department.

28 **Sec. 1145.** RCW 78.52.460 and 1951 c 146 s 49 are each amended to  
29 read as follows:

30 No plan for the operation of a field or pool of oil or gas as a  
31 unit, either whole or in part, created or approved by the ((committee  
32 hereunder shall)) department under this chapter may be held to violate  
33 any of the statutes of this state prohibiting monopolies or acts,  
34 arrangements, agreements, contracts, combinations, or conspiracies in  
35 restraint of trade or commerce.

1       **Sec. 1146.** RCW 78.52.463 and 1989 c 175 s 167 are each amended to  
2 read as follows:

3       (1) Any operation or activity that is in violation of applicable  
4 laws, rules, orders, or permit conditions is subject to suspension by  
5 order of the ((committee)) department. The order may suspend the  
6 operations authorized in the permit in whole or in part. The order may  
7 be issued only after the ((committee)) department has first notified  
8 the operator or owner of the violations and the operator or owner has  
9 failed to comply with the directions contained in the notification  
10 within ten days of service of the notice: PROVIDED, That the  
11 ((committee)) department may issue the suspension order immediately  
12 without notice if the violations are or may cause substantial harm to  
13 adjacent property, persons, or public resources, or has or may result  
14 in the pollution of waters in violation of any state or federal law or  
15 rule. A suspension shall remain in effect until the violations are  
16 corrected or other directives are complied with unless declared invalid  
17 by the ((committee)) department after hearing or an appeal. The  
18 suspension order and notification, where applicable, shall specify the  
19 violations and the actions required to be undertaken to be in  
20 compliance with such laws, rules, orders, or permit conditions. The  
21 order and notification may also require remedial actions to be  
22 undertaken to restore, prevent, or correct activities or conditions  
23 which have resulted from the violations. The order and notification  
24 may be directed to the operator or owner or both.

25       (2) The suspension order constitutes a final and binding order  
26 unless the owner or operator to whom the order is directed requests a  
27 hearing before the ((committee)) department within fifteen days after  
28 service of the order. Such a request shall not in itself stay or  
29 suspend the order and the operator or owner shall comply with the order  
30 immediately upon service. The ~~((committee or its chairman have the~~  
31 ~~authority to)) department may stay or suspend in whole or in part the~~  
32 suspension order pending a hearing if so requested. The hearing shall  
33 constitute an adjudicative proceeding under chapter 34.05 RCW, the  
34 Administrative Procedure Act.

35       **Sec. 1147.** RCW 78.52.467 and 1983 c 253 s 30 are each amended to  
36 read as follows:

37       (1) The sale, purchase, acquisition, transportation, refining,  
38 processing, or handling of illegal oil, gas, or product is prohibited.

1 However, no penalty by way of fine may be imposed upon a person who  
2 sells, purchases, acquires, transports, refines, processes, or handles  
3 illegal oil, gas, or product unless (a) the person knows, or is put on  
4 notice of, facts indicating that illegal oil, illegal gas, or illegal  
5 product is involved, or (b) the person fails to obtain a certificate of  
6 clearance with respect to the oil, gas, or product if prescribed by  
7 rule or order of the ((committee)) department, or fails to follow any  
8 other method prescribed by an order of the ((committee)) department for  
9 the identification of the oil, gas, or product.

10 (2) Illegal oil, illegal gas, and illegal product are declared to  
11 be contraband and are subject to seizure and sale as provided in this  
12 section. Seizure and sale shall be in addition to all other remedies  
13 and penalties provided in this chapter for violations relating to  
14 illegal oil, illegal gas, or illegal product. If the ((committee))  
15 department believes that any oil, gas, or product is illegal, the  
16 ((committee)) department acting through the attorney general, shall  
17 bring a civil action in rem in the superior court of the county in  
18 which the oil, gas, or product is found, to seize and sell the same, or  
19 the ((committee)) department may include such an action in rem in any  
20 suit brought for an injunction or penalty involving illegal oil,  
21 illegal gas, or illegal product. A person claiming an interest in oil,  
22 gas, or product affected by an action in rem has the right to intervene  
23 as an interested party.

24 (3) Actions for the seizure and sale of illegal oil, illegal gas,  
25 or illegal product shall be strictly in rem and shall proceed in the  
26 name of the state as plaintiff against the oil, gas, or product as  
27 defendant. No bond or similar undertaking may be required of the  
28 plaintiff. Upon the filing of the petition for seizure and sale, the  
29 clerk of the court shall issue a summons, with a copy of the petition  
30 attached thereto, directed to the sheriff of the county or to another  
31 officer or person whom the court may designate, for service upon all  
32 persons having or claiming any interest in the oil, gas, or product  
33 described in the petition. The summons shall command these persons to  
34 appear and answer within twenty days after the issuance and service of  
35 the summons. These persons need not be named or otherwise identified  
36 in the summons, and the summons shall be served by posting a copy of  
37 the summons, with a copy of the petition attached, on any public  
38 bulletin board or at the courthouse of a county where the oil, gas, or  
39 product involved is located, and by posting another copy at or near the

1 place where the oil, gas, or product is located. The posting  
2 constitutes notice of the action to all persons having or claiming any  
3 interest in the oil, gas, or product described in the petition. In  
4 addition, if the court, on a properly verified petition, or affidavit  
5 or affidavits, or oral testimony, finds that grounds for seizure and  
6 for sale exist, the court shall issue an immediate order of seizure,  
7 describing the oil, gas, or product to be seized, and directing the  
8 sheriff of the county to take the oil, gas, or product into the  
9 sheriff's actual or constructive custody and to hold the same subject  
10 to further orders of the court. The court, in the order of seizure,  
11 may direct the sheriff to deliver the oil, gas, or product seized by  
12 him or her under the order to a court-appointed agent. The agent shall  
13 give bond in an amount and with such surety as the court may direct,  
14 conditioned upon compliance with the orders of the court concerning the  
15 custody and disposition of the oil, gas, or product.

16 (4) Any person having an interest in oil, gas, or product described  
17 in order of seizure and contesting the right of the state to seize and  
18 sell the oil, gas, or product may obtain its release prior to sale upon  
19 furnishing to the sheriff a bond approved by the court. The bond shall  
20 be in an amount equal to one hundred fifty percent of the market value  
21 of the oil, gas, or product to be released and shall be conditioned  
22 upon either redelivery to the sheriff of the released commodity or  
23 payment to the sheriff of its market value, if and when ordered by the  
24 court, and upon full compliance with further orders of the court.

25 (5) If the court, after a hearing upon a petition for the seizure  
26 and sale of oil, gas, or product, finds that the oil, gas, or product  
27 is contraband, the court shall order its sale by the sheriff in the  
28 same manner and upon the same notice of sale as provided by law for the  
29 sale of personal property on execution of judgment entered in a civil  
30 action, except that the court may order that the oil, gas, or product  
31 be sold in specified lots or portions and at specified intervals. Upon  
32 sale, title to the oil, gas, or product sold shall vest in the  
33 purchaser free of all claims, and it shall be legal oil, legal gas, or  
34 legal product in the hands of the purchaser.

35 (6) All proceeds, less costs of suit and expenses of sale, which  
36 are derived from the sale of illegal oil, illegal gas, or illegal  
37 product, and all amounts paid as penalties provided for by this  
38 chapter, shall be paid into the state treasury for the use of the  
39 ((committee)) department in defraying its expenses in the same manner

1 as other funds provided by law for the use of the ((committee))  
2 department.

3 **Sec. 1148.** RCW 78.52.470 and 1989 c 175 s 168 are each amended to  
4 read as follows:

5 Any person adversely affected by any order of the ((committee))  
6 department may, within thirty days from the effective date of such  
7 order, apply for a hearing with respect to any matter determined  
8 therein. No cause for action arising out of any order of the  
9 ((committee-shall)) department accrues in any court to any person  
10 unless the person makes application for a hearing as ((herein))  
11 provided in this section. Such application shall set forth  
12 specifically the ground on which the applicant considers the order to  
13 be unlawful or unreasonable. No party shall, in any court, urge or  
14 rely upon any ground not set forth in said application. An order made  
15 in conformity to a decision resulting from a hearing which abrogates,  
16 changes, or modifies the original order shall have the same force and  
17 effect as an original. Such hearing shall constitute an adjudicative  
18 proceeding under chapter 34.05 RCW, the Administrative Procedure Act,  
19 and shall be conducted in accordance with its provisions.

20 **Sec. 1149.** RCW 78.52.480 and 1983 c 253 s 28 are each amended to  
21 read as follows:

22 In proceedings for review of an order or decision of the  
23 ((committee)) department, the ((committee)) department shall be a party  
24 to the proceedings and shall have all rights and privileges granted by  
25 this chapter to any other party to such proceedings.

26 **Sec. 1150.** RCW 78.52.490 and 1983 c 253 s 32 are each amended to  
27 read as follows:

28 Within thirty days after the application for a hearing is denied,  
29 or if the application is granted, then within thirty days after the  
30 rendition of the decision on the hearing, the applicant may apply to  
31 the superior court, at the petitioner's option, for (a) Thurston  
32 county, (b) the county of petitioner's residence or place of business,  
33 or (c) in any county where the property or property rights owned by the  
34 petitioner is located for a review of such rule, regulation, order, or  
35 decision. The application for review shall be filed in the office of  
36 the clerk of the superior court of Thurston county and shall



1 specifically state the grounds for review upon which the applicant  
2 relies and shall designate the rule, regulation, order, or decision  
3 sought to be reviewed. The applicant shall immediately serve a  
4 certified copy of said application upon the (~~executive secretary of~~  
5 ~~the committee~~) commissioner of public lands who shall immediately  
6 notify all parties who appeared in the proceedings before the  
7 (~~committee~~) department that such application for review has been  
8 filed. In the event the court determines the review is solely for the  
9 purpose of determining the validity of a rule or regulation of general  
10 applicability the court shall transfer venue to Thurston county for a  
11 review of such rule or regulation in the manner provided for in RCW  
12 (~~34.05.538~~) 34.05.570.

13 **Sec. 1151.** RCW 78.52.530 and 1951 c 146 s 56 are each amended to  
14 read as follows:

15 Whenever it shall appear that any person is violating any  
16 provisions of this chapter, or any rule, regulation, or order made by  
17 the (~~committee hereunder~~) department under this chapter, and if the  
18 (~~committee~~) department cannot, without litigation, effectively  
19 prevent further violation, the (~~committee~~) department may bring suit  
20 in the name of the state against such person in the superior court in  
21 the county of the residence of the defendant, or in the county of the  
22 residence of any defendant if there be more than one defendant, or in  
23 the county where the violation is alleged to have occurred, to restrain  
24 such person from continuing such violation. In such suit the  
25 (~~committee~~) department may without bond obtain injunctions  
26 prohibitory and mandatory, including temporary restraining orders and  
27 preliminary injunctions, as the facts may warrant.

28 **Sec. 1152.** RCW 78.52.540 and 1951 c 146 s 57 are each amended to  
29 read as follows:

30 (~~In the event the committee should~~) If the department fails to  
31 bring suit within thirty days to enjoin any apparent violation of this  
32 chapter, or of any rule, regulation, or order made by the (~~committee~~  
33 ~~hereunder~~) department under this chapter, then any person or party in  
34 interest adversely affected by such violation, who has requested the  
35 (~~committee~~) department in writing to sue, may, to prevent any or  
36 further violation, bring suit for that purpose in the superior court of  
37 any county where the (~~committee~~) department could have instituted

1 such suit. If, in such suit, the court should hold that injunctive  
2 relief should be granted, then the state shall be made a party and  
3 shall be substituted for the person who brought the suit, and the  
4 injunction shall be issued as if the state had at all times been the  
5 complainant.

6 **OIL SPILL CONTINGENCY PLAN CORPORATION**

7 NEW SECTION. **Sec. 1153.** A new section is added to chapter 88.46  
8 RCW to read as follows:

9 A nonprofit corporation that provides contingency plan coverage for  
10 any vessel in compliance with RCW 88.46.060 is entitled to liability  
11 protection as provided in this section. Obligations incurred by the  
12 corporation and any other liabilities or claims against the corporation  
13 may be enforced only against the assets of the corporation, and no  
14 liability for the debts or actions of the corporation exists against a  
15 director, officer, member, employee, incident commander, agent,  
16 contractor, or subcontractor of the corporation in his or her  
17 individual or representative capacity. Except as otherwise provided in  
18 this chapter, neither the directors, officers, members, employees,  
19 incident commander, or agents of the corporation, nor the business  
20 entities by whom they are regularly employed may be held individually  
21 responsible for discretionary decisions, errors in judgment, mistakes,  
22 or other acts, either of commission or omission, other than their own  
23 individual acts of dishonesty or crime. The corporation may insure and  
24 defend and indemnify the directors, officers, members, employees,  
25 incident commanders, and agents to the extent permitted by chapters  
26 23B.08 and 24.03 RCW.

27 **MARINE SAFETY COMMITTEES**

28 NEW SECTION. **Sec. 1154.** A new section is added to chapter 88.46  
29 RCW to read as follows:

30 The administrator may appoint ad hoc, advisory marine safety  
31 committees to solicit recommendations and technical advice concerning  
32 vessel traffic safety.

33 **SCIENTIFIC ADVISORY BOARD FOR THE OIL SPILL COMPENSATION SCHEDULE**

1       **Sec. 1155.** RCW 90.48.366 and 1992 c 73 s 28 are each amended to  
2 read as follows:

3       By July 1, 1991, the department, in consultation with the  
4 departments of fisheries, wildlife, and natural resources, and the  
5 parks and recreation commission, shall adopt rules establishing a  
6 compensation schedule for the discharge of oil in violation of this  
7 chapter and chapter 90.56 RCW. (~~The department shall establish a~~  
8 ~~scientific advisory board to assist in establishing the compensation~~  
9 ~~schedule.~~) The amount of compensation assessed under this schedule  
10 shall be no less than one dollar per gallon of oil spilled and no  
11 greater than fifty dollars per gallon of oil spilled. The compensation  
12 schedule shall reflect adequate compensation for unquantifiable damages  
13 or for damages not quantifiable at reasonable cost for any adverse  
14 environmental, recreational, aesthetic, or other effects caused by the  
15 spill and shall take into account:

16       (1) Characteristics of any oil spilled, such as toxicity,  
17 dispersibility, solubility, and persistence, that may affect the  
18 severity of the effects on the receiving environment, living organisms,  
19 and recreational and aesthetic resources;

20       (2) The sensitivity of the affected area as determined by such  
21 factors as: (a) The location of the spill; (b) habitat and living  
22 resource sensitivity; (c) seasonal distribution or sensitivity of  
23 living resources; (d) areas of recreational use or aesthetic  
24 importance; (e) the proximity of the spill to important habitats for  
25 birds, aquatic mammals, fish, or to species listed as threatened or  
26 endangered under state or federal law; (f) significant archaeological  
27 resources as determined by the office of archaeology and historic  
28 preservation; and (g) other areas of special ecological or recreational  
29 importance, as determined by the department. If the department has  
30 adopted rules for a compensation table prior to July 1, 1992, the  
31 sensitivity of significant archaeological resources shall only be  
32 included among factors to be used in the compensation table when the  
33 department revises the rules for the compensation table after July 1,  
34 1992; and

35       (3) Actions taken by the party who spilled oil or any party liable  
36 for the spill that: (a) Demonstrate a recognition and affirmative  
37 acceptance of responsibility for the spill, such as the immediate  
38 removal of oil and the amount of oil removed from the environment; or  
39 (b) enhance or impede the detection of the spill, the determination of

1 the quantity of oil spilled, or the extent of damage, including the  
2 unauthorized removal of evidence such as injured fish or wildlife.

3 **TASK FORCE ON STATE-WIDE EVALUATION OF IRRIGATED AREAS**

4 **Sec. 1156.** RCW 90.54.190 and 1989 c 348 s 11 are each amended to  
5 read as follows:

6 (1) (~~The department of ecology may establish a task force to~~  
7 ~~assist in a state wide evaluation of irrigated areas, not to exceed six~~  
8 ~~months in duration, to determine the associated impacts of efficiency~~  
9 ~~measures, efficiency opportunities, and local interest.)) The  
10 department ((and the task force)) shall establish a list of basin and  
11 stream efficiency initiatives and select an irrigation area for a  
12 voluntary demonstration project.~~

13 (2) Prior to conducting conservation assessments and developing  
14 conservation plans, the department of ecology shall secure technical  
15 and financial assistance from the bureau of reclamation to reduce the  
16 costs to the state to the extent possible.

17 (3) A "conservation assessment" as described in this section shall  
18 be conducted before a demonstration project to increase the efficiency  
19 of irrigated agriculture is undertaken for an irrigated area, a basin,  
20 subbasin, or stream. The conservation assessment should:

21 (a) Evaluate existing patterns, including current reuse of return  
22 flows, and priorities of water use;

23 (b) Assess conflicting needs for future water allocations and  
24 claims to reserved rights;

25 (c) Evaluate hydrologic characteristics of surface and ground water  
26 including return flow characteristics;

27 (d) Assess alternative efficiency measures;

28 (e) Determine the likely net water savings of efficiency  
29 improvements including the amount and timing of water that would be  
30 saved and potential benefits and impacts to other water uses and  
31 resources including effects on artificial recharge of ground water and  
32 wetland impacts;

33 (f) Evaluate the full range of costs and benefits that would accrue  
34 from various measures; and

35 (g) Evaluate the potential for integrating conservation efforts  
36 with operation of existing or potential storage facilities.

1 (4) The conservation assessment shall be used as the basis for  
2 development of a demonstration conservation plan to rank conservation  
3 elements based on relative costs, benefits, and impacts. It shall also  
4 estimate the costs of implementing the plan and propose a specific  
5 basis for cost share distributions.

6 The demonstration conservation plan shall be developed jointly by  
7 the department and a conservation plan formulation committee consisting  
8 of representatives of a cross-section of affected local water users,  
9 members of the public, and tribal governments. Other public agencies  
10 with expertise in water resource management may participate as  
11 nonvoting committee members. A proposed demonstration conservation  
12 plan may be approved by the department and the committee only after  
13 public comment has been received.

14 (5) The department shall reimburse any members (~~(of the task force~~  
15 ~~in subsection (2) [(1)] of this section or~~) of the committee in  
16 subsection (4) of this section who are not representing governmental  
17 agencies or entities for their travel expenses in accordance with RCW  
18 43.03.050 and 43.03.060.

19 NEW SECTION. **Sec. 1157.** Broker's Trust Account Board. RCW  
20 18.85.500 and 1987 c 513 s 8 are each repealed.

21 NEW SECTION. **Sec. 1158.** Washington State Heritage Council. The  
22 following acts or parts of acts are each repealed:

- 23 (1) RCW 27.34.030 and 1983 c 91 s 3;  
24 (2) RCW 27.34.040 and 1993 c 101 s 11 & 1983 c 91 s 4; and  
25 (3) RCW 27.34.050 and 1983 c 91 s 5.

26 NEW SECTION. **Sec. 1159.** Supply Management Advisory Board. RCW  
27 43.19.1902 and 1979 c 151 s 97, 1975-'76 2nd ex.s. c 21 s 3, 1967 ex.s.  
28 c 104 s 3, & 1965 c 8 s 43.19.1902 are each repealed.

29 NEW SECTION. **Sec. 1160.** Motor Vehicle Advisory Committee. RCW  
30 43.19.556 and 1989 c 57 s 4 are each repealed.

31 NEW SECTION. **Sec. 1161.** Ecological Commission. The following  
32 acts or parts of acts are each repealed:

- 33 (1) RCW 43.21A.170 and 1989 1st ex.s. c 9 s 217, 1988 c 36 s 15,  
34 1985 c 466 s 50, 1979 c 141 s 68, & 1970 ex.s. c 62 s 17;

- 1 (2) RCW 43.21A.180 and 1984 c 287 s 76, 1975-'76 2nd ex.s. c 34 s  
2 100, & 1970 ex.s. c 62 s 18;
- 3 (3) RCW 43.21A.190 and 1988 c 127 s 24 & 1970 ex.s. c 62 s 19;
- 4 (4) RCW 43.21A.200 and 1977 c 75 s 47 & 1970 ex.s. c 62 s 20; and
- 5 (5) RCW 43.21A.210 and 1970 ex.s. c 62 s 21.

6 NEW SECTION. **Sec. 1162.** Nuclear Waste Advisory Council. RCW  
7 43.200.050 and 1989 c 322 s 4, 1984 c 161 s 6, & 1983 1st ex.s. c 19 s  
8 5 are each repealed.

9 NEW SECTION. **Sec. 1163.** Athletic Health Care and Training  
10 Council. The following acts or parts of acts are each repealed:

11 (1) RCW 43.230.010 and 1990 c 33 s 583 & 1984 c 286 s 2;

12 (2) RCW 43.230.020 and 1984 c 286 s 3;

13 (3) RCW 43.230.030 and 1984 c 286 s 4;

14 (4) RCW 43.230.040 and 1984 c 286 s 5; and

15 (5) 1984 c 286 s 13 (uncodified).

16 NEW SECTION. **Sec. 1164.** Insurance Advisory Examining Board. RCW  
17 48.17.135 and 1984 c 287 s 96, 1975-'76 2nd ex.s. c 34 s 142, & 1967 c  
18 150 s 14 are each repealed.

19 NEW SECTION. **Sec. 1165.** Right-to-Know Advisory Council. The  
20 following acts or parts of acts are each repealed:

21 (1) RCW 49.70.120 and 1987 c 24 s 1, 1985 c 409 s 5, & 1984 c 289  
22 s 17; and

23 (2) RCW 49.70.130 and 1984 c 289 s 18.

24 NEW SECTION. **Sec. 1166.** Winter Recreation Commission. The  
25 following acts or parts of acts are each repealed:

26 (1) RCW 67.34.011 and 1987 c 526 s 1; and

27 (2) RCW 67.34.021 and 1987 c 526 s 2.

28 NEW SECTION. **Sec. 1167.** Science Advisory Board. RCW 70.94.039  
29 and 1991 c 199 s 314 are each repealed.

30 NEW SECTION. **Sec. 1168.** Korean War Veterans' Memorial Advisory  
31 Committee. The following acts or parts of acts are each repealed:

32 (1) RCW 73.40.020 and 1984 c 81 s 2; and

1 (2) RCW 73.40.050 and 1989 c 235 s 2.

2 NEW SECTION. **Sec. 1169.** Oil and Gas Conservation Committee. RCW  
3 78.52.020 and 1988 c 128 s 49, 1983 c 253 s 31, 1971 ex.s. c 180 s 7,  
4 1961 c 300 s 7, & 1951 c 146 s 4 are each repealed.

5 NEW SECTION. **Sec. 1170.** Washington State Maritime Commission.  
6 The following acts or parts of acts are each repealed, effective July  
7 1, 1995:

8 (1) RCW 88.44.005 and 1990 c 117 s 1;

9 (2) RCW 88.44.010 and 1992 c 73 s 15, 1991 c 200 s 901, & 1990 c  
10 117 s 2;

11 (3) RCW 88.44.020 and 1991 c 200 s 902 & 1990 c 117 s 3;

12 (4) RCW 88.44.030 and 1991 c 200 s 903 & 1990 c 117 s 4;

13 (5) RCW 88.44.040 and 1991 c 200 s 904 & 1990 c 117 s 5;

14 (6) RCW 88.44.080 and 1991 c 200 s 905 & 1990 c 117 s 9;

15 (7) RCW 88.44.090 and 1990 c 117 s 10;

16 (8) RCW 88.44.100 and 1992 c 73 s 16 & 1990 c 117 s 11;

17 (9) RCW 88.44.110 and 1992 c 73 s 17, 1991 c 200 s 906, & 1990 c  
18 117 s 12;

19 (10) RCW 88.44.120 and 1990 c 117 s 13;

20 (11) RCW 88.44.130 and 1990 c 117 s 14;

21 (12) RCW 88.44.140 and 1990 c 117 s 15;

22 (13) RCW 88.44.150 and 1990 c 117 s 16;

23 (14) RCW 88.44.160 and 1991 c 200 s 907 & 1990 c 117 s 17;

24 (15) RCW 88.44.170 and 1990 c 117 s 18;

25 (16) RCW 88.44.180 and 1990 c 117 s 19;

26 (17) RCW 88.44.190 and 1990 c 117 s 20;

27 (18) RCW 88.44.200 and 1990 c 117 s 21;

28 (19) RCW 88.44.210 and 1990 c 117 s 22;

29 (20) RCW 88.44.220 and 1990 c 117 s 23;

30 (21) RCW 88.44.900 and 1990 c 117 s 24; and

31 (22) RCW 88.44.901 and 1990 c 117 s 25.

32 NEW SECTION. **Sec. 1171.** Regional Marine Safety Committees. RCW  
33 88.46.110 and 1992 c 73 s 24 & 1991 c 200 s 424 are each repealed.

34 NEW SECTION. **Sec. 1172.** Marine Oversight Board. RCW 90.56.450  
35 and 1992 c 73 s 40 & 1991 c 200 s 501 are each repealed.

1        NEW SECTION.    **Sec. 1173.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 1174.**    Headings and captions used in this act  
6 constitute no part of the law.

7        NEW SECTION.    **Sec. 1175.**    This act takes effect July 1, 1994.

--- END ---