

2 **SSB 5445** - H COMM AMD **ADOPTED 4-11-97**
3 By Committee on Health Care

4

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

7 "**Sec. 1.** RCW 18.71.210 and 1995 c 65 s 4 and 1995 c 103 s 1 are
8 each reenacted and amended to read as follows:

9 No act or omission of any physician's trained emergency medical
10 service intermediate life support technician and paramedic, as defined
11 in RCW 18.71.200, or any emergency medical technician or first
12 responder, as defined in RCW 18.73.030, done or omitted in good faith
13 while rendering emergency medical service under the responsible
14 supervision and control of a licensed physician or an approved medical
15 program director or delegate(s) to a person who has suffered illness or
16 bodily injury shall impose any liability upon:

17 (1) The physician's trained emergency medical service intermediate
18 life support technician and paramedic, emergency medical technician, or
19 first responder;

20 (2) The medical program director;

21 (3) The supervising physician(s);

22 (4) Any hospital, the officers, members of the staff, nurses, or
23 other employees of a hospital;

24 (5) Any training agency or training physician(s);

25 (6) Any licensed ambulance service; or

26 (7) Any federal, state, county, city or other local governmental
27 unit or employees of such a governmental unit.

28 This section shall apply to an act or omission committed or omitted
29 in the performance of the actual emergency medical procedures and not
30 in the commission or omission of an act which is not within the field
31 of medical expertise of the physician's trained emergency medical
32 service intermediate life support technician and paramedic, emergency
33 medical technician, or first responder, as the case may be.

34 This section shall apply also, as to the entities and personnel
35 described in subsections (1) through (7) of this section, to any act or
36 omission committed or omitted in good faith by such entities or

1 personnel in rendering services at the request of an approved medical
2 program director in the training of emergency medical service
3 (~~medical~~) personnel for certification or recertification pursuant to
4 this chapter.

5 This section shall not apply to any act or omission which
6 constitutes either gross negligence or willful or wanton misconduct.

7 **Sec. 2.** RCW 18.130.040 and 1996 c 200 s 32 and 1996 c 81 s 5 are
8 each reenacted and amended to 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 licensed 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 (~~18.79~~) 18.88A 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;

1 (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW
2 18.71.205;

3 (xvii) Persons registered as adult family home providers and
4 resident managers under RCW 18.48.020; and

5 (xviii) Denturists licensed under chapter 18.30 RCW.

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

8 (i) The podiatric medical board as established in chapter 18.22
9 RCW;

10 (ii) The chiropractic quality assurance commission as established
11 in chapter 18.25 RCW;

12 (iii) The dental quality assurance commission as established in
13 chapter 18.32 RCW;

14 (iv) The board of hearing and speech as established in chapter
15 18.35 RCW;

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

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

20 (vii) The board of osteopathic medicine and surgery as established
21 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
22 18.57A RCW;

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

25 (ix) The medical quality assurance commission as established in
26 chapter 18.71 RCW governing licenses and registrations issued under
27 chapters 18.71 and 18.71A RCW;

28 (x) The board of physical therapy as established in chapter 18.74
29 RCW;

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

32 (xii) The nursing care quality assurance commission as established
33 in chapter 18.79 RCW governing licenses issued under that chapter;

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

36 (xiv) The veterinary board of governors as established in chapter
37 18.92 RCW.

38 (3) In addition to the authority to discipline license holders, the
39 disciplining authority has the authority to grant or deny licenses

1 based on the conditions and criteria established in this chapter and
2 the chapters specified in subsection (2) of this section. This chapter
3 also governs any investigation, hearing, or proceeding relating to
4 denial of licensure or issuance of a license conditioned on the
5 applicant's compliance with an order entered pursuant to RCW 18.130.160
6 by the disciplining authority.

7 (4) All disciplining authorities shall adopt procedures to ensure
8 substantially consistent application of this chapter, the Uniform
9 Disciplinary Act, among the disciplining authorities listed in
10 subsection (2) of this section.

11 **Sec. 3.** RCW 18.35.060 and 1996 c 200 s 7 and 1996 c 191 s 19 are
12 each reenacted to read as follows:

13 (1) The department shall issue a hearing instrument fitting/
14 dispensing permit to any applicant who has shown to the satisfaction of
15 the department that the applicant:

16 (a) Is at least twenty-one years of age;

17 (b) If issued a hearing instrument fitter/dispenser permit, would
18 be employed and directly supervised in the fitting and dispensing of
19 hearing instruments by a person licensed or certified in good standing
20 as a hearing instrument fitter/dispenser or audiologist for at least
21 two years unless otherwise approved by the board;

22 (c) Has complied with administrative procedures, administrative
23 requirements, and fees determined as provided in RCW 43.70.250 and
24 43.70.280;

25 (d) Has not committed unprofessional conduct as specified by the
26 uniform disciplinary act; and

27 (e) Is a high school graduate or the equivalent.

28 The provisions of RCW 18.35.030, 18.35.110, and 18.35.120 shall
29 apply to any person issued a hearing instrument fitter/dispenser
30 permit. Pursuant to the provisions of this section, a person issued a
31 hearing instrument fitter/dispenser permit may engage in the fitting
32 and dispensing of hearing instruments without having first passed the
33 hearing instrument fitter/dispenser examination provided under this
34 chapter.

35 (2) The hearing instrument fitter/dispenser permit shall contain
36 the names of the employer and the licensed or certified supervisor
37 under this chapter who are employing and supervising the hearing
38 instrument fitter/dispenser permit holder and those persons shall

1 execute an acknowledgment of responsibility for all acts of the hearing
2 instrument fitter/dispenser permit holder in connection with the
3 fitting and dispensing of hearing instruments.

4 (3) A hearing instrument fitter/dispenser permit holder may fit and
5 dispense hearing instruments, but only if the hearing instrument
6 fitter/dispenser permit holder is under the direct supervision of a
7 licensed hearing instrument fitter/dispenser or certified audiologist
8 under this chapter in a capacity other than as a hearing instrument
9 fitter/dispenser permit holder. Direct supervision by a licensed
10 hearing instrument fitter/dispenser or certified audiologist shall be
11 required whenever the hearing instrument fitter/dispenser permit holder
12 is engaged in the fitting or dispensing of hearing instruments during
13 the hearing instrument fitter/dispenser permit holder's employment.
14 The board shall develop and adopt guidelines on any additional
15 supervision or training it deems necessary.

16 (4) (~~No individual may hold a hearing instrument fitter/dispenser~~
17 ~~permit for more than two years.~~) The hearing instrument
18 fitter/dispenser permit expires one year from the date of its issuance
19 except that on recommendation of the board the permit may be reissued
20 for one additional year only.

21 (5) No certified audiologist or licensed hearing instrument fitter/
22 dispenser under this chapter may assume the responsibility for more
23 than one hearing instrument fitter/dispenser permit holder at any one
24 time.

25 (6) The department, upon approval by the board, shall issue an
26 interim permit authorizing an applicant for speech-language pathologist
27 certification or audiologist certification who, except for the
28 postgraduate professional experience and the examination requirements,
29 meets the academic and practicum requirements of RCW 18.35.040 to
30 practice under interim permit supervision by a certified speech-
31 language pathologist or certified audiologist. The interim permit is
32 valid for a period of one year from date of issuance. The board shall
33 determine conditions for the interim permit.

34 **Sec. 4.** RCW 18.35.080 and 1996 c 200 s 9 and 1996 c 191 s 20 are
35 each reenacted and amended to read as follows:

36 (1) The department shall license or certify each qualified
37 applicant who satisfactorily completes the required examinations for
38 his or her profession and complies with administrative procedures and

1 administrative requirements established pursuant to RCW 43.70.250 and
2 43.70.280.

3 (2) The board shall waive the examination and grant a speech-
4 language pathology certificate to a person engaged in the profession of
5 speech-language pathology in this state on June 6, 1996, if the board
6 determines that the person meets commonly accepted standards for the
7 profession, as defined by rules adopted by the board. Persons eligible
8 for certification under this subsection must apply for a certificate
9 before July 1, 1997.

10 (3) The board shall waive the examinations and grant an audiology
11 certificate to a person engaged in the profession of audiology in this
12 state on June 6, 1996, if the board determines that the person meets
13 the commonly accepted standards for the profession and has passed the
14 hearing instrument fitter/dispenser examination. Persons eligible for
15 certification under this subsection must apply for a certificate before
16 July 1, 1997.

17 (4) The board shall grant an audiology certificate to a person
18 engaged in the profession of audiology, who has not been licensed as a
19 hearing (~~aid~~ ~~{instrument}~~) instrument fitter/dispenser, but who meets
20 the commonly accepted standards for the profession of audiology and
21 graduated from a board-approved program after January 1, 1993, and has
22 passed sections of the examination pertaining to RCW 18.35.070 (3),
23 (4), and (5). Persons eligible for certification under this subsection
24 must apply for a certificate before July 1, 1997.

25 (5) Persons engaged in the profession of audiology who meet the
26 commonly accepted standards for the profession of audiology and
27 graduated from a board-approved program prior to January 1, 1993, and
28 who have not passed the hearing instrument fitter/dispenser examination
29 shall be granted a temporary audiology certificate (nondispensing) for
30 a period of two years from June 6, 1996, during which time they must
31 pass sections of the hearing instrument fitter/dispenser examination
32 pertaining to RCW 18.35.070 (1)(c), (2)(e) and (f), (3), (4), and (5).
33 The board may extend the term of the temporary certificate upon review.
34 Persons eligible for certification under this subsection must apply for
35 a certificate before July 1, 1997.

36 **Sec. 5.** RCW 18.35.090 and 1996 c 200 s 11 and 1996 c 191 s 21 are
37 each reenacted to read as follows:

1 Each person who engages in practice under this chapter shall comply
2 with administrative procedures and administrative requirements
3 established under RCW 43.70.250 and 43.70.280 and shall keep the
4 license, certificate, or permit conspicuously posted in the place of
5 business at all times. The secretary may establish mandatory
6 continuing education requirements and/or continued competency standards
7 to be met by licensees or certificate or permit holders as a condition
8 for license, certificate, or permit renewal.

9 **Sec. 6.** RCW 18.88A.230 and 1995 1st sp.s. c 18 s 48 are each
10 amended to read as follows:

11 (1) The nurse and nursing assistant shall be accountable for their
12 own individual actions in the delegation process. Nurses acting within
13 the protocols of their delegation authority shall be immune from
14 liability for any action performed in the course of their delegation
15 duties. Nursing assistants following written delegation instructions
16 from registered nurses performed in the course of their accurately
17 written, delegated duties shall be immune from liability.

18 (2) No person may coerce a nurse into compromising patient safety
19 by requiring the nurse to delegate if the nurse determines it is
20 inappropriate to do so. Nurses shall not be subject to any employer
21 reprisal or disciplinary action by the Washington nursing care quality
22 assurance commission for refusing to delegate tasks or refusing to
23 provide the required training for delegation if the nurse determines
24 delegation may compromise patient safety. Nursing assistants shall not
25 be subject to any employer reprisal or disciplinary action by the
26 nursing care quality assurance commission for refusing to accept
27 delegation of a nursing task based on patient safety issues. No
28 community residential program, adult family home, or boarding home
29 contracting to provide assisted-living services may discriminate or
30 retaliate in any manner against a person because the person made a
31 complaint or cooperated in the investigation of a complaint.

32 (3) The department of social and health services shall impose a
33 civil fine of not less than two hundred fifty dollars nor more than one
34 thousand dollars on a community residential program, adult family home,
35 or boarding home under chapter 18, Laws of 1995 1st sp. sess. that
36 knowingly permits an employee to perform a nursing task except as
37 delegated by a nurse pursuant to chapter 18, Laws of 1995 1st sp. sess.

1 **Sec. 7.** 1995 1st sp.s. c 18 s 53 (uncodified) is amended to read
2 as follows:

3 The secretary of health in consultation with the Washington nursing
4 care quality assurance commission and the department of social and
5 health services shall monitor the implementation of sections 45 through
6 54 of this act and shall make an interim report by December 31, 1996,
7 and a final report by December 31, (~~1997~~) 1998, to the legislature
8 with any recommendations for improvements. As part of the monitoring
9 process, the secretary of health and the secretary of social and health
10 services, in consultation with the University of Washington school of
11 nursing, shall conduct a study to be completed by September 30,
12 (~~1997~~) 1998, which shall be a part of the final report to be
13 submitted to the legislature by December 31, (~~1997~~) 1998. The study
14 shall include consideration of the protection of health and safety of
15 persons with developmental disabilities and residents of adult family
16 homes and boarding homes providing assisted living services, including
17 the appropriateness of the tasks allowed for delegation, level and type
18 of training and regulation of nursing assistants. The report shall
19 include direct observation, documentation, and interviews, and shall
20 specifically include data on the following:

- 21 (1) Patient, nurse, and nursing assistant satisfaction;
- 22 (2) Medication errors, including those resulting in
23 hospitalization;
- 24 (3) Compliance with required training;
- 25 (4) Compliance with nurse delegation protocols;
- 26 (5) Incidence of harm to patients, including abuse and neglect;
- 27 (6) Impact on access to care;
- 28 (7) Impact on patient quality of life; and
- 29 (8) Incidence of coercion in the nurse-delegation process.

30 **Sec. 8.** RCW 18.74.010 and 1991 c 12 s 1 are each amended to read
31 as follows:

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

34 (1) "Board" means the board of physical therapy created by RCW
35 18.74.020.

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

37 (3) "Physical therapy" means the treatment of any bodily or mental
38 condition of any person by the use of the physical, chemical, and other

1 properties of heat, cold, air, light, water, electricity, sound,
2 massage, and therapeutic exercise, which includes posture and
3 rehabilitation procedures; the performance of tests and measurements of
4 neuromuscular function as an aid to the diagnosis or treatment of any
5 human condition; performance of treatments on the basis of test
6 findings after consultation with and periodic review by an authorized
7 health care practitioner except as provided in RCW 18.74.012;
8 supervision of selective forms of treatment by trained supportive
9 personnel; and provision of consultative services for health,
10 education, and community agencies. The use of Roentgen rays and radium
11 for diagnostic and therapeutic purposes, the use of electricity for
12 surgical purposes, including cauterization, and the use of spinal
13 manipulation or manipulative mobilization of the spine and its
14 immediate articulations, are not included under the term "physical
15 therapy" as used in this chapter.

16 (4) "Physical therapist" means a person who practices physical
17 therapy as defined in this chapter but does not include massage
18 operators as defined in RCW 18.108.010.

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

20 (6) Words importing the masculine gender may be applied to females.

21 (7) "Authorized health care practitioner" means and includes
22 licensed physicians, osteopathic physicians, chiropractors,
23 naturopaths, ~~((podiatrists, and))~~ podiatric physicians and surgeons,
24 dentists, and advanced registered nurse practitioners: PROVIDED,
25 HOWEVER, That nothing herein shall be construed as altering the scope
26 of practice of such practitioners as defined in their respective
27 licensure laws."

28 Correct the title.

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