
SUBSTITUTE HOUSE BILL 1503

State of Washington 55th Legislature 1997 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Backlund, Cody, Anderson and Mason)

Read first time 03/05/97.

1 AN ACT Relating to making technical corrections to statutes
2 administered by the department of health; amending RCW 18.88A.230;
3 amending 1995 1st sp.s. c 18 s 53 (uncodified); reenacting and amending
4 RCW 18.71.210, 18.130.040, and 18.35.080; and reenacting RCW 18.35.060
5 and 18.35.090.

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

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;

- 1 (2) The medical program director;
- 2 (3) The supervising physician(s);
- 3 (4) Any hospital, the officers, members of the staff, nurses, or
- 4 other employees of a hospital;
- 5 (5) Any training agency or training physician(s);
- 6 (6) Any licensed ambulance service; or
- 7 (7) Any federal, state, county, city or other local governmental
- 8 unit or employees of such a governmental unit.

9 This section shall apply to an act or omission committed or omitted
10 in the performance of the actual emergency medical procedures and not
11 in the commission or omission of an act which is not within the field
12 of medical expertise of the physician's trained emergency medical
13 service intermediate life support technician and paramedic, emergency
14 medical technician, or first responder, as the case may be.

15 This section shall apply also, as to the entities and personnel
16 described in subsections (1) through (7) of this section, to any act or
17 omission committed or omitted in good faith by such entities or
18 personnel in rendering services at the request of an approved medical
19 program director in the training of emergency medical service
20 (~~medical~~) personnel for certification or recertification pursuant to
21 this chapter.

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

24 **Sec. 2.** RCW 18.130.040 and 1996 c 200 s 32 and 1996 c 81 s 5 are
25 each reenacted and amended to read as follows:

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

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

- 33 (i) Dispensing opticians licensed under chapter 18.34 RCW;
- 34 (ii) Naturopaths licensed under chapter 18.36A RCW;
- 35 (iii) Midwives licensed under chapter 18.50 RCW;
- 36 (iv) Ocularists licensed under chapter 18.55 RCW;
- 37 (v) Massage operators and businesses licensed under chapter 18.108
- 38 RCW;

1 (vi) Dental hygienists licensed under chapter 18.29 RCW;
2 (vii) Acupuncturists licensed under chapter 18.06 RCW;
3 (viii) Radiologic technologists certified and X-ray technicians
4 registered under chapter 18.84 RCW;
5 (ix) Respiratory care practitioners certified under chapter 18.89
6 RCW;
7 (x) Persons registered or certified under chapter 18.19 RCW;
8 (xi) Persons registered as nursing pool operators under chapter
9 18.52C RCW;
10 (xii) Nursing assistants registered or certified under chapter
11 (~~18.79~~) 18.88A RCW;
12 (xiii) Health care assistants certified under chapter 18.135 RCW;
13 (xiv) Dietitians and nutritionists certified under chapter 18.138
14 RCW;
15 (xv) Sex offender treatment providers certified under chapter
16 18.155 RCW;
17 (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW
18 18.71.205;
19 (xvii) Persons registered as adult family home providers and
20 resident managers under RCW 18.48.020; and
21 (xviii) Denturists licensed under chapter 18.30 RCW.
22 (b) The boards and commissions having authority under this chapter
23 are as follows:
24 (i) The podiatric medical board as established in chapter 18.22
25 RCW;
26 (ii) The chiropractic quality assurance commission as established
27 in chapter 18.25 RCW;
28 (iii) The dental quality assurance commission as established in
29 chapter 18.32 RCW;
30 (iv) The board of hearing and speech as established in chapter
31 18.35 RCW;
32 (v) The board of examiners for nursing home administrators as
33 established in chapter 18.52 RCW;
34 (vi) The optometry board as established in chapter 18.54 RCW
35 governing licenses issued under chapter 18.53 RCW;
36 (vii) The board of osteopathic medicine and surgery as established
37 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
38 18.57A RCW;

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

3 (ix) The medical quality assurance commission as established in
4 chapter 18.71 RCW governing licenses and registrations issued under
5 chapters 18.71 and 18.71A RCW;

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

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

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

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

14 (xiv) The veterinary board of governors as established in chapter
15 18.92 RCW.

16 (3) In addition to the authority to discipline license holders, the
17 disciplining authority has the authority to grant or deny licenses
18 based on the conditions and criteria established in this chapter and
19 the chapters specified in subsection (2) of this section. This chapter
20 also governs any investigation, hearing, or proceeding relating to
21 denial of licensure or issuance of a license conditioned on the
22 applicant's compliance with an order entered pursuant to RCW 18.130.160
23 by the disciplining authority.

24 (4) All disciplining authorities shall adopt procedures to ensure
25 substantially consistent application of this chapter, the Uniform
26 Disciplinary Act, among the disciplining authorities listed in
27 subsection (2) of this section.

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

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

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

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

1 (c) Has complied with administrative procedures, administrative
2 requirements, and fees determined as provided in RCW 43.70.250 and
3 43.70.280;

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

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

7 The provisions of RCW 18.35.030, 18.35.110, and 18.35.120 shall
8 apply to any person issued a hearing instrument fitter/dispenser
9 permit. Pursuant to the provisions of this section, a person issued a
10 hearing instrument fitter/dispenser permit may engage in the fitting
11 and dispensing of hearing instruments without having first passed the
12 hearing instrument fitter/dispenser examination provided under this
13 chapter.

14 (2) The hearing instrument fitter/dispenser permit shall contain
15 the names of the employer and the licensed or certified supervisor
16 under this chapter who are employing and supervising the hearing
17 instrument fitter/dispenser permit holder and those persons shall
18 execute an acknowledgment of responsibility for all acts of the hearing
19 instrument fitter/dispenser permit holder in connection with the
20 fitting and dispensing of hearing instruments.

21 (3) A hearing instrument fitter/dispenser permit holder may fit and
22 dispense hearing instruments, but only if the hearing instrument
23 fitter/dispenser permit holder is under the direct supervision of a
24 licensed hearing instrument fitter/dispenser or certified audiologist
25 under this chapter in a capacity other than as a hearing instrument
26 fitter/dispenser permit holder. Direct supervision by a licensed
27 hearing instrument fitter/dispenser or certified audiologist shall be
28 required whenever the hearing instrument fitter/dispenser permit holder
29 is engaged in the fitting or dispensing of hearing instruments during
30 the hearing instrument fitter/dispenser permit holder's employment.
31 The board shall develop and adopt guidelines on any additional
32 supervision or training it deems necessary.

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

38 (5) No certified audiologist or licensed hearing instrument fitter/
39 dispenser under this chapter may assume the responsibility for more

1 than one hearing instrument fitter/dispenser permit holder at any one
2 time.

3 (6) The department, upon approval by the board, shall issue an
4 interim permit authorizing an applicant for speech-language pathologist
5 certification or audiologist certification who, except for the
6 postgraduate professional experience and the examination requirements,
7 meets the academic and practicum requirements of RCW 18.35.040 to
8 practice under interim permit supervision by a certified speech-
9 language pathologist or certified audiologist. The interim permit is
10 valid for a period of one year from date of issuance. The board shall
11 determine conditions for the interim permit.

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

14 (1) The department shall license or certify each qualified
15 applicant who satisfactorily completes the required examinations for
16 his or her profession and complies with administrative procedures and
17 administrative requirements established pursuant to RCW 43.70.250 and
18 43.70.280.

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

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

33 (4) The board shall grant an audiology certificate to a person
34 engaged in the profession of audiology, who has not been licensed as a
35 hearing (~~aid~~ ~~instrument~~) instrument fitter/dispenser, but who meets
36 the commonly accepted standards for the profession of audiology and
37 graduated from a board-approved program after January 1, 1993, and has
38 passed sections of the examination pertaining to RCW 18.35.070 (3),

1 (4), and (5). Persons eligible for certification under this subsection
2 must apply for a certificate before July 1, 1997.

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

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

16 Each person who engages in practice under this chapter shall comply
17 with administrative procedures and administrative requirements
18 established under RCW 43.70.250 and 43.70.280 and shall keep the
19 license, certificate, or permit conspicuously posted in the place of
20 business at all times. The secretary may establish mandatory
21 continuing education requirements and/or continued competency standards
22 to be met by licensees or certificate or permit holders as a condition
23 for license, certificate, or permit renewal.

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

26 (1) The nurse and nursing assistant shall be accountable for their
27 own individual actions in the delegation process. Nurses acting within
28 the protocols of their delegation authority shall be immune from
29 liability for any action performed in the course of their delegation
30 duties. Nursing assistants following written delegation instructions
31 from registered nurses performed in the course of their accurately
32 written, delegated duties shall be immune from liability.

33 (2) No person may coerce a nurse into compromising patient safety
34 by requiring the nurse to delegate if the nurse determines it is
35 inappropriate to do so. Nurses shall not be subject to any employer
36 reprisal or disciplinary action by the Washington nursing care quality
37 assurance commission for refusing to delegate tasks or refusing to

1 provide the required training for delegation if the nurse determines
2 delegation may compromise patient safety. Nursing assistants shall not
3 be subject to any employer reprisal or disciplinary action by the
4 nursing care quality assurance commission for refusing to accept
5 delegation of a nursing task based on patient safety issues. No
6 community residential program, adult family home, or boarding home
7 contracting to provide assisted-living services may discriminate or
8 retaliate in any manner against a person because the person made a
9 complaint or cooperated in the investigation of a complaint.

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

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

18 The secretary of health in consultation with the Washington nursing
19 care quality assurance commission and the department of social and
20 health services shall monitor the implementation of sections 45 through
21 54 of this act and shall make an interim report by December 31, 1996,
22 and a final report by December 31, (~~1997~~) 1998, to the legislature
23 with any recommendations for improvements. As part of the monitoring
24 process, the secretary of health and the secretary of social and health
25 services, in consultation with the University of Washington school of
26 nursing, shall conduct a study to be completed by September 30,
27 (~~1997~~) 1998, which shall be a part of the final report to be
28 submitted to the legislature by December 31, (~~1997~~) 1998. The study
29 shall include consideration of the protection of health and safety of
30 persons with developmental disabilities and residents of adult family
31 homes and boarding homes providing assisted living services, including
32 the appropriateness of the tasks allowed for delegation, level and type
33 of training and regulation of nursing assistants. The report shall
34 include direct observation, documentation, and interviews, and shall
35 specifically include data on the following:

- 36 (1) Patient, nurse, and nursing assistant satisfaction;
37 (2) Medication errors, including those resulting in
38 hospitalization;

- 1 (3) Compliance with required training;
- 2 (4) Compliance with nurse delegation protocols;
- 3 (5) Incidence of harm to patients, including abuse and neglect;
- 4 (6) Impact on access to care;
- 5 (7) Impact on patient quality of life; and
- 6 (8) Incidence of coercion in the nurse-delegation process.

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