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**SUBSTITUTE HOUSE BILL 2462**

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**State of Washington                      55th Legislature                      1998 Regular Session**

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

Read first time . Referred to Committee on .

1            AN ACT Relating to the registration of surgical technologists;  
2 reenacting and amending RCW 18.130.040; adding a new chapter to Title  
3 18 RCW; and providing an effective date.

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

5            NEW SECTION.    **Sec. 1.**    Surgical technology serves surgeons with  
6 certain skills and aseptic techniques in surgical settings. The  
7 inherent nature of surgery presents a risk of harm justifying the need  
8 for regulation under the uniform disciplinary act. The registration of  
9 surgical technologists is necessary for the protection of the public  
10 health and safety.

11           NEW SECTION.    **Sec. 2.**    The definitions in this section apply  
12 throughout this chapter unless the context clearly requires otherwise.

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

14           (2) "Secretary" means the secretary of health or the secretary's  
15 designee.

16           (3) "Surgical technologist" means a person registered under this  
17 chapter to practice surgical technology under the supervision and

1 delegation of a physician, osteopathic physician, podiatric physician,  
2 nurse, or physician assistant licensed under the laws of this state.

3 (4) "Surgical technology" means activities and behaviors commonly  
4 associated with second assisting/scrub as determined by the secretary  
5 by rule, in consultation with the medical quality assurance commission,  
6 the nursing care quality assurance commission, and the board of  
7 osteopathic medicine and surgery.

8 NEW SECTION. **Sec. 3.** No person may practice or represent oneself  
9 as a surgical technologist by use of any title or description of  
10 services without being registered to practice by the department under  
11 the provisions of this chapter, unless otherwise exempted.

12 NEW SECTION. **Sec. 4.** Nothing in this chapter shall be construed  
13 to prohibit or restrict:

14 (1) The practice of surgical technology by an individual licensed,  
15 certified, or registered under the laws of this state performing  
16 services within the scope of his or her authorized scope of practice;

17 (2) The practice of surgical technology by an individual employed  
18 by the government of the United States while engaged in the performance  
19 of duties prescribed by the laws of the United States;

20 (3) The practice of surgical technology by a person who is a  
21 regular student in an educational program approved by the secretary,  
22 and whose performance of services is pursuant to a regular course of  
23 instruction or assignments from an instructor and under the general  
24 supervision of the instructor.

25 NEW SECTION. **Sec. 5.** In addition to any other authority provided  
26 by law, the secretary has the authority to:

27 (1) Adopt rules under chapter 34.05 RCW necessary to implement this  
28 chapter;

29 (2) Establish all registration and renewal fees in accordance with  
30 RCW 43.70.250;

31 (3) Establish forms and procedures necessary to administer this  
32 chapter;

33 (4) Register an applicant or to deny registration based upon  
34 unprofessional conduct or impairment governed by the uniform  
35 disciplinary act, chapter 18.130 RCW;

1 (5) Hire clerical, administrative, investigative, and other staff  
2 as needed to implement this chapter; and

3 (6) Maintain the official department record of all applicants and  
4 licensees.

5 NEW SECTION. **Sec. 6.** An applicant shall identify the name and  
6 address of the applicant and other information required by the  
7 secretary necessary to establish whether there are grounds for denial  
8 of a registration or conditional registration under chapter 18.130 RCW.

9 NEW SECTION. **Sec. 7.** The secretary shall register an applicant on  
10 forms provided by the secretary. Each applicant shall pay a fee  
11 determined by the secretary under RCW 43.70.250. The fee shall  
12 accompany the application.

13 NEW SECTION. **Sec. 8.** The secretary shall establish by rule the  
14 procedural requirements and fees for renewal of registration. Failure  
15 to renew shall invalidate the registration and all privileges granted  
16 by the registration.

17 NEW SECTION. **Sec. 9.** The uniform disciplinary act, chapter 18.130  
18 RCW, shall govern the issuance and denial of registration, unauthorized  
19 practice, and the discipline of persons registered under this chapter.  
20 The secretary shall be the disciplining authority under this chapter.

21 **Sec. 10.** RCW 18.130.040 and 1997 c 392 s 516, 1997 c 334 s 14,  
22 1997 c 285 s 13, and 1997 c 275 s 2 are each reenacted and amended to  
23 read as follows:

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

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

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

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

33 (iii) Midwives licensed under chapter 18.50 RCW;

34 (iv) Ocularists licensed under chapter 18.55 RCW;

1 (v) Massage operators and businesses licensed under chapter 18.108  
2 RCW;

3 (vi) Dental hygienists licensed under chapter 18.29 RCW;

4 (vii) Acupuncturists licensed under chapter 18.06 RCW;

5 (viii) Radiologic technologists certified and X-ray technicians  
6 registered under chapter 18.84 RCW;

7 (ix) Respiratory care practitioners licensed under chapter 18.89  
8 RCW;

9 (x) Persons registered or certified under chapter 18.19 RCW;

10 (xi) Persons registered as nursing pool operators under chapter  
11 18.52C RCW;

12 (xii) Nursing assistants registered or certified under chapter  
13 18.88A RCW;

14 (xiii) Health care assistants certified under chapter 18.135 RCW;

15 (xiv) Dietitians and nutritionists certified under chapter 18.138  
16 RCW;

17 (xv) Sex offender treatment providers certified under chapter  
18 18.155 RCW;

19 (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW  
20 18.71.205;

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

23 (xviii) Denturists licensed under chapter 18.30 RCW; ((and))

24 (xix) Orthotists and prosthetists licensed under chapter 18.200  
25 RCW; and

26 (xx) Surgical technologists registered under chapter 18.--- RCW  
27 (sections 1 through 9 of this act).

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

30 (i) The podiatric medical board as established in chapter 18.22  
31 RCW;

32 (ii) The chiropractic quality assurance commission as established  
33 in chapter 18.25 RCW;

34 (iii) The dental quality assurance commission as established in  
35 chapter 18.32 RCW;

36 (iv) The board of hearing and speech as established in chapter  
37 18.35 RCW;

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

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

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

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

8 (ix) The medical quality assurance commission as established in  
9 chapter 18.71 RCW governing licenses and registrations issued under  
10 chapters 18.71 and 18.71A RCW;

11 (x) The board of physical therapy as established in chapter 18.74  
12 RCW;

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

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

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

19 (xiv) The veterinary board of governors as established in chapter  
20 18.92 RCW.

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

29 (4) All disciplining authorities shall adopt procedures to ensure  
30 substantially consistent application of this chapter, the Uniform  
31 Disciplinary Act, among the disciplining authorities listed in  
32 subsection (2) of this section.

33 NEW SECTION. **Sec. 11.** Sections 1 through 9 of this act constitute  
34 a new chapter in Title 18 RCW.

35 NEW SECTION. **Sec. 12.** This act takes effect July 1, 1998.

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