
SENATE BILL 5445

State of Washington

55th Legislature

1997 Regular Session

By Senators Deccio, Wojahn, Wood, Fairley and Winsley

Read first time 01/27/97. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to making technical corrections to statutes
2 administered by the department of health; reenacting and amending RCW
3 18.71.210, 18.130.040, and 18.35.080; and reenacting RCW 18.35.060 and
4 18.35.090.

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

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

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

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

19 (2) The medical program director;

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

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

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

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

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

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

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

- 32 (i) Dispensing opticians licensed under chapter 18.34 RCW;
- 33 (ii) Naturopaths licensed under chapter 18.36A RCW;
- 34 (iii) Midwives licensed under chapter 18.50 RCW;
- 35 (iv) Ocularists licensed under chapter 18.55 RCW;
- 36 (v) Massage operators and businesses licensed under chapter 18.108
- 37 RCW;
- 38 (vi) Dental hygienists licensed under chapter 18.29 RCW;

1 (vii) Acupuncturists licensed under chapter 18.06 RCW;
2 (viii) Radiologic technologists certified and X-ray technicians
3 registered under chapter 18.84 RCW;
4 (ix) Respiratory care practitioners certified under chapter 18.89
5 RCW;
6 (x) Persons registered or certified under chapter 18.19 RCW;
7 (xi) Persons registered as nursing pool operators under chapter
8 18.52C RCW;
9 (xii) Nursing assistants registered or certified under chapter
10 ((~~18.79~~)) 18.88A RCW;
11 (xiii) Health care assistants certified under chapter 18.135 RCW;
12 (xiv) Dietitians and nutritionists certified under chapter 18.138
13 RCW;
14 (xv) Sex offender treatment providers certified under chapter
15 18.155 RCW;
16 (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW
17 18.71.205;
18 (xvii) Persons registered as adult family home providers and
19 resident managers under RCW 18.48.020; and
20 (xviii) Denturists licensed under chapter 18.30 RCW.
21 (b) The boards and commissions having authority under this chapter
22 are as follows:
23 (i) The podiatric medical board as established in chapter 18.22
24 RCW;
25 (ii) The chiropractic quality assurance commission as established
26 in chapter 18.25 RCW;
27 (iii) The dental quality assurance commission as established in
28 chapter 18.32 RCW;
29 (iv) The board of hearing and speech as established in chapter
30 18.35 RCW;
31 (v) The board of examiners for nursing home administrators as
32 established in chapter 18.52 RCW;
33 (vi) The optometry board as established in chapter 18.54 RCW
34 governing licenses issued under chapter 18.53 RCW;
35 (vii) The board of osteopathic medicine and surgery as established
36 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
37 18.57A RCW;
38 (viii) The board of pharmacy as established in chapter 18.64 RCW
39 governing licenses issued under chapters 18.64 and 18.64A RCW;

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

4 (x) The board of physical therapy as established in chapter 18.74
5 RCW;

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

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

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

12 (xiv) The veterinary board of governors as established in chapter
13 18.92 RCW.

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

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

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

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

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

32 (b) If issued a hearing instrument fitter/dispenser permit, would
33 be employed and directly supervised in the fitting and dispensing of
34 hearing instruments by a person licensed or certified in good standing
35 as a hearing instrument fitter/dispenser or audiologist for at least
36 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.

35 (5) No certified audiologist or licensed hearing instrument fitter/
36 dispenser under this chapter may assume the responsibility for more
37 than one hearing instrument fitter/dispenser permit holder at any one
38 time.

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

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

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

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

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

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

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

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

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

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