
SENATE BILL 6221

State of Washington

56th Legislature

2000 Regular Session

By Senators Thibaudeau and Deccio; by request of Department of Health

Read first time 01/11/2000. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to making technical changes, wording updates, and
2 other corrections to department of health statutes covering health
3 professions and facilities; amending RCW 18.35.240, 18.35.240,
4 18.35.250, 18.35.250, 18.48.020, 18.52.030, 18.83.135, 18.92.013,
5 18.92.015, 18.92.030, 18.92.060, 18.92.125, 18.92.140, 18.92.145,
6 18.120.020, 18.73.030, 18.73.101, 18.73.130, 18.73.140, 70.168.020,
7 71.12.455, 71.12.460, 71.12.470, 71.12.480, 71.12.510, 71.12.520,
8 18.46.005, 18.46.010, 18.46.020, 18.46.040, 18.46.060, 18.46.070,
9 18.46.080, 18.46.090, 18.46.110, 18.46.120, 18.46.130, and 18.46.140;
10 reenacting and amending RCW 71.12.500; adding a new section to chapter
11 71.12 RCW; repealing RCW 18.48.040, 18.57A.070, 18.83.910, and
12 18.83.911; providing an effective date; and providing an expiration
13 date.

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

15 **Sec. 1.** RCW 18.35.240 and 1996 c 200 s 30 are each amended to read
16 as follows:

17 (1) Every (~~establishment~~) individual engaged in the fitting and
18 dispensing of hearing instruments shall (~~file with the department~~) be
19 covered by a surety bond (~~in the sum~~) of ten thousand dollars(~~(~~

1 ~~running to the state of Washington))~~ or more, for the benefit of any
2 person injured or damaged as a result of any violation by the
3 ~~((establishment's))~~ licensee, certificate or permit holder, or their
4 employees or agents of any of the provisions of this chapter or rules
5 adopted by the secretary.

6 (2) In lieu of the surety bond required by this section, the
7 ~~((establishment may file with the department a cash))~~ licensee or
8 certificate or permit holder may deposit cash or other negotiable
9 security ~~((acceptable to the department))~~ in a banking institution as
10 defined in chapter 30.04 RCW or a credit union as defined in chapter
11 31.12 RCW. All obligations and remedies relating to surety bonds shall
12 apply to deposits and security filed in lieu of surety bonds.

13 (3) If a cash deposit or other negotiable security is filed, ~~((the~~
14 ~~department shall deposit the funds. The cash or other negotiable~~
15 ~~security deposited with the department shall be returned to the~~
16 ~~depositor))~~ the licensee or certificate or permit holder shall maintain
17 such cash or other negotiable security for one year after ~~((the~~
18 ~~establishment has discontinued))~~ discontinuing the fitting and
19 dispensing of hearing instruments ~~((if no legal action has been~~
20 ~~instituted against the establishment, its agents or employees, or the~~
21 ~~cash deposit or other security. The establishment owners shall notify~~
22 ~~the department if the establishment is sold, changes names, or has~~
23 ~~discontinued the fitting and dispensing of hearing instruments in order~~
24 ~~that the cash deposit or other security may be released at the end of~~
25 ~~one year from that date.~~

26 (4) A surety may file with the department notice of withdrawal of
27 the bond of the establishment. Upon filing a new bond, or upon the
28 expiration of sixty days after the filing of notice of withdrawal by
29 the surety, the liability of the former surety for all future acts of
30 the establishment terminates.

31 (5) Upon the filing with the department notice by a surety of
32 withdrawal of the surety on the bond of an establishment or upon the
33 cancellation by the department of the bond of a surety under this
34 section, the department shall immediately give notice to the
35 establishment by certified or registered mail with return receipt
36 requested addressed to the establishment's last place of business as
37 filed with the department.

1 ~~(6) The department shall immediately cancel the bond given by a~~
2 ~~surety company upon being advised that the surety company's license to~~
3 ~~transact business in this state has been revoked)).~~

4 ~~((7))~~ (4) Each invoice for the purchase of a hearing instrument
5 provided to a customer must clearly display on the first page the bond
6 number ~~((of the establishment or))~~ covering the licensee or certificate
7 or permit holder responsible for fitting/dispensing the hearing
8 instrument.

9 (5) All licensed hearing instrument fitter/dispensers, certified
10 audiologists, and permit holders must verify compliance with the
11 requirement to hold a surety bond or cash or other negotiable security
12 by submitting a signed declaration of compliance upon annual renewal of
13 their license, certificate, or permit. Up to twenty-five percent of
14 the credential holders may be randomly audited for surety bond
15 compliance after the credential is renewed. It is the credential
16 holder's responsibility to submit a copy of the original surety bond or
17 bonds, or documentation that cash or other negotiable security is held
18 in a banking institution during the time period being audited. Failure
19 to comply with the audit documentation request or failure to supply
20 acceptable documentation within thirty days may result in disciplinary
21 action.

22 **Sec. 2.** RCW 18.35.240 and 1998 c 142 s 18 are each amended to read
23 as follows:

24 (1) Every ~~((establishment))~~ individual engaged in the fitting and
25 dispensing of hearing instruments shall ~~((file with the department))~~ be
26 covered by a surety bond ~~((in the sum))~~ of ten thousand dollars~~((7~~
27 ~~running to the state of Washington))~~ or more, for the benefit of any
28 person injured or damaged as a result of any violation by the
29 ~~((establishment's))~~ licensee, certificate or permit holder, or their
30 employees or agents of any of the provisions of this chapter or rules
31 adopted by the secretary.

32 (2) In lieu of the surety bond required by this section, the
33 ~~((establishment may file with the department a cash))~~ licensee or
34 certificate or permit holder may deposit cash or other negotiable
35 security ~~((acceptable to the department))~~ in a banking institution as
36 defined in chapter 30.04 RCW or a credit union as defined in chapter
37 31.12 RCW. All obligations and remedies relating to surety bonds shall
38 apply to deposits and security filed in lieu of surety bonds.

1 (3) If a cash deposit or other negotiable security is filed, ((the
2 department shall deposit the funds. The cash or other negotiable
3 security deposited with the department shall be returned to the
4 depositor)) the licensee or certificate or permit holder shall maintain
5 such cash or other negotiable security for one year after ((the
6 establishment has discontinued)) discontinuing the fitting and
7 dispensing of hearing instruments ((if no legal action has been
8 instituted against the establishment, its agents or employees, or the
9 cash deposit or other security. The establishment owners shall notify
10 the department if the establishment is sold, changes names, or has
11 discontinued the fitting and dispensing of hearing instruments in order
12 that the cash deposit or other security may be released at the end of
13 one year from that date.

14 (4) A surety may file with the department notice of withdrawal of
15 the bond of the establishment. Upon filing a new bond, or upon the
16 expiration of sixty days after the filing of notice of withdrawal by
17 the surety, the liability of the former surety for all future acts of
18 the establishment terminates.

19 (5) Upon the filing with the department notice by a surety of
20 withdrawal of the surety on the bond of an establishment or upon the
21 cancellation by the department of the bond of a surety under this
22 section, the department shall immediately give notice to the
23 establishment by certified or registered mail with return receipt
24 requested addressed to the establishment's last place of business as
25 filed with the department.

26 (6) The department shall immediately cancel the bond given by a
27 surety company upon being advised that the surety company's license to
28 transact business in this state has been revoked)).

29 ((~~(7)~~)) (4) Each invoice for the purchase of a hearing instrument
30 provided to a customer must clearly display on the first page the bond
31 number ((of the establishment or)) covering the licensee or certificate
32 or interim permit holder responsible for fitting/dispensing the hearing
33 instrument.

34 (5) All licensed hearing instrument fitter/dispensers, certified
35 audiologists, and permit holders must verify compliance with the
36 requirement to hold a surety bond or cash or other negotiable security
37 by submitting a signed declaration of compliance upon annual renewal of
38 their license, certificate, or permit. Up to twenty-five percent of
39 the credential holders may be randomly audited for surety bond

1 compliance after the credential is renewed. It is the credential
2 holder's responsibility to submit a copy of the original surety bond or
3 bonds, or documentation that cash or other negotiable security is held
4 in a banking institution during the time period being audited. Failure
5 to comply with the audit documentation request or failure to supply
6 acceptable documentation within thirty days may result in disciplinary
7 action.

8 **Sec. 3.** RCW 18.35.250 and 1996 c 200 s 31 are each amended to read
9 as follows:

10 (1) In addition to any other legal remedies, an action may be
11 brought in any court of competent jurisdiction upon the bond, cash
12 deposit, or security in lieu of a surety bond required by this chapter,
13 by any person having a claim against a licensee or certificate or
14 permit holder, agent, or ~~((establishment))~~ employee for any violation
15 of this chapter or any rule adopted under this chapter. The aggregate
16 liability of the surety, cash deposit, or other negotiable security to
17 all claimants shall in no event exceed the sum of the bond. Claims
18 shall be satisfied in the order of judgment rendered.

19 (2) An action upon the bond, cash deposit, or other negotiable
20 security shall be commenced by serving and filing ~~((the))~~ a complaint
21 ~~((within one year from the date of the cancellation of the bond. An~~
22 ~~action upon a cash deposit or other security shall be commenced by~~
23 ~~serving and filing the complaint within one year from the date of~~
24 ~~notification to the department of the change in ownership of the~~
25 ~~establishment or the discontinuation of the fitting and dispensing of~~
26 ~~hearing instruments by that establishment. Two copies of the complaint~~
27 ~~shall be served by registered or certified mail, return receipt~~
28 ~~requested, upon the department at the time the suit is started. The~~
29 ~~service constitutes service on the surety. The secretary shall~~
30 ~~transmit one copy of the complaint to the surety within five business~~
31 ~~days after the copy has been received.~~

32 ~~(3) The secretary shall maintain a record, available for public~~
33 ~~inspection, of all suits commenced under this chapter under surety~~
34 ~~bonds, or the cash or other security deposited in lieu of the surety~~
35 ~~bond. In the event that any final judgment impairs the liability of~~
36 ~~the surety upon a bond so furnished or the amount of the deposit so~~
37 ~~that there is not in effect a bond undertaking or deposit in the full~~
38 ~~amount prescribed in this section, the department shall suspend the~~

1 ~~license or certificate until the bond undertaking or deposit in the~~
2 ~~required amount, unimpaired by unsatisfied judgment claims, has been~~
3 ~~furnished.~~

4 ~~(4) If a judgment is entered against the deposit or security~~
5 ~~required under this chapter, the department shall, upon receipt of a~~
6 ~~certified copy of a final judgment, pay the judgment from the amount of~~
7 ~~the deposit or security)).~~

8 **Sec. 4.** RCW 18.35.250 and 1998 c 142 s 19 are each amended to read
9 as follows:

10 (1) In addition to any other legal remedies, an action may be
11 brought in any court of competent jurisdiction upon the bond, cash
12 deposit, or security in lieu of a surety bond required by this chapter,
13 by any person having a claim against a licensee or certificate or
14 interim permit holder, agent, or ((establishment)) employee for any
15 violation of this chapter or any rule adopted under this chapter. The
16 aggregate liability of the surety, cash deposit, or other negotiable
17 security to all claimants shall in no event exceed the sum of the bond.
18 Claims shall be satisfied in the order of judgment rendered.

19 (2) An action upon the bond, cash deposit, or other negotiable
20 security shall be commenced by serving and filing ((the)) a complaint
21 ((within one year from the date of the cancellation of the bond. An
22 action upon a cash deposit or other security shall be commenced by
23 serving and filing the complaint within one year from the date of
24 notification to the department of the change in ownership of the
25 establishment or the discontinuation of the fitting and dispensing of
26 hearing instruments by that establishment. Two copies of the complaint
27 shall be served by registered or certified mail, return receipt
28 requested, upon the department at the time the suit is started. The
29 service constitutes service on the surety. The secretary shall
30 transmit one copy of the complaint to the surety within five business
31 days after the copy has been received.

32 (3) The secretary shall maintain a record, available for public
33 inspection, of all suits commenced under this chapter under surety
34 bonds, or the cash or other security deposited in lieu of the surety
35 bond. In the event that any final judgment impairs the liability of
36 the surety upon a bond so furnished or the amount of the deposit so
37 that there is not in effect a bond undertaking or deposit in the full
38 amount prescribed in this section, the department shall suspend the

1 ~~license or certificate until the bond undertaking or deposit in the~~
2 ~~required amount, unimpaired by unsatisfied judgment claims, has been~~
3 ~~furnished.~~

4 ~~(4) If a judgment is entered against the deposit or security~~
5 ~~required under this chapter, the department shall, upon receipt of a~~
6 ~~certified copy of a final judgment, pay the judgment from the amount of~~
7 ~~the deposit or security)).~~

8 **Sec. 5.** RCW 18.48.020 and 1996 c 81 s 4 are each amended to read
9 as follows:

10 (1) The secretary shall register adult family home providers and
11 resident managers.

12 (2) The secretary, by policy or rule, shall define terms and
13 establish forms and procedures for registration applications, including
14 the payment of registration fees pursuant to RCW 43.70.250. An
15 application for an adult family home resident manager or provider
16 registration shall include at least the following information:

17 (a) Name and address; and

18 (b) If the provider is a corporation, copies of its articles of
19 incorporation and current bylaws, together with the names and addresses
20 of its officers and directors.

21 ~~((3) The secretary shall adopt policies or rules to establish the~~
22 ~~registration periods, fees, and procedures. If the adult family home~~
23 ~~is sold or ownership or management is transferred, the registration~~
24 ~~shall be voided and the provider and resident manager shall apply for~~
25 ~~a new registration.))~~

26 **Sec. 6.** RCW 18.52.030 and 1992 c 53 s 3 are each amended to read
27 as follows:

28 Nursing homes operating within this state shall be under the
29 active, overall administrative charge and supervision of an on-site
30 full-time administrator licensed as provided in this chapter. No
31 person acting in any capacity, unless the holder of a nursing home
32 administrator's license issued under this chapter, shall be charged
33 with the overall responsibility to make decisions or direct actions
34 involved in managing the internal operation of a nursing home, except
35 as specifically delegated in writing by the administrator to identify
36 a responsible person to act on the administrator's behalf when the
37 administrator is absent. The administrator shall review the decisions

1 upon the administrator's return and amend the decisions if necessary.
2 The board shall define by rule the parameters for on-site full-time
3 administrators in nursing homes with small resident populations and
4 nursing homes in rural areas, or separately licensed facilities
5 collocated on the same campus(~~(, as well as provide for the~~
6 ~~administrative requirements for nursing homes that are temporarily~~
7 ~~without administrators)~~).

8 **Sec. 7.** RCW 18.83.135 and 1999 c 66 s 2 are each amended to read
9 as follows:

10 In addition to the authority prescribed under RCW 18.130.050, the
11 board shall have the following authority:

12 (1) To maintain records of all activities, and to publish and
13 distribute to all psychologists at least once each year abstracts of
14 significant activities of the ~~((committee))~~ board;

15 (2) To obtain the written consent of the complaining client or
16 patient or their legal representative, or of any person who may be
17 affected by the complaint, in order to obtain information which
18 otherwise might be confidential or privileged; and

19 (3) To apply the provisions of the uniform disciplinary act,
20 chapter 18.130 RCW, to all persons licensed as psychologists under this
21 chapter.

22 **Sec. 8.** RCW 18.92.013 and 1993 c 78 s 2 are each amended to read
23 as follows:

24 (1) A veterinarian legally prescribing drugs may delegate to a
25 registered veterinary medication clerk or a registered ~~((animal))~~
26 veterinary technician, while under the veterinarian's direct
27 supervision, certain nondiscretionary functions defined by the board
28 and used in the dispensing of legend and nonlegend drugs (except
29 controlled substances as defined in or under chapter 69.50 RCW)
30 associated with the practice of veterinary medicine. Upon final
31 approval of the packaged prescription following a direct physical
32 inspection of the packaged prescription for proper formulation,
33 packaging, and labeling by the veterinarian, the veterinarian may
34 delegate the delivery of the prescription to a registered veterinary
35 medication clerk or registered ~~((animal))~~ veterinary technician, while
36 under the veterinarian's indirect supervision. Dispensing of drugs by
37 veterinarians, registered ~~((animal))~~ veterinary technicians, and

1 registered veterinary medication clerks shall meet the applicable
2 requirements of chapters 18.64, 69.40, 69.41, and 69.50 RCW and is
3 subject to inspection by the board of pharmacy investigators.

4 (2) For the purposes of this section:

5 (a) "Direct supervision" means the veterinarian is on the premises
6 and is quickly and easily available; and

7 (b) "Indirect supervision" means the veterinarian is not on the
8 premises but has given written or oral instructions for the delegated
9 task.

10 **Sec. 9.** RCW 18.92.015 and 1993 c 78 s 1 are each amended to read
11 as follows:

12 Unless the context clearly requires otherwise, the definitions in
13 this section apply throughout this chapter.

14 "~~((Animal))~~ Veterinary technician" means a person who has
15 successfully completed an examination administered by the board and who
16 has either successfully completed a post high school course approved by
17 the board in the care and treatment of animals or had five years'
18 practical experience, acceptable to the board, with a licensed
19 veterinarian.

20 "Board" means the Washington state veterinary board of governors.

21 "Department" means the department of health.

22 "Secretary" means the secretary of the department of health.

23 "Veterinary medication clerk" means a person who has satisfactorily
24 completed a board-approved training program developed in consultation
25 with the board of pharmacy and designed to prepare persons to perform
26 certain nondiscretionary functions defined by the board and used in the
27 dispensing of legend and nonlegend drugs (except controlled substances
28 as defined in or under chapter 69.50 RCW) associated with the practice
29 of veterinary medicine.

30 **Sec. 10.** RCW 18.92.030 and 1995 c 198 s 13 are each amended to
31 read as follows:

32 The board shall develop and administer, or approve, or both, a
33 licensure examination in the subjects determined by the board to be
34 essential to the practice of veterinary medicine, surgery, and
35 dentistry. The board may approve an examination prepared or
36 administered by a private testing agency or association of licensing
37 authorities. The board, under chapter 34.05 RCW, may adopt rules

1 necessary to carry out the purposes of this chapter, including the
2 performance of the duties and responsibilities of (~~an animal~~) veterinary
3 technicians and veterinary medication clerks. The rules shall be
4 adopted in the interest of good veterinary health care delivery to the
5 consuming public and shall not prevent (~~an animal~~) veterinary
6 technicians from inoculating an animal. The board also has the power
7 to adopt by rule standards prescribing requirements for veterinary
8 medical facilities and fixing minimum standards of continuing
9 veterinary medical education.

10 The department is the official office of record.

11 **Sec. 11.** RCW 18.92.060 and 1995 c 317 s 2 are each amended to read
12 as follows:

13 Nothing in this chapter applies to:

14 (1) Commissioned veterinarians in the United States military
15 services or veterinarians employed by Washington state and federal
16 agencies while performing official duties;

17 (2) A person practicing veterinary medicine upon his or her own
18 animal;

19 (3) A person advising with respect to or performing the castrating
20 and dehorning of cattle, castrating and docking of sheep, castrating of
21 swine, caponizing of poultry, or artificial insemination of animals;

22 (4)(a) A person who is a regularly enrolled student in a veterinary
23 school or training course approved under RCW 18.92.015 and performing
24 duties or actions assigned by his or her instructors or working under
25 the direct supervision of a licensed veterinarian during a school
26 vacation period or (b) a person performing assigned duties under the
27 supervision of a veterinarian within the established framework of an
28 internship program recognized by the board;

29 (5) A veterinarian regularly licensed in another state consulting
30 with a licensed veterinarian in this state;

31 (6) (~~An animal~~) A veterinary technician or veterinary medication
32 clerk acting under the supervision and control of a licensed
33 veterinarian. The practice of (~~an animal~~) a veterinary technician or
34 veterinary medication clerk is limited to the performance of services
35 which are authorized by the board;

36 (7) An owner being assisted in practice by his or her employees
37 when employed in the conduct of the owner's business;

1 (8) An owner being assisted in practice by some other person
2 gratuitously;

3 (9) The implanting in their own animals of any electronic device
4 for identifying animals by established humane societies and animal
5 control organizations that provide appropriate training, as determined
6 by the veterinary board of governors, and/or direct or indirect
7 supervision by a licensed veterinarian;

8 (10) The implanting of any electronic device by a public fish and
9 wildlife agency for the identification of fish or wildlife.

10 **Sec. 12.** RCW 18.92.125 and 1993 c 78 s 5 are each amended to read
11 as follows:

12 No veterinarian who uses the services of (~~(an animal)~~) a veterinary
13 technician or veterinary medication clerk shall be considered as aiding
14 and abetting any unlicensed person to practice veterinary medicine. A
15 veterinarian retains professional and personal responsibility for any
16 act which constitutes the practice of veterinary medicine as defined in
17 this chapter when performed by (~~(an animal)~~) a veterinary technician or
18 veterinary medication clerk in his or her employ.

19 **Sec. 13.** RCW 18.92.140 and 1996 c 191 s 79 are each amended to
20 read as follows:

21 Each person now qualified to practice veterinary medicine, surgery,
22 and dentistry, registered as (~~(an animal)~~) a veterinary technician, or
23 registered as a veterinary medication clerk in this state or who
24 becomes licensed or registered to engage in practice shall comply with
25 administrative procedures, administrative requirements, and fees
26 determined as provided in RCW 43.70.250 and 43.70.280.

27 **Sec. 14.** RCW 18.92.145 and 1996 c 191 s 80 are each amended to
28 read as follows:

29 Administrative procedures, administrative requirements, and fees
30 shall be established as provided in RCW 43.70.250 and 43.70.280 for the
31 issuance, renewal, or administration of the following licenses,
32 certificates of registration, permits, duplicate licenses, renewals, or
33 examination:

34 (1) For a license to practice veterinary medicine, surgery, and
35 dentistry issued upon an examination given by the examining board;

- 1 (2) For a license to practice veterinary medicine, surgery, and
2 dentistry issued upon the basis of a license issued in another state;
3 (3) For a certificate of registration as ~~((an animal))~~ a veterinary
4 technician;
5 (4) For a certificate of registration as a veterinary medication
6 clerk;
7 (5) For a temporary permit to practice veterinary medicine,
8 surgery, and dentistry. The temporary permit fee shall be accompanied
9 by the full amount of the examination fee; and
10 (6) For a license to practice specialized veterinary medicine.

11 **Sec. 15.** RCW 18.120.020 and 1997 c 334 s 13 are each amended to
12 read as follows:

13 The definitions ~~((contained))~~ in this section ~~((shall))~~ apply
14 throughout this chapter unless the context clearly requires otherwise.

15 (1) "Applicant group" includes any health professional group or
16 organization, any individual, or any other interested party which
17 proposes that any health professional group not presently regulated be
18 regulated or which proposes to substantially increase the scope of
19 practice of the profession.

20 (2) "Certificate" and "certification" mean a voluntary process by
21 which a statutory regulatory entity grants recognition to an individual
22 who (a) has met certain prerequisite qualifications specified by that
23 regulatory entity, and (b) may assume or use "certified" in the title
24 or designation to perform prescribed health professional tasks.

25 (3) "Grandfather clause" means a provision in a regulatory statute
26 applicable to practitioners actively engaged in the regulated health
27 profession prior to the effective date of the regulatory statute which
28 exempts the practitioners from meeting the prerequisite qualifications
29 set forth in the regulatory statute to perform prescribed occupational
30 tasks.

31 (4) "Health professions" means and includes the following health
32 and health-related licensed or regulated professions and occupations:
33 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
34 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
35 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
36 dispensing opticians under chapter 18.34 RCW; hearing instruments under
37 chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and
38 funeral directing under chapter 18.39 RCW; midwifery under chapter

1 18.50 RCW; nursing home administration under chapter 18.52 RCW;
2 optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter
3 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and
4 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine
5 under chapters 18.71 and 18.71A RCW; emergency medicine under chapter
6 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses
7 under chapter 18.79 RCW; psychologists under chapter 18.83 RCW;
8 registered nurses under chapter 18.79 RCW; occupational therapists
9 licensed under chapter 18.59 RCW; respiratory care practitioners
10 licensed under chapter 18.89 RCW; veterinarians and ~~((animal))~~
11 veterinary technicians under chapter 18.92 RCW; health care assistants
12 under chapter 18.135 RCW; massage practitioners under chapter 18.108
13 RCW; acupuncturists licensed under chapter 18.06 RCW; persons
14 registered or certified under chapter 18.19 RCW; dietitians and
15 nutritionists certified by chapter 18.138 RCW; radiologic technicians
16 under chapter 18.84 RCW; and nursing assistants registered or certified
17 under chapter 18.88A RCW.

18 (5) "Inspection" means the periodic examination of practitioners by
19 a state agency in order to ascertain whether the practitioners'
20 occupation is being carried out in a fashion consistent with the public
21 health, safety, and welfare.

22 (6) "Legislative committees of reference" means the standing
23 legislative committees designated by the respective rules committees of
24 the senate and house of representatives to consider proposed
25 legislation to regulate health professions not previously regulated.

26 (7) "License," "licensing," and "licensure" mean permission to
27 engage in a health profession which would otherwise be unlawful in the
28 state in the absence of the permission. A license is granted to those
29 individuals who meet prerequisite qualifications to perform prescribed
30 health professional tasks and for the use of a particular title.

31 (8) "Professional license" means an individual, nontransferable
32 authorization to carry on a health activity based on qualifications
33 which include: (a) Graduation from an accredited or approved program,
34 and (b) acceptable performance on a qualifying examination or series of
35 examinations.

36 (9) "Practitioner" means an individual who (a) has achieved
37 knowledge and skill by practice, and (b) is actively engaged in a
38 specified health profession.

1 (10) "Public member" means an individual who is not, and never was,
2 a member of the health profession being regulated or the spouse of a
3 member, or an individual who does not have and never has had a material
4 financial interest in either the rendering of the health professional
5 service being regulated or an activity directly related to the
6 profession being regulated.

7 (11) "Registration" means the formal notification which, prior to
8 rendering services, a practitioner shall submit to a state agency
9 setting forth the name and address of the practitioner; the location,
10 nature and operation of the health activity to be practiced; and, if
11 required by the regulatory entity, a description of the service to be
12 provided.

13 (12) "Regulatory entity" means any board, commission, agency,
14 division, or other unit or subunit of state government which regulates
15 one or more professions, occupations, industries, businesses, or other
16 endeavors in this state.

17 (13) "State agency" includes every state office, department, board,
18 commission, regulatory entity, and agency of the state, and, where
19 provided by law, programs and activities involving less than the full
20 responsibility of a state agency.

21 **Sec. 16.** RCW 18.73.030 and 1990 c 269 s 23 are each amended to
22 read as follows:

23 Unless a different meaning is plainly required by the context, the
24 following words and phrases as used in this chapter shall have the
25 meanings indicated.

26 (1) "Secretary" means the secretary of the department of health.

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

28 (3) "Committee" means the emergency medical services licensing and
29 certification advisory committee.

30 (4) "Ambulance" means a ground or air vehicle designed and used to
31 transport the ill and injured and to provide personnel, facilities, and
32 equipment to treat patients before and during transportation.

33 (5) "Aid vehicle" means a vehicle used to carry aid equipment and
34 individuals trained in first aid or emergency medical procedure.

35 (6) "Emergency medical technician" means a person who is authorized
36 by the secretary to render emergency medical care pursuant to RCW
37 18.73.081.

1 ~~(("Ambulance operator" means a person who owns one or more~~
2 ~~ambulances and operates them as a private business.~~

3 ~~(8) "Ambulance director" means a person who is a director of a~~
4 ~~service which operates one or more ambulances provided by a volunteer~~
5 ~~organization or governmental agency.~~

6 ~~(9) "Aid vehicle operator" means a person who owns one or more aid~~
7 ~~vehicles and operates them as a private business.~~

8 ~~(10) "Aid director" means a person who is a director of a service~~
9 ~~which operates one or more aid vehicles provided by a volunteer~~
10 ~~organization or governmental agency.~~

11 ~~((11))~~ "Ambulance service" means an organization that operates one
12 or more ambulances.

13 ~~(8)~~ "Aid service" means an organization that operates one or more
14 aid vehicles.

15 ~~(9)~~ "Emergency medical service" means medical treatment and care
16 which may be rendered at the scene of any medical emergency or while
17 transporting any patient in an ambulance to an appropriate medical
18 facility, including ambulance transportation between medical
19 facilities.

20 ~~((12))~~ (10) "Communications system" means a radio and landline
21 network which provides rapid public access, coordinated central
22 dispatching of services, and coordination of personnel, equipment, and
23 facilities in an emergency medical services and trauma care system.

24 ~~((13))~~ (11) "Prehospital patient care protocols" means the
25 written procedure adopted by the emergency medical services medical
26 program director which direct the out-of-hospital emergency care of the
27 emergency patient which includes the trauma care patient. These
28 procedures shall be based upon the assessment of the patient's medical
29 needs and what treatment will be provided for emergency conditions.
30 The protocols shall meet or exceed state-wide minimum standards
31 developed by the department in rule as authorized in chapter 70.168
32 RCW.

33 ~~((14))~~ (12) "Patient care procedures" means written operating
34 guidelines adopted by the regional emergency medical services and
35 trauma care council, in consultation with the local emergency medical
36 services and trauma care councils, emergency communication centers, and
37 the emergency medical services medical program director, in accordance
38 with state-wide minimum standards. The patient care procedures shall
39 identify the level of medical care personnel to be dispatched to an

1 emergency scene, procedures for triage of patients, the level of trauma
2 care facility to first receive the patient, and the name and location
3 of other trauma care facilities to receive the patient should an
4 interfacility transfer be necessary. Procedures on interfacility
5 transfer of patients shall be consistent with the transfer procedures
6 in chapter 70.170 RCW.

7 ~~((15))~~ (13) "Emergency medical services medical program director"
8 means a person who is an approved medical program director as defined
9 by RCW 18.71.205(4).

10 ~~((16))~~ (14) "Council" means the local or regional emergency
11 medical services and trauma care council as authorized under chapter
12 70.168 RCW.

13 ~~((17))~~ (15) "Basic life support" means noninvasive emergency
14 medical services requiring basic medical treatment skills as defined in
15 chapter 18.73 RCW.

16 ~~((18))~~ (16) "Advanced life support" means invasive emergency
17 medical services requiring advanced medical treatment skills as defined
18 by chapter 18.71 RCW.

19 ~~((19))~~ (17) "First responder" means a person who is authorized by
20 the secretary to render emergency medical care as defined by RCW
21 18.73.081.

22 **Sec. 17.** RCW 18.73.101 and 1987 c 214 s 9 are each amended to read
23 as follows:

24 The secretary may grant a variance from a provision of this chapter
25 and RCW 18.71.200 through 18.71.220 if no detriment to health and
26 safety would result from the variance and compliance is expected to
27 cause reduction or loss of existing emergency medical services.
28 Variances may be granted for a period of no more than one year. A
29 variance may be renewed by the secretary upon approval of the
30 committee.

31 **Sec. 18.** RCW 18.73.130 and 1992 c 128 s 2 are each amended to read
32 as follows:

33 An ambulance (~~operator, ambulance director, aid vehicle operator~~
34 ~~or aid director~~) service or aid service may not operate (~~a service~~)
35 in the state of Washington without holding a license for such
36 operation, issued by the secretary when such operation is consistent
37 with the state-wide and regional emergency medical services and trauma

1 care plans established pursuant to chapter 70.168 RCW, indicating the
2 general area to be served and the number of vehicles to be used, with
3 the following exceptions:

4 (1) The United States government;

5 (2) Ambulance (~~operators and ambulance directors~~) services
6 providing service in other states when bringing patients into this
7 state;

8 (3) Owners of businesses in which ambulance or aid vehicles are
9 used exclusively on company property but occasionally in emergencies
10 may transport patients to hospitals not on company property; and

11 (4) Operators of vehicles pressed into service for transportation
12 of patients in emergencies when licensed ambulances are not available
13 or cannot meet overwhelming demand.

14 The license shall be valid for a period of two years and shall be
15 renewed on request provided the holder has consistently complied with
16 the regulations of the department and the department of licensing and
17 provided also that the needs of the area served have been met
18 satisfactorily. The license shall not be transferable and may be
19 revoked if the service is found in violation of rules adopted by the
20 department.

21 **Sec. 19.** RCW 18.73.140 and 1992 c 128 s 3 are each amended to read
22 as follows:

23 The secretary shall issue an ambulance or aid vehicle license for
24 each vehicle so designated. The license shall be for a period of two
25 years and may be reissued on expiration if the vehicle and its
26 equipment meet requirements in force at the time of expiration of the
27 license period. The license may be revoked if the ambulance or aid
28 vehicle is found to be operating in violation of the regulations
29 promulgated by the department or without required equipment. The
30 license shall be terminated automatically if the vehicle is sold or
31 transferred to the control of (~~anyone~~) any organization not currently
32 licensed as an ambulance or aid vehicle (~~operator or director~~)
33 service. The license number shall be prominently displayed on each
34 vehicle.

35 **Sec. 20.** RCW 70.168.020 and 1990 c 269 s 5 are each amended to
36 read as follows:

1 (1) There is hereby created an emergency medical services and
2 trauma care steering committee composed of representatives of
3 individuals knowledgeable in emergency medical services and trauma
4 care, including emergency medical providers such as physicians, nurses,
5 hospital personnel, emergency medical technicians, paramedics,
6 ambulance ((operators)) services, a member of the emergency medical
7 services licensing and certification advisory committee, local
8 government officials, state officials, consumers, and persons
9 affiliated professionally with health science schools. The governor
10 shall appoint members of the steering committee. Members shall be
11 appointed for a period of three years. The department shall provide
12 administrative support to the committee. All appointive members of the
13 committee, in the performance of their duties, may be entitled to
14 receive travel expenses as provided in RCW 43.03.050 and 43.03.060.
15 The governor may remove members from the committee who have three
16 unexcused absences from committee meetings. The governor shall fill
17 any vacancies of the committee in a timely manner. The terms of those
18 members representing the same field shall not expire at the same time.

19 The committee shall elect a chair and a vice-chair whose terms of
20 office shall be for one year each. The chair shall be ineligible for
21 reelection after serving four consecutive terms.

22 The committee shall meet on call by the governor, the secretary, or
23 the chair.

24 (2) The emergency medical services and trauma care steering
25 committee shall:

26 (a) Advise the department regarding emergency medical services and
27 trauma care needs throughout the state.

28 (b) Review the regional emergency medical services and trauma care
29 plans and recommend changes to the department before the department
30 adopts the plans.

31 (c) Review proposed departmental rules for emergency medical
32 services and trauma care.

33 (d) Recommend modifications in rules regarding emergency medical
34 services and trauma care.

35 **Sec. 21.** RCW 71.12.455 and 1977 ex.s. c 80 s 43 are each amended
36 to read as follows:

37 As used in this chapter, "establishment" and "institution" mean and
38 include every private hospital, sanitarium, home, or other place

1 receiving or caring for any mentally ill, (~~or~~) mentally incompetent
2 person, or (~~alcoholic~~) chemically dependent person.

3 **Sec. 22.** RCW 71.12.460 and 1989 1st ex.s. c 9 s 226 are each
4 amended to read as follows:

5 No person, association, or corporation, shall establish or keep,
6 for compensation or hire, an establishment as defined in this chapter
7 without first having obtained a license therefor from the department of
8 health, complied with rules adopted under this chapter, and (~~having~~)
9 paid the license fee provided in this chapter. Any person who carries
10 on, conducts, or attempts to carry on or conduct an establishment as
11 defined in this chapter without first having obtained a license from
12 the department of health, as in this chapter provided, is guilty of a
13 misdemeanor and on conviction thereof shall be punished by imprisonment
14 in a county jail not exceeding six months, or by a fine not exceeding
15 one thousand dollars, or by both such fine and imprisonment. The
16 managing and executive officers of any corporation violating the
17 provisions of this chapter shall be liable under the provisions of this
18 chapter in the same manner and to the same effect as a private
19 individual violating the same.

20 **Sec. 23.** RCW 71.12.470 and 1987 c 75 s 19 are each amended to read
21 as follows:

22 Every application for a license shall be accompanied by a plan of
23 the premises proposed to be occupied, describing the capacities of the
24 buildings for the uses intended, the extent and location of grounds
25 appurtenant thereto, and the number of patients proposed to be received
26 therein, with such other information, and in such form, as the
27 department of health requires. The application shall be accompanied by
28 the proper license fee. The amount of the license fee shall be
29 established by the department of health under RCW (~~43.20B.110~~)
30 43.70.110.

31 **Sec. 24.** RCW 71.12.480 and 1989 1st ex.s. c 9 s 227 are each
32 amended to read as follows:

33 The department of health shall not grant any such license until it
34 has made an examination of all phases of the operation of the
35 establishment necessary to determine compliance with rules adopted
36 under this chapter including the premises proposed to be licensed and

1 is satisfied that ((they)) the premises are substantially as described,
2 and are otherwise fit and suitable for the purposes for which they are
3 designed to be used, and that such license should be granted.

4 **Sec. 25.** RCW 71.12.500 and 1989 1st ex.s. c 9 s 230 and 1989 c 175
5 s 137 are each reenacted and amended to read as follows:

6 The department of health may at any time examine and ascertain how
7 far a licensed establishment is conducted in compliance with this
8 chapter, the rules adopted under this chapter, and the requirements of
9 the license therefor. If the interests of the patients of the
10 establishment so demand, the department may, for just and reasonable
11 cause, suspend, modify, or revoke any such license. RCW ((43.20A.205))
12 43.70.115 governs notice of a license denial, revocation, suspension,
13 or modification and provides the right to an adjudicative proceeding.

14 **Sec. 26.** RCW 71.12.510 and 1959 c 25 s 71.12.510 are each amended
15 to read as follows:

16 The department of health may at any time cause any establishment as
17 defined in this chapter to be visited and examined.

18 **Sec. 27.** RCW 71.12.520 and 1989 1st ex.s. c 9 s 231 are each
19 amended to read as follows:

20 Each such visit may include an inspection of every part of each
21 establishment. The representatives of the department of health may
22 make an examination of all records, methods of administration, the
23 general and special dietary, the stores and methods of supply, and may
24 cause an examination and diagnosis to be made of any person confined
25 therein. The representatives of the department of health may examine
26 to determine their fitness for their duties the officers, attendants,
27 and other employees, and may talk with any of the patients apart from
28 the officers and attendants.

29 NEW SECTION. **Sec. 28.** A new section is added to chapter 71.12 RCW
30 to read as follows:

31 The department of health shall adopt rules for the licensing,
32 operation, and inspections of establishments and institutions and the
33 enforcement thereof.

1 **Sec. 29.** RCW 18.46.005 and 1951 c 168 s 1 are each amended to read
2 as follows:

3 The purpose of this chapter is to provide for the development,
4 establishment, and enforcement of standards for the maintenance and
5 operation of (~~(maternity homes)~~) birthing centers, which, in the light
6 of advancing knowledge, will promote safe and adequate care and
7 treatment of the individuals therein.

8 **Sec. 30.** RCW 18.46.010 and 1991 c 3 s 100 are each amended to read
9 as follows:

10 (1) (~~("Maternity home")~~) "Birthing center" or "childbirth center"
11 means any (~~(home, place, hospital or institution in which facilities~~
12 ~~are maintained for the care of four or more women, not related by blood~~
13 ~~or marriage to the operator, during pregnancy or during or within ten~~
14 ~~days after delivery)) health facility, not part of a hospital or in a
15 hospital, that provides facilities and staff to support a birth service
16 to low-risk maternity clients: PROVIDED, HOWEVER, That this chapter
17 shall not apply to any hospital approved by the American College of
18 Surgeons, American Osteopathic Association, or its successor.~~

19 (2) (~~("Person" means any individual, firm, partnership,~~
20 ~~corporation, company, association, or joint stock association, and the~~
21 ~~legal successor thereof.~~

22 ~~(3))~~ "Department" means the state department of health.

23 (3) "Low-risk" means normal, uncomplicated prenatal course as
24 determined by adequate prenatal care and prospects for a normal
25 uncomplicated birth as defined by reasonable and generally accepted
26 criteria of maternal and fetal health.

27 (4) "Person" means any individual, firm, partnership, corporation,
28 company, association, or joint stock association, and the legal
29 successor thereof.

30 **Sec. 31.** RCW 18.46.020 and 1951 c 168 s 3 are each amended to read
31 as follows:

32 After July 1, 1951, no person shall operate a (~~(maternity home)~~)
33 birthing center in this state without a license under this chapter.

34 **Sec. 32.** RCW 18.46.040 and 1987 c 75 s 5 are each amended to read
35 as follows:

1 Upon receipt of an application for a license and the license fee,
2 the licensing agency shall issue a license if the applicant and the
3 (~~maternity home facilities~~) birthing center meet the requirements
4 established under this chapter. A license, unless suspended or
5 revoked, shall be renewable annually. Applications for renewal shall
6 be on forms provided by the department and shall be filed in the
7 department not less than ten days prior to its expiration. Each
8 application for renewal shall be accompanied by a license fee as
9 established by the department under RCW 43.20B.110. Each license shall
10 be issued only for the premises and persons named in the application
11 and shall not be transferable or assignable except with the written
12 approval of the department. Licenses shall be posted in a conspicuous
13 place on the licensed premises.

14 **Sec. 33.** RCW 18.46.060 and 1985 c 213 s 10 are each amended to
15 read as follows:

16 The department, after consultation with representatives of
17 (~~maternity home~~) birthing center operators, state medical
18 association, Washington Osteopathic Association, state nurses
19 association, state hospital association, and any other representatives
20 as the department may deem necessary, shall adopt, amend, and
21 promulgate such rules and regulations with respect to all (~~maternity~~
22 ~~homes~~) birthing centers in the promotion of safe and adequate medical
23 and nursing care (~~of inmates~~) in the (~~maternity home~~) birthing
24 center and the sanitary, hygienic, and safe condition of the
25 (~~maternity home~~) birthing center in the interest of the health,
26 safety, and welfare of the people.

27 **Sec. 34.** RCW 18.46.070 and 1951 c 168 s 8 are each amended to read
28 as follows:

29 Any (~~maternity home~~) birthing center which is in operation at the
30 time of promulgation of any applicable rules or regulations under this
31 chapter shall be given a reasonable time, under the particular
32 circumstances, not to exceed three months from the date of such
33 promulgation, to comply with the rules and regulations established
34 under this chapter.

35 **Sec. 35.** RCW 18.46.080 and 1951 c 168 s 9 are each amended to read
36 as follows:

1 The department shall make or cause to be made an inspection and
2 investigation of all ((maternity homes)) birthing centers, and every
3 inspection may include an inspection of every part of the premises.
4 The department may make an examination of all records, methods of
5 administration, the general and special dietary and the stores and
6 methods of supply. The ((board)) department may prescribe by
7 regulation that any licensee or applicant desiring to make specified
8 types of alteration or addition to its facilities or to construct new
9 facilities shall before commencing such alterations, addition, or new
10 construction submit plans and specifications therefor to the department
11 for preliminary inspection and approval or recommendations with respect
12 to compliance with regulations and standards herein authorized.
13 Necessary conferences and consultations may be provided.

14 **Sec. 36.** RCW 18.46.090 and 1951 c 168 s 10 are each amended to
15 read as follows:

16 All information received by the department through filed reports,
17 inspection, or as otherwise authorized under this chapter shall not be
18 disclosed publicly in any manner as to identify individuals or
19 ((maternity homes)) birthing centers except in a proceeding involving
20 the question of licensure.

21 **Sec. 37.** RCW 18.46.110 and 1995 c 369 s 5 are each amended to read
22 as follows:

23 Fire protection with respect to all ((maternity homes)) birthing
24 centers to be licensed hereunder, shall be the responsibility of the
25 chief of the Washington state patrol, through the director of fire
26 protection, who shall adopt by reference, such recognized standards as
27 may be applicable to nursing homes, places of refuge, and ((maternity
28 homes)) birthing centers for the protection of life against the cause
29 and spread of fire and fire hazards. The department upon receipt of an
30 application for a license, shall submit to the chief of the Washington
31 state patrol, through the director of fire protection, in writing, a
32 request for an inspection, giving the applicant's name and the location
33 of the premises to be licensed. Upon receipt of such a request, the
34 chief of the Washington state patrol, through the director of fire
35 protection, or his or her deputy, shall make an inspection of the
36 ((maternity home)) birthing center to be licensed, and if it is found
37 that the premises do not comply with the required safety standards and

1 fire regulations as promulgated by the chief of the Washington state
2 patrol, through the director of fire protection, he or she shall
3 promptly make a written report to the department as to the manner in
4 which the premises may qualify for a license and set forth the
5 conditions to be remedied with respect to fire regulations. The
6 department, applicant or licensee shall notify the chief of the
7 Washington state patrol, through the director of fire protection, upon
8 completion of any requirements made by him or her, and the chief of the
9 Washington state patrol, through the director of fire protection, or
10 his or her deputy, shall make a reinspection of such premises.
11 Whenever the ((~~maternity home~~)) birthing center to be licensed meets
12 with the approval of the chief of the Washington state patrol, through
13 the director of fire protection, he or she shall submit to the
14 department, a written report approving same with respect to fire
15 protection before a license can be issued. The chief of the Washington
16 state patrol, through the director of fire protection, shall make or
17 cause to be made such inspection of such ((~~maternity homes~~)) birthing
18 centers as he or she deems necessary.

19 In cities which have in force a comprehensive building code, the
20 regulation of which is equal to the minimum standards of the code for
21 ((~~maternity homes~~)) birthing centers adopted by the chief of the
22 Washington state patrol, through the director of fire protection, the
23 building inspector and the chief of the fire department, provided the
24 latter is a paid chief of a paid fire department, shall make the
25 inspection and shall approve the premises before a license can be
26 issued.

27 In cities where such building codes are in force, the chief of the
28 Washington state patrol, through the director of fire protection, may,
29 upon request by the chief fire official, or the local governing body,
30 or of a taxpayer of such city, assist in the enforcement of any such
31 code pertaining to ((~~maternity homes~~)) birthing centers.

32 **Sec. 38.** RCW 18.46.120 and 1951 c 168 s 13 are each amended to
33 read as follows:

34 Any person operating or maintaining any ((~~maternity home~~)) birthing
35 center without a license under this chapter shall be guilty of a
36 misdemeanor. Each day of a continuing violation after conviction shall
37 be considered a separate offense.

1 **Sec. 39.** RCW 18.46.130 and 1951 c 168 s 14 are each amended to
2 read as follows:

3 Notwithstanding the existence or use of any other remedy, the
4 department may in the manner provided by law, upon the advice of the
5 attorney general who shall represent the department in all proceedings,
6 maintain an action in the name of the state for an injunction or other
7 process against any person to restrain or prevent the operation or
8 maintenance of a (~~maternity home~~) birthing center not licensed under
9 this chapter.

10 **Sec. 40.** RCW 18.46.140 and 1951 c 168 s 15 are each amended to
11 read as follows:

12 Nothing in this chapter or the rules and regulations adopted
13 pursuant thereto shall be construed as authorizing the supervision,
14 regulation, or control of the remedial and nursing care of (~~residents~~
15 ~~or~~) patients in any (~~maternity home~~) birthing center as defined in
16 this chapter, conducted for or by members of a recognized religious
17 sect, denomination, or organization which in accordance with its creed,
18 tenets, or principles depends for healing upon prayer in the practice
19 of religion, nor shall the existence of any of the above conditions
20 militate against the licensing of such (~~home or institution~~)
21 facility.

22 NEW SECTION. **Sec. 41.** The following acts or parts of acts are
23 each repealed:

24 (1) RCW 18.48.040 (Multiple facility operators--Registration) and
25 1996 c 81 s 3;

26 (2) RCW 18.57A.070 (Acupuncture) and 1977 ex.s. c 233 s 1;

27 (3) RCW 18.83.910 (Examining board--Termination) and 1994 c 35 s 6,
28 1990 c 297 s 7, 1988 c 288 s 8, 1986 c 27 s 11, 1985 c 7 s 109, & 1984
29 c 279 s 94; and

30 (4) RCW 18.83.911 (Examining board--Repeal) and 1994 c 35 s 7 &
31 1990 c 297 s 8.

32 NEW SECTION. **Sec. 42.** Sections 1 and 3 of this act expire January
33 1, 2003.

1 NEW SECTION. **Sec. 43.** Sections 2 and 4 of this act take effect
2 January 1, 2003.

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