

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5327

58th Legislature
2003 Regular Session

Passed by the Senate April 21, 2003
YEAS 42 NAYS 0

President of the Senate

Passed by the House April 8, 2003
YEAS 95 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SUBSTITUTE SENATE BILL 5327 as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5327

AS AMENDED BY THE HOUSE

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Thibaudeau and Parlette)

READ FIRST TIME 02/06/03.

1 AN ACT Relating to dental hygienists; and amending RCW 18.29.050
2 and 69.41.010.

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

4 **Sec. 1.** RCW 18.29.050 and 1997 c 37 s 1 are each amended to read
5 as follows:

6 Any person licensed as a dental hygienist in this state may remove
7 deposits and stains from the surfaces of the teeth, may apply topical
8 preventive or prophylactic agents, may polish and smooth restorations,
9 may perform root planing and soft-tissue curettage, and may perform
10 other dental operations and services delegated to them by a licensed
11 dentist: PROVIDED HOWEVER, That licensed dental hygienists shall in no
12 event perform the following dental operations or services:

- 13 (1) Any surgical removal of tissue of the oral cavity;
- 14 (2) Any prescription of drugs or medications requiring the written
15 order or prescription of a licensed dentist or physician, except that
16 a hygienist may place antimicrobials pursuant to the order of a
17 licensed dentist and under the dentist's required supervision;
- 18 (3) Any diagnosis for treatment or treatment planning; or

1 (4) The taking of any impression of the teeth or jaw, or the
2 relationships of the teeth or jaws, for the purpose of fabricating any
3 intra-oral restoration, appliance, or prosthesis.

4 Such licensed dental hygienists may perform dental operations and
5 services only under the supervision of a licensed dentist, and under
6 such supervision may be employed by hospitals, boards of education of
7 public or private schools, county boards, boards of health, or public
8 or charitable institutions, or in dental offices.

9 **Sec. 2.** RCW 69.41.010 and 2000 c 8 s 2 are each amended to read as
10 follows:

11 As used in this chapter, the following terms have the meanings
12 indicated unless the context clearly requires otherwise:

13 (1) "Administer" means the direct application of a legend drug
14 whether by injection, inhalation, ingestion, or any other means, to the
15 body of a patient or research subject by:

16 (a) A practitioner; or

17 (b) The patient or research subject at the direction of the
18 practitioner.

19 (2) "Deliver" or "delivery" means the actual, constructive, or
20 attempted transfer from one person to another of a legend drug, whether
21 or not there is an agency relationship.

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

23 (4) "Dispense" means the interpretation of a prescription or order
24 for a legend drug and, pursuant to that prescription or order, the
25 proper selection, measuring, compounding, labeling, or packaging
26 necessary to prepare that prescription or order for delivery.

27 (5) "Dispenser" means a practitioner who dispenses.

28 (6) "Distribute" means to deliver other than by administering or
29 dispensing a legend drug.

30 (7) "Distributor" means a person who distributes.

31 (8) "Drug" means:

32 (a) Substances recognized as drugs in the official United States
33 pharmacopoeia, official homeopathic pharmacopoeia of the United States,
34 or official national formulary, or any supplement to any of them;

35 (b) Substances intended for use in the diagnosis, cure, mitigation,
36 treatment, or prevention of disease in man or animals;

1 (c) Substances (other than food, minerals or vitamins) intended to
2 affect the structure or any function of the body of man or animals; and

3 (d) Substances intended for use as a component of any article
4 specified in clause (a), (b), or (c) of this subsection. It does not
5 include devices or their components, parts, or accessories.

6 (9) "Electronic communication of prescription information" means
7 the communication of prescription information by computer, or the
8 transmission of an exact visual image of a prescription by facsimile,
9 or other electronic means for original prescription information or
10 prescription refill information for a legend drug between an authorized
11 practitioner and a pharmacy or the transfer of prescription information
12 for a legend drug from one pharmacy to another pharmacy.

13 (10) "Legend drugs" means any drugs which are required by state law
14 or regulation of the state board of pharmacy to be dispensed on
15 prescription only or are restricted to use by practitioners only.

16 (11) "Legible prescription" means a prescription or medication
17 order issued by a practitioner that is capable of being read and
18 understood by the pharmacist filling the prescription or the nurse or
19 other practitioner implementing the medication order.

20 (12) "Medication assistance" means assistance rendered by a
21 nonpractitioner to an individual residing in a community-based setting
22 specified in RCW 69.41.085 to facilitate the individual's self-
23 administration of a legend drug or controlled substance. It includes
24 reminding or coaching the individual, handing the medication container
25 to the individual, opening the individual's medication container, using
26 an enabler, or placing the medication in the individual's hand, and
27 such other means of medication assistance as defined by rule adopted by
28 the department. The nonpractitioner may help in the preparation of
29 legend drugs or controlled substances for self-administration where a
30 practitioner has determined, in consultation with the individual or the
31 individual's representative, that such medication assistance is
32 necessary and appropriate. Medication assistance shall not include
33 assistance with intravenous medications or injectable medications.

34 (13) "Person" means individual, corporation, government or
35 governmental subdivision or agency, business trust, estate, trust,
36 partnership or association, or any other legal entity.

37 (14) "Practitioner" means:

1 (a) A physician under chapter 18.71 RCW, an osteopathic physician
2 or an osteopathic physician and surgeon under chapter 18.57 RCW, a
3 dentist under chapter 18.32 RCW, a podiatric physician and surgeon
4 under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a
5 registered nurse, advanced registered nurse practitioner, or licensed
6 practical nurse under chapter 18.79 RCW, an optometrist under chapter
7 18.53 RCW who is certified by the optometry board under RCW 18.53.010,
8 an osteopathic physician assistant under chapter 18.57A RCW, a
9 physician assistant under chapter 18.71A RCW, a naturopath licensed
10 under chapter 18.36A RCW, ~~((or))~~ a pharmacist under chapter 18.64 RCW,
11 or, when acting under the required supervision of a dentist licensed
12 under chapter 18.32 RCW, a dental hygienist licensed under chapter
13 18.29 RCW;

14 (b) A pharmacy, hospital, or other institution licensed,
15 registered, or otherwise permitted to distribute, dispense, conduct
16 research with respect to, or to administer a legend drug in the course
17 of professional practice or research in this state; and

18 (c) A physician licensed to practice medicine and surgery or a
19 physician licensed to practice osteopathic medicine and surgery in any
20 state, or province of Canada, which shares a common border with the
21 state of Washington.

22 (15) "Secretary" means the secretary of health or the secretary's
23 designee.

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