

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5829**

58th Legislature  
2003 Regular Session

Passed by the Senate April 21, 2003  
YEAS 43 NAYS 0

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**President of the Senate**

Passed by the House April 11, 2003  
YEAS 84 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**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 5829** as  
passed by the Senate and the House  
of Representatives on the dates  
hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5829**

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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 Winsley)

READ FIRST TIME 03/05/03.

1            AN ACT Relating to nursing technicians; amending RCW 18.79.240;  
2 reenacting and amending RCW 18.130.040; adding new sections to chapter  
3 18.79 RCW; adding a new section to chapter 70.41 RCW; adding a new  
4 section to chapter 18.51 RCW; and declaring an emergency.

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

6            NEW SECTION.    **Sec. 1.** The legislature finds a need to provide  
7 additional work-related opportunities for nursing students. Nursing  
8 students enrolled in bachelor of science programs or associate degree  
9 programs, working within the limits of their education, gain valuable  
10 judgment and knowledge through expanded work opportunities.

11           NEW SECTION.    **Sec. 2.** (1) "Nursing technician" means a nursing  
12 student employed in a hospital licensed under chapter 70.41 RCW or a  
13 nursing home licensed under chapter 18.51 RCW, who:

14           (a) Is currently enrolled in good standing in a nursing program  
15 approved by the commission and has not graduated; or

16           (b) Is a graduate of a nursing program approved by the commission  
17 who graduated:

18           (i) Within the past thirty days; or

1 (ii) Within the past sixty days and has received a determination  
2 from the secretary that there is good cause to continue the  
3 registration period, as defined by the secretary in rule.

4 (2) No person may practice or represent oneself as a nursing  
5 technician by use of any title or description of services without being  
6 registered under this chapter, unless otherwise exempted by this  
7 chapter.

8 (3) The commission may adopt rules to implement this act.

9 NEW SECTION. **Sec. 3.** (1) Nursing technicians are authorized to  
10 perform specific nursing functions within the limits of their  
11 education, up to their skill and knowledge, but they may not:

12 (a) Administer chemotherapy, blood or blood products, intravenous  
13 medications, or scheduled drugs, or carry out procedures on central  
14 lines;

15 (b) Assume ongoing responsibility for assessments, planning,  
16 implementation, or evaluation of the care of patients;

17 (c) Function independently, act as a supervisor, or delegate tasks  
18 to licensed practical nurses, nursing assistants, or unlicensed  
19 personnel; or

20 (d) Perform or attempt to perform nursing techniques or procedures  
21 for which the nursing technician lacks the appropriate knowledge,  
22 experience, and education.

23 (2) Nursing technicians may function only under the direct  
24 supervision of a registered nurse who agrees to act as supervisor and  
25 is immediately available to the nursing technician. The supervising  
26 registered nurse must have an unrestricted license with at least two  
27 years of clinical practice in the setting where the nursing technician  
28 works.

29 (3) Nursing technicians may only perform specific nursing functions  
30 based upon and limited to their education and when they have  
31 demonstrated the ability and been verified to safely perform these  
32 functions by the nursing program in which the nurse technician is  
33 enrolled. The nursing program providing verification is immune from  
34 liability for any nursing function performed or not performed by the  
35 nursing technician.

36 (4) Nursing technicians are responsible and accountable for their  
37 specific nursing functions.

1        NEW SECTION.    **Sec. 4.**    (1) Applications for registration must be  
2 submitted on forms provided by the secretary.    The secretary may  
3 require any information and documentation that reasonably relates to  
4 the need to determine whether the applicant meets the criteria for  
5 registration provided for in chapter 18.130 RCW.    Each applicant shall  
6 pay a fee determined by the secretary under RCW 43.70.250.    The fee  
7 must accompany the application.

8        (2) An applicant for registration as a nursing technician shall  
9 submit:

10        (a) A signed statement from the applicant's nursing program  
11 verifying enrollment in, or graduation from, the nursing program; and

12        (b) A signed statement from the applicant's employer certifying  
13 that the employer understands the role of the nursing technician and  
14 agrees to meet the requirements of subsection (4) of this section.

15        (3) The secretary shall issue a registration to an applicant who  
16 has met the requirements for registration or deny a registration to an  
17 applicant who does not meet the requirements, except that proceedings  
18 concerning the denial of registration based on unprofessional conduct  
19 or impairment are governed by the uniform disciplinary act, chapter  
20 18.130 RCW.

21        (4) The employer:

22        (a) Shall not require the nursing technician to work beyond his or  
23 her education and training;

24        (b) Shall verify that the nursing technician continues to qualify  
25 as a nursing technician as described in section 2 of this act;

26        (c) Shall advise the department and nursing program of any  
27 practice-related action taken against the nursing technician;

28        (d) Shall maintain documentation of the specific nursing functions  
29 the nursing technician is authorized to perform; and

30        (e) Shall provide training regarding the provisions of this act,  
31 including procedures for filing a complaint with the department of  
32 health or the department of social and health services concerning  
33 violations of this act, to all nursing technicians and registered  
34 nurses who shall supervise nursing technicians and document the  
35 training and make it available for any inspection or survey.

36        NEW SECTION.    **Sec. 5.**    The secretary shall establish by rule the  
37 procedural requirements and fees for renewal of the registration.

1 Failure to renew invalidates the registration and all privileges  
2 granted by the registration. For renewal of registration, a nursing  
3 technician must attest that he or she continues to qualify as a nursing  
4 technician as described in section 2 of this act.

5 **Sec. 6.** RCW 18.79.240 and 2000 c 64 s 3 are each amended to read  
6 as follows:

7 (1) In the context of the definition of registered nursing practice  
8 and advanced registered nursing practice, this chapter shall not be  
9 construed as:

10 (a) Prohibiting the incidental care of the sick by domestic  
11 servants or persons primarily employed as housekeepers, so long as they  
12 do not practice registered nursing within the meaning of this chapter;

13 (b) Preventing a person from the domestic administration of family  
14 remedies or the furnishing of nursing assistance in case of emergency;

15 (c) Prohibiting the practice of nursing by students enrolled in  
16 approved schools as may be incidental to their course of study or  
17 prohibiting the students from working as nursing (~~aides~~) technicians;

18 (d) Prohibiting auxiliary services provided by persons carrying out  
19 duties necessary for the support of nursing services, including those  
20 duties that involve minor nursing services for persons performed in  
21 hospitals, nursing homes, or elsewhere under the direction of licensed  
22 physicians or the supervision of licensed registered nurses;

23 (e) Prohibiting the practice of nursing in this state by a legally  
24 qualified nurse of another state or territory whose engagement requires  
25 him or her to accompany and care for a patient temporarily residing in  
26 this state during the period of one such engagement, not to exceed six  
27 months in length, if the person does not represent or hold himself or  
28 herself out as a registered nurse licensed to practice in this state;

29 (f) Prohibiting nursing or care of the sick, with or without  
30 compensation, when done in connection with the practice of the  
31 religious tenets of a church by adherents of the church so long as they  
32 do not engage in the practice of nursing as defined in this chapter;

33 (g) Prohibiting the practice of a legally qualified nurse of  
34 another state who is employed by the United States government or a  
35 bureau, division, or agency thereof, while in the discharge of his or  
36 her official duties;

1 (h) Permitting the measurement of the powers or range of human  
2 vision, or the determination of the accommodation and refractive state  
3 of the human eye or the scope of its functions in general, or the  
4 fitting or adaptation of lenses for the aid thereof;

5 (i) Permitting the prescribing or directing the use of, or using,  
6 an optical device in connection with ocular exercises, visual training,  
7 vision training, or orthoptics;

8 (j) Permitting the prescribing of contact lenses for, or the  
9 fitting and adaptation of contact lenses to, the human eye;

10 (k) Prohibiting the performance of routine visual screening;

11 (l) Permitting the practice of dentistry or dental hygiene as  
12 defined in chapters 18.32 and 18.29 RCW, respectively;

13 (m) Permitting the practice of chiropractic as defined in chapter  
14 18.25 RCW including the adjustment or manipulation of the articulation  
15 of the spine;

16 (n) Permitting the practice of podiatric medicine and surgery as  
17 defined in chapter 18.22 RCW;

18 (o) Permitting the performance of major surgery, except such minor  
19 surgery as the commission may have specifically authorized by rule  
20 adopted in accordance with chapter 34.05 RCW;

21 (p) Permitting the prescribing of controlled substances as defined  
22 in Schedules I through IV of the Uniform Controlled Substances Act,  
23 chapter 69.50 RCW, except as provided in (r) or (s) of this subsection;

24 (q) Prohibiting the determination and pronouncement of death;

25 (r) Prohibiting advanced registered nurse practitioners, approved  
26 by the commission as certified registered nurse anesthetists from  
27 selecting, ordering, or administering controlled substances as defined  
28 in Schedules II through IV of the Uniform Controlled Substances Act,  
29 chapter 69.50 RCW, consistent with their commission-recognized scope of  
30 practice; subject to facility-specific protocols, and subject to a  
31 request for certified registered nurse anesthetist anesthesia services  
32 issued by a physician licensed under chapter 18.71 RCW, an osteopathic  
33 physician and surgeon licensed under chapter 18.57 RCW, a dentist  
34 licensed under chapter 18.32 RCW, or a podiatric physician and surgeon  
35 licensed under chapter 18.22 RCW; the authority to select, order, or  
36 administer Schedule II through IV controlled substances being limited  
37 to those drugs that are to be directly administered to patients who  
38 require anesthesia for diagnostic, operative, obstetrical, or

1 therapeutic procedures in a hospital, clinic, ambulatory surgical  
2 facility, or the office of a practitioner licensed under chapter 18.71,  
3 18.22, 18.36, 18.36A, 18.57, 18.57A, or 18.32 RCW; "select" meaning the  
4 decision-making process of choosing a drug, dosage, route, and time of  
5 administration; and "order" meaning the process of directing licensed  
6 individuals pursuant to their statutory authority to directly  
7 administer a drug or to dispense, deliver, or distribute a drug for the  
8 purpose of direct administration to a patient, under instructions of  
9 the certified registered nurse anesthetist. "Protocol" means a  
10 statement regarding practice and documentation concerning such items as  
11 categories of patients, categories of medications, or categories of  
12 procedures rather than detailed case-specific formulas for the practice  
13 of nurse anesthesia;

14 (s) Prohibiting advanced registered nurse practitioners from  
15 ordering or prescribing controlled substances as defined in Schedules  
16 II through IV of the Uniform Controlled Substances Act, chapter 69.50  
17 RCW, if and to the extent: (i) Doing so is permitted by their scope of  
18 practice; (ii) it is in response to a combined request from one or more  
19 physicians licensed under chapter 18.71 or 18.57 RCW and an advanced  
20 registered nurse practitioner licensed under this chapter, proposing a  
21 joint practice arrangement under which such prescriptive authority will  
22 be exercised with appropriate collaboration between the practitioners;  
23 and (iii) it is consistent with rules adopted under this subsection.  
24 The medical quality assurance commission, the board of osteopathic  
25 medicine and surgery, and the commission are directed to jointly adopt  
26 by consensus by rule a process and criteria that implements the joint  
27 practice arrangements authorized under this subsection. This  
28 subsection (1)(s) does not apply to certified registered nurse  
29 anesthetists.

30 (2) In the context of the definition of licensed practical nursing  
31 practice, this chapter shall not be construed as:

32 (a) Prohibiting the incidental care of the sick by domestic  
33 servants or persons primarily employed as housekeepers, so long as they  
34 do not practice practical nursing within the meaning of this chapter;

35 (b) Preventing a person from the domestic administration of family  
36 remedies or the furnishing of nursing assistance in case of emergency;

37 (c) Prohibiting the practice of practical nursing by students

1 enrolled in approved schools as may be incidental to their course of  
2 study or prohibiting the students from working as nursing assistants;

3 (d) Prohibiting auxiliary services provided by persons carrying out  
4 duties necessary for the support of nursing services, including those  
5 duties that involve minor nursing services for persons performed in  
6 hospitals, nursing homes, or elsewhere under the direction of licensed  
7 physicians or the supervision of licensed registered nurses;

8 (e) Prohibiting or preventing the practice of nursing in this state  
9 by a legally qualified nurse of another state or territory whose  
10 engagement requires him or her to accompany and care for a patient  
11 temporarily residing in this state during the period of one such  
12 engagement, not to exceed six months in length, if the person does not  
13 represent or hold himself or herself out as a licensed practical nurse  
14 licensed to practice in this state;

15 (f) Prohibiting nursing or care of the sick, with or without  
16 compensation, when done in connection with the practice of the  
17 religious tenets of a church by adherents of the church so long as they  
18 do not engage in licensed practical nurse practice as defined in this  
19 chapter;

20 (g) Prohibiting the practice of a legally qualified nurse of  
21 another state who is employed by the United States government or any  
22 bureau, division, or agency thereof, while in the discharge of his or  
23 her official duties.

24 **Sec. 7.** RCW 18.130.040 and 2002 c 223 s 6 and 2002 c 216 s 11 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;



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 under chapter 18.19 RCW;

10 (xi) Persons licensed as mental health counselors, marriage and  
11 family therapists, and social workers under chapter 18.225 RCW;

12 (xii) Persons registered as nursing pool operators under chapter  
13 18.52C RCW;

14 (xiii) Nursing assistants registered or certified under chapter  
15 18.88A RCW;

16 (xiv) Health care assistants certified under chapter 18.135 RCW;

17 (xv) Dietitians and nutritionists certified under chapter 18.138  
18 RCW;

19 (xvi) Chemical dependency professionals certified under chapter  
20 18.205 RCW;

21 (xvii) Sex offender treatment providers certified under chapter  
22 18.155 RCW;

23 (xviii) Persons licensed and certified under chapter 18.73 RCW or  
24 RCW 18.71.205;

25 (xix) Denturists licensed under chapter 18.30 RCW;

26 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

27 (xxi) Surgical technologists registered under chapter 18.215 RCW;

28 and

29 (xxii) Recreational therapists.

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

32 (i) The podiatric medical board as established in chapter 18.22  
33 RCW;

34 (ii) The chiropractic quality assurance commission as established  
35 in chapter 18.25 RCW;

36 (iii) The dental quality assurance commission as established in  
37 chapter 18.32 RCW;

1 (iv) The board of hearing and speech as established in chapter  
2 18.35 RCW;

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

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

7 (vii) The board of osteopathic medicine and surgery as established  
8 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
9 18.57A RCW;

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

12 (ix) The medical quality assurance commission as established in  
13 chapter 18.71 RCW governing licenses and registrations issued under  
14 chapters 18.71 and 18.71A RCW;

15 (x) The board of physical therapy as established in chapter 18.74  
16 RCW;

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

19 (xii) The nursing care quality assurance commission as established  
20 in chapter 18.79 RCW governing licenses and registrations issued under  
21 that chapter;

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

24 (xiv) The veterinary board of governors as established in chapter  
25 18.92 RCW.

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

34 (4) All disciplining authorities shall adopt procedures to ensure  
35 substantially consistent application of this chapter, the Uniform  
36 Disciplinary Act, among the disciplining authorities listed in  
37 subsection (2) of this section.

1        NEW SECTION.    **Sec. 8.**    A new section is added to chapter 70.41 RCW  
2 to read as follows:

3        The department shall investigate complaints of violations of  
4 sections 3 and 4 of this act by an employer.    The department shall  
5 maintain records of all employers that have violated sections 3 and 4  
6 of this act.

7        NEW SECTION.    **Sec. 9.**    A new section is added to chapter 18.51 RCW  
8 to read as follows:

9        The department shall investigate complaints of violations of  
10 sections 3 and 4 of this act by an employer.    The department shall  
11 maintain records of all employers that have violated sections 3 and 4  
12 of this act.

13        NEW SECTION.    **Sec. 10.**    Sections 1 through 5 of this act are each  
14 added to chapter 18.79 RCW.

15        NEW SECTION.    **Sec. 11.**    If any provision of this act or its  
16 application to any person or circumstance is held invalid, the  
17 remainder of the act or the application of the provision to other  
18 persons or circumstances is not affected.

19        NEW SECTION.    **Sec. 12.**    This act is necessary for the immediate  
20 preservation of the public peace, health, or safety, or support of the  
21 state government and its existing public institutions, and takes effect  
22 immediately.

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