



1 ~~required to enable the commission to accomplish its duties and~~  
2 ~~responsibilities. The executive director is exempt from the provisions~~  
3 ~~of the civil service law, chapter 41.06 RCW, as now or hereafter~~  
4 ~~amended)), hired by the commission and serving in accordance with RCW~~  
5 ~~43.70.240. The executive director shall perform all of the duties~~  
6 ~~specified in RCW 43.70.240 and assist the board, as directed, in~~  
7 ~~carrying out its responsibilities under this chapter.~~

8 **Sec. 2.** RCW 18.64.310 and 1996 c 191 s 49 are each amended to read  
9 as follows:

10 The department shall:

11 (1) Establish reasonable license and examination fees and fees for  
12 services to other agencies in accordance with RCW 43.70.250 and  
13 43.70.280. In cases where there are unanticipated demands for  
14 services, the department may request payment for services directly from  
15 the agencies for whom the services are performed, to the extent that  
16 revenues or other funds are available. Drug-related investigations  
17 regarding licensed health care practitioners shall be funded by an  
18 appropriation to the department from the health professions account.  
19 The payment may be made on either an advance or a reimbursable basis as  
20 approved by the director of financial management;

21 (2) ~~Employ((, with confirmation by the board,)) an executive~~  
22 ~~((officer)) director, ((who shall be exempt from the provisions of~~  
23 ~~chapter 41.06 RCW and who shall be a pharmacist licensed in Washington,~~  
24 ~~and employ inspectors, investigators, chemists, and other persons as~~  
25 ~~necessary to assist it for any purpose which it may deem necessary))~~  
26 ~~hired by the board and serving in accordance with RCW 43.70.240. The~~  
27 ~~executive director shall perform all of the duties specified in RCW~~  
28 ~~43.70.240 and assist the board, as directed, in carrying out its~~  
29 ~~responsibilities under this chapter;~~

30 (3) Investigate and prosecute, at the direction of the board,  
31 including use of subpoena powers, violations of law or regulations  
32 under its jurisdiction or the jurisdiction of the board of pharmacy;

33 (4) Make, at the direction of the board, inspections and  
34 investigations of pharmacies and other places, including dispensing  
35 machines, in which drugs or devices are stored, held, compounded,  
36 dispensed, sold, or administered to the ultimate consumer, to take and  
37 analyze any drugs or devices and to seize and condemn any drugs or

1 devices which are adulterated, misbranded, stored, held, dispensed,  
2 distributed, administered, or compounded in violation of or contrary to  
3 law. The written operating agreement between the department and the  
4 board, as required by RCW 43.70.240 shall include provisions for the  
5 department to involve the board in carrying out its duties required by  
6 this section.

7 **Sec. 3.** RCW 18.79.130 and 1994 sp.s. c 9 s 413 are each amended to  
8 read as follows:

9 The secretary shall ~~((appoint, after consultation with the~~  
10 ~~commission,))~~ employ an executive director ~~((who shall act to carry out~~  
11 ~~this chapter. The secretary shall also employ such professional,~~  
12 ~~secretarial, clerical, and other assistants as may be necessary to~~  
13 ~~effectively administer this chapter. The secretary shall fix the~~  
14 ~~compensation and provide for travel expenses for the executive director~~  
15 ~~and all such employees, in accordance with RCW 43.03.050 and~~  
16 ~~43.03.060)),~~ hired by the commission and serving in accordance with RCW  
17 43.70.240. The executive director shall perform all of the duties  
18 specified in RCW 43.70.240 and assist the board, as directed, in  
19 carrying out its responsibilities under this chapter.

20 **Sec. 4.** RCW 43.70.240 and 1998 c 245 s 73 are each amended to read  
21 as follows:

22 (1) The secretary and each of the professional licensing and  
23 disciplinary boards ((under the administration of the department shall  
24 enter into written operating agreements on administrative procedures  
25 with input from the regulated profession and the public. The intent of  
26 these agreements is to provide a process for the department to consult  
27 each board on administrative matters and to ensure that the  
28 administration and staff functions effectively enable each board)) and  
29 commissions shall enter into written joint operating agreements that  
30 detail the budgetary, staffing, administrative, and other licensing and  
31 disciplinary support that the department will provide each board and  
32 commission. The intent of these agreements is to provide a legal  
33 framework for ensuring that each board and commission is provided with  
34 adequate administrative and staff support from the department to  
35 effectively enable the board or commission to fulfill its statutory  
36 responsibilities.

1       (2) The joint agreements shall include, but are not ~~((be))~~ limited  
2 to, the following provisions:

3       ~~((1) Administrative activities supporting the board's policies,~~  
4 ~~goals, and objectives;~~

5       ~~(2) Development and review of the agency budget as it relates to~~  
6 ~~the board; and~~

7       ~~(3) Board related personnel issues.~~

8       ~~The agreements shall be reviewed and revised in like manner if~~  
9 ~~appropriate at the beginning of each fiscal year, and at other times~~  
10 ~~upon written request by the secretary or the board.))~~

11       (a) With regard to the independent executive director:

12       (i) That the executive director is hired by and serves at the  
13 pleasure of the board or commission;

14       (ii) Each board or commission, depending on their budget, scope of  
15 duties expected of its executive director, and other considerations,  
16 may reach agreement with another board or commission to hire and share  
17 the services of the same executive director, or, in the alternative,  
18 reach an agreement with the secretary to perform the duties of the  
19 executive director;

20       (iii) That the position is exempt from the provisions of the civil  
21 service law, chapter 41.06 RCW, and the executive director's salary is  
22 established by the board or commission;

23       (iv) That the executive director is responsible for hiring,  
24 evaluating, dismissing, disciplining, and directing department of  
25 health professional, clerical, technical, investigative, legal, and  
26 administrative personnel necessary to carry on the work of the board or  
27 commission; and

28       (v) That the executive director handles all administrative duties  
29 of the board or commission, including preparing an annual budget, and  
30 any other duties so delegated to the executive director by the board or  
31 commission.

32       (b) With regard to an annual budget:

33       (i) The board or commission is responsible for proposing its own  
34 biennial budget;

35       (ii) The secretary must forward the budgets proposed by the board  
36 or commission to the office of financial management; and

37       (iii) Prior to adopting licensing and registration fees under RCW

1 43.70.250, the secretary shall work with the boards and commissions to  
2 determine the appropriate fees for the individual profession.

3 (c) With regard to rules and guidelines: Prior to the secretary  
4 exercising the secretary's authority to adopt uniform rules and  
5 guidelines, or any other actions that might impact the licensing or  
6 disciplining authority of a board or commission, the secretary shall  
7 first meet with the board or commission to determine how those rules or  
8 guidelines, or changes to rules or guidelines, might impact the board  
9 or commission's ability to effectively carry out its statutory duties.  
10 If the board or commission, in consultation with the secretary,  
11 determines that the proposed rules or guidelines, or changes to  
12 existing rules or guidelines, will negatively impact the board's or  
13 commission's ability to effectively carry out its statutory duties,  
14 then the individual board or commission shall collaborate with the  
15 secretary to develop alternative solutions to mitigate the impacts. If  
16 an alternative solution cannot be reached, the parties may resolve the  
17 dispute through a mediator as set forth in (e) of this subsection.

18 (d) With regard to performance measurements: Annually, each board  
19 and commission in consultation with the secretary shall set  
20 performance-based goals for the upcoming year.

21 (e) With regard to dispute resolution: In the event there is a  
22 disagreement between a board or commission and the secretary, that is  
23 unable to be resolved through negotiation, a representative of both  
24 parties shall agree on the designation of a third party to mediate the  
25 dispute.

26 (f) With regard to an annual review: Joint agreements must be  
27 reviewed annually in June. The parties are required to have an  
28 agreement on proposed changes, if any, in place by July 1st of that  
29 year. If the parties fail to reach an agreement by July 1st, a  
30 mediator must be brought in to resolve the dispute as set forth in (e)  
31 of this subsection. Until such time as the dispute is resolved, the  
32 terms of the current agreement remain in effect.

33 **Sec. 5.** RCW 43.70.250 and 2006 c 72 s 4 are each amended to read  
34 as follows:

35 (1) It shall be the policy of the state of Washington that the cost  
36 of each professional, occupational, or business licensing program be  
37 fully borne by the members of that profession, occupation, or business.

1 The secretary shall from time to time establish the amount of all  
2 application fees, license fees, registration fees, examination fees,  
3 permit fees, renewal fees, and any other fee associated with licensing  
4 or regulation of professions, occupations, or businesses administered  
5 by the department. In fixing said fees, the secretary shall set the  
6 fees for each program at a sufficient level to defray the costs of  
7 administering that program and the cost of regulating licensed  
8 volunteer medical workers in accordance with RCW 18.130.360, except as  
9 provided in RCW 18.79.202 until June 30, 2013. All such fees shall be  
10 fixed by rule adopted by the secretary in accordance with the  
11 provisions of the administrative procedure act, chapter 34.05 RCW.

12 (2) By September of each year, the secretary shall provide each of  
13 the health professions boards and commissions a detailed accounting of  
14 how the fees collected from each of the boards and commissions  
15 deposited into the health professions account was used to support that  
16 particular profession's program.

17 NEW SECTION. Sec. 6. A new section is added to chapter 18.22 RCW  
18 to read as follows:

19 The secretary shall employ an executive director hired by the board  
20 and serving in accordance with RCW 43.70.240. The executive director  
21 shall perform all of the duties specified in RCW 43.70.240 and assist  
22 the board, as directed, in carrying out its responsibilities under this  
23 chapter.

24 NEW SECTION. Sec. 7. A new section is added to chapter 18.25 RCW  
25 to read as follows:

26 The secretary shall employ an executive director hired by the  
27 commission and serving in accordance with RCW 43.70.240. The executive  
28 director shall perform all of the duties specified in RCW 43.70.240 and  
29 assist the commission, as directed, in carrying out its  
30 responsibilities under this chapter.

31 NEW SECTION. Sec. 8. A new section is added to chapter 18.30 RCW  
32 to read as follows:

33 The secretary shall employ an executive director hired by the board  
34 and serving in accordance with RCW 43.70.240. The executive director

1 shall perform all of the duties specified in RCW 43.70.240 and assist  
2 the board, as directed, in carrying out its responsibilities under this  
3 chapter.

4 NEW SECTION. **Sec. 9.** A new section is added to chapter 18.32 RCW  
5 to read as follows:

6 The secretary shall employ an executive director hired by the  
7 commission and serving in accordance with RCW 43.70.240. The executive  
8 director shall perform all of the duties specified in RCW 43.70.240 and  
9 assist the commission, as directed, in carrying out its  
10 responsibilities under this chapter.

11 NEW SECTION. **Sec. 10.** A new section is added to chapter 18.35 RCW  
12 to read as follows:

13 The secretary shall employ an executive director hired by the board  
14 and serving in accordance with RCW 43.70.240. The executive director  
15 shall perform all of the duties specified in RCW 43.70.240 and assist  
16 the board, as directed, in carrying out its responsibilities under this  
17 chapter.

18 NEW SECTION. **Sec. 11.** A new section is added to chapter 18.52 RCW  
19 to read as follows:

20 The secretary shall employ an executive director hired by the board  
21 and serving in accordance with RCW 43.70.240. The executive director  
22 shall perform all of the duties specified in RCW 43.70.240 and assist  
23 the board, as directed, in carrying out its responsibilities under this  
24 chapter.

25 NEW SECTION. **Sec. 12.** A new section is added to chapter 18.54 RCW  
26 to read as follows:

27 The secretary shall employ an executive director hired by the board  
28 and serving in accordance with RCW 43.70.240. The executive director  
29 shall perform all of the duties specified in RCW 43.70.240 and assist  
30 the board, as directed, in carrying out its responsibilities under this  
31 chapter.

32 NEW SECTION. **Sec. 13.** A new section is added to chapter 18.57 RCW  
33 to read as follows:

1       The secretary shall employ an executive director hired by the board  
2 and serving in accordance with RCW 43.70.240. The executive director  
3 shall perform all of the duties specified in RCW 43.70.240 and assist  
4 the board, as directed, in carrying out its responsibilities under this  
5 chapter.

6       NEW SECTION. **Sec. 14.** A new section is added to chapter 18.59 RCW  
7 to read as follows:

8       The secretary shall employ an executive director hired by the board  
9 and serving in accordance with RCW 43.70.240. The executive director  
10 shall perform all of the duties specified in RCW 43.70.240 and assist  
11 the board, as directed, in carrying out its responsibilities under this  
12 chapter.

13       NEW SECTION. **Sec. 15.** A new section is added to chapter 18.74 RCW  
14 to read as follows:

15       The secretary shall employ an executive director hired by the board  
16 and serving in accordance with RCW 43.70.240. The executive director  
17 shall perform all of the duties specified in RCW 43.70.240 and assist  
18 the board, as directed, in carrying out its responsibilities under this  
19 chapter.

20       NEW SECTION. **Sec. 16.** A new section is added to chapter 18.83 RCW  
21 to read as follows:

22       The secretary shall employ an executive director hired by the  
23 board and serving in accordance with RCW 43.70.240. The executive  
24 director shall perform all of the duties specified in RCW 43.70.240 and  
25 assist the board, as directed, in carrying out its responsibilities  
26 under this chapter.

27       NEW SECTION. **Sec. 17.** A new section is added to chapter 18.92 RCW  
28 to read as follows:

29       The secretary shall employ an executive director hired by the board  
30 and serving in accordance with RCW 43.70.240. The executive director  
31 shall perform all of the duties specified in RCW 43.70.240 and assist  
32 the board, as directed, in carrying out its responsibilities under this  
33 chapter.



1        NEW SECTION.   **Sec. 18.**   A new section is added to chapter 18.108  
2   RCW to read as follows:

3        The secretary shall employ an executive director hired by the  
4   board and serving in accordance with RCW 43.70.240.   The executive  
5   director shall perform all of the duties specified in RCW 43.70.240 and  
6   assist the board, as directed, in carrying out its responsibilities  
7   under this chapter.

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