
SUBSTITUTE HOUSE BILL 1899

State of Washington 61st Legislature 2009 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Warnick and Hinkle)

READ FIRST TIME 02/23/09.

1 AN ACT Relating to physicians holding a retired active license;
2 amending RCW 18.71.080, 18.130.250, and 43.70.110; adding a new section
3 to chapter 18.71 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that increasing the
6 number of retired physicians who provide volunteer health care services
7 is a cost-effective way to improve access to health care for many
8 citizens of this state. Physicians holding a retired active license
9 must currently meet many of the same requirements as physicians in
10 active practice, including at least fifty hours of continuing education
11 a year, despite the fact that retired active physicians may only
12 practice a maximum of ninety days a year, are limited to providing
13 primary care services, and are limited to providing such services only
14 in community clinics that are operated by public or private tax-exempt
15 corporations. This presents both financial and practical barriers for
16 retired physicians who wish to provide health care services on a
17 volunteer basis, barriers that are not as stringent in other states
18 that provide similar licenses for retired physicians. It is therefore

1 the intent of the legislature to ease some of these barriers in a
2 manner that does not adversely affect public safety.

3 **Sec. 2.** RCW 18.71.080 and 1996 c 191 s 52 are each amended to read
4 as follows:

5 Every person licensed to practice medicine in this state shall pay
6 licensing fees and renew his or her license in accordance with
7 administrative procedures and administrative requirements adopted as
8 provided in RCW 43.70.250 and 43.70.280. A physician obtaining or
9 renewing a retired active license shall be exempt from licensing fees
10 imposed under this section. The commission may establish rules
11 governing mandatory continuing education requirements which shall be
12 met by physicians applying for renewal of licenses. The rules shall
13 provide that mandatory continuing education requirements may be met in
14 part by physicians showing evidence of the completion of approved
15 activities relating to professional liability risk management. The
16 number of hours of continuing education for a physician holding a
17 retired active license shall not exceed fifty hours per year. The
18 commission, in its sole discretion, may permit an applicant who has not
19 renewed his or her license to be licensed without examination if it is
20 satisfied that such applicant meets all the requirements for licensure
21 in this state, and is competent to engage in the practice of medicine.

22 **Sec. 3.** RCW 18.130.250 and 1991 c 229 s 1 are each amended to read
23 as follows:

24 The disciplining authority may adopt rules pursuant to this section
25 authorizing a retired active license status. An individual
26 credentialed by a disciplining authority regulated in the state under
27 RCW 18.130.040, who is practicing only in emergent or intermittent
28 circumstances as defined by rule established by the disciplining
29 authority, may hold a retired active license at a reduced renewal fee
30 established by the secretary under RCW 43.70.250 or, for a physician
31 holding a retired active license, at no renewal fee. Except as
32 provided in RCW 18.71.080, such a license shall meet the continuing
33 education or continued competency requirements, if any, established by
34 the disciplining authority for renewals, and is subject to the
35 provisions of this chapter. Individuals who have entered into retired

1 status agreements with the disciplinary authority in any jurisdiction
2 shall not qualify for a retired active license under this section.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.71 RCW
4 to read as follows:

5 (1) The commission shall consider amending its rules on retired
6 active physicians in a manner that improves access to health care
7 services for the citizens of this state without compromising public
8 safety. When considering whether to amend its rules, the commission
9 shall, at a minimum, consider the following:

10 (a) Whether physicians holding retired active licenses should be
11 allowed to provide health care services beyond primary care; and

12 (b) Whether physicians holding retired active licenses should be
13 allowed to provide health care services in settings beyond community
14 clinics operated by public or private tax-exempt corporations.

15 (2) The commission shall determine whether it will amend its rules
16 in the manner suggested by this section no later than November 15,
17 2009. If the commission determines that it will not amend its rules,
18 it shall provide a written explanation of its decision to the
19 appropriate committees of the legislature no later than December 1,
20 2009.

21 **Sec. 5.** RCW 43.70.110 and 2007 c 259 s 11 are each amended to read
22 as follows:

23 (1) The secretary shall charge fees to the licensee for obtaining
24 a license. Physicians obtaining or renewing a retired active license
25 are exempt from such fees. After June 30, 1995, municipal corporations
26 providing emergency medical care and transportation services pursuant
27 to chapter 18.73 RCW shall be exempt from such fees, provided that such
28 other emergency services shall only be charged for their pro rata share
29 of the cost of licensure and inspection, if appropriate. The secretary
30 may waive the fees when, in the discretion of the secretary, the fees
31 would not be in the best interest of public health and safety, or when
32 the fees would be to the financial disadvantage of the state.

33 (2) Except as provided in subsection (3) of this section, fees
34 charged shall be based on, but shall not exceed, the cost to the
35 department for the licensure of the activity or class of activities and
36 may include costs of necessary inspection.

1 (3) License fees shall include amounts in addition to the cost of
2 licensure activities in the following circumstances:

3 (a) For registered nurses and licensed practical nurses licensed
4 under chapter 18.79 RCW, support of a central nursing resource center
5 as provided in RCW 18.79.202, until June 30, 2013;

6 (b) For all health care providers licensed under RCW 18.130.040,
7 the cost of regulatory activities for retired volunteer medical worker
8 licensees as provided in RCW 18.130.360; and

9 (c) For physicians licensed under chapter 18.71 RCW, physician
10 assistants licensed under chapter 18.71A RCW, osteopathic physicians
11 licensed under chapter 18.57 RCW, osteopathic physicians' assistants
12 licensed under chapter 18.57A RCW, naturopaths licensed under chapter
13 18.36A RCW, podiatrists licensed under chapter 18.22 RCW, chiropractors
14 licensed under chapter 18.25 RCW, psychologists licensed under chapter
15 18.83 RCW, registered nurses licensed under chapter 18.79 RCW,
16 optometrists licensed under chapter 18.53 RCW, mental health counselors
17 licensed under chapter 18.225 RCW, massage therapists licensed under
18 chapter 18.108 RCW, clinical social workers licensed under chapter
19 18.225 RCW, and acupuncturists licensed under chapter 18.06 RCW, the
20 license fees shall include up to an additional twenty-five dollars to
21 be transferred by the department to the University of Washington for
22 the purposes of RCW 43.70.112.

23 (4) Department of health advisory committees may review fees
24 established by the secretary for licenses and comment upon the
25 appropriateness of the level of such fees.

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