
HOUSE BILL 2381

State of Washington 61st Legislature 2009 Regular Session

By Representatives Green and Morrell

Read first time 04/18/09. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to creating the Washington state board of
2 naturopathy; amending RCW 18.36A.020, 18.36A.060, 18.36A.080,
3 18.36A.090, 18.36A.100, 18.36A.110, 18.36A.120, and 18.130.040; adding
4 new sections to chapter 18.36A RCW; and repealing RCW 18.36A.070.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.36A RCW
7 to read as follows:

8 (1) There is hereby created the board of naturopathy consisting of
9 seven members appointed by the governor to four-year terms. The
10 governor shall consider naturopathic members who are recommended for
11 appointment by the appropriate professional associations in the state.
12 Five members of the board shall be persons licensed under this chapter
13 and two shall be members of the public. No member may serve more than
14 two consecutive full terms. Members hold office until their successors
15 are appointed. The governor may appoint the initial members of the
16 board to staggered terms from one to four years. Thereafter, all
17 members shall be appointed to full four-year terms.

18 (2) The public members of the board may not (a) be a member of any
19 other health care licensing board or commission, (b) have a fiduciary

1 obligation to a facility rendering services regulated under this
2 chapter, or (c) have a material or financial interest in the rendering
3 of services regulated under this chapter.

4 (3) The board shall elect officers each year. Meetings of the
5 board are open to the public, except that the board may hold executive
6 sessions to the extent permitted by chapter 42.30 RCW. The department
7 shall provide secretarial, clerical, and other assistance as required
8 by the board.

9 (4) Each member of the board shall be compensated in accordance
10 with RCW 43.03.265. Members shall be reimbursed for travel expenses
11 incurred in the actual performance of their duties, as provided in RCW
12 43.03.050 and 43.03.060.

13 (5) A majority of the board members appointed and serving
14 constitutes a quorum for the transaction of board business. The
15 affirmative vote of a majority of a quorum of the board is required to
16 carry a motion or resolution, to adopt a rule, or to pass a measure.

17 (6) The board may appoint members to panels of at least three
18 members. A quorum for transaction of any business by a panel is a
19 minimum of three members. A majority vote of a quorum of the panel is
20 required to transact business delegated to it by the board.

21 (7) The board may adopt such rules as are consistent with this
22 chapter, as may be deemed necessary and proper to carry out the
23 purposes of this chapter.

24 (8) The governor may remove a member of the board for neglect of
25 duty, misconduct, or malfeasance or misfeasance in office, or upon
26 written request of two-thirds of the physicians licensed under this
27 chapter and in active practice in the state. Whenever the governor is
28 satisfied that a member of the board has been guilty of neglect of
29 duty, misconduct, or malfeasance or misfeasance in office, he or she
30 shall file with the secretary of state a statement of the cause for and
31 the order of removal from office, and the secretary shall forthwith
32 send a certified copy of the order of removal and statement of causes
33 by certified mail to the last known post office address of the member.
34 If a vacancy occurs on the board, the governor shall appoint a
35 replacement to fill the remainder of the unexpired term.

36 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.36A RCW
37 to read as follows:

1 (1) In addition to any other authority provided by law, the board
2 shall:

3 (a) Determine the minimum education and experience requirements for
4 licensure in conformance with RCW 18.36A.090, including but not limited
5 to approval of educational programs;

6 (b) Prepare and administer, or approve the preparation and
7 administration of, examinations for licensure;

8 (c) Establish by rule the procedures for an appeal of examination
9 failure;

10 (d) Determine whether alternative methods of training are
11 equivalent to formal education, and establish forms, procedures, and
12 criteria for evaluation of an applicant's equivalent alternative
13 training to determine the applicant's eligibility to take the
14 examination; and

15 (e) Adopt rules implementing a continuing competency program.

16 (2) The uniform disciplinary act, chapter 18.130 RCW, governs
17 unlicensed practice, the issuance and denial of licenses, and the
18 discipline of licensees under this chapter. The board shall be the
19 disciplining authority under this chapter.

20 **Sec. 3.** RCW 18.36A.020 and 2005 c 158 s 1 are each amended to read
21 as follows:

22 Unless the context clearly requires otherwise, the definitions in
23 this section apply throughout this chapter.

24 (1) "Department" means the department of health.

25 (2) "Secretary" means the secretary of health or the secretary's
26 designee.

27 (3) "Naturopath" means an individual licensed under this chapter.

28 (4) (~~"Committee" means the Washington state naturopathic practice
29 advisory committee.~~) "Board" means the board of naturopathy.

30 (5) "Educational program" means an accredited program preparing
31 persons for the practice of naturopathic medicine.

32 (6) "Nutrition and food science" means the prevention and treatment
33 of disease or other human conditions through the use of foods, water,
34 herbs, roots, bark, or natural food elements.

35 (7) "Manual manipulation" or "mechanotherapy" means manipulation of
36 a part or the whole of the body by hand or by mechanical means.

1 (8) "Physical modalities" means use of physical, chemical,
2 electrical, and other noninvasive modalities, including but not limited
3 to heat, cold, air, light, water in any of its forms, sound, massage,
4 and therapeutic exercise.

5 (9) "Homeopathy" means a system of medicine based on the use of
6 infinitesimal doses of medicines capable of producing symptoms similar
7 to those of the disease treated, as listed in the homeopathic
8 pharmacopeia of the United States.

9 (10) "Naturopathic medicines" means vitamins; minerals; botanical
10 medicines; homeopathic medicines; hormones; and those legend drugs and
11 controlled substances consistent with naturopathic medical practice in
12 accordance with rules established by the ((secretary)) board.
13 Controlled substances are limited to codeine and testosterone products
14 that are contained in Schedules III, IV, and V in chapter 69.50 RCW.

15 (11) "Hygiene and immunization" means the use of such preventative
16 techniques as personal hygiene, asepsis, public health, and
17 immunizations, to the extent allowed by rule.

18 (12) "Minor office procedures" means care and procedures incident
19 thereto of superficial lacerations, lesions, and abrasions, and the
20 removal of foreign bodies located in superficial structures, not to
21 include the eye; and the use of antiseptics and topical or local
22 anesthetics in connection therewith. "Minor office procedures" also
23 includes intramuscular, intravenous, subcutaneous, and intradermal
24 injections of substances consistent with the practice of naturopathic
25 medicine and in accordance with rules established by the ((secretary))
26 board.

27 (13) "Common diagnostic procedures" means the use of venipuncture
28 consistent with the practice of naturopathic medicine, commonly used
29 diagnostic modalities consistent with naturopathic practice, health
30 history taking, physical examination, radiography, examination of body
31 orifices excluding endoscopy, laboratory medicine, and obtaining
32 samples of human tissues, but excluding incision or excision beyond
33 that which is authorized as a minor office procedure.

34 (14) "Suggestion" means techniques including but not limited to
35 counseling, biofeedback, and hypnosis.

36 (15) "Radiography" means the ordering, but not the interpretation,
37 of radiographic diagnostic and other imaging studies and the taking and
38 interpretation of standard radiographs.

1 **Sec. 4.** RCW 18.36A.060 and 1991 c 3 s 91 are each amended to read
2 as follows:

3 ~~((1))~~ In addition to any other authority provided by law, the
4 secretary may:

5 ~~((a) Adopt rules, in accordance with chapter 34.05 RCW, necessary
6 to implement this chapter;~~

7 ~~(b))~~ (1) Set all license, examination, and renewal fees in
8 accordance with RCW 43.70.250;

9 ~~((c))~~ (2) Establish forms and procedures necessary to administer
10 this chapter;

11 ~~((d) Determine the minimum education and experience requirements
12 for licensure in conformance with RCW 18.36A.090, including but not
13 limited to approval of educational programs;~~

14 ~~(e) Prepare and administer or approve the preparation and
15 administration of examinations for licensure;~~

16 ~~(f))~~ (3) Issue a license to any applicant who has met the
17 education, training, and examination requirements for licensure and
18 deny a license to applicants who do not meet the minimum qualifications
19 for licensure; except that denial of licenses based on unprofessional
20 conduct or impaired practice shall be governed by the uniform
21 disciplinary act, chapter 18.130 RCW;

22 ~~((g))~~ (4) Hire clerical, administrative, and investigative staff
23 as needed to implement and administer this chapter and to hire
24 individuals, including those licensed under this chapter, to serve as
25 examiners or consultants as necessary to implement and administer this
26 chapter;

27 ~~((h))~~ (5) Maintain the official department record of all
28 applicants and licensees; and

29 ~~((i) Determine whether alternative methods of training are
30 equivalent to formal education, and establish forms, procedures, and
31 criteria for evaluation of an applicant's equivalent alternative
32 training to determine the applicant's eligibility to take the
33 examination;~~

34 ~~(j) Establish by rule the procedures for an appeal of examination
35 failure;~~

36 ~~(k))~~ (6) Conduct a hearing on an appeal of a denial of a license
37 based on the applicant's failure to meet the minimum qualifications for

1 licensure. The hearing shall be conducted pursuant to chapter 34.05
2 RCW(~~and~~

3 ~~(1) Adopt rules implementing a continuing competency program.~~

4 ~~(2) The uniform disciplinary act, chapter 18.130 RCW, governs~~
5 ~~unlicensed practice, the issuance and denial of licenses and the~~
6 ~~discipline of licensees under this chapter. The secretary shall be the~~
7 ~~disciplining authority under this chapter)).~~

8 **Sec. 5.** RCW 18.36A.080 and 1991 c 3 s 93 are each amended to read
9 as follows:

10 The secretary, members of the (~~committee~~) board, or individuals
11 acting on their behalf, are immune from suit in any civil action based
12 on any act performed in the course of their duties.

13 **Sec. 6.** RCW 18.36A.090 and 1991 c 3 s 94 are each amended to read
14 as follows:

15 The department shall issue a license to any applicant who meets the
16 following requirements:

17 (1) Successful completion of an educational program approved by the
18 (~~secretary~~) board, the minimum standard of which shall be the
19 successful completion of a doctorate degree program in naturopathy
20 which includes a minimum of two hundred post-graduate hours in the
21 study of mechanotherapy from an approved educational program, or
22 successful completion of equivalent alternate training that meets the
23 criteria established by the (~~secretary~~) board. The requirement for
24 two hundred post-graduate hours in the study of mechanotherapy shall
25 expire June 30, 1989;

26 (2) Successful completion of any equivalent experience requirement
27 established by the (~~secretary~~) board;

28 (3) Successful completion of an examination administered or
29 approved by the (~~secretary~~) board;

30 (4) Good moral character; and

31 (5) Not having engaged in unprofessional conduct or being unable to
32 practice with reasonable skill and safety as a result of a physical or
33 mental impairment.

34 The (~~secretary~~) board shall establish what constitutes adequate
35 proof of meeting the above requirements. Any person holding a valid

1 license to practice drugless therapeutics under chapter 18.36 RCW upon
2 January 1, 1988, shall be deemed licensed pursuant to this chapter.

3 **Sec. 7.** RCW 18.36A.100 and 1991 c 3 s 95 are each amended to read
4 as follows:

5 (1) The ~~((secretary))~~ board shall establish by rule the standards
6 for approval of educational programs and alternate training and may
7 contract with individuals or organizations having expertise in the
8 profession and/or in education to report to the ~~((secretary))~~ board the
9 information necessary for the ~~((secretary))~~ board to evaluate the
10 educational programs. The standards for approval shall be based on the
11 minimal competencies necessary for safe practice. The standards and
12 procedures for approval shall apply equally to educational programs and
13 equivalent alternate training within the United States and those in
14 foreign jurisdictions. ~~((The secretary may establish a fee for
15 educational program evaluation. The fee shall be determined by the))~~

16 (2) Each educational program requesting approval shall pay all
17 administrative costs for the educational program evaluation, including,
18 but not limited to, costs for site evaluation.

19 **Sec. 8.** RCW 18.36A.110 and 1991 c 3 s 96 are each amended to read
20 as follows:

21 (1) The date and location of the examination shall be established
22 by the ~~((secretary))~~ board. Applicants who have been found to meet the
23 education and experience requirements for licensure shall be scheduled
24 for the next examination following the filing of the application. The
25 ~~((secretary))~~ board shall establish by rule the examination application
26 deadline.

27 (2) The examination shall contain subjects appropriate to the
28 standards of competency and scope of practice.

29 (3) The ~~((secretary))~~ board shall establish by rule the
30 requirements for a reexamination if the applicant has failed the
31 examination.

32 (4) The ~~((committee))~~ board may ~~((recommend to the secretary))~~
33 approve an examination prepared or administered, or both, by a private
34 testing agency or association of licensing boards.

1 **Sec. 9.** RCW 18.36A.120 and 1991 c 3 s 97 are each amended to read
2 as follows:

3 The (~~(secretary)~~) board shall establish by rule the standards for
4 licensure of applicants licensed in another jurisdiction. However, the
5 standards for reciprocity of licensure shall not be less than required
6 for licensure in the state of Washington.

7 **Sec. 10.** RCW 18.130.040 and 2009 c 52 s 1 are each amended to read
8 as follows:

9 (1) This chapter applies only to the secretary and the boards and
10 commissions having jurisdiction in relation to the professions licensed
11 under the chapters specified in this section. This chapter does not
12 apply to any business or profession not licensed under the chapters
13 specified in this section.

14 (2)(a) The secretary has authority under this chapter in relation
15 to the following professions:

16 (i) Dispensing opticians licensed and designated apprentices under
17 chapter 18.34 RCW;

18 (ii) (~~(Naturopaths licensed under chapter 18.36A RCW;~~

19 ~~(iii))~~) Midwives licensed under chapter 18.50 RCW;

20 (~~(iv))~~) (iii) Ocularists licensed under chapter 18.55 RCW;

21 (~~(v))~~) (iv) Massage operators and businesses licensed under
22 chapter 18.108 RCW;

23 (~~(vi))~~) (v) Dental hygienists licensed under chapter 18.29 RCW;

24 (~~(vii))~~) (vi) Acupuncturists licensed under chapter 18.06 RCW;

25 (~~(viii))~~) (vii) Radiologic technologists certified and X-ray
26 technicians registered under chapter 18.84 RCW;

27 (~~(ix))~~) (viii) Respiratory care practitioners licensed under
28 chapter 18.89 RCW;

29 (~~(x))~~) (ix) Hypnotherapists and agency affiliated counselors
30 registered and advisors and counselors certified under chapter 18.19
31 RCW;

32 (~~(xi))~~) (x) Persons licensed as mental health counselors, mental
33 health counselor associates, marriage and family therapists, marriage
34 and family therapist associates, social workers, social work
35 associates--advanced, and social work associates--independent clinical
36 under chapter 18.225 RCW;

1 ~~((xii))~~ (xi) Persons registered as nursing pool operators under
2 chapter 18.52C RCW;
3 ~~((xiii))~~ (xii) Nursing assistants registered or certified under
4 chapter 18.88A RCW;
5 ~~((xiv))~~ (xiii) Health care assistants certified under chapter
6 18.135 RCW;
7 ~~((xv))~~ (xiv) Dietitians and nutritionists certified under chapter
8 18.138 RCW;
9 ~~((xvi))~~ (xv) Chemical dependency professionals and chemical
10 dependency professional trainees certified under chapter 18.205 RCW;
11 ~~((xvii))~~ (xvi) Sex offender treatment providers and certified
12 affiliate sex offender treatment providers certified under chapter
13 18.155 RCW;
14 ~~((xviii))~~ (xvii) Persons licensed and certified under chapter
15 18.73 RCW or RCW 18.71.205;
16 ~~((xix))~~ (xviii) Denturists licensed under chapter 18.30 RCW;
17 ~~((xx))~~ (xix) Orthotists and prosthetists licensed under chapter
18 18.200 RCW;
19 ~~((xxi))~~ (xx) Surgical technologists registered under chapter
20 18.215 RCW;
21 ~~((xxii))~~ (xxi) Recreational therapists;
22 ~~((xxiii))~~ (xxii) Animal massage practitioners certified under
23 chapter 18.240 RCW;
24 ~~((xxiv))~~ (xxiii) Athletic trainers licensed under chapter 18.250
25 RCW; and
26 ~~((xxv))~~ (xxiv) Home care aides certified under chapter 18.88B
27 RCW.
28 (b) The boards and commissions having authority under this chapter
29 are as follows:
30 (i) The podiatric medical board as established in chapter 18.22
31 RCW;
32 (ii) The chiropractic quality assurance commission as established
33 in chapter 18.25 RCW;
34 (iii) The dental quality assurance commission as established in
35 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
36 licenses and registrations issued under chapter 18.260 RCW;
37 (iv) The board of hearing and speech as established in chapter
38 18.35 RCW;

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

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

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

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

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

13 (x) The board of physical therapy as established in chapter 18.74
14 RCW;

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

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

20 (xiii) The examining board of psychology and its disciplinary
21 committee as established in chapter 18.83 RCW; (~~and~~)

22 (xiv) The veterinary board of governors as established in chapter
23 18.92 RCW; and

24 (xv) The board of naturopathy as established in chapter 18.36A RCW.

25 (3) In addition to the authority to discipline license holders, the
26 disciplining authority has the authority to grant or deny licenses.
27 The disciplining authority may also grant a license subject to
28 conditions.

29 (4) All disciplining authorities shall adopt procedures to ensure
30 substantially consistent application of this chapter, the Uniform
31 Disciplinary Act, among the disciplining authorities listed in
32 subsection (2) of this section.

33 NEW SECTION. **Sec. 11.** RCW 18.36A.070 (Naturopathic advisory
34 committee) and 1991 c 3 s 92 & 1987 c 447 s 7 are each repealed.

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