
SENATE BILL 5320

State of Washington

61st Legislature

2009 Regular Session

By Senators Murray, Kohl-Welles, and Shin

Read first time 01/20/09. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to modifying the name of and titles within the
2 acupuncture profession; amending RCW 18.06.010, 18.06.020, 18.06.045,
3 18.06.050, 18.06.080, 18.06.120, 18.06.130, 18.06.140, 18.06.190,
4 4.24.240, 4.24.290, 7.70.020, 18.120.020, 18.130.040, and 43.70.110;
5 adding a new section to chapter 18.06 RCW; and creating new sections.

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

7 NEW SECTION. **Sec. 1.** INTENT. The legislature intends this act to
8 recognize that acupuncturists licensed by the state of Washington are
9 practicing a system of medicine, and that changing the name of their
10 title to "Oriental medicine practitioners" more appropriately captures
11 the nature and scope of their work. It is further the intent that
12 references in federal law to "acupuncturists" apply to persons licensed
13 under this act as "Oriental medicine practitioners."

14 **Sec. 2.** RCW 18.06.010 and 1995 c 323 s 4 are each amended to read
15 as follows:

16 The following terms in this chapter shall have the meanings set
17 forth in this section unless the context clearly indicates otherwise:

1 (1) (~~("Acupuncture")~~) "Oriental medicine" means a health care
2 service based on an Oriental system of medical theory utilizing
3 Oriental diagnosis and treatment to promote health and treat organic or
4 functional disorders (~~(by treating specific acupuncture points or~~
5 ~~meridians. Acupuncture)~~). Oriental medicine is also commonly known as
6 acupuncture, traditional Chinese medicine, traditional Oriental
7 medicine, or east Asian medicine. Oriental medicine includes the
8 following (~~(techniques)~~) modalities:

9 (a) Use of acupuncture needles to stimulate acupuncture points and
10 meridians;

11 (b) Use of electrical, mechanical, or magnetic devices to stimulate
12 acupuncture points and meridians;

13 (c) Moxibustion;

14 (d) Acupressure;

15 (e) Cupping;

16 (f) Dermal friction technique;

17 (g) Infra-red;

18 (h) Sonopuncture;

19 (i) Laserpuncture;

20 (j) Point injection therapy (aquapuncture); and

21 (k) Dietary advice based on Oriental medical theory provided in
22 conjunction with (~~(techniques)~~) modalities under (~~((a) through (j) of)~~)
23 this (~~(subsection)~~) section.

24 (2) (~~("Acupuncturist")~~) "Oriental medicine practitioner" means a
25 person licensed under this chapter.

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

27 (4) "Secretary" means the secretary of health or the secretary's
28 designee.

29 **Sec. 3.** RCW 18.06.020 and 1995 c 323 s 5 are each amended to read
30 as follows:

31 (1) No one may hold themselves out to the public as an
32 acupuncturist or (~~(licensed acupuncturist)~~) Oriental medicine
33 practitioner or any derivative thereof which is intended to or is
34 likely to lead the public to believe such a person is an acupuncturist
35 or (~~(licensed acupuncturist)~~) Oriental medicine practitioner unless
36 licensed as provided for in this chapter.

1 (2) A person may not practice Oriental medicine, including
2 acupuncture, if the person is not licensed under this chapter.

3 (3) No one may use any configuration of letters after their name
4 (including Ac. or OMP) which indicates a degree or formal training in
5 Oriental medicine, including acupuncture, unless licensed as provided
6 for in this chapter.

7 (4) The secretary may by rule proscribe or regulate advertising and
8 other forms of patient solicitation which are likely to mislead or
9 deceive the public as to whether someone is licensed under this
10 chapter. Only a person licensed as an Oriental medicine practitioner
11 under this chapter may also refer to himself or herself as an
12 acupuncturist.

13 (5) Any person licensed as an acupuncturist under this chapter
14 prior to the effective date of this act must, at the date of their next
15 license renewal date, be given the title Oriental medicine
16 practitioner.

17 **Sec. 4.** RCW 18.06.045 and 1995 c 323 s 6 are each amended to read
18 as follows:

19 Nothing in this chapter shall be construed to prohibit or restrict:

20 (1) The practice by an individual credentialed under the laws of
21 this state and performing services within such individual's authorized
22 scope of practice;

23 (2) The practice by an individual employed by the government of the
24 United States while engaged in the performance of duties prescribed by
25 the laws of the United States;

26 (3) The practice by a person who is a regular student in an
27 educational program approved by the secretary, and whose performance of
28 services is pursuant to a regular course of instruction or assignments
29 from an instructor and under the general supervision of the instructor;

30 (4) The practice of (~~acupuncture~~) Oriental medicine by any person
31 credentialed to perform (~~acupuncture~~) Oriental medicine services in
32 any other jurisdiction where such person is doing so in the course of
33 regular instruction of a school of Oriental medicine, including
34 acupuncture, approved by the secretary or in an educational seminar by
35 a professional organization of acupuncture, provided that in the latter
36 case, the practice is supervised directly by a person licensed under

1 this chapter or licensed under any other healing art whose scope of
2 practice includes (~~acupuncture~~) Oriental medicine;

3 (5) The practice of Oriental medicine by any person credentialed to
4 perform Oriental medicine, including acupuncture, in good standing in
5 any other jurisdiction with standards equivalent with Washington state,
6 where that person is doing so under a declared state of emergency in
7 the course of administering emergency relief during a declared
8 disaster, if the practice is supervised directly by a person licensed
9 under this chapter.

10 **Sec. 5.** RCW 18.06.050 and 2004 c 262 s 2 are each amended to read
11 as follows:

12 Any person seeking to be examined shall present to the secretary at
13 least forty-five days before the commencement of the examination:

14 (1) A written application on a form or forms provided by the
15 secretary setting forth under affidavit such information as the
16 secretary may require; and

17 (2) Proof that the candidate has:

18 (a) Successfully completed a course, approved by the secretary, of
19 didactic training in basic sciences and Oriental medicine, including
20 acupuncture, over a minimum period of two academic years. The training
21 shall include such subjects as anatomy, physiology, microbiology,
22 biochemistry, pathology, hygiene, and a survey of western clinical
23 sciences. The basic science classes must be equivalent to those
24 offered at the collegiate level. However, if the applicant is a
25 licensed chiropractor under chapter 18.25 RCW or a naturopath licensed
26 under chapter 18.36A RCW, the requirements of this subsection relating
27 to basic sciences may be reduced by up to one year depending upon the
28 extent of the candidate's qualifications as determined under rules
29 adopted by the secretary;

30 (b) Successfully completed five hundred hours of clinical training
31 in acupuncture that is approved by the secretary.

32 **Sec. 6.** RCW 18.06.080 and 1995 c 323 s 7 are each amended to read
33 as follows:

34 (1) The secretary is hereby authorized and empowered to execute the
35 provisions of this chapter and shall offer examinations in

1 ((~~acupuncture~~)) Oriental medicine at least twice a year at such times
2 and places as the secretary may select. The examination shall be a
3 written examination and may include a practical examination.

4 (2) The secretary shall develop or approve a licensure examination
5 in the subjects that the secretary determines are within the scope of
6 and commensurate with the work performed by ((~~licensed acupuncturists~~))
7 Oriental medicine practitioners and shall include but not necessarily
8 be limited to anatomy, physiology, microbiology, biochemistry,
9 pathology, hygiene, and acupuncture. All application papers shall be
10 deposited with the secretary and there retained for at least one year,
11 when they may be destroyed.

12 (3) If the examination is successfully passed, the secretary shall
13 confer on such candidate the title of ((~~Licensed Acupuncturist~~))
14 Oriental Medicine Practitioner.

15 ((~~(4) The secretary may appoint members of the profession to serve
16 in an ad hoc advisory capacity to the secretary in carrying out this
17 chapter. The members will serve for designated times and provide
18 advice on matters specifically identified and requested by the
19 secretary. The members shall be compensated in accordance with RCW
20 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and
21 43.03.060.~~

22 ((~~(5) The secretary, ad hoc committee members, or individuals acting
23 in their behalf are immune from suit in a civil action based on any
24 certification or disciplinary proceedings or other official acts
25 performed in the course of their duties.~~))

26 **Sec. 7.** RCW 18.06.120 and 1996 c 191 s 3 are each amended to read
27 as follows:

28 (1) Every person licensed ((~~in acupuncture~~)) under this chapter
29 shall comply with the administrative procedures and administrative
30 requirements for registration and renewal set by the secretary under
31 RCW 43.70.250 and 43.70.280.

32 (2) All fees collected under this section and RCW 18.06.070 shall
33 be credited to the health professions account as required under RCW
34 43.70.320.

35 **Sec. 8.** RCW 18.06.130 and 2003 c 53 s 121 are each amended to read
36 as follows:

1 (1) The secretary shall develop a form to be used by ((an
2 ~~acupuncturist~~)) a person licensed under this chapter to inform the
3 patient of the ((~~acupuncturist's~~)) scope of practice and qualifications
4 of an Oriental medicine practitioner. All license holders shall bring
5 the form to the attention of the patients in whatever manner the
6 secretary, by rule, provides.

7 (2) A person violating this section is guilty of a misdemeanor.

8 **Sec. 9.** RCW 18.06.140 and 2003 c 53 s 122 are each amended to read
9 as follows:

10 (1) ~~((Every licensed acupuncturist shall develop a written plan for
11 consultation, emergency transfer, and referral to other health care
12 practitioners operating within the scope of their authorized practices.
13 The written plan shall be submitted with the initial application for
14 licensure as well as annually thereafter with the license renewal fee
15 to the department. The department may withhold licensure or renewal of
16 licensure if the plan fails to meet the standards contained in rules
17 adopted by the secretary.~~

18 ~~(2))~~ When ~~((the acupuncturist))~~ a person licensed under this
19 chapter sees patients with potentially serious disorders such as
20 cardiac conditions, acute abdominal symptoms, and such other
21 conditions, the ~~((acupuncturist))~~ person shall immediately request a
22 consultation or recent written diagnosis from a physician licensed
23 under chapter 18.71 or 18.57 RCW. ~~((In the event that the patient with
24 the disorder refuses to authorize such consultation or provide a recent
25 diagnosis from such physician, acupuncture treatment shall not be
26 continued.~~

27 ~~(3))~~ (2) A person violating this section is guilty of a
28 misdemeanor.

29 **Sec. 10.** RCW 18.06.190 and 1995 c 323 s 13 are each amended to
30 read as follows:

31 The secretary may license a person without examination if such
32 person is credentialed as an ~~((acupuncturist))~~ Oriental medicine
33 practitioner in another jurisdiction if, in the secretary's judgment,
34 the requirements of that jurisdiction are equivalent to or greater than
35 those of Washington state.

1 NEW SECTION. **Sec. 11.** A new section is added to chapter 18.06 RCW
2 to read as follows:

3 **ORIENTAL MEDICINE ADVISORY COMMITTEE.** (1) The secretary shall
4 appoint an Oriental medicine advisory committee of five members to
5 further the purposes of this chapter.

6 (2) Four members of the committee must be licensed under this
7 chapter and reside in this state, must have not less than five years'
8 experience in Oriental medicine practice, must be actively engaged in
9 practice within two years of appointment, and must not be licensed
10 under chapter 18.71, 18.57, 18.36A, or 18.59 RCW. The fifth member
11 must be appointed from the public at large and must be a consumer whose
12 occupation does not include the administration of health activities or
13 the providing of health services and who has no material financial
14 interest in providing health care services.

15 (3) The committee may provide advice on matters specifically
16 identified and requested by the secretary, such as applications for
17 licenses.

18 (4) The committee may be requested by the secretary to recommend an
19 examination required for licensure under this chapter.

20 (5) The committee, at the request of the secretary, may recommend
21 rules in accordance with the administrative procedure act, chapter
22 34.05 RCW, relating to standards for appropriateness of Oriental
23 medicine care.

24 (6) The committee must meet at least once each year to provide
25 advice to the secretary. The committee may elect a chair and a vice-
26 chair. A majority of the members currently serving constitute a
27 quorum.

28 (7) Each member of the committee must be reimbursed for travel
29 expenses as authorized in RCW 43.03.050 and 43.03.060. In addition,
30 members of the committee must be compensated in accordance with RCW
31 43.03.220 when engaged in the authorized business of the committee.

32 (8) The secretary, members of the committee, or individuals acting
33 on their behalf are immune from suit in any action, civil or criminal,
34 based on any credentialing or disciplinary proceedings or other
35 official acts performed in the course of their duties.

36 **Sec. 12.** RCW 4.24.240 and 1995 c 323 s 1 are each amended to read
37 as follows:

1 (1)(a) A person licensed by this state to provide health care or
2 related services((7)) including, but not limited to, ((a licensed
3 acupuncturist)) an Oriental medicine practitioner, a physician,
4 osteopathic physician, dentist, nurse, optometrist, podiatric physician
5 and surgeon, chiropractor, physical therapist, psychologist,
6 pharmacist, optician, ((physician's)) physician assistant, osteopathic
7 physician's assistant, nurse practitioner, including, in the event such
8 person is deceased, his or her estate or personal representative;

9 (b) An employee or agent of a person described in subparagraph (a)
10 of this subsection, acting in the course and scope of his or her
11 employment, including, in the event such employee or agent is deceased,
12 his or her estate or personal representative; or

13 (c) An entity, whether or not incorporated, facility, or
14 institution employing one or more persons described in subparagraph (a)
15 of this subsection, including, but not limited to, a hospital, clinic,
16 health maintenance organization, or nursing home; or an officer,
17 director, trustee, employee, or agent thereof acting in the course and
18 scope of his or her employment, including in the event such officer,
19 director, employee, or agent is deceased, his or her estate or personal
20 representative;

21 shall be immune from civil action for damages arising out of the good
22 faith performance of their duties on such committees, where such
23 actions are being brought by or on behalf of the person who is being
24 evaluated.

25 (2) No member, employee, staff person, or investigator of a
26 professional review committee shall be liable in a civil action as a
27 result of acts or omissions made in good faith on behalf of the
28 committee; nor shall any person be so liable for filing charges with or
29 supplying information or testimony in good faith to any professional
30 review committee; nor shall a member, employee, staff person, or
31 investigator of a professional society, of a professional examining or
32 licensing board, of a professional disciplinary board, of a governing
33 board of any institution, or of any employer of professionals be so
34 liable for good faith acts or omissions made in full or partial
35 reliance on recommendations or decisions of a professional review
36 committee or examining board.

1 **Sec. 13.** RCW 4.24.290 and 1995 c 323 s 2 are each amended to read
2 as follows:

3 In any civil action for damages based on professional negligence
4 against a hospital which is licensed by the state of Washington or
5 against the personnel of any such hospital, or against a member of the
6 healing arts including, but not limited to, an (~~acupuncturist~~)
7 Oriental medicine practitioner licensed under chapter 18.06 RCW, a
8 physician licensed under chapter 18.71 RCW, an osteopathic physician
9 licensed under chapter 18.57 RCW, a chiropractor licensed under chapter
10 18.25 RCW, a dentist licensed under chapter 18.32 RCW, a podiatric
11 physician and surgeon licensed under chapter 18.22 RCW, or a nurse
12 licensed under chapter 18.79 RCW, the plaintiff in order to prevail
13 shall be required to prove by a preponderance of the evidence that the
14 defendant or defendants failed to exercise that degree of skill, care,
15 and learning possessed at that time by other persons in the same
16 profession, and that as a proximate result of such failure the
17 plaintiff suffered damages, but in no event shall the provisions of
18 this section apply to an action based on the failure to obtain the
19 informed consent of a patient.

20 **Sec. 14.** RCW 7.70.020 and 1995 c 323 s 3 are each amended to read
21 as follows:

22 As used in this chapter "health care provider" means either:

23 (1) A person licensed by this state to provide health care or
24 related services(~~(7)~~) including, but not limited to, (~~a licensed~~
25 ~~acupuncturist~~) an Oriental medicine practitioner, a physician,
26 osteopathic physician, dentist, nurse, optometrist, podiatric physician
27 and surgeon, chiropractor, physical therapist, psychologist,
28 pharmacist, optician, (~~physician's~~) physician assistant, midwife,
29 osteopathic physician's assistant, nurse practitioner, or physician's
30 trained mobile intensive care paramedic, including, in the event such
31 person is deceased, his or her estate or personal representative;

32 (2) An employee or agent of a person described in part (1) above,
33 acting in the course and scope of his employment, including, in the
34 event such employee or agent is deceased, his or her estate or personal
35 representative; or

36 (3) An entity, whether or not incorporated, facility, or
37 institution employing one or more persons described in part (1) above,

1 including, but not limited to, a hospital, clinic, health maintenance
2 organization, or nursing home; or an officer, director, employee, or
3 agent thereof acting in the course and scope of his or her employment,
4 including in the event such officer, director, employee, or agent is
5 deceased, his or her estate or personal representative.

6 **Sec. 15.** RCW 18.120.020 and 2001 c 251 s 26 are each amended to
7 read as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

10 (1) "Applicant group" includes any health professional group or
11 organization, any individual, or any other interested party which
12 proposes that any health professional group not presently regulated be
13 regulated or which proposes to substantially increase the scope of
14 practice of the profession.

15 (2) "Certificate" and "certification" mean a voluntary process by
16 which a statutory regulatory entity grants recognition to an individual
17 who (a) has met certain prerequisite qualifications specified by that
18 regulatory entity, and (b) may assume or use "certified" in the title
19 or designation to perform prescribed health professional tasks.

20 (3) "Grandfather clause" means a provision in a regulatory statute
21 applicable to practitioners actively engaged in the regulated health
22 profession prior to the effective date of the regulatory statute which
23 exempts the practitioners from meeting the prerequisite qualifications
24 set forth in the regulatory statute to perform prescribed occupational
25 tasks.

26 (4) "Health professions" means and includes the following health
27 and health-related licensed or regulated professions and occupations:
28 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
29 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
30 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
31 dispensing opticians under chapter 18.34 RCW; hearing instruments under
32 chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and
33 funeral directing under chapter 18.39 RCW; midwifery under chapter
34 18.50 RCW; nursing home administration under chapter 18.52 RCW;
35 optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter
36 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and
37 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine

1 under chapters 18.71 and 18.71A RCW; emergency medicine under chapter
2 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses
3 under chapter 18.79 RCW; psychologists under chapter 18.83 RCW;
4 registered nurses under chapter 18.79 RCW; occupational therapists
5 licensed under chapter 18.59 RCW; respiratory care practitioners
6 licensed under chapter 18.89 RCW; veterinarians and veterinary
7 technicians under chapter 18.92 RCW; health care assistants under
8 chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW;
9 (~~acupuncturists~~) Oriental medicine practitioners licensed under
10 chapter 18.06 RCW; persons registered under chapter 18.19 RCW; persons
11 licensed as mental health counselors, marriage and family therapists,
12 and social workers under chapter 18.225 RCW; dietitians and
13 nutritionists certified by chapter 18.138 RCW; radiologic technicians
14 under chapter 18.84 RCW; and nursing assistants registered or certified
15 under chapter 18.88A RCW.

16 (5) "Inspection" means the periodic examination of practitioners by
17 a state agency in order to ascertain whether the practitioners'
18 occupation is being carried out in a fashion consistent with the public
19 health, safety, and welfare.

20 (6) "Legislative committees of reference" means the standing
21 legislative committees designated by the respective rules committees of
22 the senate and house of representatives to consider proposed
23 legislation to regulate health professions not previously regulated.

24 (7) "License," "licensing," and "licensure" mean permission to
25 engage in a health profession which would otherwise be unlawful in the
26 state in the absence of the permission. A license is granted to those
27 individuals who meet prerequisite qualifications to perform prescribed
28 health professional tasks and for the use of a particular title.

29 (8) "Professional license" means an individual, nontransferable
30 authorization to carry on a health activity based on qualifications
31 which include: (a) Graduation from an accredited or approved program,
32 and (b) acceptable performance on a qualifying examination or series of
33 examinations.

34 (9) "Practitioner" means an individual who (a) has achieved
35 knowledge and skill by practice, and (b) is actively engaged in a
36 specified health profession.

37 (10) "Public member" means an individual who is not, and never was,
38 a member of the health profession being regulated or the spouse of a

1 member, or an individual who does not have and never has had a material
2 financial interest in either the rendering of the health professional
3 service being regulated or an activity directly related to the
4 profession being regulated.

5 (11) "Registration" means the formal notification which, prior to
6 rendering services, a practitioner shall submit to a state agency
7 setting forth the name and address of the practitioner; the location,
8 nature and operation of the health activity to be practiced; and, if
9 required by the regulatory entity, a description of the service to be
10 provided.

11 (12) "Regulatory entity" means any board, commission, agency,
12 division, or other unit or subunit of state government which regulates
13 one or more professions, occupations, industries, businesses, or other
14 endeavors in this state.

15 (13) "State agency" includes every state office, department, board,
16 commission, regulatory entity, and agency of the state, and, where
17 provided by law, programs and activities involving less than the full
18 responsibility of a state agency.

19 **Sec. 16.** RCW 18.130.040 and 2009 c 2 s 16 (Initiative Measure No.
20 1029) are each amended to read as follows:

21 (1) This chapter applies only to the secretary and the boards and
22 commissions having jurisdiction in relation to the professions licensed
23 under the chapters specified in this section. This chapter does not
24 apply to any business or profession not licensed under the chapters
25 specified in this section.

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

28 (i) Dispensing opticians licensed and designated apprentices under
29 chapter 18.34 RCW;

30 (ii) Naturopaths licensed under chapter 18.36A RCW;

31 (iii) Midwives licensed under chapter 18.50 RCW;

32 (iv) Ocularists licensed under chapter 18.55 RCW;

33 (v) Massage operators and businesses licensed under chapter 18.108
34 RCW;

35 (vi) Dental hygienists licensed under chapter 18.29 RCW;

36 (vii) (~~Acupuncturists~~) Oriental medicine practitioners licensed
37 under chapter 18.06 RCW;

1 (viii) Radiologic technologists certified and X-ray technicians
2 registered under chapter 18.84 RCW;

3 (ix) Respiratory care practitioners licensed under chapter 18.89
4 RCW;

5 (x) Persons registered under chapter 18.19 RCW;

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

8 (xii) Persons registered as nursing pool operators under chapter
9 18.52C RCW;

10 (xiii) Nursing assistants registered or certified under chapter
11 18.88A RCW;

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

13 (xv) Dietitians and nutritionists certified under chapter 18.138
14 RCW;

15 (xvi) Chemical dependency professionals certified under chapter
16 18.205 RCW;

17 (xvii) Sex offender treatment providers and certified affiliate sex
18 offender treatment providers certified under chapter 18.155 RCW;

19 (xviii) Persons licensed and certified under chapter 18.73 RCW or
20 RCW 18.71.205;

21 (xix) Denturists licensed under chapter 18.30 RCW;

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

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

24 (xxii) Recreational therapists;

25 (xxiii) Animal massage practitioners certified under chapter 18.240
26 RCW;

27 (xxiv) Athletic trainers licensed under chapter 18.250 RCW; and

28 (xxv) Home care aides certified under chapter 18.88B RCW.

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

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

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

35 (iii) The dental quality assurance commission as established in
36 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
37 licenses and registrations issued under chapter 18.260 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 The disciplining authority may also grant a license subject to
29 conditions.

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

34 **Sec. 17.** RCW 43.70.110 and 2007 c 259 s 11 are each amended to
35 read as follows:

36 (1) The secretary shall charge fees to the licensee for obtaining
37 a license. After June 30, 1995, municipal corporations providing

1 emergency medical care and transportation services pursuant to chapter
2 18.73 RCW shall be exempt from such fees, provided that such other
3 emergency services shall only be charged for their pro rata share of
4 the cost of licensure and inspection, if appropriate. The secretary
5 may waive the fees when, in the discretion of the secretary, the fees
6 would not be in the best interest of public health and safety, or when
7 the fees would be to the financial disadvantage of the state.

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

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

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

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

20 (c) For physicians licensed under chapter 18.71 RCW, physician
21 assistants licensed under chapter 18.71A RCW, osteopathic physicians
22 licensed under chapter 18.57 RCW, osteopathic physicians' assistants
23 licensed under chapter 18.57A RCW, naturopaths licensed under chapter
24 18.36A RCW, podiatrists licensed under chapter 18.22 RCW, chiropractors
25 licensed under chapter 18.25 RCW, psychologists licensed under chapter
26 18.83 RCW, registered nurses licensed under chapter 18.79 RCW,
27 optometrists licensed under chapter 18.53 RCW, mental health counselors
28 licensed under chapter 18.225 RCW, massage therapists licensed under
29 chapter 18.108 RCW, clinical social workers licensed under chapter
30 18.225 RCW, and ~~((acupuncturists))~~ Oriental medicine practitioners
31 licensed under chapter 18.06 RCW, the license fees shall include up to
32 an additional twenty-five dollars to be transferred by the department
33 to the University of Washington for the purposes of RCW 43.70.112.

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

1 NEW SECTION. **Sec. 18.** Captions used in this act are not any part
2 of the law.

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