
SUBSTITUTE SENATE BILL 5369

State of Washington

61st Legislature

2009 Regular Session

By Senate Health & Long-Term Care (originally sponsored by Senators Franklin, Becker, Fairley, Keiser, Marr, Murray, Kohl-Welles, and Parlette; by request of Department of Health)

READ FIRST TIME 01/27/09.

1 AN ACT Relating to adding and deleting counseling professions
2 subject to the authority of the secretary of health under the uniform
3 disciplinary act; amending RCW 18.130.040 and 18.130.040; providing
4 effective dates; and declaring an emergency.

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

6 **Sec. 1.** RCW 18.130.040 and 2009 c 2 s 16 (Initiative Measure No.
7 1029) are each amended to read as follows:

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

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

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

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

18 (iii) Midwives licensed under chapter 18.50 RCW;

19 (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~~) Counselors,
10 hypnotherapists, and agency affiliated counselors registered and
11 advisors and counselors certified under chapter 18.19 RCW;
- 12 (xi) Persons licensed as mental health counselors, mental health
13 counselor associates, marriage and family therapists, (~~and~~) marriage
14 and family therapist associates, social workers, social work
15 associates--advanced, and social work associates--independent clinical
16 under chapter 18.225 RCW;
- 17 (xii) Persons registered as nursing pool operators under chapter
18 18.52C RCW;
- 19 (xiii) Nursing assistants registered or certified under chapter
20 18.88A RCW;
- 21 (xiv) Health care assistants certified under chapter 18.135 RCW;
- 22 (xv) Dietitians and nutritionists certified under chapter 18.138
23 RCW;
- 24 (xvi) Chemical dependency professionals and chemical dependency
25 professional trainees certified under chapter 18.205 RCW;
- 26 (xvii) Sex offender treatment providers and certified affiliate sex
27 offender treatment providers certified under chapter 18.155 RCW;
- 28 (xviii) Persons licensed and certified under chapter 18.73 RCW or
29 RCW 18.71.205;
- 30 (xix) Denturists licensed under chapter 18.30 RCW;
- 31 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
- 32 (xxi) Surgical technologists registered under chapter 18.215 RCW;
- 33 (xxii) Recreational therapists;
- 34 (xxiii) Animal massage practitioners certified under chapter 18.240
35 RCW;
- 36 (xxiv) Athletic trainers licensed under chapter 18.250 RCW; and
- 37 (xxv) Home care aides certified under chapter 18.88B RCW.

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

3 (i) The podiatric medical board as established in chapter 18.22
4 RCW;

5 (ii) The chiropractic quality assurance commission as established
6 in chapter 18.25 RCW;

7 (iii) The dental quality assurance commission as established in
8 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
9 licenses and registrations issued under chapter 18.260 RCW;

10 (iv) The board of hearing and speech as established in chapter
11 18.35 RCW;

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

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

16 (vii) The board of osteopathic medicine and surgery as established
17 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
18 18.57A RCW;

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

21 (ix) The medical quality assurance commission as established in
22 chapter 18.71 RCW governing licenses and registrations issued under
23 chapters 18.71 and 18.71A RCW;

24 (x) The board of physical therapy as established in chapter 18.74
25 RCW;

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

28 (xii) The nursing care quality assurance commission as established
29 in chapter 18.79 RCW governing licenses and registrations issued under
30 that chapter;

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

33 (xiv) The veterinary board of governors as established in chapter
34 18.92 RCW.

35 (3) In addition to the authority to discipline license holders, the
36 disciplining authority has the authority to grant or deny licenses.
37 The disciplining authority may also grant a license subject to
38 conditions.

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

5 **Sec. 2.** RCW 18.130.040 and 2009 c ... s 1 (section 1 of this act)
6 (Initiative Measure No. 1029) are each amended to read as follows:

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

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

14 (i) Dispensing opticians licensed and designated apprentices under
15 chapter 18.34 RCW;

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

17 (iii) Midwives licensed under chapter 18.50 RCW;

18 (iv) Ocularists licensed under chapter 18.55 RCW;

19 (v) Massage operators and businesses licensed under chapter 18.108
20 RCW;

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

22 (vii) Acupuncturists licensed under chapter 18.06 RCW;

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

25 (ix) Respiratory care practitioners licensed under chapter 18.89
26 RCW;

27 (x) (~~Counselors~~) Hypnotherapists(~~(7)~~) and agency affiliated
28 counselors registered and advisors and counselors certified under
29 chapter 18.19 RCW;

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

35 (xii) Persons registered as nursing pool operators under chapter
36 18.52C RCW;

1 (xiii) Nursing assistants registered or certified under chapter
2 18.88A RCW;

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

4 (xv) Dietitians and nutritionists certified under chapter 18.138
5 RCW;

6 (xvi) Chemical dependency professionals and chemical dependency
7 professional trainees certified under chapter 18.205 RCW;

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

10 (xviii) Persons licensed and certified under chapter 18.73 RCW or
11 RCW 18.71.205;

12 (xix) Denturists licensed under chapter 18.30 RCW;

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

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

15 (xxii) Recreational therapists;

16 (xxiii) Animal massage practitioners certified under chapter 18.240
17 RCW;

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

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

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

22 (i) The podiatric medical board as established in chapter 18.22
23 RCW;

24 (ii) The chiropractic quality assurance commission as established
25 in chapter 18.25 RCW;

26 (iii) The dental quality assurance commission as established in
27 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
28 licenses and registrations issued under chapter 18.260 RCW;

29 (iv) The board of hearing and speech as established in chapter
30 18.35 RCW;

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

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

35 (vii) The board of osteopathic medicine and surgery as established
36 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
37 18.57A RCW;

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

3 (ix) The medical quality assurance commission as established in
4 chapter 18.71 RCW governing licenses and registrations issued under
5 chapters 18.71 and 18.71A RCW;

6 (x) The board of physical therapy as established in chapter 18.74
7 RCW;

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

10 (xii) The nursing care quality assurance commission as established
11 in chapter 18.79 RCW governing licenses and registrations issued under
12 that chapter;

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

15 (xiv) The veterinary board of governors as established in chapter
16 18.92 RCW.

17 (3) In addition to the authority to discipline license holders, the
18 disciplining authority has the authority to grant or deny licenses.
19 The disciplining authority may also grant a license subject to
20 conditions.

21 (4) All disciplining authorities shall adopt procedures to ensure
22 substantially consistent application of this chapter, the Uniform
23 Disciplinary Act, among the disciplining authorities listed in
24 subsection (2) of this section.

25 NEW SECTION. **Sec. 3.** Section 1 of this act is necessary for the
26 immediate preservation of the public peace, health, or safety, or
27 support of the state government and its existing public institutions,
28 and takes effect July 1, 2009.

29 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect July 1,
30 2010.

--- END ---