

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 6280

61st Legislature
2010 Regular Session

Passed by the Senate March 11, 2010
YEAS 46 NAYS 1

President of the Senate

Passed by the House March 10, 2010
YEAS 97 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6280** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6280

AS AMENDED BY THE HOUSE

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By Senate Health & Long-Term Care (originally sponsored by Senators Murray, Shin, Kohl-Welles, Marr, Jacobsen, and Kline)

READ FIRST TIME 01/28/10.

1 AN ACT Relating to East Asian medicine practitioners; amending RCW
2 18.06.010, 18.06.020, 18.06.045, 18.06.050, 18.06.080, 18.06.120,
3 18.06.130, 18.06.140, 18.06.190, 4.24.240, 4.24.290, 7.70.020,
4 18.120.020, and 43.70.110; reenacting and amending RCW 18.130.040,
5 18.130.040, and 18.130.040; adding a new section to chapter 18.06 RCW;
6 providing effective dates; and providing expiration dates.

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

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

10 The legislature intends to recognize that acupuncturists licensed
11 by the state of Washington engage in a system of medicine to maintain
12 and promote wellness and to prevent, diagnose, and treat disease
13 drawing upon the experience, learning, and traditions originating in
14 East Asia, which include more than acupuncture alone. To reflect this
15 reality, the legislature intends to change the state's professional
16 designation of acupuncturists to East Asian medicine practitioners and
17 to incorporate current statutory provisions governing acupuncture,
18 while recognizing treatments, methods, and techniques used in East
19 Asian medicine. The legislature does not intend to require persons

1 licensed under this act to change the business name of their practice
2 if otherwise in compliance with this act. It is further the intent
3 that any federal law, regulation, or health insurance program
4 applicable to licensed acupuncturists apply to persons licensed under
5 this act as East Asian medicine practitioners.

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

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

10 (1) "~~((Acupuncture))~~ East Asian medicine" means a health care
11 service ~~((based on an Oriental system of medical theory))~~ utilizing
12 ~~((Oriental))~~ East Asian medicine diagnosis and treatment to promote
13 health and treat organic or functional disorders ~~((by treating specific
14 acupuncture points or meridians.—Acupuncture))~~ and includes the
15 following ~~((techniques))~~:

16 (a) Acupuncture, including the use of acupuncture needles or
17 lancets to directly and indirectly stimulate acupuncture points and
18 meridians;

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

21 (c) Moxibustion;

22 (d) Acupressure;

23 (e) Cupping;

24 (f) Dermal friction technique;

25 (g) Infra-red;

26 (h) Sonopuncture;

27 (i) Laserpuncture;

28 (j) Point injection therapy (aquapuncture); ~~((and))~~

29 (k) Dietary advice and health education based on ~~((Oriental))~~ East
30 Asian medical theory ~~((provided in conjunction with techniques under~~
31 ~~(a) through (j) of this subsection))~~, including the recommendation and
32 sale of herbs, vitamins, minerals, and dietary and nutritional
33 supplements;

34 (l) Breathing, relaxation, and East Asian exercise techniques;

35 (m) Qi gong;

36 (n) East Asian massage and Tui na, which is a method of East Asian

1 bodywork, characterized by the kneading, pressing, rolling, shaking,
2 and stretching of the body and does not include spinal manipulation;
3 and

4 (o) Superficial heat and cold therapies.

5 (2) "~~(Acupuncturist))~~ East Asian medicine practitioner" means a
6 person licensed under this chapter.

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

8 (4) "Secretary" means the secretary of health or the secretary's
9 designee.

10 Nothing in this chapter requires individuals to be licensed as an
11 East Asian medicine practitioner in order to provide the techniques and
12 services in subsection (1)(k) through (o) of this section or to sell
13 herbal products.

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

16 (1) No one may hold themselves out to the public as an East Asian
17 medicine practitioner, acupuncturist, or licensed acupuncturist or any
18 derivative thereof which is intended to or is likely to lead the public
19 to believe such a person is an East Asian medicine practitioner,
20 acupuncturist, or licensed acupuncturist unless licensed as provided
21 for in this chapter.

22 (2) A person may not practice East Asian medicine or acupuncture if
23 the person is not licensed under this chapter.

24 (3) No one may use any configuration of letters after their name
25 (including L. Ac. or EAMP) which indicates a degree or formal training
26 in East Asian medicine, including acupuncture, unless licensed as
27 provided for in this chapter.

28 (4) The secretary may by rule proscribe or regulate advertising and
29 other forms of patient solicitation which are likely to mislead or
30 deceive the public as to whether someone is licensed under this
31 chapter.

32 (5) Any person licensed as an acupuncturist under this chapter
33 prior to the effective date of this section must, upon successful
34 license renewal, be granted the title East Asian medicine practitioner
35 or the letters EAMP indicating such license title. However, nothing in
36 this section shall prohibit or limit in any way a practitioner licensed

1 under this title from holding himself or herself out as an
2 acupuncturist or licensed acupuncturist, or from using the letters
3 L.Ac. after his or her name.

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

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

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

10 (2) The practice by an individual employed by the government of the
11 United States while engaged in the performance of duties prescribed by
12 the laws of the United States;

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

17 (4) The practice of East Asian medicine, including acupuncture, by
18 any person credentialed to perform East Asian medicine, including
19 acupuncture, in any other jurisdiction where such person is doing so in
20 the course of regular instruction of a school of East Asian medicine,
21 including acupuncture, approved by the secretary or in an educational
22 seminar by a professional organization of East Asian medicine,
23 including acupuncture, provided that in the latter case, the practice
24 is supervised directly by a person licensed under this chapter or
25 licensed under any other healing art whose scope of practice
26 (~~includes~~) is East Asian medicine, including acupuncture.

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

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

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

34 (2) Proof that the candidate has:

35 (a) Successfully completed a course, approved by the secretary, of
36 didactic training in basic sciences and East Asian medicine, including

1 acupuncture, over a minimum period of two academic years. The training
2 shall include such subjects as anatomy, physiology, microbiology,
3 biochemistry, pathology, hygiene, and a survey of western clinical
4 sciences. The basic science classes must be equivalent to those
5 offered at the collegiate level. However, if the applicant is a
6 licensed chiropractor under chapter 18.25 RCW or a naturopath licensed
7 under chapter 18.36A RCW, the requirements of this subsection relating
8 to basic sciences may be reduced by up to one year depending upon the
9 extent of the candidate's qualifications as determined under rules
10 adopted by the secretary;

11 (b) Successfully completed five hundred hours of clinical training
12 in East Asian medicine, including acupuncture, that is approved by the
13 secretary.

14 **Sec. 6.** RCW 18.06.080 and 2009 c 560 s 2 are each amended to read
15 as follows:

16 (1) The secretary is hereby authorized and empowered to execute the
17 provisions of this chapter and shall offer examinations in East Asian
18 medicine, including acupuncture, at least twice a year at such times
19 and places as the secretary may select. The examination shall be a
20 written examination and may include a practical examination.

21 (2) The secretary shall develop or approve a licensure examination
22 in the subjects that the secretary determines are within the scope of
23 and commensurate with the work performed by (~~licensed acupuncturists~~)
24 an East Asian medicine practitioner and shall include but not
25 necessarily be limited to anatomy, physiology, microbiology,
26 biochemistry, pathology, hygiene, and East Asian medicine, including
27 acupuncture. All application papers shall be deposited with the
28 secretary and there retained for at least one year, when they may be
29 destroyed.

30 (3) If the examination is successfully passed, the secretary shall
31 confer on such candidate the title of (~~Licensed Acupuncturist~~) East
32 Asian medicine practitioner.

33 (~~(4) The secretary, ad hoc committee members, or individuals~~
34 ~~acting in their behalf are immune from suit in a civil action based on~~
35 ~~any certification or disciplinary proceedings or other official acts~~
36 ~~performed in the course of their duties.))~~

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

3 (1) Every person licensed (~~((in acupuncture))~~) under this chapter
4 shall comply with the administrative procedures and administrative
5 requirements for registration and renewal set by the secretary under
6 RCW 43.70.250 and 43.70.280.

7 (2) All fees collected under this section and RCW 18.06.070 shall
8 be credited to the health professions account as required under RCW
9 43.70.320.

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

12 (1) The secretary shall develop a form to be used by (~~an~~
13 ~~acupuncturist~~) a person licensed under this chapter to inform the
14 patient of the (~~acupuncturist's~~) scope of practice and qualifications
15 of an East Asian medicine practitioner. All license holders shall
16 bring the form to the attention of the patients in whatever manner the
17 secretary, by rule, provides.

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

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

21 (1) Every (~~licensed acupuncturist~~) person licensed under this
22 chapter shall develop a written plan for consultation, emergency
23 transfer, and referral to other health care practitioners operating
24 within the scope of their authorized practices. The written plan shall
25 be submitted with the initial application for licensure as well as
26 annually thereafter with the license renewal fee to the department.
27 The department may withhold licensure or renewal of licensure if the
28 plan fails to meet the standards contained in rules adopted by the
29 secretary.

30 (2) When (~~the acupuncturist~~) a person licensed under this chapter
31 sees patients with potentially serious disorders such as cardiac
32 conditions, acute abdominal symptoms, and such other conditions, the
33 (~~acupuncturist~~) practitioner shall immediately request a consultation
34 or recent written diagnosis from a (~~physician~~) primary health care
35 provider licensed under chapter 18.71 (~~(or)~~), 18.57, 18.57A, 18.36A, or
36 18.71A RCW or RCW 18.79.050. In the event that the patient with the

1 disorder refuses to authorize such consultation or provide a recent
2 diagnosis from such (~~(physician)~~) primary health care provider, East
3 Asian medical treatments, including acupuncture (~~(treatment shall not~~
4 be continued)), may only be continued after the patient signs a written
5 waiver acknowledging the risks associated with the failure to pursue
6 treatment from a primary health care provider. The waiver must also
7 include: (a) An explanation of an East Asian medicine practitioner's
8 scope of practice, including the services and techniques East Asian
9 medicine practitioners are authorized to provide and (b) a statement
10 that the services and techniques that an East Asian medicine
11 practitioner is authorized to provide will not resolve the patient's
12 underlying potentially serious disorder. The requirements of the
13 waiver shall be established by the secretary in rule.

14 (3) A person violating this section is guilty of a misdemeanor.

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

17 The secretary may license a person without examination if such
18 person is credentialed as an East Asian medicine practitioner or
19 licensed acupuncturist, or equivalent, in another jurisdiction if, in
20 the secretary's judgment, the requirements of that jurisdiction are
21 equivalent to or greater than those of Washington state.

22 **Sec. 11.** RCW 4.24.240 and 1995 c 323 s 1 are each amended to read
23 as follows:

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

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

1 (c) An entity, whether or not incorporated, facility, or
2 institution employing one or more persons described in subparagraph (a)
3 of this subsection, including, but not limited to, a hospital, clinic,
4 health maintenance organization, or nursing home; or an officer,
5 director, trustee, employee, or agent thereof acting in the course and
6 scope of his or her employment, including in the event such officer,
7 director, employee, or agent is deceased, his or her estate or personal
8 representative;

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

13 (2) No member, employee, staff person, or investigator of a
14 professional review committee shall be liable in a civil action as a
15 result of acts or omissions made in good faith on behalf of the
16 committee; nor shall any person be so liable for filing charges with or
17 supplying information or testimony in good faith to any professional
18 review committee; nor shall a member, employee, staff person, or
19 investigator of a professional society, of a professional examining or
20 licensing board, of a professional disciplinary board, of a governing
21 board of any institution, or of any employer of professionals be so
22 liable for good faith acts or omissions made in full or partial
23 reliance on recommendations or decisions of a professional review
24 committee or examining board.

25 **Sec. 12.** RCW 4.24.290 and 1995 c 323 s 2 are each amended to read
26 as follows:

27 In any civil action for damages based on professional negligence
28 against a hospital which is licensed by the state of Washington or
29 against the personnel of any such hospital, or against a member of the
30 healing arts including, but not limited to, an (~~acupuncturist~~) East
31 Asian medicine practitioner licensed under chapter 18.06 RCW, a
32 physician licensed under chapter 18.71 RCW, an osteopathic physician
33 licensed under chapter 18.57 RCW, a chiropractor licensed under chapter
34 18.25 RCW, a dentist licensed under chapter 18.32 RCW, a podiatric
35 physician and surgeon licensed under chapter 18.22 RCW, or a nurse
36 licensed under chapter 18.79 RCW, the plaintiff in order to prevail
37 shall be required to prove by a preponderance of the evidence that the

1 defendant or defendants failed to exercise that degree of skill, care,
2 and learning possessed at that time by other persons in the same
3 profession, and that as a proximate result of such failure the
4 plaintiff suffered damages, but in no event shall the provisions of
5 this section apply to an action based on the failure to obtain the
6 informed consent of a patient.

7 **Sec. 13.** RCW 7.70.020 and 1995 c 323 s 3 are each amended to read
8 as follows:

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

10 (1) A person licensed by this state to provide health care or
11 related services(~~(7)~~) including, but not limited to, (~~(a—licensed~~
12 ~~acupuncturist)~~) an East Asian medicine practitioner, a physician,
13 osteopathic physician, dentist, nurse, optometrist, podiatric physician
14 and surgeon, chiropractor, physical therapist, psychologist,
15 pharmacist, optician, physician(~~(+s)~~) assistant, midwife, osteopathic
16 physician's assistant, nurse practitioner, or physician's trained
17 mobile intensive care paramedic, including, in the event such person is
18 deceased, his or her estate or personal representative;

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

23 (3) An entity, whether or not incorporated, facility, or
24 institution employing one or more persons described in part (1) above,
25 including, but not limited to, a hospital, clinic, health maintenance
26 organization, or nursing home; or an officer, director, employee, or
27 agent thereof acting in the course and scope of his or her employment,
28 including in the event such officer, director, employee, or agent is
29 deceased, his or her estate or personal representative.

30 **Sec. 14.** RCW 18.120.020 and 2001 c 251 s 26 are each amended to
31 read as follows:

32 The definitions in this section apply throughout this chapter
33 unless the context clearly requires otherwise.

34 (1) "Applicant group" includes any health professional group or
35 organization, any individual, or any other interested party which

1 proposes that any health professional group not presently regulated be
2 regulated or which proposes to substantially increase the scope of
3 practice of the profession.

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

9 (3) "Grandfather clause" means a provision in a regulatory statute
10 applicable to practitioners actively engaged in the regulated health
11 profession prior to the effective date of the regulatory statute which
12 exempts the practitioners from meeting the prerequisite qualifications
13 set forth in the regulatory statute to perform prescribed occupational
14 tasks.

15 (4) "Health professions" means and includes the following health
16 and health-related licensed or regulated professions and occupations:
17 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
18 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
19 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
20 dispensing opticians under chapter 18.34 RCW; hearing instruments under
21 chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and
22 funeral directing under chapter 18.39 RCW; midwifery under chapter
23 18.50 RCW; nursing home administration under chapter 18.52 RCW;
24 optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter
25 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and
26 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine
27 under chapters 18.71 and 18.71A RCW; emergency medicine under chapter
28 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses
29 under chapter 18.79 RCW; psychologists under chapter 18.83 RCW;
30 registered nurses under chapter 18.79 RCW; occupational therapists
31 licensed under chapter 18.59 RCW; respiratory care practitioners
32 licensed under chapter 18.89 RCW; veterinarians and veterinary
33 technicians under chapter 18.92 RCW; health care assistants under
34 chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW;
35 (~~acupuncturists~~) East Asian medicine practitioners licensed under
36 chapter 18.06 RCW; persons registered under chapter 18.19 RCW; persons
37 licensed as mental health counselors, marriage and family therapists,
38 and social workers under chapter 18.225 RCW; dietitians and

1 nutritionists certified by chapter 18.138 RCW; radiologic technicians
2 under chapter 18.84 RCW; and nursing assistants registered or certified
3 under chapter 18.88A RCW.

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

8 (6) "Legislative committees of reference" means the standing
9 legislative committees designated by the respective rules committees of
10 the senate and house of representatives to consider proposed
11 legislation to regulate health professions not previously regulated.

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

17 (8) "Professional license" means an individual, nontransferable
18 authorization to carry on a health activity based on qualifications
19 which include: (a) Graduation from an accredited or approved program,
20 and (b) acceptable performance on a qualifying examination or series of
21 examinations.

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

25 (10) "Public member" means an individual who is not, and never was,
26 a member of the health profession being regulated or the spouse of a
27 member, or an individual who does not have and never has had a material
28 financial interest in either the rendering of the health professional
29 service being regulated or an activity directly related to the
30 profession being regulated.

31 (11) "Registration" means the formal notification which, prior to
32 rendering services, a practitioner shall submit to a state agency
33 setting forth the name and address of the practitioner; the location,
34 nature and operation of the health activity to be practiced; and, if
35 required by the regulatory entity, a description of the service to be
36 provided.

37 (12) "Regulatory entity" means any board, commission, agency,

1 division, or other unit or subunit of state government which regulates
2 one or more professions, occupations, industries, businesses, or other
3 endeavors in this state.

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

8 **Sec. 15.** RCW 43.70.110 and 2009 c 403 s 5 are each amended to read
9 as follows:

10 (1) The secretary shall charge fees to the licensee for obtaining
11 a license. Physicians regulated pursuant to chapter 18.71 RCW who
12 reside and practice in Washington and obtain or renew a retired active
13 license are exempt from such fees. After June 30, 1995, municipal
14 corporations providing emergency medical care and transportation
15 services pursuant to chapter 18.73 RCW shall be exempt from such fees,
16 provided that such other emergency services shall only be charged for
17 their pro rata share of the cost of licensure and inspection, if
18 appropriate. The secretary may waive the fees when, in the discretion
19 of the secretary, the fees would not be in the best interest of public
20 health and safety, or when the fees would be to the financial
21 disadvantage of the state.

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

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

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

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

34 (c) For physicians licensed under chapter 18.71 RCW, physician
35 assistants licensed under chapter 18.71A RCW, osteopathic physicians
36 licensed under chapter 18.57 RCW, osteopathic physicians' assistants
37 licensed under chapter 18.57A RCW, naturopaths licensed under chapter

1 18.36A RCW, podiatrists licensed under chapter 18.22 RCW, chiropractors
2 licensed under chapter 18.25 RCW, psychologists licensed under chapter
3 18.83 RCW, registered nurses licensed under chapter 18.79 RCW,
4 optometrists licensed under chapter 18.53 RCW, mental health counselors
5 licensed under chapter 18.225 RCW, massage therapists licensed under
6 chapter 18.108 RCW, clinical social workers licensed under chapter
7 18.225 RCW, and (~~acupuncturists~~) East Asian medicine practitioners
8 licensed under chapter 18.06 RCW, the license fees shall include up to
9 an additional twenty-five dollars to be transferred by the department
10 to the University of Washington for the purposes of RCW 43.70.112.

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

14 **Sec. 16.** RCW 18.130.040 and 2009 c 301 s 8 and 2009 c 52 s 1 are
15 each reenacted and amended to read as follows:

16 (1) This chapter applies only to the secretary and the boards and
17 commissions having jurisdiction in relation to the professions licensed
18 under the chapters specified in this section. This chapter does not
19 apply to any business or profession not licensed under the chapters
20 specified in this section.

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

23 (i) Dispensing opticians licensed and designated apprentices under
24 chapter 18.34 RCW;

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

26 (iii) Midwives licensed under chapter 18.50 RCW;

27 (iv) Ocularists licensed under chapter 18.55 RCW;

28 (v) Massage operators and businesses licensed under chapter 18.108
29 RCW;

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

31 (vii) (~~Acupuncturists~~) East Asian medicine practitioners licensed
32 under chapter 18.06 RCW;

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

35 (ix) Respiratory care practitioners licensed under chapter 18.89
36 RCW;

1 (x) Counselors, hypnotherapists, and agency affiliated counselors
2 registered and advisors and counselors certified under chapter 18.19
3 RCW;

4 (xi) Persons licensed as mental health counselors, mental health
5 counselor associates, marriage and family therapists, marriage and
6 family therapist associates, social workers, social work associates--
7 advanced, and social work associates--independent clinical under
8 chapter 18.225 RCW;

9 (xii) Persons registered as nursing pool operators under chapter
10 18.52C RCW;

11 (xiii) Nursing assistants registered or certified under chapter
12 18.88A RCW;

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

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

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

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

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

22 (xix) Denturists licensed under chapter 18.30 RCW;

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

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

25 (xxii) Recreational therapists;

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

28 (xxiv) Athletic trainers licensed under chapter 18.250 RCW;

29 (xxv) Home care aides certified under chapter 18.88B RCW; and

30 (xxvi) Speech-language pathology assistants certified under chapter
31 18.35 RCW.

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

34 (i) The podiatric medical board as established in chapter 18.22
35 RCW;

36 (ii) The chiropractic quality assurance commission as established
37 in chapter 18.25 RCW;

1 (iii) The dental quality assurance commission as established in
2 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
3 licenses and registrations issued under chapter 18.260 RCW;

4 (iv) The board of hearing and speech as established in chapter
5 18.35 RCW;

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

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

10 (vii) The board of osteopathic medicine and surgery as established
11 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
12 18.57A RCW;

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

15 (ix) The medical quality assurance commission as established in
16 chapter 18.71 RCW governing licenses and registrations issued under
17 chapters 18.71 and 18.71A RCW;

18 (x) The board of physical therapy as established in chapter 18.74
19 RCW;

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

22 (xii) The nursing care quality assurance commission as established
23 in chapter 18.79 RCW governing licenses and registrations issued under
24 that chapter;

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

27 (xiv) The veterinary board of governors as established in chapter
28 18.92 RCW.

29 (3) In addition to the authority to discipline license holders, the
30 disciplining authority has the authority to grant or deny licenses.
31 The disciplining authority may also grant a license subject to
32 conditions.

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

1 **Sec. 17.** RCW 18.130.040 and 2009 c 301 s 8 and 2009 c 52 s 2 are
2 each reenacted and amended to read as follows:

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

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

10 (i) Dispensing opticians licensed and designated apprentices under
11 chapter 18.34 RCW;

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

13 (iii) Midwives licensed under chapter 18.50 RCW;

14 (iv) Ocularists licensed under chapter 18.55 RCW;

15 (v) Massage operators and businesses licensed under chapter 18.108
16 RCW;

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

18 (vii) (~~Acupuncturists~~) East Asian medicine practitioners licensed
19 under chapter 18.06 RCW;

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

22 (ix) Respiratory care practitioners licensed under chapter 18.89
23 RCW;

24 (x) Hypnotherapists and agency affiliated counselors registered and
25 advisors and counselors certified under chapter 18.19 RCW;

26 (xi) Persons licensed as mental health counselors, mental health
27 counselor associates, marriage and family therapists, marriage and
28 family therapist associates, social workers, social work associates--
29 advanced, and social work associates--independent clinical under
30 chapter 18.225 RCW;

31 (xii) Persons registered as nursing pool operators under chapter
32 18.52C RCW;

33 (xiii) Nursing assistants registered or certified under chapter
34 18.88A RCW;

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

36 (xv) Dietitians and nutritionists certified under chapter 18.138
37 RCW;

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

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

5 (xviii) Persons licensed and certified under chapter 18.73 RCW or
6 RCW 18.71.205;

7 (xix) Denturists licensed under chapter 18.30 RCW;

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

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

10 (xxii) Recreational therapists;

11 (xxiii) Animal massage practitioners certified under chapter 18.240
12 RCW;

13 (xxiv) Athletic trainers licensed under chapter 18.250 RCW;

14 (xxv) Home care aides certified under chapter 18.88B RCW; and

15 (xxvi) Speech-language pathology assistants certified under chapter
16 18.35 RCW.

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

19 (i) The podiatric medical board as established in chapter 18.22
20 RCW;

21 (ii) The chiropractic quality assurance commission as established
22 in chapter 18.25 RCW;

23 (iii) The dental quality assurance commission as established in
24 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
25 licenses and registrations issued under chapter 18.260 RCW;

26 (iv) The board of hearing and speech as established in chapter
27 18.35 RCW;

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

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

32 (vii) The board of osteopathic medicine and surgery as established
33 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
34 18.57A RCW;

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

37 (ix) The medical quality assurance commission as established in

1 chapter 18.71 RCW governing licenses and registrations issued under
2 chapters 18.71 and 18.71A RCW;

3 (x) The board of physical therapy as established in chapter 18.74
4 RCW;

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

7 (xii) The nursing care quality assurance commission as established
8 in chapter 18.79 RCW governing licenses and registrations issued under
9 that chapter;

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

12 (xiv) The veterinary board of governors as established in chapter
13 18.92 RCW.

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

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

22 **Sec. 18.** RCW 18.130.040 and 2009 c 302 s 14, 2009 c 301 s 8, and
23 2009 c 52 s 2 are each reenacted and amended to read as follows:

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

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

31 (i) Dispensing opticians licensed and designated apprentices under
32 chapter 18.34 RCW;

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

34 (iii) Midwives licensed under chapter 18.50 RCW;

35 (iv) Ocularists licensed under chapter 18.55 RCW;

36 (v) Massage operators and businesses licensed under chapter 18.108
37 RCW;

- 1 (vi) Dental hygienists licensed under chapter 18.29 RCW;
- 2 (vii) (~~Acupuncturists~~) East Asian medicine practitioners licensed
3 under chapter 18.06 RCW;
- 4 (viii) Radiologic technologists certified and X-ray technicians
5 registered under chapter 18.84 RCW;
- 6 (ix) Respiratory care practitioners licensed under chapter 18.89
7 RCW;
- 8 (x) Hypnotherapists and agency affiliated counselors registered and
9 advisors and counselors certified under chapter 18.19 RCW;
- 10 (xi) Persons licensed as mental health counselors, mental health
11 counselor associates, marriage and family therapists, marriage and
12 family therapist associates, social workers, social work associates--
13 advanced, and social work associates--independent clinical under
14 chapter 18.225 RCW;
- 15 (xii) Persons registered as nursing pool operators under chapter
16 18.52C RCW;
- 17 (xiii) Nursing assistants registered or certified under chapter
18 18.88A RCW;
- 19 (xiv) Health care assistants certified under chapter 18.135 RCW;
- 20 (xv) Dietitians and nutritionists certified under chapter 18.138
21 RCW;
- 22 (xvi) Chemical dependency professionals and chemical dependency
23 professional trainees certified under chapter 18.205 RCW;
- 24 (xvii) Sex offender treatment providers and certified affiliate sex
25 offender treatment providers certified under chapter 18.155 RCW;
- 26 (xviii) Persons licensed and certified under chapter 18.73 RCW or
27 RCW 18.71.205;
- 28 (xix) Denturists licensed under chapter 18.30 RCW;
- 29 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
- 30 (xxi) Surgical technologists registered under chapter 18.215 RCW;
- 31 (xxii) Recreational therapists;
- 32 (xxiii) Animal massage practitioners certified under chapter 18.240
33 RCW;
- 34 (xxiv) Athletic trainers licensed under chapter 18.250 RCW;
- 35 (xxv) Home care aides certified under chapter 18.88B RCW;
- 36 (xxvi) Speech-language pathology assistants certified under chapter
37 18.35 RCW; and
- 38 (xxvii) Genetic counselors licensed under chapter 18.290 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 NEW SECTION. **Sec. 19.** Section 16 of this act expires July 1,
6 2010.

7 NEW SECTION. **Sec. 20.** Section 17 of this act takes effect July 1,
8 2010.

9 NEW SECTION. **Sec. 21.** Section 17 of this act expires August 1,
10 2010.

11 NEW SECTION. **Sec. 22.** Section 18 of this act takes effect August
12 1, 2010.

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