

**SB 5037 - S AMD 119**  
By Senator Ranker

NOT CONSIDERED 05/25/2011

1 On page 1, line 9, after "board of" strike "naturopathy" and insert  
2 "naturopathic physicians"

3 On page 3, line 28, after "(3)" strike "Naturopath" and insert  
4 "(("Naturopath)) "Naturopathic physician"

5 On page 5, line 4, after "board of" strike "naturopathy" and insert  
6 "naturopathic physicians"

7 On page 5, line 9, after "as a" strike "naturopath" and insert  
8 "(("naturopath)) naturopathic physician"

9 On page 5, line 11, after "as a" strike "naturopath" and insert  
10 "(("naturopath)) naturopathic physician"

11 On page 11, line 3, after "board of" strike "naturopathy" and  
12 insert "naturopathic physicians"

13 On page 11, after line 11, insert the following:

14 "**Sec. 12.** RCW 18.06.050 and 2010 c 286 s 5 are each amended to  
15 read as follows:

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

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

21 (2) Proof that the candidate has:

22 (a) Successfully completed a course, approved by the secretary, of  
23 didactic training in basic sciences and East Asian medicine, including  
24 acupuncture, over a minimum period of two academic years. The training

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

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

13 **Sec. 13.** RCW 18.36A.010 and 1987 c 447 s 1 are each amended to  
14 read as follows:

15 The legislature finds that it is necessary to regulate the practice  
16 of ((naturopaths)) naturopathic physicians in order to protect the  
17 public health, safety, and welfare. It is the legislature's intent  
18 that only individuals who meet and maintain minimum standards of  
19 competence and conduct may provide service to the public.

20 **Sec. 14.** RCW 18.36A.040 and 2005 c 158 s 2 are each amended to  
21 read as follows:

22 Naturopathic medicine is the practice by ((naturopaths))  
23 naturopathic physicians of the art and science of the diagnosis,  
24 prevention, and treatment of disorders of the body by stimulation or  
25 support, or both, of the natural processes of the human body. A  
26 ((naturopath)) naturopathic physician is responsible and accountable to  
27 the consumer for the quality of naturopathic care rendered.

28 The practice of naturopathic medicine includes manual manipulation  
29 (mechanotherapy), the prescription, administration, dispensing, and  
30 use, except for the treatment of malignancies, of nutrition and food  
31 science, physical modalities, minor office procedures, homeopathy,  
32 naturopathic medicines, hygiene and immunization, nondrug contraceptive  
33 devices, common diagnostic procedures, and suggestion; however, nothing  
34 in this chapter shall prohibit consultation and treatment of a patient  
35 in concert with a practitioner licensed under chapter 18.57 or 18.71

1 RCW. No person licensed under this chapter may employ the term  
2 "chiropractic" to describe any services provided by a ((naturopath))  
3 naturopathic physician under this chapter.

4 **Sec. 15.** RCW 18.36A.050 and 1991 c 3 s 90 are each amended to read  
5 as follows:

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

7 (1) The practice of a profession by individuals who are licensed,  
8 certified, or registered under other laws of this state who are  
9 performing services within their authorized scope of practice;

10 (2) The practice of naturopathic medicine by an individual employed  
11 by the government of the United States while the individual is engaged  
12 in the performance of duties prescribed for him or her by the laws and  
13 regulations of the United States;

14 (3) The practice of naturopathic medicine by students enrolled in  
15 a school approved by the secretary. The performance of services shall  
16 be pursuant to a course of instruction or assignments from an  
17 instructor and under the supervision of the instructor. The instructor  
18 shall be a ((naturopath)) naturopathic physician licensed pursuant to  
19 this chapter; or

20 (4) The practice of oriental medicine or oriental herbology, or the  
21 rendering of other dietary or nutritional advice.

22 **Sec. 16.** RCW 18.59.100 and 1999 c 333 s 3 are each amended to read  
23 as follows:

24 An occupational therapist shall, after evaluating a patient and if  
25 the case is a medical one, refer the case to a physician for  
26 appropriate medical direction if such direction is lacking. Treatment  
27 by an occupational therapist of such a medical case may take place only  
28 upon the referral of a physician, osteopathic physician, podiatric  
29 physician and surgeon, ((naturopath)) naturopathic physician,  
30 chiropractor, physician assistant, psychologist, or advanced registered  
31 nurse practitioner licensed to practice in this state.

32 **Sec. 17.** RCW 18.74.010 and 2007 c 98 s 1 are each amended to read  
33 as follows:

34 The definitions in this section apply throughout this chapter  
35 unless the context clearly requires otherwise.

1 (1) "Board" means the board of physical therapy created by RCW  
2 18.74.020.

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

4 (3) "Physical therapy" means the care and services provided by or  
5 under the direction and supervision of a physical therapist licensed by  
6 the state. The use of Roentgen rays and radium for diagnostic and  
7 therapeutic purposes, the use of electricity for surgical purposes,  
8 including cauterization, and the use of spinal manipulation, or  
9 manipulative mobilization of the spine and its immediate articulations,  
10 are not included under the term "physical therapy" as used in this  
11 chapter.

12 (4) "Physical therapist" means a person who meets all the  
13 requirements of this chapter and is licensed in this state to practice  
14 physical therapy.

15 (5) "Secretary" means the secretary of health.

16 (6) Words importing the masculine gender may be applied to females.

17 (7) "Authorized health care practitioner" means and includes  
18 licensed physicians, osteopathic physicians, chiropractors,  
19 (~~naturopaths~~) naturopathic physicians, podiatric physicians and  
20 surgeons, dentists, and advanced registered nurse practitioners:  
21 PROVIDED, HOWEVER, That nothing herein shall be construed as altering  
22 the scope of practice of such practitioners as defined in their  
23 respective licensure laws.

24 (8) "Practice of physical therapy" is based on movement science and  
25 means:

26 (a) Examining, evaluating, and testing individuals with mechanical,  
27 physiological, and developmental impairments, functional limitations in  
28 movement, and disability or other health and movement-related  
29 conditions in order to determine a diagnosis, prognosis, plan of  
30 therapeutic intervention, and to assess and document the ongoing  
31 effects of intervention;

32 (b) Alleviating impairments and functional limitations in movement  
33 by designing, implementing, and modifying therapeutic interventions  
34 that include therapeutic exercise; functional training related to  
35 balance, posture, and movement to facilitate self-care and  
36 reintegration into home, community, or work; manual therapy including  
37 soft tissue and joint mobilization and manipulation; therapeutic  
38 massage; assistive, adaptive, protective, and devices related to

1 postural control and mobility except as restricted by (c) of this  
2 subsection; airway clearance techniques; physical agents or modalities;  
3 mechanical and electrotherapeutic modalities; and patient-related  
4 instruction;

5 (c) Training for, and the evaluation of, the function of a patient  
6 wearing an orthosis or prosthesis as defined in RCW 18.200.010.  
7 Physical therapists may provide those direct-formed and prefabricated  
8 upper limb, knee, and ankle-foot orthoses, but not fracture orthoses  
9 except those for hand, wrist, ankle, and foot fractures, and assistive  
10 technology devices specified in RCW 18.200.010 as exemptions from the  
11 defined scope of licensed orthotic and prosthetic services. It is the  
12 intent of the legislature that the unregulated devices specified in RCW  
13 18.200.010 are in the public domain to the extent that they may be  
14 provided in common with individuals or other health providers, whether  
15 unregulated or regulated under Title 18 RCW, without regard to any  
16 scope of practice;

17 (d) Performing wound care services that are limited to sharp  
18 debridement, debridement with other agents, dry dressings, wet  
19 dressings, topical agents including enzymes, hydrotherapy, electrical  
20 stimulation, ultrasound, and other similar treatments. Physical  
21 therapists may not delegate sharp debridement. A physical therapist  
22 may perform wound care services only by referral from or after  
23 consultation with an authorized health care practitioner;

24 (e) Reducing the risk of injury, impairment, functional limitation,  
25 and disability related to movement, including the promotion and  
26 maintenance of fitness, health, and quality of life in all age  
27 populations; and

28 (f) Engaging in administration, consultation, education, and  
29 research.

30 (9)(a) "Physical therapist assistant" means a person who meets all  
31 the requirements of this chapter and is licensed as a physical  
32 therapist assistant and who performs physical therapy procedures and  
33 related tasks that have been selected and delegated only by the  
34 supervising physical therapist. However, a physical therapist may not  
35 delegate sharp debridement to a physical therapist assistant.

36 (b) "Physical therapy aide" means a person who is involved in  
37 direct physical therapy patient care who does not meet the definition

1 of a physical therapist or physical therapist assistant and receives  
2 ongoing on-the-job training.

3 (c) "Other assistive personnel" means other trained or educated  
4 health care personnel, not defined in (a) or (b) of this subsection,  
5 who perform specific designated tasks related to physical therapy under  
6 the supervision of a physical therapist, including but not limited to  
7 licensed massage practitioners, athletic trainers, and exercise  
8 physiologists. At the direction of the supervising physical therapist,  
9 and if properly credentialed and not prohibited by any other law, other  
10 assistive personnel may be identified by the title specific to their  
11 training or education.

12 (10) "Direct supervision" means the supervising physical therapist  
13 must (a) be continuously on-site and present in the department or  
14 facility where assistive personnel or holders of interim permits are  
15 performing services; (b) be immediately available to assist the person  
16 being supervised in the services being performed; and (c) maintain  
17 continued involvement in appropriate aspects of each treatment session  
18 in which a component of treatment is delegated to assistive personnel.

19 (11) "Indirect supervision" means the supervisor is not on the  
20 premises, but has given either written or oral instructions for  
21 treatment of the patient and the patient has been examined by the  
22 physical therapist at such time as acceptable health care practice  
23 requires and consistent with the particular delegated health care task.

24 (12) "Sharp debridement" means the removal of devitalized tissue  
25 from a wound with scissors, scalpel, and tweezers without anesthesia.  
26 "Sharp debridement" does not mean surgical debridement. A physical  
27 therapist may perform sharp debridement, to include the use of a  
28 scalpel, only upon showing evidence of adequate education and training  
29 as established by rule. Until the rules are established, but no later  
30 than July 1, 2006, physical therapists licensed under this chapter who  
31 perform sharp debridement as of July 24, 2005, shall submit to the  
32 secretary an affidavit that includes evidence of adequate education and  
33 training in sharp debridement, including the use of a scalpel.

34 **Sec. 18.** RCW 18.120.020 and 2010 c 286 s 14 are each amended to  
35 read as follows:

36 The definitions in this section apply throughout this chapter  
37 unless the context clearly requires otherwise.

1 (1) "Applicant group" includes any health professional group or  
2 organization, any individual, or any other interested party which  
3 proposes that any health professional group not presently regulated be  
4 regulated or which proposes to substantially increase the scope of  
5 practice of the profession.

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

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

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

1 mental health counselors, marriage and family therapists, and social  
2 workers under chapter 18.225 RCW; dietitians and nutritionists  
3 certified by chapter 18.138 RCW; radiologic technicians under chapter  
4 18.84 RCW; and nursing assistants registered or certified under chapter  
5 18.88A RCW.

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

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

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

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

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

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

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



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

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

9 **Sec. 19.** RCW 18.135.020 and 2009 c 43 s 4 are each reenacted and  
10 amended to read as follows:

11 The definitions in this section apply throughout this chapter  
12 unless the context clearly requires otherwise.

13 (1) "Delegation" means direct authorization granted by a licensed  
14 health care practitioner to a health care assistant to perform the  
15 functions authorized in this chapter which fall within the scope of  
16 practice of the delegator and which are not within the scope of  
17 practice of the delegatee.

18 (2) "Health care assistant" means an unlicensed person who assists  
19 a licensed health care practitioner in providing health care to  
20 patients pursuant to this chapter. However, persons trained by a  
21 federally approved end-stage renal disease facility who perform end-  
22 stage renal dialysis in the home setting are exempt from certification  
23 under this chapter.

24 (3) "Health care facility" means any hospital, hospice care center,  
25 licensed or certified health care facility, health maintenance  
26 organization regulated under chapter 48.46 RCW, federally qualified  
27 health maintenance organization, renal dialysis center or facility  
28 federally approved under 42 C.F.R. 405.2100, blood bank federally  
29 licensed under 21 C.F.R. 607, or clinical laboratory certified under 20  
30 C.F.R. 405.1301-16.

31 (4) "Health care practitioner" means:

32 (a) A physician licensed under chapter 18.71 RCW;

33 (b) An osteopathic physician or surgeon licensed under chapter  
34 18.57 RCW; or

35 (c) Acting within the scope of their respective licensure, a  
36 podiatric physician and surgeon licensed under chapter 18.22 RCW, a  
37 registered nurse or advanced registered nurse practitioner licensed

1 under chapter 18.79 RCW, a ((naturopath)) naturopathic physician  
2 licensed under chapter 18.36A RCW, a physician assistant licensed under  
3 chapter 18.71A RCW, or an osteopathic physician assistant licensed  
4 under chapter 18.57A RCW.

5 (5) "Secretary" means the secretary of health.

6 (6) "Supervision" means supervision of procedures permitted  
7 pursuant to this chapter by a health care practitioner who is  
8 physically present and is immediately available in the facility during  
9 the administration of injections or vaccines, as defined in this  
10 chapter, or certain drugs as provided in RCW 18.135.130, but need not  
11 be present during procedures to withdraw blood.

12 **Sec. 20.** RCW 18.200.010 and 1997 c 285 s 2 are each amended to  
13 read as follows:

14 The definitions in this section apply throughout this chapter  
15 unless the context clearly requires otherwise.

16 (1) "Advisory committee" means the orthotics and prosthetics  
17 advisory committee.

18 (2) "Department" means the department of health.

19 (3) "Secretary" means the secretary of health or the secretary's  
20 designee.

21 (4) "Orthotics" means the science and practice of evaluating,  
22 measuring, designing, fabricating, assembling, fitting, adjusting, or  
23 servicing, as well as providing the initial training necessary to  
24 accomplish the fitting of, an orthosis for the support, correction, or  
25 alleviation of neuromuscular or musculoskeletal dysfunction, disease,  
26 injury, or deformity. The practice of orthotics encompasses  
27 evaluation, treatment, and consultation. With basic observational gait  
28 and postural analysis, orthotists assess and design orthoses to  
29 maximize function and provide not only the support but the alignment  
30 necessary to either prevent or correct deformity or to improve the  
31 safety and efficiency of mobility or locomotion, or both. Orthotic  
32 practice includes providing continuing patient care in order to assess  
33 its effect on the patient's tissues and to assure proper fit and  
34 function of the orthotic device by periodic evaluation.

35 (5) "Orthotist" means a person licensed to practice orthotics under  
36 this chapter.

1 (6) "Orthosis" means a custom-fabricated, definitive brace or  
2 support that is designed for long-term use. Except for the treatment  
3 of scoliosis, orthosis does not include prefabricated or direct-formed  
4 orthotic devices, as defined in this section, or any of the following  
5 assistive technology devices: Commercially available knee orthoses  
6 used following injury or surgery; spastic muscle tone-inhibiting  
7 orthoses; upper extremity adaptive equipment; finger splints; hand  
8 splints; custom-made, leather wrist gauntlets; face masks used  
9 following burns; wheelchair seating that is an integral part of the  
10 wheelchair and not worn by the patient independent of the wheelchair;  
11 fabric or elastic supports; corsets; arch supports, also known as foot  
12 orthotics; low-temperature formed plastic splints; trusses; elastic  
13 hose; canes; crutches; cervical collars; dental appliances; and other  
14 similar devices as determined by the secretary, such as those commonly  
15 carried in stock by a pharmacy, department store, corset shop, or  
16 surgical supply facility. Prefabricated orthoses, also known as  
17 custom-fitted, or off-the-shelf, are devices that are manufactured as  
18 commercially available stock items for no specific patient. Direct-  
19 formed orthoses are devices formed or shaped during the molding process  
20 directly on the patient's body or body segment. Custom-fabricated  
21 orthoses, also known as custom-made orthoses, are devices designed and  
22 fabricated, in turn, from raw materials for a specific patient and  
23 require the generation of an image, form, or mold that replicates the  
24 patient's body or body segment and, in turn, involves the rectification  
25 of dimensions, contours, and volumes to achieve proper fit, comfort,  
26 and function for that specific patient.

27 (7) "Prosthetics" means the science and practice of evaluating,  
28 measuring, designing, fabricating, assembling, fitting, aligning,  
29 adjusting, or servicing, as well as providing the initial training  
30 necessary to accomplish the fitting of, a prosthesis through the  
31 replacement of external parts of a human body lost due to amputation or  
32 congenital deformities or absences. The practice of prosthetics also  
33 includes the generation of an image, form, or mold that replicates the  
34 patient's body or body segment and that requires rectification of  
35 dimensions, contours, and volumes for use in the design and fabrication  
36 of a socket to accept a residual anatomic limb to, in turn, create an  
37 artificial appendage that is designed either to support body weight or  
38 to improve or restore function or cosmesis, or both. Involved in the

1 practice of prosthetics is observational gait analysis and clinical  
2 assessment of the requirements necessary to refine and mechanically fix  
3 the relative position of various parts of the prosthesis to maximize  
4 the function, stability, and safety of the patient. The practice of  
5 prosthetics includes providing continuing patient care in order to  
6 assess the prosthetic device's effect on the patient's tissues and to  
7 assure proper fit and function of the prosthetic device by periodic  
8 evaluation.

9 (8) "Prosthetist" means a person who is licensed to practice  
10 prosthetics under this chapter.

11 (9) "Prosthesis" means a definitive artificial limb that is  
12 alignable or articulated, or, in lower extremity applications, capable  
13 of weight bearing. Prosthesis means an artificial medical device that  
14 is not surgically implanted and that is used to replace a missing limb,  
15 appendage, or other external human body part including an artificial  
16 limb, hand, or foot. The term does not include artificial eyes, ears,  
17 fingers or toes, dental appliances, ostomy products, devices such as  
18 artificial breasts, eyelashes, wigs, or other devices as determined by  
19 the secretary that do not have a significant impact on the  
20 musculoskeletal functions of the body. In the lower extremity of the  
21 body, the term prosthesis does not include prostheses required for  
22 amputations distal to and including the transmetatarsal level. In the  
23 upper extremity of the body, the term prosthesis does not include  
24 prostheses that are provided to restore function for amputations distal  
25 to and including the carpal level.

26 (10) "Authorized health care practitioner" means licensed  
27 physicians, physician's assistants, osteopathic physicians,  
28 chiropractors, (~~naturopaths~~) naturopathic physicians, podiatric  
29 physicians and surgeons, dentists, and advanced registered nurse  
30 practitioners.

31 **Sec. 21.** RCW 18.250.010 and 2007 c 253 s 2 are each amended to  
32 read as follows:

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

35 (1) "Athlete" means a person who participates in exercise,  
36 recreation, sport, or games requiring physical strength,  
37 range-of-motion, flexibility, body awareness and control, speed,

1 stamina, or agility, and the exercise, recreation, sports, or games are  
2 of a type conducted in association with an educational institution or  
3 professional, amateur, or recreational sports club or organization.

4 (2) "Athletic injury" means an injury or condition sustained by an  
5 athlete that affects the person's participation or performance in  
6 exercise, recreation, sport, or games and the injury or condition is  
7 within the professional preparation and education of an athletic  
8 trainer.

9 (3) "Athletic trainer" means a person who is licensed under this  
10 chapter. An athletic trainer can practice athletic training through  
11 the consultation, referral, or guidelines of a licensed health care  
12 provider working within their scope of practice.

13 (4)(a) "Athletic training" means the application of the following  
14 principles and methods as provided by a licensed athletic trainer:

15 (i) Risk management and prevention of athletic injuries through  
16 preactivity screening and evaluation, educational programs, physical  
17 conditioning and reconditioning programs, application of commercial  
18 products, use of protective equipment, promotion of healthy behaviors,  
19 and reduction of environmental risks;

20 (ii) Recognition, evaluation, and assessment of athletic injuries  
21 by obtaining a history of the athletic injury, inspection and palpation  
22 of the injured part and associated structures, and performance of  
23 specific testing techniques related to stability and function to  
24 determine the extent of an injury;

25 (iii) Immediate care of athletic injuries, including emergency  
26 medical situations through the application of first-aid and emergency  
27 procedures and techniques for nonlife-threatening or life-threatening  
28 athletic injuries;

29 (iv) Treatment, rehabilitation, and reconditioning of athletic  
30 injuries through the application of physical agents and modalities,  
31 therapeutic activities and exercise, standard reassessment techniques  
32 and procedures, commercial products, and educational programs, in  
33 accordance with guidelines established with a licensed health care  
34 provider as provided in RCW 18.250.070; and

35 (v) Referral of an athlete to an appropriately licensed health care  
36 provider if the athletic injury requires further definitive care or the  
37 injury or condition is outside an athletic trainer's scope of practice,  
38 in accordance with RCW 18.250.070.

1 (b) "Athletic training" does not include:

2 (i) The use of spinal adjustment or manipulative mobilization of  
3 the spine and its immediate articulations;

4 (ii) Orthotic or prosthetic services with the exception of  
5 evaluation, measurement, fitting, and adjustment of temporary,  
6 prefabricated or direct-formed orthosis as defined in chapter 18.200  
7 RCW;

8 (iii) The practice of occupational therapy as defined in chapter  
9 18.59 RCW;

10 (iv) The practice of (~~acupuncture~~) East Asian medicine as defined  
11 in chapter 18.06 RCW;

12 (v) Any medical diagnosis; and

13 (vi) Prescribing legend drugs or controlled substances, or surgery.

14 (5) "Committee" means the athletic training advisory committee.

15 (6) "Department" means the department of health.

16 (7) "Licensed health care provider" means a physician, physician  
17 assistant, osteopathic physician, osteopathic physician assistant,  
18 advanced registered nurse practitioner, (~~naturopath~~) naturopathic  
19 physician, physical therapist, chiropractor, dentist, massage  
20 practitioner, acupuncturist, occupational therapist, or podiatric  
21 physician and surgeon.

22 (8) "Secretary" means the secretary of health or the secretary's  
23 designee.

24 **Sec. 22.** RCW 43.70.110 and 2010 c 286 s 15 are each amended to  
25 read as follows:

26 (1) The secretary shall charge fees to the licensee for obtaining  
27 a license. Physicians regulated pursuant to chapter 18.71 RCW who  
28 reside and practice in Washington and obtain or renew a retired active  
29 license are exempt from such fees. After June 30, 1995, municipal  
30 corporations providing emergency medical care and transportation  
31 services pursuant to chapter 18.73 RCW shall be exempt from such fees,  
32 provided that such other emergency services shall only be charged for  
33 their pro rata share of the cost of licensure and inspection, if  
34 appropriate. The secretary may waive the fees when, in the discretion  
35 of the secretary, the fees would not be in the best interest of public  
36 health and safety, or when the fees would be to the financial  
37 disadvantage of the state.

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

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

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

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

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

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

31 **Sec. 23.** RCW 43.70.470 and 2005 c 156 s 2 are each amended to read  
32 as follows:

33 The department may establish by rule the conditions of  
34 participation in the liability insurance program by retired health care  
35 providers at clinics utilizing retired health care providers for the  
36 purposes of this section and RCW 43.70.460. These conditions shall  
37 include, but not be limited to, the following:

1 (1) The participating health care provider associated with the  
2 clinic shall hold a valid license to practice as a physician under  
3 chapter 18.71 or 18.57 RCW, a (~~naturopath~~) naturopathic physician  
4 under chapter 18.36A RCW, a physician assistant under chapter 18.71A or  
5 18.57A RCW, an advanced registered nurse practitioner under chapter  
6 18.79 RCW, a dentist under chapter 18.32 RCW, or other health  
7 professionals as may be deemed in short supply by the department. All  
8 health care providers must be in conformity with current requirements  
9 for licensure, including continuing education requirements;

10 (2) Health care shall be limited to noninvasive procedures and  
11 shall not include obstetrical care. Noninvasive procedures include  
12 injections, suturing of minor lacerations, and incisions of boils or  
13 superficial abscesses. Primary dental care shall be limited to  
14 diagnosis, oral hygiene, restoration, and extractions and shall not  
15 include orthodontia, or other specialized care and treatment;

16 (3) The provision of liability insurance coverage shall not extend  
17 to acts outside the scope of rendering health care services pursuant to  
18 this section and RCW 43.70.460;

19 (4) The participating health care provider shall limit the  
20 provision of health care services to primarily low-income persons  
21 provided that clinics may, but are not required to, provide means tests  
22 for eligibility as a condition for obtaining health care services;

23 (5) The participating health care provider shall not accept  
24 compensation for providing health care services from patients served  
25 pursuant to this section and RCW 43.70.460, nor from clinics serving  
26 these patients. "Compensation" shall mean any remuneration of value to  
27 the participating health care provider for services provided by the  
28 health care provider, but shall not be construed to include any nominal  
29 copayments charged by the clinic, nor reimbursement of related expenses  
30 of a participating health care provider authorized by the clinic in  
31 advance of being incurred; and

32 (6) The use of mediation or arbitration for resolving questions of  
33 potential liability may be used, however any mediation or arbitration  
34 agreement format shall be expressed in terms clear enough for a person  
35 with a sixth grade level of education to understand, and on a form no  
36 longer than one page in length.



1       **Sec. 24.** RCW 69.41.010 and 2009 c 549 s 1024 are each amended to  
2 read as follows:

3       As used in this chapter, the following terms have the meanings  
4 indicated unless the context clearly requires otherwise:

5       (1) "Administer" means the direct application of a legend drug  
6 whether by injection, inhalation, ingestion, or any other means, to the  
7 body of a patient or research subject by:

8       (a) A practitioner; or

9       (b) The patient or research subject at the direction of the  
10 practitioner.

11       (2) "Community-based care settings" include: Community residential  
12 programs for the developmentally disabled, certified by the department  
13 of social and health services under chapter 71A.12 RCW; adult family  
14 homes licensed under chapter 70.128 RCW; and boarding homes licensed  
15 under chapter 18.20 RCW. Community-based care settings do not include  
16 acute care or skilled nursing facilities.

17       (3) "Deliver" or "delivery" means the actual, constructive, or  
18 attempted transfer from one person to another of a legend drug, whether  
19 or not there is an agency relationship.

20       (4) "Department" means the department of health.

21       (5) "Dispense" means the interpretation of a prescription or order  
22 for a legend drug and, pursuant to that prescription or order, the  
23 proper selection, measuring, compounding, labeling, or packaging  
24 necessary to prepare that prescription or order for delivery.

25       (6) "Dispenser" means a practitioner who dispenses.

26       (7) "Distribute" means to deliver other than by administering or  
27 dispensing a legend drug.

28       (8) "Distributor" means a person who distributes.

29       (9) "Drug" means:

30       (a) Substances recognized as drugs in the official United States  
31 pharmacopoeia, official homeopathic pharmacopoeia of the United States,  
32 or official national formulary, or any supplement to any of them;

33       (b) Substances intended for use in the diagnosis, cure, mitigation,  
34 treatment, or prevention of disease in human beings or animals;

35       (c) Substances (other than food, minerals or vitamins) intended to  
36 affect the structure or any function of the body of human beings or  
37 animals; and

1 (d) Substances intended for use as a component of any article  
2 specified in (a), (b), or (c) of this subsection. It does not include  
3 devices or their components, parts, or accessories.

4 (10) "Electronic communication of prescription information" means  
5 the communication of prescription information by computer, or the  
6 transmission of an exact visual image of a prescription by facsimile,  
7 or other electronic means for original prescription information or  
8 prescription refill information for a legend drug between an authorized  
9 practitioner and a pharmacy or the transfer of prescription information  
10 for a legend drug from one pharmacy to another pharmacy.

11 (11) "In-home care settings" include an individual's place of  
12 temporary and permanent residence, but does not include acute care or  
13 skilled nursing facilities, and does not include community-based care  
14 settings.

15 (12) "Legend drugs" means any drugs which are required by state law  
16 or regulation of the state board of pharmacy to be dispensed on  
17 prescription only or are restricted to use by practitioners only.

18 (13) "Legible prescription" means a prescription or medication  
19 order issued by a practitioner that is capable of being read and  
20 understood by the pharmacist filling the prescription or the nurse or  
21 other practitioner implementing the medication order. A prescription  
22 must be hand printed, typewritten, or electronically generated.

23 (14) "Medication assistance" means assistance rendered by a  
24 nonpractitioner to an individual residing in a community-based care  
25 setting or in-home care setting to facilitate the individual's self-  
26 administration of a legend drug or controlled substance. It includes  
27 reminding or coaching the individual, handing the medication container  
28 to the individual, opening the individual's medication container, using  
29 an enabler, or placing the medication in the individual's hand, and  
30 such other means of medication assistance as defined by rule adopted by  
31 the department. A nonpractitioner may help in the preparation of  
32 legend drugs or controlled substances for self-administration where a  
33 practitioner has determined and communicated orally or by written  
34 direction that such medication preparation assistance is necessary and  
35 appropriate. Medication assistance shall not include assistance with  
36 intravenous medications or injectable medications, except prefilled  
37 insulin syringes.

1 (15) "Person" means individual, corporation, government or  
2 governmental subdivision or agency, business trust, estate, trust,  
3 partnership or association, or any other legal entity.

4 (16) "Practitioner" means:

5 (a) A physician under chapter 18.71 RCW, an osteopathic physician  
6 or an osteopathic physician and surgeon under chapter 18.57 RCW, a  
7 dentist under chapter 18.32 RCW, a podiatric physician and surgeon  
8 under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a  
9 registered nurse, advanced registered nurse practitioner, or licensed  
10 practical nurse under chapter 18.79 RCW, an optometrist under chapter  
11 18.53 RCW who is certified by the optometry board under RCW 18.53.010,  
12 an osteopathic physician assistant under chapter 18.57A RCW, a  
13 physician assistant under chapter 18.71A RCW, a (~~naturopath~~)  
14 naturopathic physician licensed under chapter 18.36A RCW, a pharmacist  
15 under chapter 18.64 RCW, or, when acting under the required supervision  
16 of a dentist licensed under chapter 18.32 RCW, a dental hygienist  
17 licensed under chapter 18.29 RCW;

18 (b) A pharmacy, hospital, or other institution licensed,  
19 registered, or otherwise permitted to distribute, dispense, conduct  
20 research with respect to, or to administer a legend drug in the course  
21 of professional practice or research in this state; and

22 (c) A physician licensed to practice medicine and surgery or a  
23 physician licensed to practice osteopathic medicine and surgery in any  
24 state, or province of Canada, which shares a common border with the  
25 state of Washington.

26 (17) "Secretary" means the secretary of health or the secretary's  
27 designee.

28 **Sec. 25.** RCW 69.51A.010 and 2010 c 284 s 2 are each amended to  
29 read as follows:

30 The definitions in this section apply throughout this chapter  
31 unless the context clearly requires otherwise.

32 (1) "Designated provider" means a person who:

33 (a) Is eighteen years of age or older;

34 (b) Has been designated in writing by a patient to serve as a  
35 designated provider under this chapter;

36 (c) Is prohibited from consuming marijuana obtained for the

1 personal, medical use of the patient for whom the individual is acting  
2 as designated provider; and

3 (d) Is the designated provider to only one patient at any one time.

4 (2) "Health care professional," for purposes of this chapter only,  
5 means a physician licensed under chapter 18.71 RCW, a physician  
6 assistant licensed under chapter 18.71A RCW, an osteopathic physician  
7 licensed under chapter 18.57 RCW, an osteopathic physicians' assistant  
8 licensed under chapter 18.57A RCW, a ((~~naturopath~~)) naturopathic  
9 physician licensed under chapter 18.36A RCW, or an advanced registered  
10 nurse practitioner licensed under chapter 18.79 RCW.

11 (3) "Medical use of marijuana" means the production, possession, or  
12 administration of marijuana, as defined in RCW 69.50.101(q), for the  
13 exclusive benefit of a qualifying patient in the treatment of his or  
14 her terminal or debilitating illness.

15 (4) "Qualifying patient" means a person who:

16 (a) Is a patient of a health care professional;

17 (b) Has been diagnosed by that health care professional as having  
18 a terminal or debilitating medical condition;

19 (c) Is a resident of the state of Washington at the time of such  
20 diagnosis;

21 (d) Has been advised by that health care professional about the  
22 risks and benefits of the medical use of marijuana; and

23 (e) Has been advised by that health care professional that they may  
24 benefit from the medical use of marijuana.

25 (5) "Tamper-resistant paper" means paper that meets one or more of  
26 the following industry-recognized features:

27 (a) One or more features designed to prevent copying of the paper;

28 (b) One or more features designed to prevent the erasure or  
29 modification of information on the paper; or

30 (c) One or more features designed to prevent the use of counterfeit  
31 valid documentation.

32 (6) "Terminal or debilitating medical condition" means:

33 (a) Cancer, human immunodeficiency virus (HIV), multiple sclerosis,  
34 epilepsy or other seizure disorder, or spasticity disorders; or

35 (b) Intractable pain, limited for the purpose of this chapter to  
36 mean pain unrelieved by standard medical treatments and medications; or

37 (c) Glaucoma, either acute or chronic, limited for the purpose of

1 this chapter to mean increased intraocular pressure unrelieved by  
2 standard treatments and medications; or

3 (d) Crohn's disease with debilitating symptoms unrelieved by  
4 standard treatments or medications; or

5 (e) Hepatitis C with debilitating nausea or intractable pain  
6 unrelieved by standard treatments or medications; or

7 (f) Diseases, including anorexia, which result in nausea, vomiting,  
8 wasting, appetite loss, cramping, seizures, muscle spasms, or  
9 spasticity, when these symptoms are unrelieved by standard treatments  
10 or medications; or

11 (g) Any other medical condition duly approved by the Washington  
12 state medical quality assurance commission in consultation with the  
13 board of osteopathic medicine and surgery as directed in this chapter.

14 (7) "Valid documentation" means:

15 (a) A statement signed and dated by a qualifying patient's health  
16 care professional written on tamper-resistant paper, which states that,  
17 in the health care professional's professional opinion, the patient may  
18 benefit from the medical use of marijuana; and

19 (b) Proof of identity such as a Washington state driver's license  
20 or identicard, as defined in RCW 46.20.035.

21 **Sec. 26.** RCW 70.41.210 and 2008 c 134 s 14 are each amended to  
22 read as follows:

23 (1) The chief administrator or executive officer of a hospital  
24 shall report to the department when the practice of a health care  
25 practitioner as defined in subsection (2) of this section is  
26 restricted, suspended, limited, or terminated based upon a conviction,  
27 determination, or finding by the hospital that the health care  
28 practitioner has committed an action defined as unprofessional conduct  
29 under RCW 18.130.180. The chief administrator or executive officer  
30 shall also report any voluntary restriction or termination of the  
31 practice of a health care practitioner as defined in subsection (2) of  
32 this section while the practitioner is under investigation or the  
33 subject of a proceeding by the hospital regarding unprofessional  
34 conduct, or in return for the hospital not conducting such an  
35 investigation or proceeding or not taking action. The department will  
36 forward the report to the appropriate disciplining authority.

1 (2) The reporting requirements apply to the following health care  
2 practitioners: Pharmacists as defined in chapter 18.64 RCW; advanced  
3 registered nurse practitioners as defined in chapter 18.79 RCW;  
4 dentists as defined in chapter 18.32 RCW; (~~naturopaths~~) naturopathic  
5 physicians as defined in chapter 18.36A RCW; optometrists as defined in  
6 chapter 18.53 RCW; osteopathic physicians and surgeons as defined in  
7 chapter 18.57 RCW; osteopathic physicians' assistants as defined in  
8 chapter 18.57A RCW; physicians as defined in chapter 18.71 RCW;  
9 physician assistants as defined in chapter 18.71A RCW; podiatric  
10 physicians and surgeons as defined in chapter 18.22 RCW; and  
11 psychologists as defined in chapter 18.83 RCW.

12 (3) Reports made under subsection (1) of this section shall be made  
13 within fifteen days of the date: (a) A conviction, determination, or  
14 finding is made by the hospital that the health care practitioner has  
15 committed an action defined as unprofessional conduct under RCW  
16 18.130.180; or (b) the voluntary restriction or termination of the  
17 practice of a health care practitioner, including his or her voluntary  
18 resignation, while under investigation or the subject of proceedings  
19 regarding unprofessional conduct under RCW 18.130.180 is accepted by  
20 the hospital.

21 (4) Failure of a hospital to comply with this section is punishable  
22 by a civil penalty not to exceed five hundred dollars.

23 (5) A hospital, its chief administrator, or its executive officer  
24 who files a report under this section is immune from suit, whether  
25 direct or derivative, in any civil action related to the filing or  
26 contents of the report, unless the conviction, determination, or  
27 finding on which the report and its content are based is proven to not  
28 have been made in good faith. The prevailing party in any action  
29 brought alleging the conviction, determination, finding, or report was  
30 not made in good faith, shall be entitled to recover the costs of  
31 litigation, including reasonable attorneys' fees.

32 (6) The department shall forward reports made under subsection (1)  
33 of this section to the appropriate disciplining authority designated  
34 under Title 18 RCW within fifteen days of the date the report is  
35 received by the department. The department shall notify a hospital  
36 that has made a report under subsection (1) of this section of the  
37 results of the disciplining authority's case disposition decision  
38 within fifteen days after the case disposition. Case disposition is

1 the decision whether to issue a statement of charges, take informal  
2 action, or close the complaint without action against a practitioner.  
3 In its biennial report to the legislature under RCW 18.130.310, the  
4 department shall specifically identify the case dispositions of reports  
5 made by hospitals under subsection (1) of this section.

6 (7) The department shall not increase hospital license fees to  
7 carry out this section before July 1, 2008."

8 Renumber the remaining section consecutively.

**SB 5037** - S AMD  
By Senator Ranker

**NOT CONSIDERED 05/25/2011**

9 On page 1, at the beginning on line 2 of the title, strike  
10 "naturopathy" and insert "naturopathic physicians"

11 On page 1, beginning on line 3 of the title, after "18.36A.110,"  
12 strike all material through "18.130.040" on line 4 and insert  
13 "18.36A.120, 18.06.050, 18.36A.010, 18.36A.040, 18.36A.050, 18.59.100,  
14 18.74.010, 18.120.020, 18.200.010, 18.250.010, 43.70.110, 43.70.470,  
15 69.41.010, 69.51A.010, and 70.41.210; reenacting and amending RCW  
16 18.130.040 and 18.135.020"

EFFECT: Changes references from naturopaths to naturopathic  
physicians throughout the bill and the Revised Code of Washington.  
Changes the board from the board of naturopathy to the board of  
naturopathic physicians.

--- END ---