
HOUSE BILL 2227

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Cody and Jinkins

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1 AN ACT Relating to medical assistants; amending RCW 18.130.040 and
2 18.135.055; and adding a new chapter to Title 18 RCW.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that medical
5 assistants are health professionals specifically trained to work in
6 settings, such as physicians' offices, clinics, group practices, and
7 other health care facilities. These multiskilled personnel are trained
8 to perform administrative and clinical procedures under the supervision
9 of health care providers. Physicians value this unique versatility
10 more and more because of the skills of medical assistants and their
11 ability to contain costs and manage human resources efficiently. The
12 demand for medical assistants is expanding rapidly. The efficient and
13 effective delivery of health care in Washington will be improved by
14 recognizing the valuable contributions of medical assistants, and
15 providing statutory support for medical assistants in Washington state.
16 The legislature further finds that rural and small medical practices
17 and clinics may have limited access to formally trained medical
18 assistants.

1 NEW SECTION. **Sec. 2.** The definitions in this section apply

2 throughout this chapter unless the context clearly requires otherwise.

3 (1) "Delegation" means direct authorization granted by a licensed
4 health care practitioner to a medical assistant to perform the
5 functions authorized in this chapter which fall within the scope of
6 practice of the health care provider and the training and experience of
7 the medical assistant. "Delegation" may include standing orders.

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

9 (3) "Health care practitioner" means:

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

11 (b) An osteopathic physician or surgeon licensed under chapter
12 18.57 RCW; or

13 (c) Acting within the scope of their respective licensure, a
14 podiatric physician and surgeon licensed under chapter 18.22 RCW, a
15 registered nurse or advanced registered nurse practitioner licensed
16 under chapter 18.79 RCW, a naturopath licensed under chapter 18.36A
17 RCW, a physician assistant licensed under chapter 18.71A RCW, or an
18 osteopathic physician assistant licensed under chapter 18.57A RCW.

19 (4) "Medical assistant" means an unlicensed person who may assist
20 a licensed health care practitioner in all aspects of health care under
21 the supervision of a health care practitioner pursuant to this chapter.
22 A medical assistant assists with patient care, executes administrative
23 and clinical procedures, and performs functions as provided in section
24 5 of this act.

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

26 (6) "Standing orders" means a written document containing rules,
27 policies, procedures, regulations, and orders for the conduct of
28 patient care in various stipulated clinical situations. The standing
29 orders may be formulated collectively by the professional members of a
30 department in a hospital or other health care facility, clinic, or
31 practice. Standing orders may name the condition and prescribe the
32 action to be taken in caring for the patient pursuant to recognized
33 standards of patient care and clinical best practices.

34 (7) "Supervision" means supervision of procedures permitted
35 pursuant to this chapter by a health care practitioner who is
36 physically present and is immediately available in the facility, but
37 does not need to be present during procedures to withdraw blood.
38 "Supervision" may include standing orders.

- 1 (b) Obtaining specimens for microbiological testing; and
2 (c) Instructing patients in proper technique to collect urine and
3 fecal specimens.
- 4 (4) Diagnostic testing:
5 (a) Electrocardiography;
6 (b) Respiratory testing; and
7 (c) Tests waived under the federal clinical laboratory improvement
8 amendments program on the effective date of this section. The
9 department shall periodically update the tests authorized under this
10 subsection (4)(c) based on changes made by the federal clinical
11 laboratory improvement amendments program.
- 12 (5) Patient care:
13 (a) Telephone and in-person screening limited to intake and
14 gathering of information without requiring the exercise of judgment
15 based on medical knowledge;
16 (b) Acting under established standing orders under supervision when
17 clinically indicated and when within the scope of practice provided in
18 this section;
19 (c) Obtaining vital signs;
20 (d) Obtaining and recording patient history;
21 (e) Preparing and maintaining examination and treatment areas;
22 (f) Preparing patients for, and assisting with, routine and
23 specialty examinations, procedures, treatments, and minor office
24 surgeries;
25 (g) Maintaining medication and immunization records; and
26 (h) Screening and following up on test results.
- 27 (6) Administering medications. A medication assistant may only
28 administer medications if the medications are:
29 (a) Administered only by unit or single dosage, or by a dosage
30 calculated by a health care practitioner; and
31 (b) Limited to legend drugs, vaccines, and schedule III-V
32 controlled substances as authorized by a health care practitioner under
33 the scope of his or her license.

34 NEW SECTION. **Sec. 6.** Prior to delegation of any of the functions
35 in section 5 of this act to a medical assistant, a health care
36 practitioner shall determine to the best of his or her ability each of
37 the following:

- 1 (1) That the task is within that health care practitioner's scope
- 2 of licensure or authority;
- 3 (2) That the task is indicated for the patient;
- 4 (3) The appropriate level of supervision;
- 5 (4) That no law prohibits the delegation;
- 6 (5) That the medical assistant to whom the task will be delegated
- 7 is competent to perform that task; and
- 8 (6) That the task itself is one that should be appropriately
- 9 delegated when considering the following factors:
- 10 (a) That the task can be performed without requiring the exercise
- 11 of judgment based on medical knowledge;
- 12 (b) That results of the task are reasonably predictable;
- 13 (c) That the task can be performed without a need for complex
- 14 observations or critical decisions;
- 15 (d) That the task can be performed without repeated medical
- 16 assessments; and
- 17 (e) That the task, if performed improperly, would not present life-
- 18 threatening consequences or the danger of immediate and serious harm to
- 19 the patient.

20 NEW SECTION. **Sec. 7.** The secretary shall adopt rules that

21 establish the minimum requirements necessary for a health care

22 practitioner, clinic, or group practice to endorse a medical assistant

23 as qualified to perform the duties authorized by this chapter and be

24 able to file an attestation of that endorsement with the department.

25 NEW SECTION. **Sec. 8.** (1) In addition to any other authority

26 provided by law, the secretary may:

- 27 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to
- 28 implement this chapter;
- 29 (b) Establish forms and procedures necessary to administer this
- 30 chapter;
- 31 (c) Establish administrative procedures, administrative
- 32 requirements, and fees in accordance with RCW 43.70.250 and 43.70.280.
- 33 For purposes of setting fees under this section, the secretary shall
- 34 consider medical assistants and health care assistants, certified under
- 35 chapter 18.135 RCW, as one profession;

1 (d) Issue a registration to any applicant under section 4 of this
2 act who has met the requirements for registration and deny a
3 registration to applicants who do not meet the minimum qualifications
4 for registration;

5 (e) Hire clerical, administrative, and investigative staff as
6 needed to implement and administer this chapter;

7 (f) Maintain the official department of health record of all
8 applicants and registrants; and

9 (g) Establish requirements and procedures for an inactive
10 registration.

11 (2) The uniform disciplinary act, chapter 18.130 RCW, governs
12 unregistered practice, the issuance and denial of a registration, and
13 the discipline of persons registered under this chapter.

14 NEW SECTION. **Sec. 9.** The secretary shall adopt rules to implement
15 this act, including rules regarding the portability of a medical
16 assistant registration from one practice setting to another.

17 NEW SECTION. **Sec. 10.** (1) Nothing in this chapter affects health
18 care assistants certified under chapter 18.135 RCW or other assistive
19 health care personnel working under the supervision of a licensed
20 health care practitioner consistent with the standards of care and best
21 practices of that health care practitioners' license, except that
22 persons currently certified as health care assistants, or other
23 assistive health care personnel are eligible to become medical
24 assistants so long as they meet the requirements set forth in this
25 chapter.

26 (2) Nothing in this chapter prohibits or affects:

27 (a) The practice of dental therapy by an individual otherwise
28 licensed under this title and performing services within his or her
29 scope of practice; or

30 (b) The practice of dental therapy in the discharge of official
31 duties on behalf of the United States government, including, but not
32 limited to, the armed forces, coast guard, public health service,
33 veterans' bureau, or bureau of Indian affairs.

34 **Sec. 11.** RCW 18.130.040 and 2011 c 41 s 11 are each amended to
35 read as follows:

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

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

8 (i) Dispensing opticians licensed and designated apprentices under
9 chapter 18.34 RCW;

10 (ii) Midwives licensed under chapter 18.50 RCW;

11 (iii) Ocularists licensed under chapter 18.55 RCW;

12 (iv) Massage operators and businesses licensed under chapter 18.108
13 RCW;

14 (v) Dental hygienists licensed under chapter 18.29 RCW;

15 (vi) East Asian medicine practitioners licensed under chapter 18.06
16 RCW;

17 (vii) Radiologic technologists certified and X-ray technicians
18 registered under chapter 18.84 RCW;

19 (viii) Respiratory care practitioners licensed under chapter 18.89
20 RCW;

21 (ix) Hypnotherapists and agency affiliated counselors registered
22 and advisors and counselors certified under chapter 18.19 RCW;

23 (x) Persons licensed as mental health counselors, mental health
24 counselor associates, marriage and family therapists, marriage and
25 family therapist associates, social workers, social work associates--
26 advanced, and social work associates--independent clinical under
27 chapter 18.225 RCW;

28 (xi) Persons registered as nursing pool operators under chapter
29 18.52C RCW;

30 (xii) Nursing assistants registered or certified under chapter
31 18.88A RCW;

32 (xiii) Health care assistants certified under chapter 18.135 RCW;

33 (xiv) Dietitians and nutritionists certified under chapter 18.138
34 RCW;

35 (xv) Chemical dependency professionals and chemical dependency
36 professional trainees certified under chapter 18.205 RCW;

37 (xvi) Sex offender treatment providers and certified affiliate sex
38 offender treatment providers certified under chapter 18.155 RCW;

1 (xvii) Persons licensed and certified under chapter 18.73 RCW or
2 RCW 18.71.205;

3 (xviii) Denturists licensed under chapter 18.30 RCW;

4 (xix) Orthotists and prosthetists licensed under chapter 18.200
5 RCW;

6 (xx) Surgical technologists registered under chapter 18.215 RCW;

7 (xxi) Recreational therapists (~~(under chapter 18.230 RCW)~~) under
8 chapter 18.230 RCW;

9 (xxii) Animal massage practitioners certified under chapter 18.240
10 RCW;

11 (xxiii) Athletic trainers licensed under chapter 18.250 RCW;

12 (xxiv) Home care aides certified under chapter 18.88B RCW; (~~and~~)

13 (xxv) Genetic counselors licensed under chapter 18.290 RCW; and

14 (xxvi) Medical assistants registered under chapter 18.--- RCW (the
15 new chapter created in section 13 of this act).

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

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

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

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

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

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

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

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

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

36 (ix) The medical quality assurance commission as established in
37 chapter 18.71 RCW governing licenses and registrations issued under
38 chapters 18.71 and 18.71A RCW;

1 (x) The board of physical therapy as established in chapter 18.74
2 RCW;

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

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

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

10 (xiv) The veterinary board of governors as established in chapter
11 18.92 RCW; and

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

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

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

21 **Sec. 12.** RCW 18.135.055 and 1996 c 191 s 83 are each amended to
22 read as follows:

23 The health care facility or health care practitioner registering an
24 initial or continuing certification pursuant to the provisions of this
25 chapter shall comply with administrative procedures, administrative
26 requirements, and fees determined by the secretary as provided in RCW
27 43.70.250 and 43.70.280. For the purposes of setting fees under this
28 section, the secretary shall consider health care assistants and
29 medical assistants registered under chapter 18.--- RCW (the new chapter
30 created in section 13 of this act), as one profession.

31 All fees collected under this section shall be credited to the
32 health professions account as required in RCW 43.70.320.

33 NEW SECTION. **Sec. 13.** Sections 1 through 10 of this act
34 constitute a new chapter in Title 18 RCW.

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