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ENGROSSED SUBSTITUTE HOUSE BILL 2473

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State of Washington

62nd Legislature

2012 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Green, Hinkle, Johnson, Van De Wege, Ryu, and Roberts)

READ FIRST TIME 01/31/12.

1 AN ACT Relating to creating a medication assistant endorsement for  
2 certified nursing assistants who work in nursing homes; amending RCW  
3 18.88A.040, 18.88A.050, 18.88A.060, 18.88A.120, 18.88A.130, 18.88A.150,  
4 and 18.130.040; reenacting and amending RCW 18.88A.020; adding a new  
5 section to chapter 18.88A RCW; creating a new section; and providing an  
6 effective date.

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

8 **Sec. 1.** RCW 18.88A.020 and 2010 c 169 s 2 are each reenacted and  
9 amended to read as follows:

10 Unless the context clearly requires otherwise, the definitions in  
11 this section apply throughout this chapter.

12 (1) "Alternative training" means a nursing assistant-certified  
13 program meeting criteria adopted by the commission under RCW 18.88A.087  
14 to meet the requirements of a state-approved nurse aide competency  
15 evaluation program consistent with 42 U.S.C. Sec. 1395i-3(e) and (f) of  
16 the federal social security act.

17 (2) "Approved training program" means a nursing assistant-certified  
18 training program approved by the commission to meet the requirements of  
19 a state-approved nurse aide training and competency evaluation program

1 consistent with 42 U.S.C. Sec. 1395i-3(e) and (f) of the federal social  
2 security act. For community college, vocational-technical institutes,  
3 skill centers, and secondary school as defined in chapter 28B.50 RCW,  
4 nursing assistant-certified training programs shall be approved by the  
5 commission in cooperation with the board for community and technical  
6 colleges or the superintendent of public instruction.

7 (3) "Commission" means the Washington nursing care quality  
8 assurance commission.

9 (4) "Competency evaluation" means the measurement of an  
10 individual's knowledge and skills as related to safe, competent  
11 performance as a nursing assistant.

12 (5) "Department" means the department of health.

13 (6) "Health care facility" means a nursing home, hospital, hospice  
14 care facility, home health care agency, hospice agency, or other entity  
15 for delivery of health care services as defined by the commission.

16 (7) "Medication assistant" means a nursing assistant-certified with  
17 a medication assistant endorsement issued under section 2 of this act  
18 who is authorized, in addition to his or her duties as a nursing  
19 assistant-certified, to administer certain medications and perform  
20 certain treatments in a nursing home under the supervision of a  
21 registered nurse under section 2 of this act.

22 (8) "Nursing assistant" means an individual, regardless of title,  
23 who, under the direction and supervision of a registered nurse or  
24 licensed practical nurse, assists in the delivery of nursing and  
25 nursing-related activities to patients in a health care facility. The  
26 two levels of nursing assistants are:

27 (a) "Nursing assistant-certified," an individual certified under  
28 this chapter; and

29 (b) "Nursing assistant-registered," an individual registered under  
30 this chapter.

31 ~~((+8))~~ (9) "Nursing home" means a nursing home licensed under  
32 chapter 18.51 RCW.

33 (10) "Secretary" means the secretary of health.

34 NEW SECTION. Sec. 2. A new section is added to chapter 18.88A RCW  
35 to read as follows:

36 (1) Beginning July 1, 2013, the secretary shall issue a medication

1 assistant endorsement to any nursing assistant-certified who meets the  
2 following requirements:

3 (a) Ongoing certification as a nursing assistant-certified in good  
4 standing under this chapter;

5 (b) Completion of a minimum number of hours of documented work  
6 experience as a nursing assistant-certified in a long-term care setting  
7 as defined in rule by the commission;

8 (c) Successful completion of an education and training program  
9 approved by the commission by rule, such as the model medication  
10 assistant-certified curriculum adopted by the national council of state  
11 boards of nursing. The education and training program must include  
12 training on the specific tasks listed in subsection (2) of this section  
13 as well as training on identifying tasks that a medication assistant  
14 may not perform under subsection (4) of this section;

15 (d) Passage of an examination approved by the commission by rule,  
16 such as the medication aide competency examination available through  
17 the national council of state boards of nursing; and

18 (e) Continuing competency requirements as defined in rule by the  
19 commission.

20 (2) Subject to subsection (3) of this section, a medication  
21 assistant may perform the following additional tasks:

22 (a) The administration of medications orally, topically, and  
23 through inhalation;

24 (b) The performance of simple prescriber-ordered treatments,  
25 including blood glucose monitoring, noncomplex clean dressing changes,  
26 pulse oximetry reading, and oxygen administration, to be defined by the  
27 commission by rule; and

28 (c) The documentation of the tasks in this subsection (2) on  
29 applicable medication or treatment forms.

30 (3) A medication assistant may only perform the additional tasks in  
31 subsection (2) of this section:

32 (a) In a nursing home;

33 (b) Under the direct supervision of a designated registered nurse  
34 who is on-site and immediately accessible during the medication  
35 assistant's shift. The registered nurse shall assess the resident  
36 prior to the medication assistant administering medications or  
37 treatments and determine whether it is safe to administer the

1 medications or treatments. The judgment and decision to administer  
2 medications or treatments is retained by the registered nurse; and

3 (c) If, while functioning as a medication assistant, the primary  
4 responsibility of the medication assistant is performing the additional  
5 tasks. The commission may adopt rules regarding the medication  
6 assistant's primary responsibilities and limiting the duties, within  
7 the scope of practice of a nursing assistant-certified, that a nursing  
8 assistant-certified may perform while functioning as a medication  
9 assistant.

10 (4) A medication assistant may not:

11 (a) Accept telephone or verbal orders from a prescriber;

12 (b) Calculate medication dosages;

13 (c) Inject any medications;

14 (d) Perform any sterile task;

15 (e) Administer medications through a tube;

16 (f) Administer any Schedule I, II, or III controlled substance; or

17 (g) Perform any task that requires nursing judgment.

18 (5) Nothing in this section requires a nursing home to employ a  
19 nursing assistant-certified with a medication assistant endorsement.

20 (6) A medication assistant is responsible and accountable for his  
21 or her specific functions.

22 (7) A medication assistant's employer may limit or restrict the  
23 range of functions permitted under this section, but may not expand  
24 those functions.

25 **Sec. 3.** RCW 18.88A.040 and 1991 c 16 s 4 are each amended to read  
26 as follows:

27 (1) No person may practice or represent himself or herself as a  
28 nursing assistant-registered by use of any title or description without  
29 being registered by the department pursuant to this chapter.

30 (2) After October 1, 1990, no person may by use of any title or  
31 description, practice or represent himself or herself as a nursing  
32 assistant-certified without applying for certification, meeting the  
33 qualifications, and being certified by the department pursuant to this  
34 chapter.

35 (3) After July 1, 2013, no person may practice, or represent  
36 himself or herself by any title or description, as a medication

1 assistant without a medication assistant endorsement issued under  
2 section 2 of this act.

3 **Sec. 4.** RCW 18.88A.050 and 2010 c 169 s 5 are each amended to read  
4 as follows:

5 In addition to any other authority provided by law, the secretary  
6 has the authority to:

7 (1) Set all nursing assistant certification, registration,  
8 medication assistant endorsement, and renewal fees in accordance with  
9 RCW 43.70.250 and to collect and deposit all such fees in the health  
10 professions account established under RCW 43.70.320;

11 (2) Establish forms, procedures, and the competency evaluation  
12 necessary to administer this chapter;

13 (3) Hire clerical, administrative, and investigative staff as  
14 needed to implement this chapter;

15 (4) Issue a nursing assistant registration to any applicant who has  
16 met the requirements for registration;

17 (5) After January 1, 1990, issue a nursing assistant certificate to  
18 any applicant who has met the training, competency evaluation, and  
19 conduct requirements for certification under this chapter;

20 (6) Issue a medication assistant endorsement to any applicant who  
21 has met the requirements of section 2 of this act;

22 (7) Maintain the official record for the department of all  
23 applicants and persons with registrations (~~and~~), certificates, and  
24 medication assistant endorsements under this chapter;

25 (~~(7)~~) (8) Exercise disciplinary authority as authorized in  
26 chapter 18.130 RCW;

27 (~~(8)~~) (9) Deny registration to any applicant who fails to meet  
28 requirement for registration as a nursing assistant;

29 (~~(9)~~) (10) Deny certification to applicants who do not meet the  
30 training, competency evaluation, and conduct requirements for  
31 certification as a nursing assistant; and

32 (11) Deny medication assistant endorsement to applicants who do not  
33 meet the requirements of section 2 of this act.

34 **Sec. 5.** RCW 18.88A.060 and 2010 c 169 s 6 are each amended to read  
35 as follows:

1 In addition to any other authority provided by law, the commission  
2 may:

3 (1) Determine minimum nursing assistant education requirements and  
4 approve training programs;

5 (2) Approve education and training programs and examinations for  
6 medication assistants as provided in section 2 of this act;

7 (3) Define the prescriber-ordered treatments a medication assistant  
8 is authorized to perform under section 2 of this act;

9 (4) Prepare, grade, and administer, or determine the nature of, and  
10 supervise the grading and administration of, the competency evaluation  
11 for applicants for nursing assistant certification, using the same  
12 competency evaluation for all applicants, whether qualifying to take  
13 the competency evaluation under an approved training program or  
14 alternative training;

15 ((+3)) (5) Establish forms and procedures for evaluation of an  
16 applicant's alternative training under criteria adopted pursuant to RCW  
17 18.88A.087;

18 ((+4)) (6) Define and approve any experience requirement for  
19 nursing assistant certification;

20 ((+5)) (7) Adopt rules implementing a continuing competency  
21 evaluation program for nursing assistants; and

22 ((+6)) (8) Adopt rules to enable it to carry into effect the  
23 provisions of this chapter.

24 **Sec. 6.** RCW 18.88A.120 and 1996 c 191 s 74 are each amended to  
25 read as follows:

26 Applications for registration ~~((and))~~, certification, and  
27 medication assistant endorsement shall be submitted on forms provided  
28 by the secretary. The secretary may require any information and  
29 documentation that reasonably relates to the need to determine whether  
30 the applicant meets the criteria for registration ~~((and))~~,  
31 certification, and medication assistant endorsement credentialing  
32 provided for in this chapter and chapter 18.130 RCW. Each applicant  
33 shall comply with administrative procedures, administrative  
34 requirements, and fees determined by the secretary under RCW 43.70.250  
35 and 43.70.280.

1       **Sec. 7.** RCW 18.88A.130 and 1996 c 191 s 75 are each amended to  
2 read as follows:

3       Registrations (~~(and)~~), certifications, and medication assistant  
4 endorsements shall be renewed according to administrative procedures,  
5 administrative requirements, and fees determined by the secretary under  
6 RCW 43.70.250 and 43.70.280.

7       **Sec. 8.** RCW 18.88A.150 and 1991 c 16 s 7 are each amended to read  
8 as follows:

9       The uniform disciplinary act, chapter 18.130 RCW, governs  
10 unregistered (~~(or)~~), uncertified, or unendorsed practice, issuance of  
11 certificates (~~(and)~~), registrations, and medication assistant  
12 endorsements, and the discipline of persons registered or with  
13 certificates under this chapter. The secretary shall be the  
14 disciplinary authority under this chapter.

15       **Sec. 9.** RCW 18.130.040 and 2011 c 41 s 11 are each amended to read  
16 as follows:

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

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

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

26       (ii) Midwives licensed under chapter 18.50 RCW;

27       (iii) Ocularists licensed under chapter 18.55 RCW;

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

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

31       (vi) East Asian medicine practitioners licensed under chapter 18.06  
32 RCW;

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

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

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

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

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

10 (xii) Nursing assistants registered or certified or medication  
11 assistants endorsed under chapter 18.88A RCW;

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

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

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

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

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

21 (xviii) Denturists licensed under chapter 18.30 RCW;

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

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

25 (xxi) Recreational therapists (~~(under chapter 18.230 RCW)~~) under  
26 chapter 18.230 RCW;

27 (xxii) Animal massage practitioners certified under chapter 18.240  
28 RCW;

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

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

31 (xxv) Genetic counselors licensed under chapter 18.290 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;

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

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

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

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

1        NEW SECTION.   **Sec. 10.**   The department of health and the Washington  
2   nursing care quality assurance commission shall adopt any rules  
3   necessary to implement this act.

4        NEW SECTION.   **Sec. 11.**   Sections 1 through 9 of this act take  
5   effect July 1, 2013.

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