

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2473

62nd Legislature
2012 Regular Session

Passed by the House March 3, 2012
Yeas 96 Nays 0

Speaker of the House of Representatives

Passed by the Senate February 29, 2012
Yeas 44 Nays 4

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2473** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2473

AS AMENDED BY THE SENATE

Passed Legislature - 2012 Regular Session

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 new sections; and providing an
6 effective date.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that many
9 residents of skilled nursing facilities are vulnerable and their health
10 and well-being are dependent on their caregivers. The quality, skills,
11 and knowledge of their caregivers are often the key to good care and
12 the need for well-trained caregivers with diverse skill sets is growing
13 as the state's population ages and residents' needs increase.

14 (2) The legislature further finds that the evidence-based practice
15 of allowing nursing assistants certified to administer certain
16 medications and treatments promotes quality and safety for residents in
17 skilled nursing facilities, and that creating opportunities for career
18 advancement and pay improvement through additional training and

1 credentialing will help enhance the working environment for nursing
2 assistants certified in skilled nursing facilities.

3 (3) The legislature further finds that creating continued
4 opportunities for recruitment into nursing practice and career
5 advancement for nursing assistants certified will help ensure quality
6 care for residents, and nurse training programs should recognize the
7 relevant training and experience obtained by these credentialed
8 professionals.

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

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

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

18 (2) "Approved training program" means a nursing assistant-certified
19 training program approved by the commission to meet the requirements of
20 a state-approved nurse aide training and competency evaluation program
21 consistent with 42 U.S.C. Sec. 1395i-3(e) and (f) of the federal social
22 security act. For community college, vocational-technical institutes,
23 skill centers, and secondary school as defined in chapter 28B.50 RCW,
24 nursing assistant-certified training programs shall be approved by the
25 commission in cooperation with the board for community and technical
26 colleges or the superintendent of public instruction.

27 (3) "Commission" means the Washington nursing care quality
28 assurance commission.

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

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

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

36 (7) "Medication assistant" means a nursing assistant-certified with
37 a medication assistant endorsement issued under section 3 of this act

1 who is authorized, in addition to his or her duties as a nursing
2 assistant-certified, to administer certain medications and perform
3 certain treatments in a nursing home under the supervision of a
4 registered nurse under section 3 of this act.

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

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

12 (b) "Nursing assistant-registered," an individual registered under
13 this chapter.

14 ~~((+8))~~ (9) "Nursing home" means a nursing home licensed under
15 chapter 18.51 RCW.

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

17 NEW SECTION. Sec. 3. A new section is added to chapter 18.88A RCW
18 to read as follows:

19 (1) Beginning July 1, 2013, the secretary shall issue a medication
20 assistant endorsement to any nursing assistant-certified who meets the
21 following requirements:

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

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

27 (c) Successful completion of an education and training program
28 approved by the commission by rule, such as the model medication
29 assistant-certified curriculum adopted by the national council of state
30 boards of nursing. The education and training program must include
31 training on the specific tasks listed in subsection (2) of this section
32 as well as training on identifying tasks that a medication assistant
33 may not perform under subsection (4) of this section;

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

1 (e) Continuing competency requirements as defined in rule by the
2 commission.

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

5 (a) The administration of medications orally, topically, and
6 through inhalation;

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

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

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

15 (a) In a nursing home;

16 (b) Under the direct supervision of a designated registered nurse
17 who is on-site and immediately accessible during the medication
18 assistant's shift. The registered nurse shall assess the resident
19 prior to the medication assistant administering medications or
20 treatments and determine whether it is safe to administer the
21 medications or treatments. The judgment and decision to administer
22 medications or treatments is retained by the registered nurse; and

23 (c) If, while functioning as a medication assistant, the primary
24 responsibility of the medication assistant is performing the additional
25 tasks. The commission may adopt rules regarding the medication
26 assistant's primary responsibilities and limiting the duties, within
27 the scope of practice of a nursing assistant-certified, that a nursing
28 assistant-certified may perform while functioning as a medication
29 assistant.

30 (4) A medication assistant may not:

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

32 (b) Calculate medication dosages;

33 (c) Inject any medications;

34 (d) Perform any sterile task;

35 (e) Administer medications through a tube;

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

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

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

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

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

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

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

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

18 (3) After July 1, 2013, no person may practice, or represent
19 himself or herself by any title or description, as a medication
20 assistant without a medication assistant endorsement issued under
21 section 3 of this act.

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

24 In addition to any other authority provided by law, the secretary
25 has the authority to:

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

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

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

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

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

4 (6) Issue a medication assistant endorsement to any applicant who
5 has met the requirements of section 3 of this act;

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

9 (~~(7)~~) (8) Exercise disciplinary authority as authorized in
10 chapter 18.130 RCW;

11 (~~(8)~~) (9) Deny registration to any applicant who fails to meet
12 requirement for registration as a nursing assistant;

13 (~~(9)~~) (10) Deny certification to applicants who do not meet the
14 training, competency evaluation, and conduct requirements for
15 certification as a nursing assistant; and

16 (11) Deny medication assistant endorsement to applicants who do not
17 meet the requirements of section 3 of this act.

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

20 In addition to any other authority provided by law, the commission
21 may:

22 (1) Determine minimum nursing assistant education requirements and
23 approve training programs;

24 (2) Approve education and training programs and examinations for
25 medication assistants as provided in section 3 of this act;

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

28 (4) Prepare, grade, and administer, or determine the nature of, and
29 supervise the grading and administration of, the competency evaluation
30 for applicants for nursing assistant certification, using the same
31 competency evaluation for all applicants, whether qualifying to take
32 the competency evaluation under an approved training program or
33 alternative training;

34 (~~(3)~~) (5) Establish forms and procedures for evaluation of an
35 applicant's alternative training under criteria adopted pursuant to RCW
36 18.88A.087;

1 ((+4)) (6) Define and approve any experience requirement for
2 nursing assistant certification;
3 ((+5)) (7) Adopt rules implementing a continuing competency
4 evaluation program for nursing assistants; and
5 ((+6)) (8) Adopt rules to enable it to carry into effect the
6 provisions of this chapter.

7 **Sec. 7.** RCW 18.88A.120 and 1996 c 191 s 74 are each amended to
8 read as follows:

9 Applications for registration ~~((and))~~, certification, and
10 medication assistant endorsement shall be submitted on forms provided
11 by the secretary. The secretary may require any information and
12 documentation that reasonably relates to the need to determine whether
13 the applicant meets the criteria for registration ~~((and))~~,
14 certification, and medication assistant endorsement credentialing
15 provided for in this chapter and chapter 18.130 RCW. Each applicant
16 shall comply with administrative procedures, administrative
17 requirements, and fees determined by the secretary under RCW 43.70.250
18 and 43.70.280.

19 **Sec. 8.** RCW 18.88A.130 and 1996 c 191 s 75 are each amended to
20 read as follows:

21 Registrations ~~((and))~~, certifications, and medication assistant
22 endorsements shall be renewed according to administrative procedures,
23 administrative requirements, and fees determined by the secretary under
24 RCW 43.70.250 and 43.70.280.

25 **Sec. 9.** RCW 18.88A.150 and 1991 c 16 s 7 are each amended to read
26 as follows:

27 The uniform disciplinary act, chapter 18.130 RCW, governs
28 unregistered ~~((or))~~, uncertified, or unendorsed practice, issuance of
29 certificates ~~((and))~~, registrations, and medication assistant
30 endorsements, and the discipline of persons registered or with
31 certificates under this chapter. The secretary shall be the
32 disciplinary authority under this chapter.

33 **Sec. 10.** RCW 18.130.040 and 2011 c 41 s 11 are each amended to
34 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 or medication
31 assistants endorsed under chapter 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.

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

16 (i) The podiatric medical board as established in chapter 18.22
17 RCW;

18 (ii) The chiropractic quality assurance commission as established
19 in chapter 18.25 RCW;

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

23 (iv) The board of hearing and speech as established in chapter
24 18.35 RCW;

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

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

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

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

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

37 (x) The board of physical therapy as established in chapter 18.74
38 RCW;

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

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

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

8 (xiv) The veterinary board of governors as established in chapter
9 18.92 RCW; and

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

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

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

19 NEW SECTION. **Sec. 11.** The department of health and the Washington
20 nursing care quality assurance commission shall adopt any rules
21 necessary to implement this act.

22 NEW SECTION. **Sec. 12.** Sections 2 through 10 of this act take
23 effect July 1, 2013.

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