
SENATE BILL 5433

State of Washington

63rd Legislature

2013 Regular Session

By Senators Frockt, Keiser, Ranker, Nelson, Kohl-Welles, Hasegawa, McAuliffe, Murray, and Fraser

Read first time 01/30/13. Referred to Committee on Health Care .

1 AN ACT Relating to mid-level dental professionals; amending RCW
2 18.32.030, 18.32.0351, 18.260.010, 18.260.040, 18.260.070, 18.260.080,
3 and 69.41.010; reenacting and amending RCW 18.120.020, 18.120.020,
4 18.130.040, 18.130.040, and 69.41.030; adding a new chapter to Title 18
5 RCW; creating new sections; providing effective dates; and providing an
6 expiration date.

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

8 NEW SECTION. **Sec. 1.** Good oral health is an integral piece of
9 overall health and well-being. Without treatment, dental diseases grow
10 progressively worse and require increasingly costly interventions.
11 Dental-related issues are a leading reason that Washingtonians seek
12 care in the emergency room, which has become the source of care for
13 many, especially uninsured and low-income populations. However, most
14 dental diseases are easily prevented at little cost through routine
15 dental care and disease prevention. It is the intent of the
16 legislature to attempt to increase access for all Washingtonians
17 through the introduction of an evidence-based mid-level dental provider
18 that is geared towards working in, and reducing oral health disparities
19 within, Washington's communities with the greatest need. Further, it

1 is the legislature's intent that mid-level dental providers are
2 flexible enough to better meet the needs of their local community as
3 they work under the supervision and direction of a licensed Washington
4 dentist. The legislature declares that this act, creating new types of
5 dental professions, constitutes an exercise of the state's police power
6 to protect and promote the health, safety, and welfare of the residents
7 of the state in general. Accordingly, while this act is intended to
8 protect the public generally, it does not create a duty owed to any
9 individual or entity on the part of the state.

10 NEW SECTION. **Sec. 2.** The definitions in this section apply
11 throughout this chapter unless the context clearly requires otherwise.

12 (1) "Committee" means the dental hygiene examining committee
13 established in chapter 18.29 RCW.

14 (2) "Dental hygiene practitioner" means a person licensed under
15 this chapter who provides dental therapy under the off-site supervision
16 of a dentist pursuant to a written practice plan contract with a
17 dentist.

18 (3) "Dental practitioner" means a person licensed under this
19 chapter who provides dental therapy under the off-site supervision of
20 a dentist pursuant to a written practice plan contract with a dentist.

21 (4) "Dental therapy" means the services and procedures specified in
22 section 5 of this act.

23 (5) "Dentist" means a person licensed to practice dentistry under
24 chapter 18.32 RCW.

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

26 (7) "Off-site supervision of a dentist" means supervision that does
27 not require the dentist to be physically present or to personally
28 examine or diagnose the patient.

29 (8) "Secretary" means the secretary of health.

30 (9) "Supervision of a dentist" means that a supervising dentist:

31 (a) Has personally examined and diagnosed the patient and has
32 personally authorized the procedures to be performed;

33 (b) Is continuously on-site while the procedure in question is
34 being performed; and

35 (c) Is capable of responding immediately in the event of an
36 emergency.

1 NEW SECTION. **Sec. 3.** No person may practice dental therapy or
2 represent himself or herself as a dental practitioner or a dental
3 hygiene practitioner without being licensed by the department under
4 this chapter.

5 NEW SECTION. **Sec. 4.** (1) The department shall issue a license to
6 practice as a dental practitioner to any applicant who:

7 (a) Pays any applicable fees established by the secretary under RCW
8 43.70.110 and 43.70.250;

9 (b) Submits, on forms provided by the secretary, the applicant's
10 name, address, and other applicable information as determined by the
11 secretary; and

12 (c) Demonstrates that the following requirements have been met:

13 (i) Possession of a high school diploma or equivalent;

14 (ii) Successful completion of a dental health aide therapist
15 education program approved by the secretary;

16 (iii) Completion of a preceptorship of at least four hundred hours
17 under the supervision of a dentist; and

18 (iv) Passage of an examination approved by the committee.

19 (2) The department shall issue a license to practice as a dental
20 hygiene practitioner to any applicant who:

21 (a) Pays any applicable fees established by the secretary under RCW
22 43.70.110 and 43.70.250;

23 (b) Submits, on forms provided by the secretary, the applicant's
24 name, address, and other applicable information as determined by the
25 secretary; and

26 (c) Demonstrates that the following requirements have been met:

27 (i) Possession of a license in good standing as a dental hygienist
28 under chapter 18.29 RCW;

29 (ii) Successful completion of a post-baccalaureate advanced dental
30 hygiene therapy education program at an institution accredited by the
31 American dental association commission on dental accreditation or other
32 national accreditation organization approved by the committee;

33 (iii) Completion of two hundred fifty hours of advanced dental
34 therapy clinical practice under the supervision of a dentist; and

35 (iv) Passage of an examination approved by the committee.

1 NEW SECTION. **Sec. 5.** (1) Subject to the limitations in this
2 section and section 6 of this act, a dental practitioner may provide
3 the following services and procedures:

4 (a) Oral health instruction and disease prevention education,
5 including nutritional counseling and dietary analysis;

6 (b) Preliminary charting of the oral cavity;

7 (c) Making radiographs;

8 (d) Mechanical polishing;

9 (e) Application of topical preventative or prophylactic agents,
10 including fluoride varnishes and pit and fissure sealants;

11 (f) Pulp vitality testing;

12 (g) Application of desensitizing medication or resin;

13 (h) Fabrication of athletic mouth guards;

14 (i) Placement of temporary restorations;

15 (j) Fabrication of soft occlusal guards;

16 (k) Tissue conditioning and soft reline;

17 (l) Atraumatic restorative therapy;

18 (m) Dressing changes;

19 (n) Tooth reimplantation;

20 (o) Administration of local anesthetic;

21 (p) Administration of nitrous oxide;

22 (q) Emergency palliative treatment of dental pain;

23 (r) The placement and removal of space maintainers;

24 (s) Cavity preparation;

25 (t) Restoration of primary and permanent teeth;

26 (u) Placement of temporary crowns;

27 (v) Preparation and placement of preformed crowns;

28 (w) Pulpotomies on primary teeth;

29 (x) Indirect and direct pulp capping on primary and permanent
30 teeth;

31 (y) Stabilization of reimplanted teeth;

32 (z) Extractions of primary teeth;

33 (aa) Suture removal;

34 (bb) Brush biopsies;

35 (cc) Repair of defective prosthetic devices;

36 (dd) Recementing of permanent crowns;

37 (ee) Oral evaluation and assessment of dental disease and the
38 formulation of an individualized treatment plan;

1 (ff) The supervision of expanded function dental auxiliaries and
2 dental assistants. A dental practitioner or dental hygiene
3 practitioner may supervise no more than a total of four expanded
4 function dental auxiliaries and dental assistants in any one practice
5 setting. A dental practitioner or dental hygiene practitioner may not
6 supervise an expanded function dental auxiliary or dental assistant
7 with respect to tasks that the dental practitioner or dental hygiene
8 practitioner is not authorized to perform;

9 (gg) Nonsurgical extractions of periodontally diseased permanent
10 teeth with tooth mobility of plus 3 to plus 4 if the teeth are not
11 unerupted, are not impacted, are not fractured, and do not need to be
12 sectioned for removal; and

13 (hh) The dispensation and administration of the following drugs:
14 Analgesics, anti-inflammatories, preventive medicaments, and
15 antibiotics.

16 (2) Subject to the limitations in this section and section 6 of
17 this act, a dental hygiene practitioner may provide the following
18 services and procedures:

19 (a) The services and procedures authorized for dental practitioners
20 under subsection (1) of this section; and

21 (b) Any services and procedures within the scope of practice of a
22 licensed dental hygienist under chapter 18.29 RCW.

23 NEW SECTION. **Sec. 6.** (1) A dental practitioner or a dental
24 hygiene practitioner may only practice dental therapy pursuant to a
25 written practice plan contract with a dentist. The contract must, at
26 a minimum, contain the following elements:

27 (a) Practice settings where services and procedures may be
28 provided;

29 (b) Any limitations on the services or procedures the dental
30 practitioner or dental hygiene practitioner may provide;

31 (c) Age and procedure-specific practice protocols, including case
32 selection criteria, assessment guidelines, and imaging frequency;

33 (d) Procedures for creating and maintaining dental records for
34 patients treated by the dental practitioner or dental hygiene
35 practitioner;

36 (e) A plan to manage medical emergencies in each practice setting

1 where the dental practitioner or dental hygiene practitioner provides
2 care;

3 (f) A quality assurance plan for monitoring care provided by the
4 dental practitioner or dental hygiene practitioner, including patient
5 care review, referral follow-up, and a quality assurance chart review;

6 (g) Protocols for administering and dispensing medications,
7 including the specific circumstances under which the medications may be
8 dispensed and administered;

9 (h) Criteria relating to the provision of care to patients with
10 specific medical conditions or complex medical histories, including
11 requirements for consultation prior to the initiation of care; and

12 (i) Specific written protocols governing situations where the
13 dental practitioner or dental hygiene practitioner encounters a patient
14 requiring treatment that exceeds the dental practitioner's or dental
15 hygiene practitioner's scope of practice or capabilities.

16 (2)(a) In addition to the elements specified in subsection (1) of
17 this section, a written practice plan contract with a dental
18 practitioner must specify the services and procedures the dental
19 practitioner is authorized to provide.

20 (b) All of the services and procedures the dental hygiene
21 practitioner or dental practitioner provides pursuant to the practice
22 plan contract must be provided under the off-site supervision of the
23 contracting dentist. The contracting dentist shall accept
24 responsibility for all services and procedures authorized and provided
25 by the dental practitioner pursuant to the practice plan contract.

26 (c) A contracting dentist who knowingly permits a dental
27 practitioner to provide a service or procedure that is not authorized
28 in the practice plan contract, or any dental practitioner who provides
29 a service or procedure that is not authorized in the practice plan
30 contract, commits unprofessional conduct for purposes of chapter 18.130
31 RCW.

32 (3) A dentist who enters into a written practice plan contract with
33 a dental practitioner or dental hygiene practitioner shall:

34 (a) Directly provide or arrange for another dentist or specialist
35 to provide any necessary advanced procedures or services needed by the
36 patient or any treatment that exceeds the dental practitioner's or the
37 dental hygiene practitioner's scope of practice or capabilities; and

1 (b) Ensure that he or she or another dentist is available to the
2 dental practitioner or dental hygiene practitioner for instant
3 communication during treatment if needed.

4 (4) Practice plan contracts must be signed and maintained by both
5 the contracting dentist and the dental practitioner or dental hygiene
6 practitioner. The contracts must be submitted to the department on an
7 annual basis, and must be made available to the public upon request.
8 The contract must also be made available at the practice of the dental
9 practitioner or the dental hygiene practitioner and provided to
10 patients of the practitioner's practice upon request.

11 (5) A contracting dentist may enter into a practice plan contract
12 with no more than a total of five dental practitioners and dental
13 hygiene practitioners at any one time.

14 NEW SECTION. **Sec. 7.** Nothing in this chapter prohibits or
15 affects:

16 (1) The practice of dental therapy by an individual otherwise
17 licensed under this title and performing services within his or her
18 scope of practice;

19 (2) The practice of dental therapy in the discharge of official
20 duties on behalf of the United States government, including, but not
21 limited to, the armed forces, coast guard, public health service,
22 veterans' bureau, or bureau of Indian affairs;

23 (3) The practice of dental therapy pursuant to an education program
24 described in section 4 of this act; or

25 (4) The practice of dental therapy under the supervision of a
26 dentist necessary to meet the clinical experience or preceptorship
27 requirements of section 4 of this act.

28 NEW SECTION. **Sec. 8.** Chapter 18.130 RCW governs the unlicensed
29 practice, the issuance and denial of licenses, and the discipline of
30 persons licensed under this chapter. The dental quality assurance
31 commission is the disciplining authority under this chapter.

32 **Sec. 9.** RCW 18.32.030 and 2012 c 23 s 7 are each amended to read
33 as follows:

34 The following practices, acts, and operations are excepted from the
35 operation of the provisions of this chapter:

1 (1) The rendering of dental relief in emergency cases in the
2 practice of his or her profession by a physician or surgeon, licensed
3 as such and registered under the laws of this state, unless the
4 physician or surgeon undertakes to or does reproduce lost parts of the
5 human teeth in the mouth or to restore or to replace in the human mouth
6 lost or missing teeth;

7 (2) The practice of dentistry in the discharge of official duties
8 by dentists in the United States federal services on federal
9 reservations, including but not limited to the armed services, coast
10 guard, public health service, veterans' bureau, or bureau of Indian
11 affairs;

12 (3) Dental schools or colleges approved under RCW 18.32.040, and
13 the practice of dentistry by students in accredited dental schools or
14 colleges approved by the commission, when acting under the direction
15 and supervision of Washington state-licensed dental school faculty;

16 (4) The practice of dentistry by licensed dentists of other states
17 or countries while appearing as clinicians at meetings of the
18 Washington state dental association, or component parts thereof, or at
19 meetings sanctioned by them, or other groups approved by the
20 commission;

21 (5) The use of roentgen and other rays for making radiographs or
22 similar records of dental or oral tissues, under the supervision of a
23 licensed dentist or physician;

24 (6) The making, repairing, altering, or supplying of artificial
25 restorations, substitutions, appliances, or materials for the
26 correction of disease, loss, deformity, malposition, dislocation,
27 fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or
28 associated tissues or parts; providing the same are made, repaired,
29 altered, or supplied pursuant to the written instructions and order of
30 a licensed dentist which may be accompanied by casts, models, or
31 impressions furnished by the dentist, and the prescriptions shall be
32 retained and filed for a period of not less than three years and shall
33 be available to and subject to the examination of the secretary or the
34 secretary's authorized representatives;

35 (7) The removal of deposits and stains from the surfaces of the
36 teeth, the application of topical preventative or prophylactic agents,
37 and the polishing and smoothing of restorations, when performed or
38 prescribed by a dental hygienist licensed under the laws of this state;

1 (8) A qualified and licensed physician and surgeon or osteopathic
2 physician and surgeon extracting teeth or performing oral surgery
3 pursuant to the scope of practice under chapter 18.71 or 18.57 RCW;

4 (9) The performing of dental operations or services by registered
5 dental assistants and licensed expanded function dental auxiliaries
6 holding a credential issued under chapter 18.260 RCW when performed
7 under the supervision of a licensed dentist, by dental practitioners
8 and dental hygiene practitioners licensed under chapter 18.--- RCW (the
9 new chapter created in section 21 of this act) or by other persons not
10 licensed under this chapter if the person is licensed pursuant to
11 chapter 18.29, 18.57, 18.71, or 18.79 RCW as it applies to registered
12 nurses and advanced registered nurse practitioners, each while acting
13 within the scope of the person's permitted practice under the person's
14 license: PROVIDED HOWEVER, That such persons shall in no event perform
15 the following dental operations or services unless permitted to be
16 performed by the person under this chapter or chapters 18.29, 18.57,
17 18.71, 18.79 as it applies to registered nurses and advanced registered
18 nurse practitioners, and 18.260 RCW:

19 (a) Any removal of or addition to the hard or soft tissue of the
20 oral cavity;

21 (b) Any diagnosis of or prescription for treatment of disease,
22 pain, deformity, deficiency, injury, or physical condition of the human
23 teeth or jaws, or adjacent structure;

24 (c) Any administration of general or injected local anaesthetic of
25 any nature in connection with a dental operation, including intravenous
26 sedation;

27 (d) Any oral prophylaxis;

28 (e) The taking of any impressions of the teeth or jaw or the
29 relationships of the teeth or jaws, for the purpose of fabricating any
30 intra-oral restoration, appliance, or prosthesis; and

31 (10) The performing of dental services described in RCW 18.350.040
32 by dental anesthesia assistants certified under chapter 18.350 RCW when
33 working under the supervision and direction of an oral and
34 maxillofacial surgeon or dental anesthesiologist.

35 **Sec. 10.** RCW 18.32.0351 and 2007 c 269 s 16 are each amended to
36 read as follows:

37 The Washington state dental quality assurance commission is

1 established, consisting of (~~sixteen~~) eighteen members each appointed
2 by the governor to a four-year term. No member may serve more than two
3 consecutive full terms. In appointing the initial members of the
4 commission, it is the intent of the legislature that, to the extent
5 possible, members of the previous boards and committees regulating
6 these professions be appointed to the commission. Members of the
7 commission hold office until their successors are appointed. The
8 governor may appoint members of the initial commission to staggered
9 terms of from one to four years. Thereafter, all members shall be
10 appointed to full four-year terms. Twelve members of the commission
11 must be dentists, one member must be a dental practitioner licensed
12 under chapter 18.-- RCW (the new chapter created in section 21 of this
13 act), one member must be a dental hygiene practitioner licensed under
14 chapter 18.-- RCW (the new chapter created in section 21 of this act),
15 two members must be expanded function dental auxiliaries licensed under
16 chapter 18.260 RCW, and two members must be public members.

17 **Sec. 11.** RCW 18.120.020 and 2012 c 153 s 14, 2012 c 137 s 18, and
18 2012 c 23 s 8 are each reenacted and amended to read as follows:

19 The definitions in this section apply throughout this chapter
20 unless the context clearly requires otherwise.

21 (1) "Applicant group" includes any health professional group or
22 organization, any individual, or any other interested party which
23 proposes that any health professional group not presently regulated be
24 regulated or which proposes to substantially increase the scope of
25 practice of the profession.

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

31 (3) "Grandfather clause" means a provision in a regulatory statute
32 applicable to practitioners actively engaged in the regulated health
33 profession prior to the effective date of the regulatory statute which
34 exempts the practitioners from meeting the prerequisite qualifications
35 set forth in the regulatory statute to perform prescribed occupational
36 tasks.

1 (4) "Health professions" means and includes the following health
2 and health-related licensed or regulated professions and occupations:
3 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
4 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
5 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
6 dental anesthesia assistants under chapter 18.350 RCW; dispensing
7 opticians under chapter 18.34 RCW; hearing instruments under chapter
8 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral
9 directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW;
10 nursing home administration under chapter 18.52 RCW; optometry under
11 chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW;
12 osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW;
13 pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters
14 18.71 and 18.71A RCW; emergency medicine under chapter 18.73 RCW;
15 physical therapy under chapter 18.74 RCW; practical nurses under
16 chapter 18.79 RCW; psychologists under chapter 18.83 RCW; registered
17 nurses under chapter 18.79 RCW; occupational therapists licensed under
18 chapter 18.59 RCW; respiratory care practitioners licensed under
19 chapter 18.89 RCW; veterinarians and veterinary technicians under
20 chapter 18.92 RCW; health care assistants under chapter 18.135 RCW;
21 massage practitioners under chapter 18.108 RCW; East Asian medicine
22 practitioners licensed under chapter 18.06 RCW; persons registered
23 under chapter 18.19 RCW; persons licensed as mental health counselors,
24 marriage and family therapists, and social workers under chapter 18.225
25 RCW; dietitians and nutritionists certified by chapter 18.138 RCW;
26 radiologic technicians under chapter 18.84 RCW; nursing assistants
27 registered or certified under chapter 18.88A RCW; ((and))
28 reflexologists certified under chapter 18.108 RCW; ((and)) medical
29 assistants-certified, medical assistants-hemodialysis technician,
30 medical assistants-phlebotomist, and medical assistants-registered
31 certified and registered under chapter 18.360 RCW; and dental
32 practitioners and dental hygiene practitioners licensed under chapter
33 18.--- RCW (the new chapter created in section 21 of this act).

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

1 (6) "Legislative committees of reference" means the standing
2 legislative committees designated by the respective rules committees of
3 the senate and house of representatives to consider proposed
4 legislation to regulate health professions not previously regulated.

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

10 (8) "Professional license" means an individual, nontransferable
11 authorization to carry on a health activity based on qualifications
12 which include: (a) Graduation from an accredited or approved program,
13 and (b) acceptable performance on a qualifying examination or series of
14 examinations.

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

18 (10) "Public member" means an individual who is not, and never was,
19 a member of the health profession being regulated or the spouse of a
20 member, or an individual who does not have and never has had a material
21 financial interest in either the rendering of the health professional
22 service being regulated or an activity directly related to the
23 profession being regulated.

24 (11) "Registration" means the formal notification which, prior to
25 rendering services, a practitioner shall submit to a state agency
26 setting forth the name and address of the practitioner; the location,
27 nature and operation of the health activity to be practiced; and, if
28 required by the regulatory entity, a description of the service to be
29 provided.

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

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

1 **Sec. 12.** RCW 18.120.020 and 2012 c 153 s 15, 2012 c 153 s 14, 2012
2 c 137 s 18, and 2012 c 23 s 8 are each reenacted and amended to read as
3 follows:

4 The definitions in this section apply throughout this chapter
5 unless the context clearly requires otherwise.

6 (1) "Applicant group" includes any health professional group or
7 organization, any individual, or any other interested party which
8 proposes that any health professional group not presently regulated be
9 regulated or which proposes to substantially increase the scope of
10 practice of the profession.

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

16 (3) "Grandfather clause" means a provision in a regulatory statute
17 applicable to practitioners actively engaged in the regulated health
18 profession prior to the effective date of the regulatory statute which
19 exempts the practitioners from meeting the prerequisite qualifications
20 set forth in the regulatory statute to perform prescribed occupational
21 tasks.

22 (4) "Health professions" means and includes the following health
23 and health-related licensed or regulated professions and occupations:
24 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
25 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
26 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
27 dental anesthesia assistants under chapter 18.350 RCW; dispensing
28 opticians under chapter 18.34 RCW; hearing instruments under chapter
29 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral
30 directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW;
31 nursing home administration under chapter 18.52 RCW; optometry under
32 chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW;
33 osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW;
34 pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters
35 18.71 and 18.71A RCW; emergency medicine under chapter 18.73 RCW;
36 physical therapy under chapter 18.74 RCW; practical nurses under
37 chapter 18.79 RCW; psychologists under chapter 18.83 RCW; registered
38 nurses under chapter 18.79 RCW; occupational therapists licensed under

1 chapter 18.59 RCW; respiratory care practitioners licensed under
2 chapter 18.89 RCW; veterinarians and veterinary technicians under
3 chapter 18.92 RCW; massage practitioners under chapter 18.108 RCW; East
4 Asian medicine practitioners licensed under chapter 18.06 RCW; persons
5 registered under chapter 18.19 RCW; persons licensed as mental health
6 counselors, marriage and family therapists, and social workers under
7 chapter 18.225 RCW; dietitians and nutritionists certified by chapter
8 18.138 RCW; radiologic technicians under chapter 18.84 RCW; nursing
9 assistants registered or certified under chapter 18.88A RCW; (~~and~~)
10 reflexologists certified under chapter 18.108 RCW; (~~and~~) medical
11 assistants-certified, medical assistants-hemodialysis technician,
12 medical assistants-phlebotomist, and medical assistants-registered
13 certified and registered under chapter 18.360 RCW; and dental
14 practitioners and dental hygiene practitioners licensed under chapter
15 18.--- RCW (the new chapter created in section 21 of this act).

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

20 (6) "Legislative committees of reference" means the standing
21 legislative committees designated by the respective rules committees of
22 the senate and house of representatives to consider proposed
23 legislation to regulate health professions not previously regulated.

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

29 (8) "Professional license" means an individual, nontransferable
30 authorization to carry on a health activity based on qualifications
31 which include: (a) Graduation from an accredited or approved program,
32 and (b) acceptable performance on a qualifying examination or series of
33 examinations.

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

37 (10) "Public member" means an individual who is not, and never was,
38 a member of the health profession being regulated or the spouse of a

1 member, or an individual who does not have and never has had a material
2 financial interest in either the rendering of the health professional
3 service being regulated or an activity directly related to the
4 profession being regulated.

5 (11) "Registration" means the formal notification which, prior to
6 rendering services, a practitioner shall submit to a state agency
7 setting forth the name and address of the practitioner; the location,
8 nature and operation of the health activity to be practiced; and, if
9 required by the regulatory entity, a description of the service to be
10 provided.

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

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

19 **Sec. 13.** RCW 18.130.040 and 2012 c 208 s 10, 2012 c 153 s 16, 2012
20 c 137 s 19, and 2012 c 23 s 6 are each reenacted and amended to read as
21 follows:

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

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

29 (i) Dispensing opticians licensed and designated apprentices under
30 chapter 18.34 RCW;

31 (ii) Midwives licensed under chapter 18.50 RCW;

32 (iii) Ocularists licensed under chapter 18.55 RCW;

33 (iv) Massage practitioners and businesses licensed under chapter
34 18.108 RCW;

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

36 (vi) East Asian medicine practitioners licensed under chapter 18.06
37 RCW;

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

3 (viii) Respiratory care practitioners licensed under chapter 18.89
4 RCW;

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

7 (x) Persons licensed as mental health counselors, mental health
8 counselor associates, marriage and family therapists, marriage and
9 family therapist associates, social workers, social work associates--
10 advanced, and social work associates--independent clinical under
11 chapter 18.225 RCW;

12 (xi) Persons registered as nursing pool operators under chapter
13 18.52C RCW;

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

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

17 (xiv) Dietitians and nutritionists certified under chapter 18.138
18 RCW;

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

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

23 (xvii) Persons licensed and certified under chapter 18.73 RCW or
24 RCW 18.71.205;

25 (xviii) Denturists licensed under chapter 18.30 RCW;

26 (xix) Orthotists and prosthetists licensed under chapter 18.200
27 RCW;

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

29 (xxi) Recreational therapists under chapter 18.230 RCW;

30 (xxii) Animal massage practitioners certified under chapter 18.240
31 RCW;

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

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

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

35 (xxvi) Reflexologists certified under chapter 18.108 RCW; and

36 (xxvii) Medical assistants-certified, medical assistants-
37 hemodialysis technician, medical assistants-phlebotomist, and medical

1 assistants-registered certified and registered under chapter 18.360
2 RCW.

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

5 (i) The podiatric medical board as established in chapter 18.22
6 RCW;

7 (ii) The chiropractic quality assurance commission as established
8 in chapter 18.25 RCW;

9 (iii) The dental quality assurance commission as established in
10 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
11 licenses and registrations issued under chapter 18.260 RCW, licenses
12 issued under chapter 18.--- RCW (the new chapter created in section 21
13 of this act), and certifications issued under chapter 18.350 RCW;

14 (iv) The board of hearing and speech as established in chapter
15 18.35 RCW;

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

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

20 (vii) The board of osteopathic medicine and surgery as established
21 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
22 18.57A RCW;

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

25 (ix) The medical quality assurance commission as established in
26 chapter 18.71 RCW governing licenses and registrations issued under
27 chapters 18.71 and 18.71A RCW;

28 (x) The board of physical therapy as established in chapter 18.74
29 RCW;

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

32 (xii) The nursing care quality assurance commission as established
33 in chapter 18.79 RCW governing licenses and registrations issued under
34 that chapter;

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

37 (xiv) The veterinary board of governors as established in chapter
38 18.92 RCW; and

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

2 (3) In addition to the authority to discipline license holders, the
3 disciplining authority has the authority to grant or deny licenses.
4 The disciplining authority may also grant a license subject to
5 conditions.

6 (4) All disciplining authorities shall adopt procedures to ensure
7 substantially consistent application of this chapter, the uniform
8 disciplinary act, among the disciplining authorities listed in
9 subsection (2) of this section.

10 **Sec. 14.** RCW 18.130.040 and 2012 c 208 s 10, 2012 c 153 s 17, 2012
11 c 153 s 16, 2012 c 137 s 19, and 2012 c 23 s 6 are each reenacted and
12 amended to read as follows:

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

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

20 (i) Dispensing opticians licensed and designated apprentices under
21 chapter 18.34 RCW;

22 (ii) Midwives licensed under chapter 18.50 RCW;

23 (iii) Ocularists licensed under chapter 18.55 RCW;

24 (iv) Massage practitioners and businesses licensed under chapter
25 18.108 RCW;

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

27 (vi) East Asian medicine practitioners licensed under chapter 18.06
28 RCW;

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

31 (viii) Respiratory care practitioners licensed under chapter 18.89
32 RCW;

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

35 (x) Persons licensed as mental health counselors, mental health
36 counselor associates, marriage and family therapists, marriage and

1 family therapist associates, social workers, social work associates--
2 advanced, and social work associates--independent clinical under
3 chapter 18.225 RCW;

4 (xi) Persons registered as nursing pool operators under chapter
5 18.52C RCW;

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

8 (xiii) Dietitians and nutritionists certified under chapter 18.138
9 RCW;

10 (xiv) Chemical dependency professionals and chemical dependency
11 professional trainees certified under chapter 18.205 RCW;

12 (xv) Sex offender treatment providers and certified affiliate sex
13 offender treatment providers certified under chapter 18.155 RCW;

14 (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW
15 18.71.205;

16 (xvii) Denturists licensed under chapter 18.30 RCW;

17 (xviii) Orthotists and prosthetists licensed under chapter 18.200
18 RCW;

19 (xix) Surgical technologists registered under chapter 18.215 RCW;

20 (xx) Recreational therapists under chapter 18.230 RCW;

21 (xxi) Animal massage practitioners certified under chapter 18.240
22 RCW;

23 (xxii) Athletic trainers licensed under chapter 18.250 RCW;

24 (xxiii) Home care aides certified under chapter 18.88B RCW;

25 (xxiv) Genetic counselors licensed under chapter 18.290 RCW;

26 ((and))

27 (xxv) Reflexologists certified under chapter 18.108 RCW; and

28 (xxvi) Medical assistants-certified, medical assistants-
29 hemodialysis technician, medical assistants-phlebotomist, and medical
30 assistants-registered certified and registered under chapter 18.360
31 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,
3 licenses and registrations issued under chapter 18.260 RCW, licenses
4 issued under chapter 18.--- RCW (the new chapter created in section 21
5 of this act), and certifications issued under chapter 18.350 RCW;

6 (iv) The board of hearing and speech as established in chapter
7 18.35 RCW;

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

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

12 (vii) The board of osteopathic medicine and surgery as established
13 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
14 18.57A RCW;

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

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

20 (x) The board of physical therapy as established in chapter 18.74
21 RCW;

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

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

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

29 (xiv) The veterinary board of governors as established in chapter
30 18.92 RCW; and

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

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

36 (4) All disciplining authorities shall adopt procedures to ensure
37 substantially consistent application of this chapter, the uniform

1 disciplinary act, among the disciplining authorities listed in
2 subsection (2) of this section.

3 **Sec. 15.** RCW 18.260.010 and 2007 c 269 s 1 are each amended to
4 read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Close supervision" means that a supervising dentist, dental
8 practitioner, or dental hygiene practitioner whose patient is being
9 treated has personally diagnosed the condition to be treated and has
10 personally authorized the procedures to be performed. The supervising
11 dentist, dental practitioner, or dental hygiene practitioner is
12 continuously on-site and physically present in the treatment facility
13 while the procedures are performed by the assistive personnel and
14 capable of responding immediately in the event of an emergency. The
15 term does not require a supervising dentist, dental practitioner, or
16 dental hygiene practitioner to be physically present in the operatory.

17 (2) "Commission" means the Washington state dental quality
18 assurance commission created in chapter 18.32 RCW.

19 (3) "Dental assistant" means a person who is registered by the
20 commission to provide supportive services to a licensed dentist to the
21 extent provided in this chapter and under the close supervision of a
22 dentist.

23 (4) "Dental hygiene practitioner" means an individual who holds a
24 license to practice as a dental hygiene practitioner under chapter
25 18.--- RCW (the new chapter created in section 21 of this act).

26 (5) "Dental practitioner" means an individual who holds a license
27 to practice as a dental practitioner under chapter 18.--- RCW (the new
28 chapter created in section 21 of this act).

29 (6) "Dentist" means an individual who holds a license to practice
30 dentistry under chapter 18.32 RCW.

31 ((+5)) (7) "Department" means the department of health.

32 ((+6)) (8) "Expanded function dental auxiliary" means a person who
33 is licensed by the commission to provide supportive services to a
34 licensed dentist, dental practitioner, or dental hygiene practitioner
35 to the extent provided in this chapter and under the specified level of
36 supervision of a dentist, dental practitioner, or dental hygiene
37 practitioner.

1 ~~((7))~~ (9) "General supervision" means that a supervising dentist,
2 dental practitioner, or dental hygiene practitioner has examined and
3 diagnosed the patient and provided subsequent instructions to be
4 performed by the assistive personnel, but does not require that the
5 dentist, dental practitioner, or dental hygiene practitioner be
6 physically present in the treatment facility.

7 ~~((8))~~ (10) "Secretary" means the secretary of health.

8 ~~((9))~~ (11) "Supervising dental hygiene practitioner" means a
9 dental hygiene practitioner licensed under chapter 18.--- RCW (the new
10 chapter created in section 21 of this act) who is responsible for
11 providing the appropriate level of supervision for dental assistants
12 and expanded function dental auxiliaries.

13 (12) "Supervising dental practitioner" means a dental practitioner
14 licensed under chapter 18.-- RCW (the new chapter created in section 21
15 of this act) who is responsible for providing the appropriate level of
16 supervision for dental assistants and expanded function dental
17 auxiliaries.

18 (13) "Supervising dentist" means a dentist licensed under chapter
19 18.32 RCW that is responsible for providing the appropriate level of
20 supervision for dental assistants and expanded function dental
21 auxiliaries.

22 **Sec. 16.** RCW 18.260.040 and 2007 c 269 s 5 are each amended to
23 read as follows:

24 (1) The commission shall adopt rules relating to the scope of
25 dental assisting services related to patient care and laboratory duties
26 that may be performed by dental assistants. All dental services
27 performed by dental assistants must be performed under the close
28 supervision of a supervising dentist, a supervising dental
29 practitioner, or a supervising dental hygiene practitioner as the
30 dentist, dental practitioner, or dental hygiene practitioner may allow.

31 (2) In addition to any other limitations established by the
32 commission, dental assistants may not perform the following procedures:

33 (a) Any scaling procedure;

34 (b) Any oral prophylaxis, except coronal polishing;

35 (c) Administration of any general or local anesthetic, including
36 intravenous sedation;

1 (d) Any removal of or addition to the hard or soft tissue of the
2 oral cavity;

3 (e) Any diagnosis of or prescription for treatment of disease,
4 pain, deformity, deficiency, injury, or physical condition of the human
5 teeth, jaw, or adjacent structures; and

6 (f) The taking of any impressions of the teeth or jaw or the
7 relationships of the teeth or jaws, for the purpose of fabricating any
8 intra-oral restoration, appliance, or prosthesis.

9 (3) A dentist, dental practitioner, or dental hygiene practitioner
10 may not assign a dental assistant to perform duties until the dental
11 assistant has demonstrated skills necessary to perform competently all
12 assigned duties and responsibilities.

13 **Sec. 17.** RCW 18.260.070 and 2007 c 269 s 6 are each amended to
14 read as follows:

15 (1) The commission shall adopt rules relating to the scope of
16 expanded function dental auxiliary services related to patient care and
17 laboratory duties that may be performed by expanded function dental
18 auxiliaries.

19 (2) The scope of expanded function dental auxiliary services that
20 the commission identifies in subsection (1) of this section includes:

21 (a) In addition to the dental assisting services that a dental
22 assistant may perform under the close supervision of a supervising
23 dentist, a supervising dental practitioner, or a supervising dental
24 hygiene practitioner, the performance of the following services under
25 the general supervision of a supervising dentist, a supervising dental
26 practitioner, or a supervising dental hygiene practitioner as the
27 dentist, dental practitioner, or dental hygiene practitioner may allow:

28 (i) Performing coronal polishing;

29 (ii) Giving fluoride treatments;

30 (iii) Applying sealants;

31 (iv) Placing dental x-ray film and exposing and developing the
32 films;

33 (v) Giving patient oral health instruction; and

34 (b) Notwithstanding any prohibitions in RCW 18.260.040, the
35 performance of the following services under the close supervision of a
36 supervising dentist, a supervising dental practitioner, or a

1 supervising dental hygiene practitioner as the dentist, dental
2 practitioner, or dental hygiene practitioner may allow:

3 (i) Placing and carving direct restorations; and

4 (ii) Taking final impressions.

5 (3) A dentist, dental practitioner, or dental hygiene practitioner
6 may not assign an expanded function dental auxiliary to perform
7 services until the expanded function dental auxiliary has demonstrated
8 skills necessary to perform competently all assigned duties and
9 responsibilities.

10 **Sec. 18.** RCW 18.260.080 and 2007 c 269 s 7 are each amended to
11 read as follows:

12 A supervising dentist, a supervising dental practitioner, or a
13 supervising dental hygiene practitioner is responsible for:

14 (1) Maintaining the appropriate level of supervision for dental
15 assistants and expanded function dental auxiliaries; and

16 (2) Ensuring that the dental assistants and expanded function
17 dental auxiliaries that the dentist, dental practitioner, or dental
18 hygiene practitioner supervises are able to competently perform the
19 tasks that they are assigned.

20 **Sec. 19.** RCW 69.41.010 and 2012 c 10 s 44 are each amended to read
21 as follows:

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

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

27 (a) A practitioner; or

28 (b) The patient or research subject at the direction of the
29 practitioner.

30 (2) "Community-based care settings" include: Community residential
31 programs for the developmentally disabled, certified by the department
32 of social and health services under chapter 71A.12 RCW; adult family
33 homes licensed under chapter 70.128 RCW; and assisted living facilities
34 licensed under chapter 18.20 RCW. Community-based care settings do not
35 include acute care or skilled nursing facilities.

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

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

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

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

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

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

13 (9) "Drug" means:

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

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

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

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

25 (10) "Electronic communication of prescription information" means
26 the communication of prescription information by computer, or the
27 transmission of an exact visual image of a prescription by facsimile,
28 or other electronic means for original prescription information or
29 prescription refill information for a legend drug between an authorized
30 practitioner and a pharmacy or the transfer of prescription information
31 for a legend drug from one pharmacy to another pharmacy.

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

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

1 (13) "Legible prescription" means a prescription or medication
2 order issued by a practitioner that is capable of being read and
3 understood by the pharmacist filling the prescription or the nurse or
4 other practitioner implementing the medication order. A prescription
5 must be hand printed, typewritten, or electronically generated.

6 (14) "Medication assistance" means assistance rendered by a
7 nonpractitioner to an individual residing in a community-based care
8 setting or in-home care setting to facilitate the individual's self-
9 administration of a legend drug or controlled substance. It includes
10 reminding or coaching the individual, handing the medication container
11 to the individual, opening the individual's medication container, using
12 an enabler, or placing the medication in the individual's hand, and
13 such other means of medication assistance as defined by rule adopted by
14 the department. A nonpractitioner may help in the preparation of
15 legend drugs or controlled substances for self-administration where a
16 practitioner has determined and communicated orally or by written
17 direction that such medication preparation assistance is necessary and
18 appropriate. Medication assistance shall not include assistance with
19 intravenous medications or injectable medications, except prefilled
20 insulin syringes.

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

24 (16) "Practitioner" means:

25 (a) A physician under chapter 18.71 RCW, an osteopathic physician
26 or an osteopathic physician and surgeon under chapter 18.57 RCW, a
27 dentist under chapter 18.32 RCW, a podiatric physician and surgeon
28 under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a
29 registered nurse, advanced registered nurse practitioner, or licensed
30 practical nurse under chapter 18.79 RCW, an optometrist under chapter
31 18.53 RCW who is certified by the optometry board under RCW 18.53.010,
32 an osteopathic physician assistant under chapter 18.57A RCW, a
33 physician assistant under chapter 18.71A RCW, a naturopath licensed
34 under chapter 18.36A RCW, a pharmacist under chapter 18.64 RCW, or,
35 when acting under the required supervision of a dentist licensed under
36 chapter 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW,
37 a dental hygiene practitioner licensed under chapter 18.--- RCW (the

1 new chapter created in section 21 of this act), or a dental
2 practitioner licensed under chapter 18.--- RCW (the new chapter created
3 in section 21 of this act);

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

8 (c) A physician licensed to practice medicine and surgery or a
9 physician licensed to practice osteopathic medicine and surgery in any
10 state, or province of Canada, which shares a common border with the
11 state of Washington.

12 (17) "Secretary" means the secretary of health or the secretary's
13 designee.

14 **Sec. 20.** RCW 69.41.030 and 2011 1st sp.s. c 15 s 79 and 2011 c 336
15 s 837 are each reenacted and amended to read as follows:

16 (1) It shall be unlawful for any person to sell, deliver, or
17 possess any legend drug except upon the order or prescription of a
18 physician under chapter 18.71 RCW, an osteopathic physician and surgeon
19 under chapter 18.57 RCW, an optometrist licensed under chapter 18.53
20 RCW who is certified by the optometry board under RCW 18.53.010, a
21 dentist under chapter 18.32 RCW, a podiatric physician and surgeon
22 under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a
23 commissioned medical or dental officer in the United States armed
24 forces or public health service in the discharge of his or her official
25 duties, a duly licensed physician or dentist employed by the veterans
26 administration in the discharge of his or her official duties, a
27 registered nurse or advanced registered nurse practitioner under
28 chapter 18.79 RCW when authorized by the nursing care quality assurance
29 commission, an osteopathic physician assistant under chapter 18.57A RCW
30 when authorized by the board of osteopathic medicine and surgery, a
31 physician assistant under chapter 18.71A RCW when authorized by the
32 medical quality assurance commission, a dental hygiene practitioner or
33 dental practitioner under chapter 18.--- RCW (the new chapter created
34 in section 21 of this act) as authorized in section 5 of this act, or
35 any of the following professionals in any province of Canada that
36 shares a common border with the state of Washington or in any state of
37 the United States: A physician licensed to practice medicine and

1 surgery or a physician licensed to practice osteopathic medicine and
2 surgery, a dentist licensed to practice dentistry, a podiatric
3 physician and surgeon licensed to practice podiatric medicine and
4 surgery, a licensed advanced registered nurse practitioner, or a
5 veterinarian licensed to practice veterinary medicine: PROVIDED,
6 HOWEVER, That the above provisions shall not apply to sale, delivery,
7 or possession by drug wholesalers or drug manufacturers, or their
8 agents or employees, or to any practitioner acting within the scope of
9 his or her license, or to a common or contract carrier or warehouse
10 operator, or any employee thereof, whose possession of any legend drug
11 is in the usual course of business or employment: PROVIDED FURTHER,
12 That nothing in this chapter or chapter 18.64 RCW shall prevent a
13 family planning clinic that is under contract with the health care
14 authority from selling, delivering, possessing, and dispensing
15 commercially prepackaged oral contraceptives prescribed by authorized,
16 licensed health care practitioners.

17 (2)(a) A violation of this section involving the sale, delivery, or
18 possession with intent to sell or deliver is a class B felony
19 punishable according to chapter 9A.20 RCW.

20 (b) A violation of this section involving possession is a
21 misdemeanor.

22 NEW SECTION. **Sec. 21.** Sections 1 through 8 of this act constitute
23 a new chapter in Title 18 RCW.

24 NEW SECTION. **Sec. 22.** The department of health and the dental
25 quality assurance commission shall adopt any rules necessary to
26 implement this act.

27 NEW SECTION. **Sec. 23.** The American dental association and the
28 Washington state dental association are encouraged to consult with
29 stakeholders, including dentists, dental hygienists, and patient
30 advocates, to study programs in the state that use volunteer dentists
31 and oral surgeons to provide specialty care dental services, including
32 tooth extractions and root canals, to low-income adults and children.
33 This study should include an investigation into expansion of volunteer
34 specialty care dental services into underserved areas in the state and
35 methods to finance these programs. In order to provide the legislature

1 time to review the work of the American dental association and the
2 Washington state dental association, the results of this study should
3 be reported to the legislature by January 1, 2014.

4 NEW SECTION. **Sec. 24.** Sections 1 through 20 of this act take
5 effect January 1, 2014.

6 NEW SECTION. **Sec. 25.** Sections 11 and 13 of this act expire July
7 1, 2016.

8 NEW SECTION. **Sec. 26.** Sections 12 and 14 of this act take effect
9 July 1, 2016.

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