
SUBSTITUTE HOUSE BILL 2378

State of Washington 66th Legislature 2020 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Riccelli, Harris, Macri, and Cody)

READ FIRST TIME 01/30/20.

1 AN ACT Relating to physician assistants; amending RCW 18.71A.020,
2 18.71A.025, 18.71A.030, 18.71A.050, 18.71A.090, 7.68.030, 18.06.140,
3 18.57.003, 18.79.040, 18.79.060, 18.79.240, 18.79.270, 18.100.050,
4 18.120.020, 18.130.410, 18.250.010, 28A.210.090, 43.70.220,
5 43.70.470, 46.19.010, 46.61.506, 46.61.508, 48.42.100, 48.43.094,
6 48.43.115, 51.04.030, 51.28.100, 69.41.030, 69.45.010, 70.41.210,
7 70.54.400, 70.128.120, 70.185.090, 70.225.040, 71.32.020, 74.09.010,
8 74.42.230, and 82.04.050; reenacting and amending RCW 18.71A.010,
9 18.79.260, 18.89.020, 18.130.040, 18.360.010, 43.70.110, 43.70.442,
10 69.41.010, 69.50.101, 69.51A.010, 70.180.030, 71.05.020, 71.24.025,
11 71.34.020, and 74.42.010; adding new sections to chapter 18.71A RCW;
12 creating a new section; repealing RCW 18.57A.010, 18.57A.020,
13 18.57A.023, 18.57A.025, 18.57A.030, 18.57A.035, 18.57A.040,
14 18.57A.050, 18.57A.060, 18.57A.070, 18.57A.080, 18.57A.090,
15 18.57A.100, 18.57A.800, 18.57A.810, 18.71A.035, and 18.71A.040;
16 providing effective dates; and providing an expiration date.

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

18 NEW SECTION. **Sec. 1.** The legislature intends to modernize the
19 practice of physician assistants in order to increase access to care,
20 reduce barriers to employment of physician assistants, and optimize

1 the manner in which physician assistants deliver quality medical
2 care.

3 **Sec. 2.** RCW 18.71A.010 and 2019 c 55 s 5 are each reenacted and
4 amended to read as follows:

5 The definitions set forth in this section apply throughout this
6 chapter.

7 (1) "Commission" means the Washington medical commission.

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

9 (3) "Physician assistant" means a person who is licensed by the
10 commission to practice medicine (~~(to a limited extent only under the~~
11 ~~supervision of a physician as defined in chapter 18.71 RCW)~~
12 according to a practice agreement with one or more participating
13 physicians, with at least one of the physicians working in a
14 supervisory capacity, and who is academically and clinically prepared
15 to provide health care services and perform diagnostic, therapeutic,
16 preventative, and health maintenance services.

17 (4) "Practice medicine" has the meaning defined in RCW 18.71.011
18 and also includes the practice of osteopathic medicine and surgery as
19 defined in RCW 18.57.001.

20 (5) "Secretary" means the secretary of health or the secretary's
21 designee.

22 (6) "Physician" means a physician licensed under chapter 18.57 or
23 18.71 RCW.

24 (7) "Practice agreement" means an agreement entered under section
25 6 of this act.

26 **Sec. 3.** RCW 18.71A.020 and 2019 c 55 s 6 are each amended to
27 read as follows:

28 (1) The commission shall adopt rules fixing the qualifications
29 and the educational and training requirements for licensure as a
30 physician assistant or for those enrolled in any physician assistant
31 training program. The requirements shall include completion of an
32 accredited physician assistant training program approved by the
33 commission and within one year successfully take and pass an
34 examination approved by the commission, if the examination tests
35 subjects substantially equivalent to the curriculum of an accredited
36 physician assistant training program. An interim permit may be
37 granted by the department of health for one year provided the
38 applicant meets all other requirements. Physician assistants licensed

1 by the board of medical examiners, or the commission as of July 1,
2 1999, shall continue to be licensed.

3 (2) (a) The commission shall adopt rules governing the extent to
4 which:

5 (i) Physician assistant students may practice medicine during
6 training; and

7 (ii) Physician assistants may practice after successful
8 completion of a physician assistant training course.

9 (b) Such rules shall provide:

10 (i) That the practice of a physician assistant shall be limited
11 to the performance of those services for which he or she is trained;
12 and

13 (ii) That each physician assistant shall practice medicine only
14 under ~~((the supervision and control of a))~~ the terms of one or more
15 practice agreements, each signed by one or more supervising
16 physicians licensed in this state~~((, but such supervision and~~
17 ~~control))~~. A practice agreement may be signed electronically using a
18 method for electronic signatures approved by the commission.
19 Supervision shall not be construed to necessarily require the
20 personal presence of the supervising physician or physicians at the
21 place where services are rendered.

22 (3) Applicants for licensure shall file an application with the
23 commission on a form prepared by the secretary with the approval of
24 the commission, detailing the education, training, and experience of
25 the physician assistant and such other information as the commission
26 may require. The application shall be accompanied by a fee determined
27 by the secretary as provided in RCW 43.70.250 and 43.70.280. A
28 surcharge of fifty dollars per year shall be charged on each license
29 renewal or issuance of a new license to be collected by the
30 department and deposited into the impaired physician account for
31 physician assistant participation in the impaired physician program.
32 Each applicant shall furnish proof satisfactory to the commission of
33 the following:

34 (a) That the applicant has completed an accredited physician
35 assistant program approved by the commission and is eligible to take
36 the examination approved by the commission;

37 (b) That the applicant is of good moral character; and

38 (c) That the applicant is physically and mentally capable of
39 practicing medicine as a physician assistant with reasonable skill
40 and safety. The commission may require an applicant to submit to such

1 examination or examinations as it deems necessary to determine an
2 applicant's physical or mental capability, or both, to safely
3 practice as a physician assistant.

4 (4) (a) The commission may approve, deny, or take other
5 disciplinary action upon the application for license as provided in
6 the Uniform Disciplinary Act, chapter 18.130 RCW.

7 (b) The license shall be renewed as determined under RCW
8 43.70.250 and 43.70.280. The commission shall request licensees to
9 submit information about their current professional practice at the
10 time of license renewal and licensees must provide the information
11 requested. This information may include practice setting, medical
12 specialty, or other relevant data determined by the commission.

13 ~~((c) The commission may authorize the use of alternative
14 supervisors who are licensed either under chapter 18.57 or 18.71
15 RCW.))~~

16 (5) All funds in the impaired physician account shall be paid to
17 the contract entity within sixty days of deposit.

18 **Sec. 4.** RCW 18.71A.025 and 1986 c 259 s 106 are each amended to
19 read as follows:

20 (1) The uniform disciplinary act, chapter 18.130 RCW, governs the
21 issuance and denial of licenses and the discipline of licensees under
22 this chapter.

23 (2) The commission shall consult with the board of osteopathic
24 medicine and surgery when investigating allegations of unprofessional
25 conduct against a licensee who has a supervising physician licensed
26 under chapter 18.57 RCW.

27 **Sec. 5.** RCW 18.71A.030 and 2016 c 155 s 23 are each amended to
28 read as follows:

29 (1) A physician assistant may practice medicine in this state
30 ~~((only with the approval of the delegation agreement by the
31 commission and only))~~ to the extent permitted by the ~~((commission. A
32 physician assistant who has received a license but who has not
33 received commission approval of the delegation agreement under RCW
34 18.71A.040 may not))~~ practice agreement. A physician assistant shall
35 be subject to discipline under chapter 18.130 RCW.

36 (2) Physician assistants may provide services that they are
37 competent to perform based on their education, training, and
38 experience and that are consistent with their ~~((commission-approved~~

1 ~~delegation))~~ practice agreement. The supervising physician and the
2 physician assistant shall determine which procedures may be performed
3 and the ~~((degree—of))~~ supervision under which the procedure is
4 performed. Physician assistants may practice in any area of medicine
5 or surgery as long as the practice is not beyond the supervising
6 physician's own scope of expertise and clinical practice and the
7 practice agreement.

8 (3) A physician assistant delivering general anesthesia or
9 intrathecal anesthesia pursuant to a practice agreement with a
10 physician shall show evidence of adequate education and training in
11 the delivery of the type of anesthesia being delivered on his or her
12 practice agreement.

13 NEW SECTION. Sec. 6. A new section is added to chapter 18.71A
14 RCW to read as follows:

15 (1) Prior to commencing practice, a physician assistant licensed
16 in Washington state must enter into a practice agreement with a
17 physician or group of physicians, at least one of whom must be
18 working in a supervisory capacity.

19 (a) Entering into a practice agreement is voluntary for the
20 physician assistant and the supervising physician. A physician may
21 not be compelled to participate in a practice agreement as a
22 condition of employment.

23 (b) Prior to entering into the practice agreement, the physician,
24 physicians, or their designee must verify the physician assistant's
25 credentials.

26 (c) The protections of RCW 43.70.075 apply to any physician who
27 reports to the commission acts of retaliation or reprisal for
28 declining to sign a practice agreement.

29 (d) The practice agreement must be maintained by the physician
30 assistant's employer or at his or her place of work and must be made
31 available to the commission upon request.

32 (e) The commission shall develop a model practice agreement.

33 (f) The commission shall establish administrative procedures,
34 administrative requirements, and fees as provided in RCW 43.70.250
35 and 43.70.280.

36 (2) A practice agreement must include all of the following:

37 (a) The duties and responsibilities of the physician assistant,
38 the supervising physician, and alternate physicians. The practice
39 agreement must describe supervision requirements for specified

1 procedures or areas of practice. The practice agreement may only
2 include acts, tasks, or functions that the physician assistant and
3 supervising physician or alternate physicians are qualified to
4 perform by education, training, or experience and that are within the
5 scope of expertise and clinical practice of both the physician
6 assistant and the supervising physician or alternate physicians,
7 unless otherwise authorized by law, rule, or the commission;

8 (b) A process between the physician assistant and supervising
9 physician or alternate physicians for communication, availability,
10 and decision making when providing medical treatment to a patient or
11 in the event of an acute health care crisis not previously covered by
12 the practice agreement, such as a flu pandemic or other unforeseen
13 emergency. Communications may occur in person, electronically, by
14 telephone, or by an alternate method;

15 (c) If there is only one physician party to the practice
16 agreement, a protocol for designating an alternate physician for
17 consultation in situations in which the physician is not available;

18 (d) The signature of the physician assistant and the signature or
19 signatures of the supervising physician. A practice agreement may be
20 signed electronically using a method for electronic signatures
21 approved by the commission; and

22 (e) A termination provision. A physician assistant or physician
23 may terminate the practice agreement as it applies to a single
24 supervising physician without terminating the agreement with respect
25 to the remaining participating physicians. If the termination results
26 in no supervising physician being designated on the agreement, a new
27 supervising physician must be designated for the agreement to be
28 valid.

29 (i) Except as provided in (e)(ii) of this subsection, the
30 physician assistant or supervising physician must provide written
31 notice at least thirty days prior to the termination.

32 (ii) The physician assistant or supervising physician may
33 terminate the practice agreement immediately due to good faith
34 concerns regarding unprofessional conduct or failure to practice
35 medicine while exercising reasonable skill and safety.

36 (3) A practice agreement may be amended for any reason, such as
37 to add or remove supervising physicians or alternate physicians or to
38 amend the duties and responsibilities of the physician assistant.

1 (4) Whenever a physician assistant is practicing in a manner
2 inconsistent with the practice agreement, the commission may take
3 disciplinary action under chapter 18.130 RCW.

4 (5) Whenever a physician is subject to disciplinary action under
5 chapter 18.130 RCW related to the practice of a physician assistant,
6 the case must be referred to the appropriate disciplining authority.

7 (6) A physician assistant or physician may participate in more
8 than one practice agreement if he or she is reasonably able to
9 fulfill the duties and responsibilities in each agreement.

10 (7) A physician may supervise no more than ten physician
11 assistants. A physician may petition the commission for a waiver of
12 this limit. The commission shall automatically grant a waiver to any
13 physician who possesses, on the effective date of this section, a
14 valid waiver to supervise more than ten physician assistants. A
15 physician granted a waiver under this subsection may not supervise
16 more physician assistants than the physician is able to adequately
17 supervise.

18 (8) A physician assistant must file with the commission in a form
19 acceptable to the commission:

20 (a) Each practice agreement into which the physician assistant
21 enters under this section;

22 (b) Any amendments to the practice agreement; and

23 (c) Notice if the practice agreement is terminated.

24 **Sec. 7.** RCW 18.71A.050 and 1994 sp.s. c 9 s 323 are each amended
25 to read as follows:

26 No physician who (~~supervises~~) enters into a practice agreement
27 with a licensed physician assistant in accordance with and within the
28 terms of any permission granted by the commission is considered as
29 aiding and abetting an unlicensed person to practice medicine. The
30 supervising physician and physician assistant shall each retain
31 professional and personal responsibility for any act which
32 constitutes the practice of medicine as defined in RCW 18.71.011 or
33 the practice of osteopathic medicine and surgery as defined in RCW
34 18.57.001 when performed by the physician assistant.

35 **Sec. 8.** RCW 18.71A.090 and 2007 c 264 s 3 are each amended to
36 read as follows:

37 (1) A physician assistant may sign and attest to any
38 certificates, cards, forms, or other required documentation that the

1 physician assistant's supervising physician or physician group may
2 sign, provided that it is within the physician assistant's scope of
3 practice and is consistent with the terms of the physician
4 assistant's practice (~~arrangement plan~~) agreement as required by
5 this chapter.

6 (2) Notwithstanding any federal law, rule, or medical staff bylaw
7 provision to the contrary, a physician is not required to countersign
8 orders written in a patient's clinical record or an official form by
9 a physician assistant with whom the physician has a practice
10 agreement.

11 NEW SECTION. Sec. 9. A new section is added to chapter 18.71A
12 RCW to read as follows:

13 (1) The commission shall conduct an education and outreach
14 campaign to make license holders, health carriers, and the public
15 aware of the provisions of this act.

16 (2) This section expires August 1, 2023.

17 NEW SECTION. Sec. 10. A new section is added to chapter 18.71A
18 RCW to read as follows:

19 (1) On or after the effective date of this section, no new
20 licenses may be issued under chapter 18.57A RCW. The commission shall
21 license physician assistants licensed under chapter 18.57A RCW prior
22 to the effective date of this section as physician assistants under
23 this chapter when they renew their licenses.

24 (2) The board of osteopathic medicine and surgery remains the
25 disciplining authority under chapter 18.130 RCW for conduct occurring
26 while a physician assistant is licensed under chapter 18.57A RCW.

27 NEW SECTION. Sec. 11. A new section is added to chapter 18.71A
28 RCW to read as follows:

29 The commission and the board of osteopathic medicine and surgery
30 shall adopt any rules necessary to implement this act.

31 **Sec. 12.** RCW 7.68.030 and 2017 c 235 s 2 are each amended to
32 read as follows:

33 (1) It shall be the duty of the director to establish and
34 administer a program of benefits to innocent victims of criminal acts
35 within the terms and limitations of this chapter. The director may
36 apply for and, subject to appropriation, expend federal funds under

1 Public Law 98-473 and any other federal program providing financial
2 assistance to state crime victim compensation programs. The federal
3 funds shall be deposited in the state general fund and may be
4 expended only for purposes authorized by applicable federal law.

5 (2) The director shall:

6 (a) Establish and adopt rules governing the administration of
7 this chapter in accordance with chapter 34.05 RCW;

8 (b) Regulate the proof of accident and extent thereof, the proof
9 of death, and the proof of relationship and the extent of dependency;

10 (c) Supervise the medical, surgical, and hospital treatment to
11 the intent that it may be in all cases efficient and up to the
12 recognized standard of modern surgery;

13 (d) Issue proper receipts for moneys received and certificates
14 for benefits accrued or accruing;

15 (e) Designate a medical director who is licensed under chapter
16 18.57 or 18.71 RCW;

17 (f) Supervise the providing of prompt and efficient care and
18 treatment, including care provided by physician assistants governed
19 by the provisions of (~~chapters 18.57A and~~) chapter 18.71A RCW,
20 acting under a supervising physician, including chiropractic care,
21 and including care provided by licensed advanced registered nurse
22 practitioners, to victims at the least cost consistent with
23 promptness and efficiency, without discrimination or favoritism, and
24 with as great uniformity as the various and diverse surrounding
25 circumstances and locations of industries will permit and to that end
26 shall, from time to time, establish and adopt and supervise the
27 administration of printed forms, electronic communications, rules,
28 regulations, and practices for the furnishing of such care and
29 treatment. The medical coverage decisions of the department do not
30 constitute a "rule" as used in RCW 34.05.010(16), nor are such
31 decisions subject to the rule-making provisions of chapter 34.05 RCW
32 except that criteria for establishing medical coverage decisions
33 shall be adopted by rule. The department may recommend to a victim
34 particular health care services and providers where specialized
35 treatment is indicated or where cost-effective payment levels or
36 rates are obtained by the department, and the department may enter
37 into contracts for goods and services including, but not limited to,
38 durable medical equipment so long as statewide access to quality
39 service is maintained for injured victims;

1 (g) In consultation with interested persons, establish and, in
2 his or her discretion, periodically change as may be necessary, and
3 make available a fee schedule of the maximum charges to be made by
4 any physician, surgeon, chiropractor, hospital, druggist, licensed
5 advanced registered nurse practitioner, and physician assistants as
6 defined in (~~chapters 18.57A and~~) chapter 18.71A RCW, acting under a
7 supervising physician or other agency or person rendering services to
8 victims. The department shall coordinate with other state purchasers
9 of health care services to establish as much consistency and
10 uniformity in billing and coding practices as possible, taking into
11 account the unique requirements and differences between programs. No
12 service covered under this title, including services provided to
13 victims, whether aliens or other victims, who are not residing in the
14 United States at the time of receiving the services, shall be charged
15 or paid at a rate or rates exceeding those specified in such fee
16 schedule, and no contract providing for greater fees shall be valid
17 as to the excess. The establishment of such a schedule, exclusive of
18 conversion factors, does not constitute "agency action" as used in
19 RCW 34.05.010(3), nor does such a fee schedule constitute a "rule" as
20 used in RCW 34.05.010(16). Payments for providers' services under the
21 fee schedule established pursuant to this subsection (2) may not be
22 less than payments provided for comparable services under the
23 workers' compensation program under Title 51 RCW, provided:

24 (i) If the department, using caseload estimates, projects a
25 deficit in funding for the program by July 15th for the following
26 fiscal year, the director shall notify the governor and the
27 appropriate committees of the legislature and request funding
28 sufficient to continue payments to not less than payments provided
29 for comparable services under the workers' compensation program. If
30 sufficient funding is not provided to continue payments to not less
31 than payments provided for comparable services under the workers'
32 compensation program, the director shall reduce the payments under
33 the fee schedule for the following fiscal year based on caseload
34 estimates and available funding, except payments may not be reduced
35 to less than seventy percent of payments for comparable services
36 under the workers' compensation program;

37 (ii) If an unforeseeable catastrophic event results in
38 insufficient funding to continue payments to not less than payments
39 provided for comparable services under the workers' compensation
40 program, the director shall reduce the payments under the fee

1 schedule to not less than seventy percent of payments provided for
2 comparable services under the workers' compensation program, provided
3 that the reduction may not be more than necessary to fund benefits
4 under the program; and

5 (iii) Once sufficient funding is provided or otherwise available,
6 the director shall increase the payments under the fee schedule to
7 not less than payments provided for comparable services under the
8 workers' compensation program;

9 (h) Make a record of the commencement of every disability and the
10 termination thereof and, when bills are rendered for the care and
11 treatment of injured victims, shall approve and pay those which
12 conform to the adopted rules, regulations, established fee schedules,
13 and practices of the director and may reject any bill or item thereof
14 incurred in violation of the principles laid down in this section or
15 the rules, regulations, or the established fee schedules and rules
16 and regulations adopted under it.

17 (3) The director and his or her authorized assistants:

18 (a) Have power to issue subpoenas to enforce the attendance and
19 testimony of witnesses and the production and examination of books,
20 papers, photographs, tapes, and records before the department in
21 connection with any claim made to the department or any billing
22 submitted to the department. The superior court has the power to
23 enforce any such subpoena by proper proceedings;

24 (b) (i) May apply for and obtain a superior court order approving
25 and authorizing a subpoena in advance of its issuance. The
26 application may be made in the county where the subpoenaed person
27 resides or is found, or the county where the subpoenaed records or
28 documents are located, or in Thurston county. The application must
29 (A) state that an order is sought pursuant to this subsection; (B)
30 adequately specify the records, documents, or testimony; and (C)
31 declare under oath that an investigation is being conducted for a
32 lawfully authorized purpose related to an investigation within the
33 department's authority and that the subpoenaed documents or testimony
34 are reasonably related to an investigation within the department's
35 authority.

36 (ii) Where the application under this subsection (3) (b) is made
37 to the satisfaction of the court, the court must issue an order
38 approving the subpoena. An order under this subsection constitutes
39 authority of law for the agency to subpoena the records or testimony.

1 (iii) The director and his or her authorized assistants may seek
2 approval and a court may issue an order under this subsection without
3 prior notice to any person, including the person to whom the subpoena
4 is directed and the person who is the subject of an investigation.

5 (4) In all hearings, actions, or proceedings before the
6 department, any physician or licensed advanced registered nurse
7 practitioner having theretofore examined or treated the claimant may
8 be required to testify fully regarding such examination or treatment,
9 and shall not be exempt from so testifying by reason of the relation
10 of the physician or licensed advanced registered nurse practitioner
11 to the patient.

12 **Sec. 13.** RCW 18.06.140 and 2019 c 308 s 9 are each amended to
13 read as follows:

14 (1) When a person licensed under this chapter sees patients with
15 potentially serious disorders such as cardiac conditions, acute
16 abdominal symptoms, and such other conditions, the practitioner shall
17 immediately request a consultation or recent written diagnosis from a
18 primary health care provider licensed under chapter 18.71, 18.57,
19 (~~18.57A,~~) 18.36A, or 18.71A RCW or RCW 18.79.050. In the event that
20 the patient with the disorder refuses to authorize such consultation
21 or provide a recent diagnosis from such primary health care provider,
22 acupuncture or Eastern medicine treatments may only be continued
23 after the patient signs a written waiver acknowledging the risks
24 associated with the failure to pursue treatment from a primary health
25 care provider. The waiver must also include: (a) An explanation of an
26 acupuncturist's or acupuncture and Eastern medicine practitioner's
27 scope of practice, including the services and techniques
28 acupuncturists or acupuncture and Eastern medicine practitioners are
29 authorized to provide and (b) a statement that the services and
30 techniques that an acupuncturist or acupuncture and Eastern medicine
31 practitioner is authorized to provide will not resolve the patient's
32 underlying potentially serious disorder. The requirements of the
33 waiver shall be established by the secretary in rule.

34 (2) In an emergency, a person licensed under this chapter shall:
35 (a) Initiate the emergency medical system by calling 911; (b) request
36 an ambulance; and (c) provide patient support until emergency
37 response arrives.

38 (3) A person violating this section is guilty of a misdemeanor.

1 **Sec. 14.** RCW 18.57.003 and 2017 c 101 s 1 are each amended to
2 read as follows:

3 There is hereby created an agency of the state of Washington,
4 consisting of eleven individuals appointed by the governor to be
5 known as the Washington state board of osteopathic medicine and
6 surgery.

7 On expiration of the term of any member, the governor shall
8 appoint for a period of five years a qualified individual to take the
9 place of such member. Each member shall hold office until the
10 expiration of the term for which such member is appointed or until a
11 successor shall have been appointed and shall have qualified. Initial
12 appointments shall be made and vacancies in the membership of the
13 board shall be filled for the unexpired term by appointment by the
14 governor.

15 Each member of the board shall be a citizen of the United States
16 and must be an actual resident of this state. Two members must be
17 consumers who have neither a financial nor a fiduciary relationship
18 to a health care delivery system, (~~one member must have been in~~
19 ~~active practice as a licensed osteopathic physician assistant in this~~
20 ~~state for at least five years immediately preceding appointment,)~~
21 and every other member must have been in active practice as a
22 licensed osteopathic physician and surgeon in this state for at least
23 five years immediately preceding appointment.

24 The board shall elect a chairperson, a secretary, and a vice
25 chairperson from its members. Meetings of the board shall be held at
26 least four times a year and at such place as the board shall
27 determine and at such other times and places as the board deems
28 necessary.

29 An affirmative vote of a simple majority of the members present
30 at a meeting or hearing shall be required for the board to take any
31 official action. The board may not take any action without a quorum
32 of the board members present. A simple majority of the board members
33 currently serving constitutes a quorum of the board.

34 Each member of the board shall be compensated in accordance with
35 RCW 43.03.265 and shall be reimbursed for travel expenses in
36 accordance with RCW 43.03.050 and 43.03.060. The board is a class
37 five group for purposes of chapter 43.03 RCW.

38 Any member of the board may be removed by the governor for
39 neglect of duty, misconduct, malfeasance or misfeasance in office, or

1 upon written request of two-thirds of the physicians licensed under
2 this chapter and in active practice in this state.

3 **Sec. 15.** RCW 18.79.040 and 2012 c 13 s 1 are each amended to
4 read as follows:

5 (1) "Registered nursing practice" means the performance of acts
6 requiring substantial specialized knowledge, judgment, and skill
7 based on the principles of the biological, physiological, behavioral,
8 and sociological sciences in either:

9 (a) The observation, assessment, diagnosis, care or counsel, and
10 health teaching of individuals with illnesses, injuries, or
11 disabilities, or in the maintenance of health or prevention of
12 illness of others;

13 (b) The performance of such additional acts requiring education
14 and training and that are recognized by the medical and nursing
15 professions as proper and recognized by the commission to be
16 performed by registered nurses licensed under this chapter and that
17 are authorized by the commission through its rules;

18 (c) The administration, supervision, delegation, and evaluation
19 of nursing practice. However, nothing in this subsection affects the
20 authority of a hospital, hospital district, in-home service agency,
21 community-based care setting, medical clinic, or office, concerning
22 its administration and supervision;

23 (d) The teaching of nursing;

24 (e) The executing of medical regimen as prescribed by a licensed
25 physician and surgeon, dentist, osteopathic physician and surgeon,
26 podiatric physician and surgeon, physician assistant, (~~osteopathic~~
27 ~~physician assistant,~~) or advanced registered nurse practitioner, or
28 as directed by a licensed midwife within his or her scope of
29 practice.

30 (2) Nothing in this section prohibits a person from practicing a
31 profession for which a license has been issued under the laws of this
32 state or specifically authorized by any other law of the state of
33 Washington.

34 (3) This section does not prohibit (a) the nursing care of the
35 sick, without compensation, by an unlicensed person who does not hold
36 himself or herself out to be a registered nurse, (b) the practice of
37 licensed practical nursing by a licensed practical nurse, or (c) the
38 practice of a nursing assistant, providing delegated nursing tasks
39 under chapter 18.88A RCW.

1 **Sec. 16.** RCW 18.79.060 and 2012 c 13 s 2 are each amended to
2 read as follows:

3 "Licensed practical nursing practice" means the performance of
4 services requiring the knowledge, skill, and judgment necessary for
5 carrying out selected aspects of the designated nursing regimen under
6 the direction and supervision of a licensed physician and surgeon,
7 dentist, osteopathic physician and surgeon, physician assistant,
8 (~~osteopathic physician assistant,~~) podiatric physician and surgeon,
9 advanced registered nurse practitioner, registered nurse, or midwife.

10 Nothing in this section prohibits a person from practicing a
11 profession for which a license has been issued under the laws of this
12 state or specifically authorized by any other law of the state of
13 Washington.

14 This section does not prohibit the nursing care of the sick,
15 without compensation, by an unlicensed person who does not hold
16 himself or herself out to be a licensed practical nurse.

17 **Sec. 17.** RCW 18.79.240 and 2019 c 270 s 4 are each amended to
18 read as follows:

19 (1) In the context of the definition of registered nursing
20 practice and advanced registered nursing practice, this chapter shall
21 not be construed as:

22 (a) Prohibiting the incidental care of the sick by domestic
23 servants or persons primarily employed as housekeepers, so long as
24 they do not practice registered nursing within the meaning of this
25 chapter;

26 (b) Preventing a person from the domestic administration of
27 family remedies or the furnishing of nursing assistance in case of
28 emergency;

29 (c) Prohibiting the practice of nursing by students enrolled in
30 approved schools as may be incidental to their course of study or
31 prohibiting the students from working as nursing technicians;

32 (d) Prohibiting auxiliary services provided by persons carrying
33 out duties necessary for the support of nursing services, including
34 those duties that involve minor nursing services for persons
35 performed in hospitals, nursing homes, or elsewhere under the
36 direction of licensed physicians or the supervision of licensed
37 registered nurses;

38 (e) Prohibiting the practice of nursing in this state by a
39 legally qualified nurse of another state or territory whose

1 engagement requires him or her to accompany and care for a patient
2 temporarily residing in this state during the period of one such
3 engagement, not to exceed six months in length, if the person does
4 not represent or hold himself or herself out as a registered nurse
5 licensed to practice in this state;

6 (f) Prohibiting nursing or care of the sick, with or without
7 compensation, when done in connection with the practice of the
8 religious tenets of a church by adherents of the church so long as
9 they do not engage in the practice of nursing as defined in this
10 chapter;

11 (g) Prohibiting the practice of a legally qualified nurse of
12 another state who is employed by the United States government or a
13 bureau, division, or agency thereof, while in the discharge of his or
14 her official duties;

15 (h) Permitting the measurement of the powers or range of human
16 vision, or the determination of the accommodation and refractive
17 state of the human eye or the scope of its functions in general, or
18 the fitting or adaptation of lenses for the aid thereof;

19 (i) Permitting the prescribing or directing the use of, or using,
20 an optical device in connection with ocular exercises, visual
21 training, vision training, or orthoptics;

22 (j) Permitting the prescribing of contact lenses for, or the
23 fitting and adaptation of contact lenses to, the human eye;

24 (k) Prohibiting the performance of routine visual screening;

25 (l) Permitting the practice of dentistry or dental hygiene as
26 defined in chapters 18.32 and 18.29 RCW, respectively;

27 (m) Permitting the practice of chiropractic as defined in chapter
28 18.25 RCW including the adjustment or manipulation of the
29 articulation of the spine;

30 (n) Permitting the practice of podiatric medicine and surgery as
31 defined in chapter 18.22 RCW;

32 (o) Permitting the performance of major surgery, except such
33 minor surgery as the commission may have specifically authorized by
34 rule adopted in accordance with chapter 34.05 RCW;

35 (p) Permitting the prescribing of controlled substances as
36 defined in Schedule I of the Uniform Controlled Substances Act,
37 chapter 69.50 RCW;

38 (q) Prohibiting the determination and pronouncement of death;

39 (r) Prohibiting advanced registered nurse practitioners, approved
40 by the commission as certified registered nurse anesthetists from

1 selecting, ordering, or administering controlled substances as
2 defined in Schedules II through IV of the Uniform Controlled
3 Substances Act, chapter 69.50 RCW, consistent with their commission-
4 recognized scope of practice; subject to facility-specific protocols,
5 and subject to a request for certified registered nurse anesthetist
6 anesthesia services issued by a physician licensed under chapter
7 18.71 RCW, an osteopathic physician and surgeon licensed under
8 chapter 18.57 RCW, a dentist licensed under chapter 18.32 RCW, or a
9 podiatric physician and surgeon licensed under chapter 18.22 RCW; the
10 authority to select, order, or administer Schedule II through IV
11 controlled substances being limited to those drugs that are to be
12 directly administered to patients who require anesthesia for
13 diagnostic, operative, obstetrical, or therapeutic procedures in a
14 hospital, clinic, ambulatory surgical facility, or the office of a
15 practitioner licensed under chapter 18.71, 18.22, 18.36, 18.36A,
16 18.57, (~~18.57A,~~) or 18.32 RCW; "select" meaning the decision-making
17 process of choosing a drug, dosage, route, and time of
18 administration; and "order" meaning the process of directing licensed
19 individuals pursuant to their statutory authority to directly
20 administer a drug or to dispense, deliver, or distribute a drug for
21 the purpose of direct administration to a patient, under instructions
22 of the certified registered nurse anesthetist. "Protocol" means a
23 statement regarding practice and documentation concerning such items
24 as categories of patients, categories of medications, or categories
25 of procedures rather than detailed case-specific formulas for the
26 practice of nurse anesthesia;

27 (s) Prohibiting advanced registered nurse practitioners from
28 ordering or prescribing controlled substances as defined in Schedules
29 II through IV of the Uniform Controlled Substances Act, chapter 69.50
30 RCW, if and to the extent that doing so is permitted by their scope
31 of practice;

32 (t) Prohibiting the practice of registered nursing or advanced
33 registered nursing by a student enrolled in an approved school if:

34 (i) The student performs services without compensation or
35 expectation of compensation as part of a volunteer activity;

36 (ii) The student is under the direct supervision of a registered
37 nurse or advanced registered nurse practitioner licensed under this
38 chapter, a pharmacist licensed under chapter 18.64 RCW, an
39 osteopathic physician and surgeon licensed under chapter 18.57 RCW,
40 or a physician licensed under chapter 18.71 RCW;

1 (iii) The services the student performs are within the scope of
2 practice of: (A) The nursing profession for which the student is
3 receiving training; and (B) the person supervising the student;

4 (iv) The school in which the student is enrolled verifies the
5 student has demonstrated competency through his or her education and
6 training to perform the services; and

7 (v) The student provides proof of current malpractice insurance
8 to the volunteer activity organizer prior to performing any services.

9 (2) In the context of the definition of licensed practical
10 nursing practice, this chapter shall not be construed as:

11 (a) Prohibiting the incidental care of the sick by domestic
12 servants or persons primarily employed as housekeepers, so long as
13 they do not practice practical nursing within the meaning of this
14 chapter;

15 (b) Preventing a person from the domestic administration of
16 family remedies or the furnishing of nursing assistance in case of
17 emergency;

18 (c) Prohibiting the practice of practical nursing by students
19 enrolled in approved schools as may be incidental to their course of
20 study or prohibiting the students from working as nursing assistants;

21 (d) Prohibiting auxiliary services provided by persons carrying
22 out duties necessary for the support of nursing services, including
23 those duties that involve minor nursing services for persons
24 performed in hospitals, nursing homes, or elsewhere under the
25 direction of licensed physicians or the supervision of licensed
26 registered nurses;

27 (e) Prohibiting or preventing the practice of nursing in this
28 state by a legally qualified nurse of another state or territory
29 whose engagement requires him or her to accompany and care for a
30 patient temporarily residing in this state during the period of one
31 such engagement, not to exceed six months in length, if the person
32 does not represent or hold himself or herself out as a licensed
33 practical nurse licensed to practice in this state;

34 (f) Prohibiting nursing or care of the sick, with or without
35 compensation, when done in connection with the practice of the
36 religious tenets of a church by adherents of the church so long as
37 they do not engage in licensed practical nurse practice as defined in
38 this chapter;

39 (g) Prohibiting the practice of a legally qualified nurse of
40 another state who is employed by the United States government or any

1 bureau, division, or agency thereof, while in the discharge of his or
2 her official duties.

3 **Sec. 18.** RCW 18.79.260 and 2012 c 164 s 407, 2012 c 13 s 3, and
4 2012 c 10 s 37 are each reenacted and amended to read as follows:

5 (1) A registered nurse under his or her license may perform for
6 compensation nursing care, as that term is usually understood, to
7 individuals with illnesses, injuries, or disabilities.

8 (2) A registered nurse may, at or under the general direction of
9 a licensed physician and surgeon, dentist, osteopathic physician and
10 surgeon, naturopathic physician, optometrist, podiatric physician and
11 surgeon, physician assistant, (~~osteopathic physician assistant,~~)
12 advanced registered nurse practitioner, or midwife acting within the
13 scope of his or her license, administer medications, treatments,
14 tests, and inoculations, whether or not the severing or penetrating
15 of tissues is involved and whether or not a degree of independent
16 judgment and skill is required. Such direction must be for acts which
17 are within the scope of registered nursing practice.

18 (3) A registered nurse may delegate tasks of nursing care to
19 other individuals where the registered nurse determines that it is in
20 the best interest of the patient.

21 (a) The delegating nurse shall:

22 (i) Determine the competency of the individual to perform the
23 tasks;

24 (ii) Evaluate the appropriateness of the delegation;

25 (iii) Supervise the actions of the person performing the
26 delegated task; and

27 (iv) Delegate only those tasks that are within the registered
28 nurse's scope of practice.

29 (b) A registered nurse, working for a home health or hospice
30 agency regulated under chapter 70.127 RCW, may delegate the
31 application, instillation, or insertion of medications to a
32 registered or certified nursing assistant under a plan of care.

33 (c) Except as authorized in (b) or (e) of this subsection, a
34 registered nurse may not delegate the administration of medications.
35 Except as authorized in (e) of this subsection, a registered nurse
36 may not delegate acts requiring substantial skill, and may not
37 delegate piercing or severing of tissues. Acts that require nursing
38 judgment shall not be delegated.

1 (d) No person may coerce a nurse into compromising patient safety
2 by requiring the nurse to delegate if the nurse determines that it is
3 inappropriate to do so. Nurses shall not be subject to any employer
4 reprisal or disciplinary action by the nursing care quality assurance
5 commission for refusing to delegate tasks or refusing to provide the
6 required training for delegation if the nurse determines delegation
7 may compromise patient safety.

8 (e) For delegation in community-based care settings or in-home
9 care settings, a registered nurse may delegate nursing care tasks
10 only to registered or certified nursing assistants or home care aides
11 certified under chapter 18.88B RCW. Simple care tasks such as blood
12 pressure monitoring, personal care service, diabetic insulin device
13 set up, verbal verification of insulin dosage for sight-impaired
14 individuals, or other tasks as defined by the nursing care quality
15 assurance commission are exempted from this requirement.

16 (i) "Community-based care settings" includes: Community
17 residential programs for people with developmental disabilities,
18 certified by the department of social and health services under
19 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128
20 RCW; and assisted living facilities licensed under chapter 18.20 RCW.
21 Community-based care settings do not include acute care or skilled
22 nursing facilities.

23 (ii) "In-home care settings" include an individual's place of
24 temporary or permanent residence, but does not include acute care or
25 skilled nursing facilities, and does not include community-based care
26 settings as defined in (e)(i) of this subsection.

27 (iii) Delegation of nursing care tasks in community-based care
28 settings and in-home care settings is only allowed for individuals
29 who have a stable and predictable condition. "Stable and predictable
30 condition" means a situation in which the individual's clinical and
31 behavioral status is known and does not require the frequent presence
32 and evaluation of a registered nurse.

33 (iv) The determination of the appropriateness of delegation of a
34 nursing task is at the discretion of the registered nurse. Other than
35 delegation of the administration of insulin by injection for the
36 purpose of caring for individuals with diabetes, the administration
37 of medications by injection, sterile procedures, and central line
38 maintenance may never be delegated.

39 (v) When delegating insulin injections under this section, the
40 registered nurse delegator must instruct the individual regarding

1 proper injection procedures and the use of insulin, demonstrate
2 proper injection procedures, and must supervise and evaluate the
3 individual performing the delegated task weekly during the first four
4 weeks of delegation of insulin injections. If the registered nurse
5 delegator determines that the individual is competent to perform the
6 injection properly and safely, supervision and evaluation shall occur
7 at least every ninety days thereafter.

8 (vi) (A) The registered nurse shall verify that the nursing
9 assistant or home care aide, as the case may be, has completed the
10 required core nurse delegation training required in chapter 18.88A or
11 18.88B RCW prior to authorizing delegation.

12 (B) Before commencing any specific nursing tasks authorized to be
13 delegated in this section, a home care aide must be certified
14 pursuant to chapter 18.88B RCW and must comply with RCW 18.88B.070.

15 (vii) The nurse is accountable for his or her own individual
16 actions in the delegation process. Nurses acting within the protocols
17 of their delegation authority are immune from liability for any
18 action performed in the course of their delegation duties.

19 (viii) Nursing task delegation protocols are not intended to
20 regulate the settings in which delegation may occur, but are intended
21 to ensure that nursing care services have a consistent standard of
22 practice upon which the public and the profession may rely, and to
23 safeguard the authority of the nurse to make independent professional
24 decisions regarding the delegation of a task.

25 (f) The nursing care quality assurance commission may adopt rules
26 to implement this section.

27 (4) Only a person licensed as a registered nurse may instruct
28 nurses in technical subjects pertaining to nursing.

29 (5) Only a person licensed as a registered nurse may hold herself
30 or himself out to the public or designate herself or himself as a
31 registered nurse.

32 **Sec. 19.** RCW 18.79.270 and 2012 c 13 s 4 are each amended to
33 read as follows:

34 A licensed practical nurse under his or her license may perform
35 nursing care, as that term is usually understood, of the ill,
36 injured, or infirm, and in the course thereof may, under the
37 direction of a licensed physician and surgeon, osteopathic physician
38 and surgeon, dentist, naturopathic physician, podiatric physician and
39 surgeon, physician assistant, (~~osteopathic physician assistant,~~)

1 advanced registered nurse practitioner, or midwife acting under the
2 scope of his or her license, or at the direction and under the
3 supervision of a registered nurse, administer drugs, medications,
4 treatments, tests, injections, and inoculations, whether or not the
5 piercing of tissues is involved and whether or not a degree of
6 independent judgment and skill is required, when selected to do so by
7 one of the licensed practitioners designated in this section, or by a
8 registered nurse who need not be physically present; if the order
9 given is reduced to writing within a reasonable time and made a part
10 of the patient's record. Such direction must be for acts within the
11 scope of licensed practical nurse practice.

12 **Sec. 20.** RCW 18.89.020 and 2011 c 235 s 1 are each reenacted and
13 amended to read as follows:

14 Unless the context clearly requires otherwise, the definitions in
15 this section apply throughout this chapter.

16 (1) "Department" means the department of health.

17 (2) "Health care practitioner" means:

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

19 (b) An osteopathic physician or surgeon licensed under chapter
20 18.57 RCW; or

21 (c) Acting within the scope of their respective licensure, a
22 podiatric physician and surgeon licensed under chapter 18.22 RCW, an
23 advanced registered nurse practitioner licensed under chapter 18.79
24 RCW, a naturopath licensed under chapter 18.36A RCW, or a physician
25 assistant licensed under chapter 18.71A RCW (~~(, or an osteopathic~~
26 ~~physician assistant licensed under chapter 18.57A RCW)~~).

27 (3) "Respiratory care practitioner" means an individual licensed
28 under this chapter.

29 (4) "Secretary" means the secretary of health or the secretary's
30 designee.

31 **Sec. 21.** RCW 18.100.050 and 2001 c 251 s 29 are each amended to
32 read as follows:

33 (1) An individual or group of individuals duly licensed or
34 otherwise legally authorized to render the same professional services
35 within this state may organize and become a shareholder or
36 shareholders of a professional corporation for pecuniary profit under
37 the provisions of Title 23B RCW for the purpose of rendering
38 professional service. One or more of the legally authorized

1 individuals shall be the incorporators of the professional
2 corporation.

3 (2) Notwithstanding any other provision of this chapter,
4 registered architects and registered engineers may own stock in and
5 render their individual professional services through one
6 professional service corporation.

7 (3) Licensed health care professionals, providing services to
8 enrolled participants either directly or through arrangements with a
9 health maintenance organization registered under chapter 48.46 RCW or
10 federally qualified health maintenance organization, may own stock in
11 and render their individual professional services through one
12 professional service corporation.

13 (4) Professionals may organize a nonprofit nonstock corporation
14 under this chapter and chapter 24.03 RCW to provide professional
15 services, and the provisions of this chapter relating to stock and
16 referring to Title 23B RCW shall not apply to any such corporation.

17 (5)(a) Notwithstanding any other provision of this chapter,
18 health care professionals who are licensed or certified pursuant to
19 chapters 18.06, 18.225, 18.22, 18.25, 18.29, 18.34, 18.35, 18.36A,
20 18.50, 18.53, 18.55, 18.57, (~~(18.57A,)~~) 18.64, 18.71, 18.71A, 18.79,
21 18.83, 18.89, 18.108, and 18.138 RCW may own stock in and render
22 their individual professional services through one professional
23 service corporation and are to be considered, for the purpose of
24 forming a professional service corporation, as rendering the "same
25 specific professional services" or "same professional services" or
26 similar terms.

27 (b) Notwithstanding any other provision of this chapter, health
28 care professionals who are regulated under chapters 18.59 and 18.74
29 RCW may own stock in and render their individual professional
30 services through one professional service corporation formed for the
31 sole purpose of providing professional services within their
32 respective scope of practice.

33 (c) Formation of a professional service corporation under this
34 subsection does not restrict the application of the uniform
35 disciplinary act under chapter 18.130 RCW, or applicable health care
36 professional statutes under Title 18 RCW, including but not limited
37 to restrictions on persons practicing a health profession without
38 being appropriately credentialed and persons practicing beyond the
39 scope of their credential.

1 **Sec. 22.** RCW 18.120.020 and 2019 c 308 s 17 are each amended to
2 read as follows:

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

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

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

16 (3) "Grandfather clause" means a provision in a regulatory
17 statute applicable to practitioners actively engaged in the regulated
18 health profession prior to the effective date of the regulatory
19 statute which exempts the practitioners from meeting the prerequisite
20 qualifications set forth in the regulatory statute to perform
21 prescribed occupational 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
30 funeral directing under chapter 18.39 RCW; midwifery under chapter
31 18.50 RCW; nursing home administration under chapter 18.52 RCW;
32 optometry under chapters 18.53 and 18.54 RCW; ocularists under
33 chapter 18.55 RCW; osteopathic medicine and surgery under
34 ((~~chapters~~)) chapter 18.57 ((~~and 18.57A~~)) RCW; pharmacy under
35 chapters 18.64 and 18.64A RCW; medicine under chapters 18.71 and
36 18.71A RCW; emergency medicine under chapter 18.73 RCW; physical
37 therapy under chapter 18.74 RCW; practical nurses under chapter 18.79
38 RCW; psychologists under chapter 18.83 RCW; registered nurses under
39 chapter 18.79 RCW; occupational therapists licensed under chapter
40 18.59 RCW; respiratory care practitioners licensed under chapter

1 18.89 RCW; veterinarians and veterinary technicians under chapter
2 18.92 RCW; massage therapists under chapter 18.108 RCW;
3 acupuncturists or acupuncture and Eastern medicine practitioners
4 licensed under chapter 18.06 RCW; persons registered under chapter
5 18.19 RCW; persons licensed as mental health counselors, marriage and
6 family therapists, and social workers under chapter 18.225 RCW;
7 dietitians and nutritionists certified by chapter 18.138 RCW;
8 radiologic technicians under chapter 18.84 RCW; nursing assistants
9 registered or certified under chapter 18.88A RCW; reflexologists
10 certified under chapter 18.108 RCW; medical assistants-certified,
11 medical assistants-hemodialysis technician, medical assistants-
12 phlebotomist, forensic phlebotomist, and medical assistants-
13 registered certified and registered under chapter 18.360 RCW; and
14 licensed behavior analysts, licensed assistant behavior analysts, and
15 certified behavior technicians under chapter 18.380 RCW.

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

20 (6) "Legislative committees of reference" means the standing
21 legislative committees designated by the respective rules committees
22 of 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
26 the state in the absence of the permission. A license is granted to
27 those individuals who meet prerequisite qualifications to perform
28 prescribed health professional tasks and for the use of a particular
29 title.

30 (8) "Practitioner" means an individual who (a) has achieved
31 knowledge and skill by practice, and (b) is actively engaged in a
32 specified health profession.

33 (9) "Professional license" means an individual, nontransferable
34 authorization to carry on a health activity based on qualifications
35 which include: (a) Graduation from an accredited or approved program,
36 and (b) acceptable performance on a qualifying examination or series
37 of examinations.

38 (10) "Public member" means an individual who is not, and never
39 was, a member of the health profession being regulated or the spouse
40 of a member, or an individual who does not have and never has had a

1 material financial interest in either the rendering of the health
2 professional service being regulated or an activity directly related
3 to the profession being regulated.

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

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

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

18 **Sec. 23.** RCW 18.130.040 and 2019 c 444 s 11, 2019 c 308 s 18,
19 and 2019 c 55 s 7 are each reenacted and amended to read as follows:

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

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

27 (i) Dispensing opticians licensed and designated apprentices
28 under chapter 18.34 RCW;

29 (ii) Midwives licensed under chapter 18.50 RCW;

30 (iii) Ocularists licensed under chapter 18.55 RCW;

31 (iv) Massage therapists and businesses licensed under chapter
32 18.108 RCW;

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

34 (vi) Acupuncturists or acupuncture and Eastern medicine
35 practitioners licensed under chapter 18.06 RCW;

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

38 (viii) Respiratory care practitioners licensed under chapter
39 18.89 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) Dietitians and nutritionists certified under chapter
13 18.138 RCW;

14 (xiv) Substance use disorder professionals, substance use
15 disorder professional trainees, or co-occurring disorder specialists
16 certified under chapter 18.205 RCW;

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

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

21 (xvii) Orthotists and prosthetists licensed under chapter 18.200
22 RCW;

23 (xviii) Surgical technologists registered under chapter 18.215
24 RCW;

25 (xix) Recreational therapists under chapter 18.230 RCW;

26 (xx) Animal massage therapists certified under chapter 18.240
27 RCW;

28 (xxi) Athletic trainers licensed under chapter 18.250 RCW;

29 (xxii) Home care aides certified under chapter 18.88B RCW;

30 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;

31 (xxiv) Reflexologists certified under chapter 18.108 RCW;

32 (xxv) Medical assistants-certified, medical assistants-
33 hemodialysis technician, medical assistants-phlebotomist, forensic
34 phlebotomist, and medical assistants-registered certified and
35 registered under chapter 18.360 RCW; and

36 (xxvi) Behavior analysts, assistant behavior analysts, and
37 behavior technicians under chapter 18.380 RCW.

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

- 1 (i) The podiatric medical board as established in chapter 18.22
2 RCW;
- 3 (ii) The chiropractic quality assurance commission as established
4 in chapter 18.25 RCW;
- 5 (iii) The dental quality assurance commission as established in
6 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
7 licenses and registrations issued under chapter 18.260 RCW, and
8 certifications issued under chapter 18.350 RCW;
- 9 (iv) The board of hearing and speech as established in chapter
10 18.35 RCW;
- 11 (v) The board of examiners for nursing home administrators as
12 established in chapter 18.52 RCW;
- 13 (vi) The optometry board as established in chapter 18.54 RCW
14 governing licenses issued under chapter 18.53 RCW;
- 15 (vii) The board of osteopathic medicine and surgery as
16 established in chapter 18.57 RCW governing licenses issued under
17 (~~chapters~~) chapter 18.57 (~~and 18.57A~~) RCW;
- 18 (viii) The pharmacy quality assurance commission as established
19 in chapter 18.64 RCW governing licenses issued under chapters 18.64
20 and 18.64A RCW;
- 21 (ix) The Washington medical commission as established in chapter
22 18.71 RCW governing licenses and registrations issued under chapters
23 18.71 and 18.71A RCW;
- 24 (x) The board of physical therapy as established in chapter 18.74
25 RCW;
- 26 (xi) The board of occupational therapy practice as established in
27 chapter 18.59 RCW;
- 28 (xii) The nursing care quality assurance commission as
29 established in chapter 18.79 RCW governing licenses and registrations
30 issued under that chapter;
- 31 (xiii) The examining board of psychology and its disciplinary
32 committee as established in chapter 18.83 RCW;
- 33 (xiv) The veterinary board of governors as established in chapter
34 18.92 RCW;
- 35 (xv) The board of naturopathy established in chapter 18.36A RCW;
36 and
- 37 (xvi) The board of denturists established in chapter 18.30 RCW.
- 38 (3) In addition to the authority to discipline license holders,
39 the disciplining authority has the authority to grant or deny

1 licenses. The disciplining authority may also grant a license subject
2 to conditions.

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

7 **Sec. 24.** RCW 18.130.410 and 2017 c 336 s 9 are each amended to
8 read as follows:

9 It is not professional misconduct for a physician licensed under
10 chapter 18.71 RCW; osteopathic physician licensed under chapter 18.57
11 RCW; registered nurse, licensed practical nurse, or advanced
12 registered nurse practitioner licensed under chapter 18.79 RCW;
13 physician assistant licensed under chapter 18.71A RCW; (~~osteopathic~~
14 ~~physician assistant licensed under chapter 18.57A RCW;~~) advanced
15 emergency medical technician or paramedic certified under chapter
16 18.71 RCW; or medical assistant-certified, medical assistant-
17 phlebotomist, or forensic phlebotomist certified under chapter 18.360
18 RCW, or person holding another credential under Title 18 RCW whose
19 scope of practice includes performing venous blood draws, or
20 hospital, or duly licensed clinical laboratory employing or utilizing
21 services of such licensed or certified health care provider, to
22 collect a blood sample without a person's consent when the physician
23 licensed under chapter 18.71 RCW; osteopathic physician licensed
24 under chapter 18.57 RCW; registered nurse, licensed practical nurse,
25 or advanced registered nurse practitioner licensed under chapter
26 18.79 RCW; physician assistant licensed under chapter 18.71A RCW;
27 (~~osteopathic physician assistant licensed under chapter 18.57A~~
28 ~~RCW;~~) advanced emergency medical technician or paramedic certified
29 under chapter 18.71 RCW; or medical assistant-certified, medical
30 assistant-phlebotomist, or forensic phlebotomist certified under
31 chapter 18.360 RCW, or person holding another credential under Title
32 18 RCW whose scope of practice includes performing venous blood
33 draws, or hospital, or duly licensed clinical laboratory employing or
34 utilizing services of such licensed or certified health care provider
35 withdrawing blood was directed by a law enforcement officer to do so
36 for the purpose of a blood test under the provisions of a search
37 warrant or exigent circumstances: PROVIDED, That nothing in this
38 section shall relieve a physician licensed under chapter 18.71 RCW;
39 osteopathic physician licensed under chapter 18.57 RCW; registered

1 nurse, licensed practical nurse, or advanced registered nurse
2 practitioner licensed under chapter 18.79 RCW; physician assistant
3 licensed under chapter 18.71A RCW; (~~osteopathic physician assistant~~
4 ~~licensed under chapter 18.57A RCW;~~) advanced emergency medical
5 technician or paramedic certified under chapter 18.71 RCW; or medical
6 assistant-certified, medical assistant-phlebotomist, or forensic
7 phlebotomist certified under chapter 18.360 RCW, or person holding
8 another credential under Title 18 RCW whose scope of practice
9 includes performing venous blood draws, or hospital, or duly licensed
10 clinical laboratory employing or utilizing services of such licensed
11 or certified health care provider withdrawing blood from professional
12 discipline arising from the use of improper procedures or from
13 failing to exercise the required standard of care.

14 **Sec. 25.** RCW 18.250.010 and 2019 c 308 s 19 are each amended to
15 read as follows:

16 The definitions in this section apply throughout this chapter
17 unless the context clearly requires otherwise.

18 (1) "Athlete" means a person who participates in exercise,
19 recreation, sport, or games requiring physical strength,
20 range-of-motion, flexibility, body awareness and control, speed,
21 stamina, or agility, and the exercise, recreation, sports, or games
22 are of a type conducted in association with an educational
23 institution or professional, amateur, or recreational sports club or
24 organization.

25 (2) "Athletic injury" means an injury or condition sustained by
26 an athlete that affects the person's participation or performance in
27 exercise, recreation, sport, or games and the injury or condition is
28 within the professional preparation and education of an athletic
29 trainer.

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

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

36 (i) Risk management and prevention of athletic injuries through
37 preactivity screening and evaluation, educational programs, physical
38 conditioning and reconditioning programs, application of commercial

1 products, use of protective equipment, promotion of healthy
2 behaviors, and reduction of environmental risks;

3 (ii) Recognition, evaluation, and assessment of athletic injuries
4 by obtaining a history of the athletic injury, inspection and
5 palpation of the injured part and associated structures, and
6 performance of specific testing techniques related to stability and
7 function to determine the extent of an injury;

8 (iii) Immediate care of athletic injuries, including emergency
9 medical situations through the application of first-aid and emergency
10 procedures and techniques for nonlife-threatening or life-threatening
11 athletic injuries;

12 (iv) Treatment, rehabilitation, and reconditioning of athletic
13 injuries through the application of physical agents and modalities,
14 therapeutic activities and exercise, standard reassessment techniques
15 and procedures, commercial products, and educational programs, in
16 accordance with guidelines established with a licensed health care
17 provider as provided in RCW 18.250.070;

18 (v) Treatment, rehabilitation, and reconditioning of work-related
19 injuries through the application of physical agents and modalities,
20 therapeutic activities and exercise, standard reassessment techniques
21 and procedures, commercial products, and educational programs, under
22 the direct supervision of and in accordance with a plan of care for
23 an individual worker established by a provider authorized to provide
24 physical medicine and rehabilitation services for injured workers;
25 and

26 (vi) Referral of an athlete to an appropriately licensed health
27 care provider if the athletic injury requires further definitive care
28 or the injury or condition is outside an athletic trainer's scope of
29 practice, in accordance with RCW 18.250.070.

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

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

33 (ii) Orthotic or prosthetic services with the exception of
34 evaluation, measurement, fitting, and adjustment of temporary,
35 prefabricated or direct-formed orthosis as defined in chapter 18.200
36 RCW;

37 (iii) The practice of occupational therapy as defined in chapter
38 18.59 RCW;

39 (iv) The practice of acupuncture and Eastern medicine as defined
40 in chapter 18.06 RCW;

- 1 (v) Any medical diagnosis; and
2 (vi) Prescribing legend drugs or controlled substances, or
3 surgery.
4 (5) "Committee" means the athletic training advisory committee.
5 (6) "Department" means the department of health.
6 (7) "Licensed health care provider" means a physician, physician
7 assistant, osteopathic physician, (~~osteopathic physician~~
8 ~~assistant,~~) advanced registered nurse practitioner, naturopath,
9 physical therapist, chiropractor, dentist, massage therapist,
10 acupuncturist, occupational therapist, or podiatric physician and
11 surgeon.
12 (8) "Secretary" means the secretary of health or the secretary's
13 designee.

14 **Sec. 26.** RCW 18.360.010 and 2017 c 336 s 14 are each reenacted
15 and amended to read as follows:

16 The definitions in this section apply throughout this chapter
17 unless the context clearly requires otherwise.

18 (1) "Administer" means the retrieval of medication, and its
19 application to a patient, as authorized in RCW 18.360.050.

20 (2) "Delegation" means direct authorization granted by a licensed
21 health care practitioner to a medical assistant to perform the
22 functions authorized in this chapter which fall within the scope of
23 practice of the health care provider and the training and experience
24 of the medical assistant.

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

26 (4) "Forensic phlebotomist" means a police officer, law
27 enforcement officer, or employee of a correctional facility or
28 detention facility, who is certified under this chapter and meets any
29 additional training and proficiency standards of his or her employer
30 to collect a venous blood sample for forensic testing pursuant to a
31 search warrant, a waiver of the warrant requirement, or exigent
32 circumstances.

33 (5) "Health care practitioner" means:

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

35 (b) An osteopathic physician and surgeon licensed under chapter
36 18.57 RCW; or

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

1 under chapter 18.79 RCW, a naturopath licensed under chapter 18.36A
2 RCW, a physician assistant licensed under chapter 18.71A RCW, (~~an~~
3 ~~osteopathic physician assistant licensed under chapter 18.57A RCW,~~)
4 or an optometrist licensed under chapter 18.53 RCW.

5 (6) "Medical assistant-certified" means a person certified under
6 RCW 18.360.040 who assists a health care practitioner with patient
7 care, executes administrative and clinical procedures, and performs
8 functions as provided in RCW 18.360.050 under the supervision of the
9 health care practitioner.

10 (7) "Medical assistant-hemodialysis technician" means a person
11 certified under RCW 18.360.040 who performs hemodialysis and other
12 functions pursuant to RCW 18.360.050 under the supervision of a
13 health care practitioner.

14 (8) "Medical assistant-phlebotomist" means a person certified
15 under RCW 18.360.040 who performs capillary, venous, and arterial
16 invasive procedures for blood withdrawal and other functions pursuant
17 to RCW 18.360.050 under the supervision of a health care
18 practitioner.

19 (9) "Medical assistant-registered" means a person registered
20 under RCW 18.360.040 who, pursuant to an endorsement by a health care
21 practitioner, clinic, or group practice, assists a health care
22 practitioner with patient care, executes administrative and clinical
23 procedures, and performs functions as provided in RCW 18.360.050
24 under the supervision of the health care practitioner.

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

26 (11) "Supervision" means supervision of procedures permitted
27 pursuant to this chapter by a health care practitioner who is
28 physically present and is immediately available in the facility. The
29 health care practitioner does not need to be present during
30 procedures to withdraw blood, but must be immediately available.

31 **Sec. 27.** RCW 28A.210.090 and 2019 c 362 s 2 are each amended to
32 read as follows:

33 (1) Any child shall be exempt in whole or in part from the
34 immunization measures required by RCW 28A.210.060 through 28A.210.170
35 upon the presentation of any one or more of the certifications
36 required by this section, on a form prescribed by the department of
37 health:

38 (a) A written certification signed by a health care practitioner
39 that a particular vaccine required by rule of the state board of

1 health is, in his or her judgment, not advisable for the child:
2 PROVIDED, That when it is determined that this particular vaccine is
3 no longer contraindicated, the child will be required to have the
4 vaccine;

5 (b) A written certification signed by any parent or legal
6 guardian of the child or any adult in loco parentis to the child that
7 the religious beliefs of the signator are contrary to the required
8 immunization measures; or

9 (c) A written certification signed by any parent or legal
10 guardian of the child or any adult in loco parentis to the child that
11 the signator has either a philosophical or personal objection to the
12 immunization of the child. A philosophical or personal objection may
13 not be used to exempt a child from the measles, mumps, and rubella
14 vaccine.

15 (2) (a) The form presented on or after July 22, 2011, must include
16 a statement to be signed by a health care practitioner stating that
17 he or she provided the signator with information about the benefits
18 and risks of immunization to the child. The form may be signed by a
19 health care practitioner at any time prior to the enrollment of the
20 child in a school or licensed day care. Photocopies of the signed
21 form or a letter from the health care practitioner referencing the
22 child's name shall be accepted in lieu of the original form.

23 (b) A health care practitioner who, in good faith, signs the
24 statement provided for in (a) of this subsection is immune from civil
25 liability for providing the signature.

26 (c) Any parent or legal guardian of the child or any adult in
27 loco parentis to the child who exempts the child due to religious
28 beliefs pursuant to subsection (1)(b) of this section is not required
29 to have the form provided for in (a) of this subsection signed by a
30 health care practitioner if the parent or legal guardian demonstrates
31 membership in a religious body or a church in which the religious
32 beliefs or teachings of the church preclude a health care
33 practitioner from providing medical treatment to the child.

34 (3) For purposes of this section, "health care practitioner"
35 means a physician licensed under chapter 18.71 or 18.57 RCW, a
36 naturopath licensed under chapter 18.36A RCW, a physician assistant
37 licensed under chapter 18.71A (~~or 18.57A~~) RCW, or an advanced
38 registered nurse practitioner licensed under chapter 18.79 RCW.

1 **Sec. 28.** RCW 43.70.110 and 2019 c 308 s 21 and 2019 c 140 s 1
2 are each reenacted and amended to read as follows:

3 (1) The secretary shall charge fees to the licensee for obtaining
4 a license. Physicians regulated pursuant to chapter 18.71 RCW who
5 reside and practice in Washington and obtain or renew a retired
6 active license are exempt from such fees. Municipal corporations
7 providing emergency medical care and transportation services pursuant
8 to chapter 18.73 RCW shall be exempt from such fees, provided that
9 such other emergency services shall only be charged for their pro
10 rata share of the cost of licensure and inspection, if appropriate.
11 The secretary may waive the fees when, in the discretion of the
12 secretary, the fees would not be in the best interest of public
13 health and safety, or when the fees would be to the financial
14 disadvantage of the state.

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

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

21 (a) For registered nurses and licensed practical nurses licensed
22 under chapter 18.79 RCW, support of a central nursing resource center
23 as provided in RCW 18.79.202;

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

27 (c) For physicians licensed under chapter 18.71 RCW, physician
28 assistants licensed under chapter 18.71A RCW, osteopathic physicians
29 licensed under chapter 18.57 RCW, (~~osteopathic physicians~~
30 ~~assistants licensed under chapter 18.57A RCW,~~) naturopaths licensed
31 under chapter 18.36A RCW, podiatrists licensed under chapter 18.22
32 RCW, chiropractors licensed under chapter 18.25 RCW, psychologists
33 licensed under chapter 18.83 RCW, registered nurses and licensed
34 practical nurses licensed under chapter 18.79 RCW, optometrists
35 licensed under chapter 18.53 RCW, mental health counselors licensed
36 under chapter 18.225 RCW, massage therapists licensed under chapter
37 18.108 RCW, advanced social workers licensed under chapter 18.225
38 RCW, independent clinical social workers and independent clinical
39 social worker associates licensed under chapter 18.225 RCW, midwives
40 licensed under chapter 18.50 RCW, marriage and family therapists and

1 marriage and family therapist associates licensed under chapter
2 18.225 RCW, occupational therapists and occupational therapy
3 assistants licensed under chapter 18.59 RCW, dietitians and
4 nutritionists certified under chapter 18.138 RCW, speech-language
5 pathologists licensed under chapter 18.35 RCW, acupuncturists or
6 acupuncture and Eastern medicine practitioners licensed under chapter
7 18.06 RCW, and veterinarians and veterinary technicians licensed
8 under chapter 18.92 RCW, the license fees shall include up to an
9 additional twenty-five dollars to be transferred by the department to
10 the University of Washington for the purposes of RCW 43.70.112.

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

14 **Sec. 29.** RCW 43.70.220 and 1994 sp.s. c 9 s 727 are each amended
15 to read as follows:

16 The powers and duties of the department of licensing and the
17 director of licensing under the following statutes are hereby
18 transferred to the department of health and the secretary of health:
19 Chapters 18.06, 18.19, 18.22, 18.25, 18.29, 18.32, 18.34, 18.35,
20 18.36A, 18.50, 18.52, 18.52C, 18.53, 18.54, 18.55, 18.57, (~~18.57A~~),
21 18.59, 18.71, 18.71A, 18.74, 18.83, 18.84, 18.79, 18.89, 18.92,
22 18.108, (~~18.135~~) and 18.138 RCW. More specifically, the health
23 professions regulatory programs and services presently administered
24 by the department of licensing are hereby transferred to the
25 department of health.

26 **Sec. 30.** RCW 43.70.442 and 2019 c 444 s 13 and 2019 c 358 s 5
27 are each reenacted and amended to read as follows:

28 (1)(a) Each of the following professionals certified or licensed
29 under Title 18 RCW shall, at least once every six years, complete
30 training in suicide assessment, treatment, and management that is
31 approved, in rule, by the relevant disciplining authority:

- 32 (i) An adviser or counselor certified under chapter 18.19 RCW;
33 (ii) A substance use disorder professional licensed under chapter
34 18.205 RCW;
35 (iii) A marriage and family therapist licensed under chapter
36 18.225 RCW;
37 (iv) A mental health counselor licensed under chapter 18.225 RCW;

1 (v) An occupational therapy practitioner licensed under chapter
2 18.59 RCW;

3 (vi) A psychologist licensed under chapter 18.83 RCW;

4 (vii) An advanced social worker or independent clinical social
5 worker licensed under chapter 18.225 RCW; and

6 (viii) A social worker associate—advanced or social worker
7 associate—independent clinical licensed under chapter 18.225 RCW.

8 (b) The requirements in (a) of this subsection apply to a person
9 holding a retired active license for one of the professions in (a) of
10 this subsection.

11 (c) The training required by this subsection must be at least six
12 hours in length, unless a disciplining authority has determined,
13 under subsection (10)(b) of this section, that training that includes
14 only screening and referral elements is appropriate for the
15 profession in question, in which case the training must be at least
16 three hours in length.

17 (d) Beginning July 1, 2017, the training required by this
18 subsection must be on the model list developed under subsection (6)
19 of this section. Nothing in this subsection (1)(d) affects the
20 validity of training completed prior to July 1, 2017.

21 (2)(a) Except as provided in (b) of this subsection, a
22 professional listed in subsection (1)(a) of this section must
23 complete the first training required by this section by the end of
24 the first full continuing education reporting period after January 1,
25 2014, or during the first full continuing education reporting period
26 after initial licensure or certification, whichever occurs later.

27 (b) A professional listed in subsection (1)(a) of this section
28 applying for initial licensure may delay completion of the first
29 training required by this section for six years after initial
30 licensure if he or she can demonstrate successful completion of the
31 training required in subsection (1) of this section no more than six
32 years prior to the application for initial licensure.

33 (3) The hours spent completing training in suicide assessment,
34 treatment, and management under this section count toward meeting any
35 applicable continuing education or continuing competency requirements
36 for each profession.

37 (4)(a) A disciplining authority may, by rule, specify minimum
38 training and experience that is sufficient to exempt an individual
39 professional from the training requirements in subsections (1) and
40 (5) of this section. Nothing in this subsection (4)(a) allows a

1 disciplining authority to provide blanket exemptions to broad
2 categories or specialties within a profession.

3 (b) A disciplining authority may exempt a professional from the
4 training requirements of subsections (1) and (5) of this section if
5 the professional has only brief or limited patient contact.

6 (5)(a) Each of the following professionals credentialed under
7 Title 18 RCW shall complete a one-time training in suicide
8 assessment, treatment, and management that is approved by the
9 relevant disciplining authority:

10 (i) A chiropractor licensed under chapter 18.25 RCW;

11 (ii) A naturopath licensed under chapter 18.36A RCW;

12 (iii) A licensed practical nurse, registered nurse, or advanced
13 registered nurse practitioner, other than a certified registered
14 nurse anesthetist, licensed under chapter 18.79 RCW;

15 (iv) An osteopathic physician and surgeon licensed under chapter
16 18.57 RCW, other than a holder of a postgraduate osteopathic medicine
17 and surgery license issued under RCW 18.57.035;

18 ~~(v) ((An osteopathic physician assistant licensed under chapter
19 18.57A RCW;~~

20 ~~(vi))~~ A physical therapist or physical therapist assistant
21 licensed under chapter 18.74 RCW;

22 ~~((vii))~~ (vi) A physician licensed under chapter 18.71 RCW,
23 other than a resident holding a limited license issued under RCW
24 18.71.095(3);

25 ~~((viii))~~ (vii) A physician assistant licensed under chapter
26 18.71A RCW;

27 ~~((ix))~~ (viii) A pharmacist licensed under chapter 18.64 RCW;

28 ~~((x))~~ (ix) A dentist licensed under chapter 18.32 RCW;

29 ~~((xi))~~ (x) A dental hygienist licensed under chapter 18.29 RCW;

30 ~~((xii))~~ (xi) An athletic trainer licensed under chapter 18.250
31 RCW; and

32 ~~((xiii))~~ (xii) A person holding a retired active license for
33 one of the professions listed in (a)(i) through ~~((xii))~~ (xi) of
34 this subsection.

35 (b)(i) A professional listed in (a)(i) through ~~((viii))~~ (vii)
36 of this subsection or a person holding a retired active license for
37 one of the professions listed in (a)(i) through ~~((viii))~~ (vii) of
38 this subsection must complete the one-time training by the end of the
39 first full continuing education reporting period after January 1,
40 2016, or during the first full continuing education reporting period

1 after initial licensure, whichever is later. Training completed
2 between June 12, 2014, and January 1, 2016, that meets the
3 requirements of this section, other than the timing requirements of
4 this subsection (5)(b), must be accepted by the disciplining
5 authority as meeting the one-time training requirement of this
6 subsection (5).

7 (ii) A licensed pharmacist or a person holding a retired active
8 pharmacist license must complete the one-time training by the end of
9 the first full continuing education reporting period after January 1,
10 2017, or during the first full continuing education reporting period
11 after initial licensure, whichever is later.

12 (iii) A licensed dentist, a licensed dental hygienist, or a
13 person holding a retired active license as a dentist shall complete
14 the one-time training by the end of the full continuing education
15 reporting period after August 1, 2020, or during the first full
16 continuing education reporting period after initial licensure,
17 whichever is later. Training completed between July 23, 2017, and
18 August 1, 2020, that meets the requirements of this section, other
19 than the timing requirements of this subsection (5)(b)(iii), must be
20 accepted by the disciplining authority as meeting the one-time
21 training requirement of this subsection (5).

22 (c) The training required by this subsection must be at least six
23 hours in length, unless a disciplining authority has determined,
24 under subsection (10)(b) of this section, that training that includes
25 only screening and referral elements is appropriate for the
26 profession in question, in which case the training must be at least
27 three hours in length.

28 (d) Beginning July 1, 2017, the training required by this
29 subsection must be on the model list developed under subsection (6)
30 of this section. Nothing in this subsection (5)(d) affects the
31 validity of training completed prior to July 1, 2017.

32 (6)(a) The secretary and the disciplining authorities shall work
33 collaboratively to develop a model list of training programs in
34 suicide assessment, treatment, and management.

35 (b) The secretary and the disciplining authorities shall update
36 the list at least once every two years.

37 (c) By June 30, 2016, the department shall adopt rules
38 establishing minimum standards for the training programs included on
39 the model list. The minimum standards must require that six-hour
40 trainings include content specific to veterans and the assessment of

1 issues related to imminent harm via lethal means or self-injurious
2 behaviors and that three-hour trainings for pharmacists or dentists
3 include content related to the assessment of issues related to
4 imminent harm via lethal means. When adopting the rules required
5 under this subsection (6)(c), the department shall:

6 (i) Consult with the affected disciplining authorities, public
7 and private institutions of higher education, educators, experts in
8 suicide assessment, treatment, and management, the Washington
9 department of veterans affairs, and affected professional
10 associations; and

11 (ii) Consider standards related to the best practices registry of
12 the American foundation for suicide prevention and the suicide
13 prevention resource center.

14 (d) Beginning January 1, 2017:

15 (i) The model list must include only trainings that meet the
16 minimum standards established in the rules adopted under (c) of this
17 subsection and any three-hour trainings that met the requirements of
18 this section on or before July 24, 2015;

19 (ii) The model list must include six-hour trainings in suicide
20 assessment, treatment, and management, and three-hour trainings that
21 include only screening and referral elements; and

22 (iii) A person or entity providing the training required in this
23 section may petition the department for inclusion on the model list.
24 The department shall add the training to the list only if the
25 department determines that the training meets the minimum standards
26 established in the rules adopted under (c) of this subsection.

27 (7) The department shall provide the health profession training
28 standards created in this section to the professional educator
29 standards board as a model in meeting the requirements of RCW
30 28A.410.226 and provide technical assistance, as requested, in the
31 review and evaluation of educator training programs. The educator
32 training programs approved by the professional educator standards
33 board may be included in the department's model list.

34 (8) Nothing in this section may be interpreted to expand or limit
35 the scope of practice of any profession regulated under chapter
36 18.130 RCW.

37 (9) The secretary and the disciplining authorities affected by
38 this section shall adopt any rules necessary to implement this
39 section.

40 (10) For purposes of this section:

1 (a) "Disciplining authority" has the same meaning as in RCW
2 18.130.020.

3 (b) "Training in suicide assessment, treatment, and management"
4 means empirically supported training approved by the appropriate
5 disciplining authority that contains the following elements: Suicide
6 assessment, including screening and referral, suicide treatment, and
7 suicide management. However, the disciplining authority may approve
8 training that includes only screening and referral elements if
9 appropriate for the profession in question based on the profession's
10 scope of practice. The board of occupational therapy may also approve
11 training that includes only screening and referral elements if
12 appropriate for occupational therapy practitioners based on practice
13 setting.

14 (11) A state or local government employee is exempt from the
15 requirements of this section if he or she receives a total of at
16 least six hours of training in suicide assessment, treatment, and
17 management from his or her employer every six years. For purposes of
18 this subsection, the training may be provided in one six-hour block
19 or may be spread among shorter training sessions at the employer's
20 discretion.

21 (12) An employee of a community mental health agency licensed
22 under chapter 71.24 RCW or a chemical dependency program certified
23 under chapter 71.24 RCW is exempt from the requirements of this
24 section if he or she receives a total of at least six hours of
25 training in suicide assessment, treatment, and management from his or
26 her employer every six years. For purposes of this subsection, the
27 training may be provided in one six-hour block or may be spread among
28 shorter training sessions at the employer's discretion.

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

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

36 (1) The participating health care provider associated with the
37 clinic shall hold a valid license to practice as a physician under
38 chapter 18.71 or 18.57 RCW, a naturopath under chapter 18.36A RCW, a
39 physician assistant under chapter 18.71A (~~or 18.57A~~) RCW, an

1 advanced registered nurse practitioner under chapter 18.79 RCW, a
2 dentist under chapter 18.32 RCW, or other health professionals as may
3 be deemed in short supply by the department. All health care
4 providers must be in conformity with current requirements for
5 licensure, including continuing education requirements;

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

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

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

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

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

34 **Sec. 32.** RCW 46.19.010 and 2017 c 112 s 1 are each amended to
35 read as follows:

36 (1) A natural person who has a disability that meets one of the
37 following criteria may apply for special parking privileges:

38 (a) Cannot walk two hundred feet without stopping to rest;

1 (b) Is severely limited in ability to walk due to arthritic,
2 neurological, or orthopedic condition;

3 (c) Has such a severe disability that the person cannot walk
4 without the use of or assistance from a brace, cane, another person,
5 prosthetic device, wheelchair, or other assistive device;

6 (d) Uses portable oxygen;

7 (e) Is restricted by lung disease to an extent that forced
8 expiratory respiratory volume, when measured by spirometry, is less
9 than one liter per second or the arterial oxygen tension is less than
10 sixty mm/hg on room air at rest;

11 (f) Impairment by cardiovascular disease or cardiac condition to
12 the extent that the person's functional limitations are classified as
13 class III or IV under standards accepted by the American heart
14 association;

15 (g) Has a disability resulting from an acute sensitivity to
16 automobile emissions that limits or impairs the ability to walk. The
17 personal physician, advanced registered nurse practitioner, or
18 physician assistant of the applicant shall document that the
19 disability is comparable in severity to the others listed in this
20 subsection;

21 (h) Has limited mobility and has no vision or whose vision with
22 corrective lenses is so limited that the person requires alternative
23 methods or skills to do efficiently those things that are ordinarily
24 done with sight by persons with normal vision;

25 (i) Has an eye condition of a progressive nature that may lead to
26 blindness; or

27 (j) Is restricted by a form of porphyria to the extent that the
28 applicant would significantly benefit from a decrease in exposure to
29 light.

30 (2) The disability must be determined by either:

31 (a) A licensed physician;

32 (b) An advanced registered nurse practitioner licensed under
33 chapter 18.79 RCW; or

34 (c) A physician assistant licensed under chapter 18.71A (~~or~~
35 ~~18.57A~~) RCW.

36 (3) A health care practitioner listed under subsection (2) of
37 this section who is authorizing a parking permit for purposes of this
38 chapter must provide a signed written authorization: On a
39 prescription pad or paper, as defined in RCW 18.64.500; on office

1 letterhead; or by electronic means, as described by the director in
2 rule.

3 (4) The application for special parking privileges for persons
4 with disabilities must contain:

5 (a) The following statement immediately below the physician's,
6 advanced registered nurse practitioner's, or physician assistant's
7 signature: "A parking permit for a person with disabilities may be
8 issued only for a medical necessity that severely affects mobility or
9 involves acute sensitivity to light (RCW 46.19.010). An applicant or
10 health care practitioner who knowingly provides false information on
11 this application is guilty of a gross misdemeanor. The penalty is up
12 to three hundred sixty-four days in jail and a fine of up to \$5,000
13 or both. In addition, the health care practitioner may be subject to
14 sanctions under chapter 18.130 RCW, the Uniform Disciplinary Act";
15 and

16 (b) Other information as required by the department.

17 (5) A natural person who has a disability described in subsection
18 (1) of this section and is expected to improve within twelve months
19 may be issued a temporary placard for a period not to exceed twelve
20 months. If the disability exists after twelve months, a new temporary
21 placard must be issued upon receipt of a new application with
22 certification from the person's physician as prescribed in
23 subsections (3) and (4) of this section. Special license plates for
24 persons with disabilities may not be issued to a person with a
25 temporary disability.

26 (6) A natural person who qualifies for special parking privileges
27 under this section must receive an identification card showing the
28 name and date of birth of the person to whom the parking privilege
29 has been issued and the serial number of the placard.

30 (7) A natural person who qualifies for permanent special parking
31 privileges under this section may receive one of the following:

32 (a) Up to two parking placards;

33 (b) One set of special license plates for persons with
34 disabilities if the person with the disability is the registered
35 owner of the vehicle on which the license plates will be displayed;

36 (c) One parking placard and one set of special license plates for
37 persons with disabilities if the person with the disability is the
38 registered owner of the vehicle on which the license plates will be
39 displayed; or

1 (d) One special parking year tab for persons with disabilities
2 and one parking placard.

3 (8) Parking placards and identification cards described in this
4 section must be issued free of charge.

5 (9) The parking placard and identification card must be
6 immediately returned to the department upon the placard holder's
7 death.

8 **Sec. 33.** RCW 46.61.506 and 2017 c 336 s 7 are each amended to
9 read as follows:

10 (1) Upon the trial of any civil or criminal action or proceeding
11 arising out of acts alleged to have been committed by any person
12 while driving or in actual physical control of a vehicle while under
13 the influence of intoxicating liquor or any drug, if the person's
14 alcohol concentration is less than 0.08 or the person's THC
15 concentration is less than 5.00, it is evidence that may be
16 considered with other competent evidence in determining whether the
17 person was under the influence of intoxicating liquor or any drug.

18 (2)(a) The breath analysis of the person's alcohol concentration
19 shall be based upon grams of alcohol per two hundred ten liters of
20 breath.

21 (b) The blood analysis of the person's THC concentration shall be
22 based upon nanograms per milliliter of whole blood.

23 (c) The foregoing provisions of this section shall not be
24 construed as limiting the introduction of any other competent
25 evidence bearing upon the question whether the person was under the
26 influence of intoxicating liquor or any drug.

27 (3) Analysis of the person's blood or breath to be considered
28 valid under the provisions of this section or RCW 46.61.502 or
29 46.61.504 shall have been performed according to methods approved by
30 the state toxicologist and by an individual possessing a valid permit
31 issued by the state toxicologist for this purpose. The state
32 toxicologist is directed to approve satisfactory techniques or
33 methods, to supervise the examination of individuals to ascertain
34 their qualifications and competence to conduct such analyses, and to
35 issue permits which shall be subject to termination or revocation at
36 the discretion of the state toxicologist.

37 (4)(a) A breath test performed by any instrument approved by the
38 state toxicologist shall be admissible at trial or in an

1 administrative proceeding if the prosecution or department produces
2 prima facie evidence of the following:

3 (i) The person who performed the test was authorized to perform
4 such test by the state toxicologist;

5 (ii) The person being tested did not vomit or have anything to
6 eat, drink, or smoke for at least fifteen minutes prior to
7 administration of the test;

8 (iii) The person being tested did not have any foreign
9 substances, not to include dental work or piercings, fixed or
10 removable, in his or her mouth at the beginning of the fifteen-minute
11 observation period;

12 (iv) Prior to the start of the test, the temperature of any
13 liquid simulator solution utilized as an external standard, as
14 measured by a thermometer approved of by the state toxicologist was
15 thirty-four degrees centigrade plus or minus 0.3 degrees centigrade;

16 (v) The internal standard test resulted in the message
17 "verified";

18 (vi) The two breath samples agree to within plus or minus ten
19 percent of their mean to be determined by the method approved by the
20 state toxicologist;

21 (vii) The result of the test of the liquid simulator solution
22 external standard or dry gas external standard result did lie
23 between .072 to .088 inclusive; and

24 (viii) All blank tests gave results of .000.

25 (b) For purposes of this section, "prima facie evidence" is
26 evidence of sufficient circumstances that would support a logical and
27 reasonable inference of the facts sought to be proved. In assessing
28 whether there is sufficient evidence of the foundational facts, the
29 court or administrative tribunal is to assume the truth of the
30 prosecution's or department's evidence and all reasonable inferences
31 from it in a light most favorable to the prosecution or department.

32 (c) Nothing in this section shall be deemed to prevent the
33 subject of the test from challenging the reliability or accuracy of
34 the test, the reliability or functioning of the instrument, or any
35 maintenance procedures. Such challenges, however, shall not preclude
36 the admissibility of the test once the prosecution or department has
37 made a prima facie showing of the requirements contained in (a) of
38 this subsection. Instead, such challenges may be considered by the
39 trier of fact in determining what weight to give to the test result.

1 (5) When a blood test is administered under the provisions of RCW
2 46.20.308, the withdrawal of blood for the purpose of determining its
3 alcohol or drug content may be performed only by a physician licensed
4 under chapter 18.71 RCW; an osteopathic physician licensed under
5 chapter 18.57 RCW; a registered nurse, licensed practical nurse, or
6 advanced registered nurse practitioner licensed under chapter 18.79
7 RCW; a physician assistant licensed under chapter 18.71A RCW; (~~an~~
8 ~~osteopathic physician assistant licensed under chapter 18.57A RCW;~~)
9 an advanced emergency medical technician or paramedic certified under
10 chapter 18.71 RCW; or a medical assistant-certified or medical
11 assistant-phlebotomist certified under chapter 18.360 RCW, a person
12 holding another credential under Title 18 RCW whose scope of practice
13 includes performing venous blood draws, or a forensic phlebotomist
14 certified under chapter 18.360 RCW. When the blood test is performed
15 outside the state of Washington, the withdrawal of blood for the
16 purpose of determining its alcohol or drug content may be performed
17 by any person who is authorized by the out-of-state jurisdiction to
18 perform venous blood draws. Proof of qualification to draw blood may
19 be established through the department of health's provider credential
20 search. This limitation shall not apply to the taking of breath
21 specimens.

22 (6) When a venous blood sample is performed by a forensic
23 phlebotomist certified under chapter 18.360 RCW, it must be done
24 under the following conditions:

25 (a) If taken at the scene, it must be performed in an ambulance
26 or aid service vehicle licensed by the department of health under
27 chapter 18.73 RCW.

28 (b) The collection of blood samples must not interfere with the
29 provision of essential medical care.

30 (c) The blood sample must be collected using sterile equipment
31 and the skin area of puncture must be thoroughly cleansed and
32 disinfected.

33 (d) The person whose blood is collected must be seated, reclined,
34 or lying down when the blood is collected.

35 (7) The person tested may have a licensed or certified health
36 care provider listed in subsection (5) of this section, or a
37 qualified technician, chemist, or other qualified person of his or
38 her own choosing administer one or more tests in addition to any
39 administered at the direction of a law enforcement officer. The test
40 will be admissible if the person establishes the general

1 acceptability of the testing technique or method. The failure or
2 inability to obtain an additional test by a person shall not preclude
3 the admission of evidence relating to the test or tests taken at the
4 direction of a law enforcement officer.

5 (8) Upon the request of the person who shall submit to a test or
6 tests at the request of a law enforcement officer, full information
7 concerning the test or tests shall be made available to him or her or
8 his or her attorney.

9 **Sec. 34.** RCW 46.61.508 and 2017 c 336 s 8 are each amended to
10 read as follows:

11 No physician licensed under chapter 18.71 RCW; osteopathic
12 physician licensed under chapter 18.57 RCW; registered nurse,
13 licensed practical nurse, or advanced registered nurse practitioner
14 licensed under chapter 18.79 RCW; physician assistant licensed under
15 chapter 18.71A RCW; (~~osteopathic physician assistant licensed under~~
16 ~~chapter 18.57A RCW;~~) advanced emergency medical technician or
17 paramedic certified under chapter 18.71 RCW; or medical assistant-
18 certified or medical assistant-phlebotomist certified under chapter
19 18.360 RCW, person holding another credential under Title 18 RCW
20 whose scope of practice includes performing venous blood draws, or
21 forensic phlebotomist certified under chapter 18.360 RCW, or
22 hospital, or duly licensed clinical laboratory employing or utilizing
23 services of such licensed or certified health care provider, shall
24 incur any civil or criminal liability as a result of the act of
25 withdrawing blood from any person when directed by a law enforcement
26 officer to do so for the purpose of a blood test under the provisions
27 of a search warrant, a waiver of the search warrant requirement,
28 exigent circumstances, or any other authority of law: PROVIDED, That
29 nothing in this section shall relieve such licensed or certified
30 health care provider, hospital or duly licensed clinical laboratory,
31 or forensic phlebotomist from civil liability arising from the use of
32 improper procedures or failing to exercise the required standard of
33 care.

34 **Sec. 35.** RCW 48.42.100 and 2000 c 7 s 1 are each amended to read
35 as follows:

36 (1) For purposes of this section, health care carriers includes
37 disability insurers regulated under chapter 48.20 or 48.21 RCW,
38 health care services contractors regulated under chapter 48.44 RCW,

1 health maintenance organizations regulated under chapter 48.46 RCW,
2 plans operating under the health care authority under chapter 41.05
3 RCW, the state health insurance pool operating under chapter 48.41
4 RCW, and insuring entities regulated under chapter 48.43 RCW.

5 (2) For purposes of this section and consistent with their lawful
6 scopes of practice, types of health care practitioners that provide
7 women's health care services shall include, but need not be limited
8 by a health care carrier to, the following: Any generally recognized
9 medical specialty of practitioners licensed under chapter 18.57 or
10 18.71 RCW who provides women's health care services; practitioners
11 licensed under (~~chapters 18.57A and~~) chapter 18.71A RCW when
12 providing women's health care services; midwives licensed under
13 chapter 18.50 RCW; and advanced registered nurse practitioner
14 specialists in women's health and midwifery under chapter 18.79 RCW.

15 (3) For purposes of this section, women's health care services
16 shall include, but need not be limited by a health care carrier to,
17 the following: Maternity care; reproductive health services;
18 gynecological care; general examination; and preventive care as
19 medically appropriate and medically appropriate follow-up visits for
20 the services listed in this subsection.

21 (4) Health care carriers shall ensure that enrolled female
22 patients have direct access to timely and appropriate covered women's
23 health care services from the type of health care practitioner of
24 their choice in accordance with subsection (5) of this section.

25 (5) (a) Health care carrier policies, plans, and programs written,
26 amended, or renewed after July 23, 1995, shall provide women patients
27 with direct access to the type of health care practitioner of their
28 choice for appropriate covered women's health care services without
29 the necessity of prior referral from another type of health care
30 practitioner.

31 (b) Health care carriers may comply with this section by
32 including all the types of health care practitioners listed in this
33 section for women's health care services for women patients.

34 (c) Nothing in this section shall prevent health care carriers
35 from restricting women patients to seeing only health care
36 practitioners who have signed participating provider agreements with
37 the health care carrier.

38 **Sec. 36.** RCW 48.43.094 and 2015 c 237 s 1 are each amended to
39 read as follows:

1 (1) For health plans issued or renewed on or after January 1,
2 2017:

3 (a) Benefits shall not be denied for any health care service
4 performed by a pharmacist licensed under chapter 18.64 RCW if:

5 (i) The service performed was within the lawful scope of such
6 person's license;

7 (ii) The plan would have provided benefits if the service had
8 been performed by a physician licensed under chapter 18.71 or 18.57
9 RCW, an advanced registered nurse practitioner licensed under chapter
10 18.79 RCW, or a physician's assistant licensed under chapter 18.71A
11 (~~or 18.57A~~) RCW; and

12 (iii) The pharmacist is included in the plan's network of
13 participating providers; and

14 (b) The health plan must include an adequate number of
15 pharmacists in its network of participating medical providers.

16 (2) The participation of pharmacies in the plan network's drug
17 benefit does not satisfy the requirement that plans include
18 pharmacists in their networks of participating medical providers.

19 (3) For health benefit plans issued or renewed on or after
20 January 1, 2016, but before January 1, 2017, health plans that
21 delegate credentialing agreements to contracted health care
22 facilities must accept credentialing for pharmacists employed or
23 contracted by those facilities. Health plans must reimburse
24 facilities for covered services provided by network pharmacists
25 within the pharmacists' scope of practice per negotiations with the
26 facility.

27 (4) This section does not supersede the requirements of RCW
28 48.43.045.

29 **Sec. 37.** RCW 48.43.115 and 2003 c 248 s 14 are each amended to
30 read as follows:

31 (1) The legislature recognizes the role of health care providers
32 as the appropriate authority to determine and establish the delivery
33 of quality health care services to maternity patients and their newly
34 born children. It is the intent of the legislature to recognize
35 patient preference and the clinical sovereignty of providers as they
36 make determinations regarding services provided and the length of
37 time individual patients may need to remain in a health care facility
38 after giving birth. It is not the intent of the legislature to
39 diminish a carrier's ability to utilize managed care strategies but

1 to ensure the clinical judgment of the provider is not undermined by
2 restrictive carrier contracts or utilization review criteria that
3 fail to recognize individual postpartum needs.

4 (2) Unless otherwise specifically provided, the following
5 definitions apply throughout this section:

6 (a) "Attending provider" means a provider who: Has clinical
7 hospital privileges consistent with RCW 70.43.020; is included in a
8 provider network of the carrier that is providing coverage; and is a
9 physician licensed under chapter 18.57 or 18.71 RCW, a certified
10 nurse midwife licensed under chapter 18.79 RCW, a midwife licensed
11 under chapter 18.50 RCW, a physician's assistant licensed under
12 chapter ((~~18.57A or~~) 18.71A RCW, or an advanced registered nurse
13 practitioner licensed under chapter 18.79 RCW.

14 (b) "Health carrier" or "carrier" means disability insurers
15 regulated under chapter 48.20 or 48.21 RCW, health care services
16 contractors regulated under chapter 48.44 RCW, health maintenance
17 organizations regulated under chapter 48.46 RCW, plans operating
18 under the health care authority under chapter 41.05 RCW, the state
19 health insurance pool operating under chapter 48.41 RCW, and insuring
20 entities regulated under this chapter.

21 (3)(a) Every health carrier that provides coverage for maternity
22 services must permit the attending provider, in consultation with the
23 mother, to make decisions on the length of inpatient stay, rather
24 than making such decisions through contracts or agreements between
25 providers, hospitals, and insurers. These decisions must be based on
26 accepted medical practice.

27 (b) Covered eligible services may not be denied for inpatient,
28 postdelivery care to a mother and her newly born child after a
29 vaginal delivery or a cesarean section delivery for such care as
30 ordered by the attending provider in consultation with the mother.

31 (c) At the time of discharge, determination of the type and
32 location of follow-up care must be made by the attending provider in
33 consultation with the mother rather than by contract or agreement
34 between the hospital and the insurer. These decisions must be based
35 on accepted medical practice.

36 (d) Covered eligible services may not be denied for follow-up
37 care, including in-person care, as ordered by the attending provider
38 in consultation with the mother. Coverage for providers of follow-up
39 services must include, but need not be limited to, attending
40 providers as defined in this section, home health agencies licensed

1 under chapter 70.127 RCW, and registered nurses licensed under
2 chapter 18.79 RCW.

3 (e) This section does not require attending providers to
4 authorize care they believe to be medically unnecessary.

5 (f) Coverage for the newly born child must be no less than the
6 coverage of the child's mother for no less than three weeks, even if
7 there are separate hospital admissions.

8 (4) A carrier that provides coverage for maternity services may
9 not deselect, terminate the services of, require additional
10 documentation from, require additional utilization review of, reduce
11 payments to, or otherwise provide financial disincentives to any
12 attending provider or health care facility solely as a result of the
13 attending provider or health care facility ordering care consistent
14 with this section. This section does not prevent any insurer from
15 reimbursing an attending provider or health care facility on a
16 capitated, case rate, or other financial incentive basis.

17 (5) Every carrier that provides coverage for maternity services
18 must provide notice to policyholders regarding the coverage required
19 under this section. The notice must be in writing and must be
20 transmitted at the earliest of the next mailing to the policyholder,
21 the yearly summary of benefits sent to the policyholder, or January 1
22 of the year following June 6, 1996.

23 (6) This section does not establish a standard of medical care.

24 (7) This section applies to coverage for maternity services under
25 a contract issued or renewed by a health carrier after June 6, 1996,
26 and applies to plans operating under the health care authority under
27 chapter 41.05 RCW beginning January 1, 1998.

28 **Sec. 38.** RCW 51.04.030 and 2011 c 290 s 1 are each amended to
29 read as follows:

30 (1) The director shall supervise the providing of prompt and
31 efficient care and treatment, including care provided by physician
32 assistants governed by the provisions of (~~chapters 18.57A and~~)
33 chapter 18.71A RCW, acting under a supervising physician, including
34 chiropractic care, and including care provided by licensed advanced
35 registered nurse practitioners, to workers injured during the course
36 of their employment at the least cost consistent with promptness and
37 efficiency, without discrimination or favoritism, and with as great
38 uniformity as the various and diverse surrounding circumstances and
39 locations of industries will permit and to that end shall, from time

1 to time, establish and adopt and supervise the administration of
2 printed forms, rules, regulations, and practices for the furnishing
3 of such care and treatment: PROVIDED, That the medical coverage
4 decisions of the department do not constitute a "rule" as used in RCW
5 34.05.010(16), nor are such decisions subject to the rule-making
6 provisions of chapter 34.05 RCW except that criteria for establishing
7 medical coverage decisions shall be adopted by rule after
8 consultation with the workers' compensation advisory committee
9 established in RCW 51.04.110: PROVIDED FURTHER, That the department
10 may recommend to an injured worker particular health care services
11 and providers where specialized treatment is indicated or where cost-
12 effective payment levels or rates are obtained by the department: AND
13 PROVIDED FURTHER, That the department may enter into contracts for
14 goods and services including, but not limited to, durable medical
15 equipment so long as statewide access to quality service is
16 maintained for injured workers.

17 (2) The director shall, in consultation with interested persons,
18 establish and, in his or her discretion, periodically change as may
19 be necessary, and make available a fee schedule of the maximum
20 charges to be made by any physician, surgeon, chiropractor, hospital,
21 druggist, licensed advanced registered nurse practitioner,
22 physicians' assistants as defined in (~~chapters 18.57A and~~) chapter
23 18.71A RCW, acting under a supervising physician or other agency or
24 person rendering services to injured workers. The department shall
25 coordinate with other state purchasers of health care services to
26 establish as much consistency and uniformity in billing and coding
27 practices as possible, taking into account the unique requirements
28 and differences between programs. No service covered under this
29 title, including services provided to injured workers, whether aliens
30 or other injured workers, who are not residing in the United States
31 at the time of receiving the services, shall be charged or paid at a
32 rate or rates exceeding those specified in such fee schedule, and no
33 contract providing for greater fees shall be valid as to the excess.
34 The establishment of such a schedule, exclusive of conversion
35 factors, does not constitute "agency action" as used in RCW
36 34.05.010(3), nor does such a fee schedule and its associated billing
37 or payment instructions and policies constitute a "rule" as used in
38 RCW 34.05.010(16).

39 (3) The director or self-insurer, as the case may be, shall make
40 a record of the commencement of every disability and the termination

1 thereof and, when bills are rendered for the care and treatment of
2 injured workers, shall approve and pay those which conform to the
3 adopted rules, regulations, established fee schedules, and practices
4 of the director and may reject any bill or item thereof incurred in
5 violation of the principles laid down in this section or the rules,
6 regulations, or the established fee schedules and rules and
7 regulations adopted under it.

8 **Sec. 39.** RCW 51.28.100 and 2007 c 263 s 1 are each amended to
9 read as follows:

10 The department shall accept the signature of a physician
11 assistant on any certificate, card, form, or other documentation
12 required by the department that the physician assistant's supervising
13 physician or physicians may sign, provided that it is within the
14 physician assistant's scope of practice, and is consistent with the
15 terms of the physician assistant's practice ((~~arrangement plan~~))
16 agreement as required by ((~~chapters 18.57A and~~)) chapter 18.71A RCW.
17 Consistent with the terms of this section, the authority of a
18 physician assistant to sign such certificates, cards, forms, or other
19 documentation includes, but is not limited to, the execution of the
20 certificate required in RCW 51.28.020. A physician assistant may not
21 rate a worker's permanent partial disability under RCW 51.32.055.

22 **Sec. 40.** RCW 69.41.010 and 2019 c 358 s 6 and 2019 c 308 s 23
23 are each reenacted and amended to read as follows:

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

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

29 (a) A practitioner; or

30 (b) The patient or research subject at the direction of the
31 practitioner.

32 (2) "Commission" means the pharmacy quality assurance commission.

33 (3) "Community-based care settings" include: Community
34 residential programs for persons with developmental disabilities,
35 certified by the department of social and health services under
36 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128
37 RCW; and assisted living facilities licensed under chapter 18.20 RCW.

1 Community-based care settings do not include acute care or skilled
2 nursing facilities.

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

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

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

11 (7) "Dispenser" means a practitioner who dispenses.

12 (8) "Distribute" means to deliver other than by administering or
13 dispensing a legend drug.

14 (9) "Distributor" means a person who distributes.

15 (10) "Drug" means:

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

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

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

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

29 (11) "Electronic communication of prescription information" means
30 the transmission of a prescription or refill authorization for a drug
31 of a practitioner using computer systems. The term does not include a
32 prescription or refill authorization transmitted verbally by
33 telephone nor a facsimile manually signed by the practitioner.

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

38 (13) "Legend drugs" means any drugs which are required by state
39 law or regulation of the pharmacy quality assurance commission to be

1 dispensed on prescription only or are restricted to use by
2 practitioners only.

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

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

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

26 (17) "Practitioner" means:

27 (a) A physician under chapter 18.71 RCW, an osteopathic physician
28 or an osteopathic physician and surgeon under chapter 18.57 RCW, a
29 dentist under chapter 18.32 RCW, a podiatric physician and surgeon
30 under chapter 18.22 RCW, an acupuncturist or acupuncture and Eastern
31 medicine practitioner to the extent authorized under chapter 18.06
32 RCW and the rules adopted under RCW 18.06.010(1)(j), a veterinarian
33 under chapter 18.92 RCW, a registered nurse, advanced registered
34 nurse practitioner, or licensed practical nurse under chapter 18.79
35 RCW, an optometrist under chapter 18.53 RCW who is certified by the
36 optometry board under RCW 18.53.010, (~~an osteopathic physician
37 assistant under chapter 18.57A RCW,~~) a physician assistant under
38 chapter 18.71A RCW, a naturopath licensed under chapter 18.36A RCW, a
39 licensed athletic trainer to the extent authorized under chapter
40 18.250 RCW, a pharmacist under chapter 18.64 RCW, or, when acting

1 under the required supervision of a dentist licensed under chapter
2 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW;

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

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

11 (18) "Secretary" means the secretary of health or the secretary's
12 designee.

13 **Sec. 41.** RCW 69.41.030 and 2019 c 55 s 9 are each amended to
14 read as follows:

15 (1) It shall be unlawful for any person to sell, deliver, or
16 possess any legend drug except upon the order or prescription of a
17 physician under chapter 18.71 RCW, an osteopathic physician and
18 surgeon under chapter 18.57 RCW, an optometrist licensed under
19 chapter 18.53 RCW who is certified by the optometry board under RCW
20 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician
21 and surgeon under chapter 18.22 RCW, a veterinarian under chapter
22 18.92 RCW, a commissioned medical or dental officer in the United
23 States armed forces or public health service in the discharge of his
24 or her official duties, a duly licensed physician or dentist employed
25 by the veterans administration in the discharge of his or her
26 official duties, a registered nurse or advanced registered nurse
27 practitioner under chapter 18.79 RCW when authorized by the nursing
28 care quality assurance commission, a pharmacist licensed under
29 chapter 18.64 RCW to the extent permitted by drug therapy guidelines
30 or protocols established under RCW 18.64.011 and authorized by the
31 commission and approved by a practitioner authorized to prescribe
32 drugs, (~~(an osteopathic physician assistant under chapter 18.57A RCW
33 when authorized by the board of osteopathic medicine and surgery,~~)
34 a physician assistant under chapter 18.71A RCW when authorized by the
35 Washington medical commission, or any of the following professionals
36 in any province of Canada that shares a common border with the state
37 of Washington or in any state of the United States: A physician
38 licensed to practice medicine and surgery or a physician licensed to
39 practice osteopathic medicine and surgery, a dentist licensed to

1 practice dentistry, a podiatric physician and surgeon licensed to
2 practice podiatric medicine and surgery, a licensed advanced
3 registered nurse practitioner, a licensed physician assistant, ((
4 ~~licensed osteopathic physician assistant,~~) or a veterinarian
5 licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the
6 above provisions shall not apply to sale, delivery, or possession by
7 drug wholesalers or drug manufacturers, or their agents or employees,
8 or to any practitioner acting within the scope of his or her license,
9 or to a common or contract carrier or warehouse operator, or any
10 employee thereof, whose possession of any legend drug is in the usual
11 course of business or employment: PROVIDED FURTHER, That nothing in
12 this chapter or chapter 18.64 RCW shall prevent a family planning
13 clinic that is under contract with the health care authority from
14 selling, delivering, possessing, and dispensing commercially
15 prepackaged oral contraceptives prescribed by authorized, licensed
16 health care practitioners: PROVIDED FURTHER, That nothing in this
17 chapter prohibits possession or delivery of legend drugs by an
18 authorized collector or other person participating in the operation
19 of a drug take-back program authorized in chapter 69.48 RCW.

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

23 (b) A violation of this section involving possession is a
24 misdemeanor.

25 **Sec. 42.** RCW 69.45.010 and 2019 c 55 s 10 are each amended to
26 read as follows:

27 The definitions in this section apply throughout this chapter.

28 (1) "Commission" means the pharmacy quality assurance commission.

29 (2) "Controlled substance" means a drug, substance, or immediate
30 precursor of such drug or substance, so designated under or pursuant
31 to chapter 69.50 RCW, the uniform controlled substances act.

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

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

36 (5) "Dispense" means the interpretation of a prescription or
37 order for a drug, biological, or device and, pursuant to that
38 prescription or order, the proper selection, measuring, compounding,

1 labeling, or packaging necessary to prepare that prescription or
2 order for delivery.

3 (6) "Distribute" means to deliver, other than by administering or
4 dispensing, a legend drug.

5 (7) "Drug samples" means any federal food and drug administration
6 approved controlled substance, legend drug, or products requiring
7 prescriptions in this state, which is distributed at no charge to a
8 practitioner by a manufacturer or a manufacturer's representative,
9 exclusive of drugs under clinical investigations approved by the
10 federal food and drug administration.

11 (8) "Legend drug" means any drug that is required by state law or
12 by regulations of the commission to be dispensed on prescription only
13 or is restricted to use by practitioners only.

14 (9) "Manufacturer" means a person or other entity engaged in the
15 manufacture or distribution of drugs or devices, but does not include
16 a manufacturer's representative.

17 (10) "Manufacturer's representative" means an agent or employee
18 of a drug manufacturer who is authorized by the drug manufacturer to
19 possess drug samples for the purpose of distribution in this state to
20 appropriately authorized health care practitioners.

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

24 (12) "Practitioner" means a physician under chapter 18.71 RCW, an
25 osteopathic physician or an osteopathic physician and surgeon under
26 chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric
27 physician and surgeon under chapter 18.22 RCW, a veterinarian under
28 chapter 18.92 RCW, a pharmacist under chapter 18.64 RCW, a
29 commissioned medical or dental officer in the United States armed
30 forces or the public health service in the discharge of his or her
31 official duties, a duly licensed physician or dentist employed by the
32 veterans administration in the discharge of his or her official
33 duties, a registered nurse or advanced registered nurse practitioner
34 under chapter 18.79 RCW when authorized to prescribe by the nursing
35 care quality assurance commission, (~~(an osteopathic physician
36 assistant under chapter 18.57A RCW when authorized by the board of
37 osteopathic medicine and surgery,~~) or a physician assistant under
38 chapter 18.71A RCW when authorized by the Washington medical
39 commission.

1 (13) "Reasonable cause" means a state of facts found to exist
2 that would warrant a reasonably intelligent and prudent person to
3 believe that a person has violated state or federal drug laws or
4 regulations.

5 (14) "Secretary" means the secretary of health or the secretary's
6 designee.

7 **Sec. 43.** RCW 69.50.101 and 2019 c 394 s 9, 2019 c 158 s 12, and
8 2019 c 55 s 11 are each reenacted and amended to read as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

11 (a) "Administer" means to apply a controlled substance, whether
12 by injection, inhalation, ingestion, or any other means, directly to
13 the body of a patient or research subject by:

14 (1) a practitioner authorized to prescribe (or, by the
15 practitioner's authorized agent); or

16 (2) the patient or research subject at the direction and in the
17 presence of the practitioner.

18 (b) "Agent" means an authorized person who acts on behalf of or
19 at the direction of a manufacturer, distributor, or dispenser. It
20 does not include a common or contract carrier, public
21 warehouseperson, or employee of the carrier or warehouseperson.

22 (c) "Board" means the Washington state liquor and cannabis board.

23 (d) "CBD concentration" has the meaning provided in RCW
24 69.51A.010.

25 (e) "CBD product" means any product containing or consisting of
26 cannabidiol.

27 (f) "Commission" means the pharmacy quality assurance commission.

28 (g) "Controlled substance" means a drug, substance, or immediate
29 precursor included in Schedules I through V as set forth in federal
30 or state laws, or federal or commission rules, but does not include
31 hemp or industrial hemp as defined in RCW 15.140.020.

32 (h)(1) "Controlled substance analog" means a substance the
33 chemical structure of which is substantially similar to the chemical
34 structure of a controlled substance in Schedule I or II and:

35 (i) that has a stimulant, depressant, or hallucinogenic effect on
36 the central nervous system substantially similar to the stimulant,
37 depressant, or hallucinogenic effect on the central nervous system of
38 a controlled substance included in Schedule I or II; or

1 (ii) with respect to a particular individual, that the individual
2 represents or intends to have a stimulant, depressant, or
3 hallucinogenic effect on the central nervous system substantially
4 similar to the stimulant, depressant, or hallucinogenic effect on the
5 central nervous system of a controlled substance included in Schedule
6 I or II.

7 (2) The term does not include:

8 (i) a controlled substance;

9 (ii) a substance for which there is an approved new drug
10 application;

11 (iii) a substance with respect to which an exemption is in effect
12 for investigational use by a particular person under Section 505 of
13 the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or
14 chapter 69.77 RCW to the extent conduct with respect to the substance
15 is pursuant to the exemption; or

16 (iv) any substance to the extent not intended for human
17 consumption before an exemption takes effect with respect to the
18 substance.

19 (i) "Deliver" or "delivery" means the actual or constructive
20 transfer from one person to another of a substance, whether or not
21 there is an agency relationship.

22 (j) "Department" means the department of health.

23 (k) "Designated provider" has the meaning provided in RCW
24 69.51A.010.

25 (l) "Dispense" means the interpretation of a prescription or
26 order for a controlled substance and, pursuant to that prescription
27 or order, the proper selection, measuring, compounding, labeling, or
28 packaging necessary to prepare that prescription or order for
29 delivery.

30 (m) "Dispenser" means a practitioner who dispenses.

31 (n) "Distribute" means to deliver other than by administering or
32 dispensing a controlled substance.

33 (o) "Distributor" means a person who distributes.

34 (p) "Drug" means (1) a controlled substance recognized as a drug
35 in the official United States pharmacopoeia/national formulary or the
36 official homeopathic pharmacopoeia of the United States, or any
37 supplement to them; (2) controlled substances intended for use in the
38 diagnosis, cure, mitigation, treatment, or prevention of disease in
39 individuals or animals; (3) controlled substances (other than food)
40 intended to affect the structure or any function of the body of

1 individuals or animals; and (4) controlled substances intended for
2 use as a component of any article specified in (1), (2), or (3) of
3 this subsection. The term does not include devices or their
4 components, parts, or accessories.

5 (q) "Drug enforcement administration" means the drug enforcement
6 administration in the United States Department of Justice, or its
7 successor agency.

8 (r) "Electronic communication of prescription information" means
9 the transmission of a prescription or refill authorization for a drug
10 of a practitioner using computer systems. The term does not include a
11 prescription or refill authorization verbally transmitted by
12 telephone nor a facsimile manually signed by the practitioner.

13 (s) "Immature plant or clone" means a plant or clone that has no
14 flowers, is less than twelve inches in height, and is less than
15 twelve inches in diameter.

16 (t) "Immediate precursor" means a substance:

17 (1) that the commission has found to be and by rule designates as
18 being the principal compound commonly used, or produced primarily for
19 use, in the manufacture of a controlled substance;

20 (2) that is an immediate chemical intermediary used or likely to
21 be used in the manufacture of a controlled substance; and

22 (3) the control of which is necessary to prevent, curtail, or
23 limit the manufacture of the controlled substance.

24 (u) "Isomer" means an optical isomer, but in subsection (gg)(5)
25 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),
26 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and
27 (42), and 69.50.210(c) the term includes any positional isomer; and
28 in RCW 69.50.204(a) (35), 69.50.204(c), and 69.50.208(a) the term
29 includes any positional or geometric isomer.

30 (v) "Lot" means a definite quantity of marijuana, marijuana
31 concentrates, useable marijuana, or marijuana-infused product
32 identified by a lot number, every portion or package of which is
33 uniform within recognized tolerances for the factors that appear in
34 the labeling.

35 (w) "Lot number" must identify the licensee by business or trade
36 name and Washington state unified business identifier number, and the
37 date of harvest or processing for each lot of marijuana, marijuana
38 concentrates, useable marijuana, or marijuana-infused product.

39 (x) "Manufacture" means the production, preparation, propagation,
40 compounding, conversion, or processing of a controlled substance,

1 either directly or indirectly or by extraction from substances of
2 natural origin, or independently by means of chemical synthesis, or
3 by a combination of extraction and chemical synthesis, and includes
4 any packaging or repackaging of the substance or labeling or
5 relabeling of its container. The term does not include the
6 preparation, compounding, packaging, repackaging, labeling, or
7 relabeling of a controlled substance:

8 (1) by a practitioner as an incident to the practitioner's
9 administering or dispensing of a controlled substance in the course
10 of the practitioner's professional practice; or

11 (2) by a practitioner, or by the practitioner's authorized agent
12 under the practitioner's supervision, for the purpose of, or as an
13 incident to, research, teaching, or chemical analysis and not for
14 sale.

15 (y) "Marijuana" or "marihuana" means all parts of the plant
16 *Cannabis*, whether growing or not, with a THC concentration greater
17 than 0.3 percent on a dry weight basis; the seeds thereof; the resin
18 extracted from any part of the plant; and every compound,
19 manufacture, salt, derivative, mixture, or preparation of the plant,
20 its seeds or resin. The term does not include:

21 (1) The mature stalks of the plant, fiber produced from the
22 stalks, oil or cake made from the seeds of the plant, any other
23 compound, manufacture, salt, derivative, mixture, or preparation of
24 the mature stalks (except the resin extracted therefrom), fiber, oil,
25 or cake, or the sterilized seed of the plant which is incapable of
26 germination; or

27 (2) Hemp or industrial hemp as defined in RCW 15.140.020, seeds
28 used for licensed hemp production under chapter 15.140 RCW.

29 (z) "Marijuana concentrates" means products consisting wholly or
30 in part of the resin extracted from any part of the plant *Cannabis*
31 and having a THC concentration greater than ten percent.

32 (aa) "Marijuana processor" means a person licensed by the state
33 liquor and cannabis board to process marijuana into marijuana
34 concentrates, useable marijuana, and marijuana-infused products,
35 package and label marijuana concentrates, useable marijuana, and
36 marijuana-infused products for sale in retail outlets, and sell
37 marijuana concentrates, useable marijuana, and marijuana-infused
38 products at wholesale to marijuana retailers.

1 (bb) "Marijuana producer" means a person licensed by the state
2 liquor and cannabis board to produce and sell marijuana at wholesale
3 to marijuana processors and other marijuana producers.

4 (cc) "Marijuana products" means useable marijuana, marijuana
5 concentrates, and marijuana-infused products as defined in this
6 section.

7 (dd) "Marijuana researcher" means a person licensed by the state
8 liquor and cannabis board to produce, process, and possess marijuana
9 for the purposes of conducting research on marijuana and marijuana-
10 derived drug products.

11 (ee) "Marijuana retailer" means a person licensed by the state
12 liquor and cannabis board to sell marijuana concentrates, useable
13 marijuana, and marijuana-infused products in a retail outlet.

14 (ff) "Marijuana-infused products" means products that contain
15 marijuana or marijuana extracts, are intended for human use, are
16 derived from marijuana as defined in subsection (y) of this section,
17 and have a THC concentration no greater than ten percent. The term
18 "marijuana-infused products" does not include either useable
19 marijuana or marijuana concentrates.

20 (gg) "Narcotic drug" means any of the following, whether produced
21 directly or indirectly by extraction from substances of vegetable
22 origin, or independently by means of chemical synthesis, or by a
23 combination of extraction and chemical synthesis:

24 (1) Opium, opium derivative, and any derivative of opium or opium
25 derivative, including their salts, isomers, and salts of isomers,
26 whenever the existence of the salts, isomers, and salts of isomers is
27 possible within the specific chemical designation. The term does not
28 include the isoquinoline alkaloids of opium.

29 (2) Synthetic opiate and any derivative of synthetic opiate,
30 including their isomers, esters, ethers, salts, and salts of isomers,
31 esters, and ethers, whenever the existence of the isomers, esters,
32 ethers, and salts is possible within the specific chemical
33 designation.

34 (3) Poppy straw and concentrate of poppy straw.

35 (4) Coca leaves, except coca leaves and extracts of coca leaves
36 from which cocaine, ecgonine, and derivatives or ecgonine or their
37 salts have been removed.

38 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

39 (6) Cocaine base.

1 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
2 thereof.

3 (8) Any compound, mixture, or preparation containing any quantity
4 of any substance referred to in ~~((subparagraphs))~~ (1) through (7) of
5 this subsection.

6 (hh) "Opiate" means any substance having an addiction-forming or
7 addiction-sustaining liability similar to morphine or being capable
8 of conversion into a drug having addiction-forming or addiction-
9 sustaining liability. The term includes opium, substances derived
10 from opium (opium derivatives), and synthetic opiates. The term does
11 not include, unless specifically designated as controlled under RCW
12 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan
13 and its salts (dextromethorphan). The term includes the racemic and
14 levorotatory forms of dextromethorphan.

15 (ii) "Opium poppy" means the plant of the species *Papaver*
16 *somniferum* L., except its seeds.

17 (jj) "Person" means individual, corporation, business trust,
18 estate, trust, partnership, association, joint venture, government,
19 governmental subdivision or agency, or any other legal or commercial
20 entity.

21 (kk) "Plant" has the meaning provided in RCW 69.51A.010.

22 (ll) "Poppy straw" means all parts, except the seeds, of the
23 opium poppy, after mowing.

24 (mm) "Practitioner" means:

25 (1) A physician under chapter 18.71 RCW; a physician assistant
26 under chapter 18.71A RCW; an osteopathic physician and surgeon under
27 chapter 18.57 RCW; ~~((an osteopathic physician assistant under chapter~~
28 ~~18.57A RCW who is licensed under RCW 18.57A.020 subject to any~~
29 ~~limitations in RCW 18.57A.040;))~~ an optometrist licensed under
30 chapter 18.53 RCW who is certified by the optometry board under RCW
31 18.53.010 subject to any limitations in RCW 18.53.010; a dentist
32 under chapter 18.32 RCW; a podiatric physician and surgeon under
33 chapter 18.22 RCW; a veterinarian under chapter 18.92 RCW; a
34 registered nurse, advanced registered nurse practitioner, or licensed
35 practical nurse under chapter 18.79 RCW; a naturopathic physician
36 under chapter 18.36A RCW who is licensed under RCW 18.36A.030 subject
37 to any limitations in RCW 18.36A.040; a pharmacist under chapter
38 18.64 RCW or a scientific investigator under this chapter, licensed,
39 registered or otherwise permitted insofar as is consistent with those
40 licensing laws to distribute, dispense, conduct research with respect

1 to or administer a controlled substance in the course of their
2 professional practice or research in this state.

3 (2) A pharmacy, hospital or other institution licensed,
4 registered, or otherwise permitted to distribute, dispense, conduct
5 research with respect to or to administer a controlled substance in
6 the course of professional practice or research in this state.

7 (3) A physician licensed to practice medicine and surgery, a
8 physician licensed to practice osteopathic medicine and surgery, a
9 dentist licensed to practice dentistry, a podiatric physician and
10 surgeon licensed to practice podiatric medicine and surgery, a
11 licensed physician assistant or a licensed osteopathic physician
12 assistant specifically approved to prescribe controlled substances by
13 his or her state's medical commission or equivalent and his or her
14 supervising physician, an advanced registered nurse practitioner
15 licensed to prescribe controlled substances, or a veterinarian
16 licensed to practice veterinary medicine in any state of the United
17 States.

18 (nn) "Prescription" means an order for controlled substances
19 issued by a practitioner duly authorized by law or rule in the state
20 of Washington to prescribe controlled substances within the scope of
21 his or her professional practice for a legitimate medical purpose.

22 (oo) "Production" includes the manufacturing, planting,
23 cultivating, growing, or harvesting of a controlled substance.

24 (pp) "Qualifying patient" has the meaning provided in RCW
25 69.51A.010.

26 (qq) "Recognition card" has the meaning provided in RCW
27 69.51A.010.

28 (rr) "Retail outlet" means a location licensed by the state
29 liquor and cannabis board for the retail sale of marijuana
30 concentrates, useable marijuana, and marijuana-infused products.

31 (ss) "Secretary" means the secretary of health or the secretary's
32 designee.

33 (tt) "State," unless the context otherwise requires, means a
34 state of the United States, the District of Columbia, the
35 Commonwealth of Puerto Rico, or a territory or insular possession
36 subject to the jurisdiction of the United States.

37 (uu) "THC concentration" means percent of delta-9
38 tetrahydrocannabinol content per dry weight of any part of the plant
39 *Cannabis*, or per volume or weight of marijuana product, or the
40 combined percent of delta-9 tetrahydrocannabinol and

1 tetrahydrocannabinolic acid in any part of the plant *Cannabis*
2 regardless of moisture content.

3 (vv) "Ultimate user" means an individual who lawfully possesses a
4 controlled substance for the individual's own use or for the use of a
5 member of the individual's household or for administering to an
6 animal owned by the individual or by a member of the individual's
7 household.

8 (ww) "Useable marijuana" means dried marijuana flowers. The term
9 "useable marijuana" does not include either marijuana-infused
10 products or marijuana concentrates.

11 **Sec. 44.** RCW 69.51A.010 and 2015 c 70 s 17 are each reenacted
12 and amended to read as follows:

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

15 (1) (a) Until July 1, 2016, "authorization" means:

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

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

22 (b) Beginning July 1, 2016, "authorization" means a form
23 developed by the department that is completed and signed by a
24 qualifying patient's health care professional and printed on tamper-
25 resistant paper.

26 (c) An authorization is not a prescription as defined in RCW
27 69.50.101.

28 (2) "CBD concentration" means the percent of cannabidiol content
29 per dry weight of any part of the plant *Cannabis*, or per volume or
30 weight of marijuana product.

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

32 (4) "Designated provider" means a person who is twenty-one years
33 of age or older and:

34 (a) (i) Is the parent or guardian of a qualifying patient who is
35 under the age of eighteen and beginning July 1, 2016, holds a
36 recognition card; or

37 (ii) Has been designated in writing by a qualifying patient to
38 serve as the designated provider for that patient;

1 (b) (i) Has an authorization from the qualifying patient's health
2 care professional; or
3 (ii) Beginning July 1, 2016:
4 (A) Has been entered into the medical marijuana authorization
5 database as being the designated provider to a qualifying patient;
6 and
7 (B) Has been provided a recognition card;
8 (c) Is prohibited from consuming marijuana obtained for the
9 personal, medical use of the qualifying patient for whom the
10 individual is acting as designated provider;
11 (d) Provides marijuana to only the qualifying patient that has
12 designated him or her;
13 (e) Is in compliance with the terms and conditions of this
14 chapter; and
15 (f) Is the designated provider to only one patient at any one
16 time.
17 (5) "Health care professional," for purposes of this chapter
18 only, means a physician licensed under chapter 18.71 RCW, a physician
19 assistant licensed under chapter 18.71A RCW, an osteopathic physician
20 licensed under chapter 18.57 RCW, (~~(an osteopathic physicians'
21 assistant licensed under chapter 18.57A RCW,)~~) a naturopath licensed
22 under chapter 18.36A RCW, or an advanced registered nurse
23 practitioner licensed under chapter 18.79 RCW.
24 (6) "Housing unit" means a house, an apartment, a mobile home, a
25 group of rooms, or a single room that is occupied as separate living
26 quarters, in which the occupants live and eat separately from any
27 other persons in the building, and which have direct access from the
28 outside of the building or through a common hall.
29 (7) "Low THC, high CBD" means products determined by the
30 department to have a low THC, high CBD ratio under RCW 69.50.375. Low
31 THC, high CBD products must be inhalable, ingestible, or absorbable.
32 (8) "Marijuana" has the meaning provided in RCW 69.50.101.
33 (9) "Marijuana concentrates" has the meaning provided in RCW
34 69.50.101.
35 (10) "Marijuana processor" has the meaning provided in RCW
36 69.50.101.
37 (11) "Marijuana producer" has the meaning provided in RCW
38 69.50.101.
39 (12) "Marijuana retailer" has the meaning provided in RCW
40 69.50.101.

1 (13) "Marijuana retailer with a medical marijuana endorsement"
2 means a marijuana retailer that has been issued a medical marijuana
3 endorsement by the state liquor and cannabis board pursuant to RCW
4 69.50.375.

5 (14) "Marijuana-infused products" has the meaning provided in RCW
6 69.50.101.

7 (15) "Medical marijuana authorization database" means the secure
8 and confidential database established in RCW 69.51A.230.

9 (16) "Medical use of marijuana" means the manufacture,
10 production, possession, transportation, delivery, ingestion,
11 application, or administration of marijuana for the exclusive benefit
12 of a qualifying patient in the treatment of his or her terminal or
13 debilitating medical condition.

14 (17) "Plant" means a marijuana plant having at least three
15 distinguishable and distinct leaves, each leaf being at least three
16 centimeters in diameter, and a readily observable root formation
17 consisting of at least two separate and distinct roots, each being at
18 least two centimeters in length. Multiple stalks emanating from the
19 same root ball or root system is considered part of the same single
20 plant.

21 (18) "Public place" has the meaning provided in RCW 70.160.020.

22 (19) "Qualifying patient" means a person who:

23 (a) (i) Is a patient of a health care professional;

24 (ii) Has been diagnosed by that health care professional as
25 having a terminal or debilitating medical condition;

26 (iii) Is a resident of the state of Washington at the time of
27 such diagnosis;

28 (iv) Has been advised by that health care professional about the
29 risks and benefits of the medical use of marijuana;

30 (v) Has been advised by that health care professional that they
31 may benefit from the medical use of marijuana;

32 (vi) (A) Has an authorization from his or her health care
33 professional; or

34 (B) Beginning July 1, 2016, has been entered into the medical
35 marijuana authorization database and has been provided a recognition
36 card; and

37 (vii) Is otherwise in compliance with the terms and conditions
38 established in this chapter.

39 (b) "Qualifying patient" does not include a person who is
40 actively being supervised for a criminal conviction by a corrections

1 agency or department that has determined that the terms of this
2 chapter are inconsistent with and contrary to his or her supervision
3 and all related processes and procedures related to that supervision.

4 (20) "Recognition card" means a card issued to qualifying
5 patients and designated providers by a marijuana retailer with a
6 medical marijuana endorsement that has entered them into the medical
7 marijuana authorization database.

8 (21) "Retail outlet" has the meaning provided in RCW 69.50.101.

9 (22) "Secretary" means the secretary of the department of health.

10 (23) "Tamper-resistant paper" means paper that meets one or more
11 of the following industry-recognized features:

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

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

16 (c) One or more features designed to prevent the use of
17 counterfeit authorization.

18 (24) "Terminal or debilitating medical condition" means a
19 condition severe enough to significantly interfere with the patient's
20 activities of daily living and ability to function, which can be
21 objectively assessed and evaluated and limited to the following:

22 (a) Cancer, human immunodeficiency virus (HIV), multiple
23 sclerosis, epilepsy or other seizure disorder, or spasticity
24 disorders;

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

27 (c) Glaucoma, either acute or chronic, limited for the purpose of
28 this chapter to mean increased intraocular pressure unrelieved by
29 standard treatments and medications;

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

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

34 (f) Diseases, including anorexia, which result in nausea,
35 vomiting, wasting, appetite loss, cramping, seizures, muscle spasms,
36 or spasticity, when these symptoms are unrelieved by standard
37 treatments or medications;

38 (g) Posttraumatic stress disorder; or

39 (h) Traumatic brain injury.

1 (25) "THC concentration" has the meaning provided in RCW
2 69.50.101.

3 (26) "Useable marijuana" has the meaning provided in RCW
4 69.50.101.

5 **Sec. 45.** RCW 70.41.210 and 2008 c 134 s 14 are each amended to
6 read as follows:

7 (1) The chief administrator or executive officer of a hospital
8 shall report to the department when the practice of a health care
9 practitioner as defined in subsection (2) of this section is
10 restricted, suspended, limited, or terminated based upon a
11 conviction, determination, or finding by the hospital that the health
12 care practitioner has committed an action defined as unprofessional
13 conduct under RCW 18.130.180. The chief administrator or executive
14 officer shall also report any voluntary restriction or termination of
15 the practice of a health care practitioner as defined in subsection
16 (2) of this section while the practitioner is under investigation or
17 the subject of a proceeding by the hospital regarding unprofessional
18 conduct, or in return for the hospital not conducting such an
19 investigation or proceeding or not taking action. The department will
20 forward the report to the appropriate disciplining authority.

21 (2) The reporting requirements apply to the following health care
22 practitioners: Pharmacists as defined in chapter 18.64 RCW; advanced
23 registered nurse practitioners as defined in chapter 18.79 RCW;
24 dentists as defined in chapter 18.32 RCW; naturopaths as defined in
25 chapter 18.36A RCW; optometrists as defined in chapter 18.53 RCW;
26 osteopathic physicians and surgeons as defined in chapter 18.57 RCW;
27 (~~osteopathic physicians' assistants as defined in chapter 18.57A~~
28 ~~RCW~~;) physicians as defined in chapter 18.71 RCW; physician
29 assistants as defined in chapter 18.71A RCW; podiatric physicians and
30 surgeons as defined in chapter 18.22 RCW; and psychologists as
31 defined in chapter 18.83 RCW.

32 (3) Reports made under subsection (1) of this section shall be
33 made within fifteen days of the date: (a) A conviction,
34 determination, or finding is made by the hospital that the health
35 care practitioner has committed an action defined as unprofessional
36 conduct under RCW 18.130.180; or (b) the voluntary restriction or
37 termination of the practice of a health care practitioner, including
38 his or her voluntary resignation, while under investigation or the

1 subject of proceedings regarding unprofessional conduct under RCW
2 18.130.180 is accepted by the hospital.

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

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

14 (6) The department shall forward reports made under subsection
15 (1) of this section to the appropriate disciplining authority
16 designated under Title 18 RCW within fifteen days of the date the
17 report is received by the department. The department shall notify a
18 hospital that has made a report under subsection (1) of this section
19 of the results of the disciplining authority's case disposition
20 decision within fifteen days after the case disposition. Case
21 disposition is the decision whether to issue a statement of charges,
22 take informal action, or close the complaint without action against a
23 practitioner. In its biennial report to the legislature under RCW
24 18.130.310, the department shall specifically identify the case
25 dispositions of reports made by hospitals under subsection (1) of
26 this section.

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

29 **Sec. 46.** RCW 70.54.400 and 2009 c 438 s 1 are each amended to
30 read as follows:

31 (1) For purposes of this section:

32 (a) "Customer" means an individual who is lawfully on the
33 premises of a retail establishment.

34 (b) "Eligible medical condition" means:

35 (i) Crohn's disease, ulcerative colitis, or any other
36 inflammatory bowel disease;

37 (ii) Irritable bowel syndrome;

38 (iii) Any condition requiring use of an ostomy device; or

1 (iv) Any permanent or temporary medical condition that requires
2 immediate access to a restroom.

3 (c) "Employee restroom" means a restroom intended for employees
4 only in a retail facility and not intended for customers.

5 (d) "Health care provider" means an advanced registered nurse
6 practitioner licensed under chapter 18.79 RCW, an osteopathic
7 physician or surgeon licensed under chapter 18.57 RCW, (~~an~~
8 ~~osteopathic physicians assistant licensed under chapter 18.57A RCW,~~)
9 a physician or surgeon licensed under chapter 18.71 RCW, or a
10 physician assistant licensed under chapter 18.71A RCW.

11 (e) "Retail establishment" means a place of business open to the
12 general public for the sale of goods or services. Retail
13 establishment does not include any structure such as a filling
14 station, service station, or restaurant of eight hundred square feet
15 or less that has an employee restroom located within that structure.

16 (2) A retail establishment that has an employee restroom must
17 allow a customer with an eligible medical condition to use that
18 employee restroom during normal business hours if:

19 (a) The customer requesting the use of the employee restroom
20 provides in writing either:

21 (i) A signed statement by the customer's health care provider on
22 a form that has been prepared by the department of health under
23 subsection (4) of this section; or

24 (ii) An identification card that is issued by a nonprofit
25 organization whose purpose includes serving individuals who suffer
26 from an eligible medical condition; and

27 (b) One of the following conditions are met:

28 (i) The employee restroom is reasonably safe and is not located
29 in an area where providing access would create an obvious health or
30 safety risk to the customer; or

31 (ii) Allowing the customer to access the restroom facility does
32 not pose a security risk to the retail establishment or its
33 employees.

34 (3) A retail establishment that has an employee restroom must
35 allow a customer to use that employee restroom during normal business
36 hours if:

37 (a) (i) Three or more employees of the retail establishment are
38 working at the time the customer requests use of the employee
39 restroom; and

1 (ii) The retail establishment does not normally make a restroom
2 available to the public; and

3 (b)(i) The employee restroom is reasonably safe and is not
4 located in an area where providing access would create an obvious
5 health or safety risk to the customer; or

6 (ii) Allowing the customer to access the employee restroom does
7 not pose a security risk to the retail establishment or its
8 employees.

9 (4) The department of health shall develop a standard electronic
10 form that may be signed by a health care provider as evidence of the
11 existence of an eligible medical condition as required by subsection
12 (2) of this section. The form shall include a brief description of a
13 customer's rights under this section and shall be made available for
14 a customer or his or her health care provider to access by computer.
15 Nothing in this section requires the department to distribute printed
16 versions of the form.

17 (5) Fraudulent use of a form as evidence of the existence of an
18 eligible medical condition is a misdemeanor punishable under RCW
19 9A.20.010.

20 (6) For a first violation of this section, the city or county
21 attorney shall issue a warning letter to the owner or operator of the
22 retail establishment, and to any employee of a retail establishment
23 who denies access to an employee restroom in violation of this
24 section, informing the owner or operator of the establishment and
25 employee of the requirements of this section. A retail establishment
26 or an employee of a retail establishment that violates this section
27 after receiving a warning letter is guilty of a class 2 civil
28 infraction under chapter 7.80 RCW.

29 (7) A retail establishment is not required to make any physical
30 changes to an employee restroom under this section and may require
31 that an employee accompany a customer or a customer with an eligible
32 medical condition to the employee restroom.

33 (8) A retail establishment or an employee of a retail
34 establishment is not civilly liable for any act or omission in
35 allowing a customer or a customer with an eligible medical condition
36 to use an employee restroom if the act or omission meets all of the
37 following:

38 (a) It is not willful or grossly negligent;

39 (b) It occurs in an area of the retail establishment that is not
40 accessible to the public; and

1 (c) It results in an injury to or death of the customer or the
2 customer with an eligible medical condition or any individual other
3 than an employee accompanying the customer or the customer with an
4 eligible medical condition.

5 **Sec. 47.** RCW 70.128.120 and 2015 c 66 s 2 are each amended to
6 read as follows:

7 Each adult family home provider, applicant, and each resident
8 manager shall have the following minimum qualifications, except that
9 only applicants are required to meet the provisions of subsections
10 (10) and (11) of this section:

11 (1) Twenty-one years of age or older;

12 (2) For those applying after September 1, 2001, to be licensed as
13 providers, and for resident managers whose employment begins after
14 September 1, 2001, a United States high school diploma or high school
15 equivalency certificate as provided in RCW 28B.50.536 or any English
16 or translated government documentation of the following:

17 (a) Successful completion of government-approved public or
18 private school education in a foreign country that includes an annual
19 average of one thousand hours of instruction over twelve years or no
20 less than twelve thousand hours of instruction;

21 (b) A foreign college, foreign university, or United States
22 community college two-year diploma;

23 (c) Admission to, or completion of coursework at, a foreign
24 university or college for which credit was granted;

25 (d) Admission to, or completion of coursework at, a United States
26 college or university for which credits were awarded;

27 (e) Admission to, or completion of postgraduate coursework at, a
28 United States college or university for which credits were awarded;
29 or

30 (f) Successful passage of the United States board examination for
31 registered nursing, or any professional medical occupation for which
32 college or university education preparation was required;

33 (3) Good moral and responsible character and reputation;

34 (4) Literacy and the ability to communicate in the English
35 language;

36 (5) Management and administrative ability to carry out the
37 requirements of this chapter;

1 (6) Satisfactory completion of department-approved basic training
2 and continuing education training as required by RCW 74.39A.074, and
3 in rules adopted by the department;

4 (7) Satisfactory completion of department-approved, or
5 equivalent, special care training before a provider may provide
6 special care services to a resident;

7 (8) Not been convicted of any crime that is disqualifying under
8 RCW 43.43.830 or 43.43.842, or department rules adopted under this
9 chapter, or been found to have abused, neglected, exploited, or
10 abandoned a minor or vulnerable adult as specified in RCW
11 74.39A.056(2);

12 (9) For those applying to be licensed as providers, and for
13 resident managers whose employment begins after August 24, 2011, at
14 least one thousand hours in the previous sixty months of successful,
15 direct caregiving experience obtained after age eighteen to
16 vulnerable adults in a licensed or contracted setting prior to
17 operating or managing an adult family home. The applicant or resident
18 manager must have credible evidence of the successful, direct
19 caregiving experience or, currently hold one of the following
20 professional licenses: Physician licensed under chapter 18.71 RCW;
21 osteopathic physician licensed under chapter 18.57 RCW; (~~osteopathic~~
22 ~~physician assistant licensed under chapter 18.57A RCW;~~) physician
23 assistant licensed under chapter 18.71A RCW; registered nurse,
24 advanced registered nurse practitioner, or licensed practical nurse
25 licensed under chapter 18.79 RCW;

26 (10) For applicants, proof of financial solvency, as defined in
27 rule; and

28 (11) Applicants must successfully complete an adult family home
29 administration and business planning class, prior to being granted a
30 license. The class must be a minimum of forty-eight hours of
31 classroom time and approved by the department. The department shall
32 promote and prioritize bilingual capabilities within available
33 resources and when materials are available for this purpose. Under
34 exceptional circumstances, such as the sudden and unexpected death of
35 a provider, the department may consider granting a license to an
36 applicant who has not completed the class but who meets all other
37 requirements. If the department decides to grant the license due to
38 exceptional circumstances, the applicant must have enrolled in or
39 completed the class within four months of licensure.

1 **Sec. 48.** RCW 70.180.030 and 1994 sp.s. c 9 s 746 and 1994 c 103
2 s 2 are each reenacted and amended to read as follows:

3 (1) The department, in cooperation with the University of
4 Washington school of medicine, the state's registered nursing
5 programs, the state's pharmacy programs, and other appropriate public
6 and private agencies and associations, shall develop and keep current
7 a register of physicians, physician assistants, pharmacists, and
8 advanced registered nurse practitioners who are available to practice
9 on a short-term basis in rural communities of the state. The
10 department shall list only individuals who have a valid license to
11 practice. The register shall be compiled and made available to all
12 rural hospitals, public health departments and districts, rural
13 pharmacies, and other appropriate public and private agencies and
14 associations.

15 (2) Eligible health care professionals are those licensed under
16 chapters 18.57, (~~(18.57A)~~) 18.64, 18.71, and 18.71A RCW and advanced
17 registered nurse practitioners licensed under chapter 18.79 RCW.

18 (3) Participating sites may:

19 (a) Receive reimbursement for substitute provider travel to and
20 from the rural community and for lodging at a rate determined under
21 RCW 43.03.050 and 43.03.060; and

22 (b) Receive reimbursement for the cost of malpractice insurance
23 if the services provided are not covered by the substitute provider's
24 or local provider's existing medical malpractice insurance.
25 Reimbursement for malpractice insurance shall only be made available
26 to sites that incur additional costs for substitute provider
27 coverage.

28 (4) The department may require rural communities to participate
29 in health professional recruitment programs as a condition for
30 providing a temporary substitute health care professional if the
31 community does not have adequate permanent health care personnel. To
32 the extent deemed appropriate and subject to funding, the department
33 may also require communities to participate in other programs or
34 projects, such as the rural health system project authorized in
35 chapter 70.175 RCW, that are designed to assist communities to
36 reorganize the delivery of rural health care services.

37 (5) A participating site may receive reimbursement for substitute
38 provider assistance as provided for in subsection (3) of this section
39 for up to ninety days during any twelve-month period. The department

1 may modify or waive this limitation should it determine that the
2 health and safety of the community warrants a waiver or modification.

3 (6) Participating sites shall:

4 (a) Be responsible for all salary expenses for the temporary
5 substitute provider.

6 (b) Provide the temporary substitute provider with referral and
7 backup coverage information.

8 **Sec. 49.** RCW 70.185.090 and 1993 c 492 s 274 are each amended to
9 read as follows:

10 (1) The department may develop a mechanism for underserved rural
11 or urban communities to contract with education and training programs
12 for student positions above the full time equivalent lids. The goal
13 of this program is to provide additional capacity, educating students
14 who will practice in underserved communities.

15 (2) Eligible education and training programs are those programs
16 approved by the department that lead to eligibility for a credential
17 as a credentialed health care professional. Eligible professions are
18 those licensed under chapters 18.36A, 18.57, (~~(18.57A,)~~) 18.71, and
19 18.71A RCW and advanced registered nurse practitioners and certified
20 nurse midwives licensed under chapter (~~(18.88)~~) 18.79 RCW, and may
21 include other providers identified as needed in the health personnel
22 resource plan.

23 (3) Students participating in the community contracted
24 educational positions shall meet all applicable educational program
25 requirements and provide assurances, acceptable to the community,
26 that they will practice in the sponsoring community following
27 completion of education and necessary licensure.

28 (4) Participants in the program incur an obligation to repay any
29 contracted funds with interest set by state law, unless they serve at
30 least three years in the sponsoring community.

31 (5) The department may provide funds to communities for use in
32 contracting.

33 **Sec. 50.** RCW 70.225.040 and 2019 c 314 s 23 are each amended to
34 read as follows:

35 (1) All information submitted to the prescription monitoring
36 program is confidential, exempt from public inspection, copying, and
37 disclosure under chapter 42.56 RCW, not subject to subpoena or
38 discovery in any civil action, and protected under federal health

1 care information privacy requirements, except as provided in
2 subsections (3) through (6) of this section. Such confidentiality and
3 exemption from disclosure continues whenever information from the
4 prescription monitoring program is provided to a requestor under
5 subsection (3), (4), (5), or (6) of this section except when used in
6 proceedings specifically authorized in subsection (3), (4), or (5) of
7 this section.

8 (2) The department must maintain procedures to ensure that the
9 privacy and confidentiality of all information collected, recorded,
10 transmitted, and maintained including, but not limited to, the
11 prescriber, requestor, dispenser, patient, and persons who received
12 prescriptions from dispensers, is not disclosed to persons except as
13 in subsections (3) through (6) of this section.

14 (3) The department may provide data in the prescription
15 monitoring program to the following persons:

16 (a) Persons authorized to prescribe or dispense controlled
17 substances or legend drugs, for the purpose of providing medical or
18 pharmaceutical care for their patients;

19 (b) An individual who requests the individual's own prescription
20 monitoring information;

21 (c) A health professional licensing, certification, or regulatory
22 agency or entity in this or another jurisdiction. Consistent with
23 current practice, the data provided may be used in legal proceedings
24 concerning the license;

25 (d) Appropriate law enforcement or prosecutorial officials,
26 including local, state, and federal officials and officials of
27 federally recognized tribes, who are engaged in a bona fide specific
28 investigation involving a designated person;

29 (e) The director or the director's designee within the health
30 care authority regarding medicaid recipients and members of the
31 health care authority self-funded or self-insured health plans;

32 (f) The director or director's designee within the department of
33 labor and industries regarding workers' compensation claimants;

34 (g) The director or the director's designee within the department
35 of corrections regarding offenders committed to the department of
36 corrections;

37 (h) Other entities under grand jury subpoena or court order;

38 (i) Personnel of the department for purposes of:

39 (i) Assessing prescribing and treatment practices and morbidity
40 and mortality related to use of controlled substances and developing

1 and implementing initiatives to protect the public health including,
2 but not limited to, initiatives to address opioid use disorder;

3 (ii) Providing quality improvement feedback to prescribers,
4 including comparison of their respective data to aggregate data for
5 prescribers with the same type of license and same specialty; and

6 (iii) Administration and enforcement of this chapter or chapter
7 69.50 RCW;

8 (j) Personnel of a test site that meet the standards under RCW
9 70.225.070 pursuant to an agreement between the test site and a
10 person identified in (a) of this subsection to provide assistance in
11 determining which medications are being used by an identified patient
12 who is under the care of that person;

13 (k) A health care facility or entity for the purpose of providing
14 medical or pharmaceutical care to the patients of the facility or
15 entity, or for quality improvement purposes if the facility or entity
16 is licensed by the department or is licensed or certified under
17 chapter 71.24, 71.34, or 71.05 RCW or is an entity deemed for
18 purposes of chapter 71.24 RCW to meet state minimum standards as a
19 result of accreditation by a recognized behavioral health accrediting
20 body, or is operated by the federal government or a federally
21 recognized Indian tribe;

22 (l) A health care provider group of five or more prescribers or
23 dispensers for purposes of providing medical or pharmaceutical care
24 to the patients of the provider group, or for quality improvement
25 purposes if all the prescribers or dispensers in the provider group
26 are licensed by the department or the provider group is operated by
27 the federal government or a federally recognized Indian tribe;

28 (m) The local health officer of a local health jurisdiction for
29 the purposes of patient follow-up and care coordination following a
30 controlled substance overdose event. For the purposes of this
31 subsection "local health officer" has the same meaning as in RCW
32 70.05.010; and

33 (n) The coordinated care electronic tracking program developed in
34 response to section 213, chapter 7, Laws of 2012 2nd sp. sess.,
35 commonly referred to as the seven best practices in emergency
36 medicine, for the purposes of providing:

37 (i) Prescription monitoring program data to emergency department
38 personnel when the patient registers in the emergency department; and

39 (ii) Notice to local health officers who have made opioid-related
40 overdose a notifiable condition under RCW 70.05.070 as authorized by

1 rules adopted under RCW 43.20.050, providers, appropriate care
2 coordination staff, and prescribers listed in the patient's
3 prescription monitoring program record that the patient has
4 experienced a controlled substance overdose event. The department
5 shall determine the content and format of the notice in consultation
6 with the Washington state hospital association, Washington state
7 medical association, and Washington state health care authority, and
8 the notice may be modified as necessary to reflect current needs and
9 best practices.

10 (4) The department shall, on at least a quarterly basis, and
11 pursuant to a schedule determined by the department, provide a
12 facility or entity identified under subsection (3)(k) of this section
13 or a provider group identified under subsection (3)(l) of this
14 section with facility or entity and individual prescriber information
15 if the facility, entity, or provider group:

16 (a) Uses the information only for internal quality improvement
17 and individual prescriber quality improvement feedback purposes and
18 does not use the information as the sole basis for any medical staff
19 sanction or adverse employment action; and

20 (b) Provides to the department a standardized list of current
21 prescribers of the facility, entity, or provider group. The specific
22 facility, entity, or provider group information provided pursuant to
23 this subsection and the requirements under this subsection must be
24 determined by the department in consultation with the Washington
25 state hospital association, Washington state medical association, and
26 Washington state health care authority, and may be modified as
27 necessary to reflect current needs and best practices.

28 (5)(a) The department may publish or provide data to public or
29 private entities for statistical, research, or educational purposes
30 after removing information that could be used directly or indirectly
31 to identify individual patients, requestors, dispensers, prescribers,
32 and persons who received prescriptions from dispensers. Direct and
33 indirect patient identifiers may be provided for research that has
34 been approved by the Washington state institutional review board and
35 by the department through a data-sharing agreement.

36 (b)(i) The department may provide dispenser and prescriber data
37 and data that includes indirect patient identifiers to the Washington
38 state hospital association for use solely in connection with its
39 coordinated quality improvement program maintained under RCW
40 43.70.510 after entering into a data use agreement as specified in

1 RCW 43.70.052(8) with the association. The department may provide
2 dispenser and prescriber data and data that includes indirect patient
3 identifiers to the Washington state medical association for use
4 solely in connection with its coordinated quality improvement program
5 maintained under RCW 43.70.510 after entering into a data use
6 agreement with the association.

7 (ii) The department may provide data including direct and
8 indirect patient identifiers to the department of social and health
9 services office of research and data analysis, the department of
10 labor and industries, and the health care authority for research that
11 has been approved by the Washington state institutional review board
12 and, with a data-sharing agreement approved by the department, for
13 public health purposes to improve the prevention or treatment of
14 substance use disorders.

15 (iii) The department may provide a prescriber feedback report to
16 the largest health professional association representing each of the
17 prescribing professions. The health professional associations must
18 distribute the feedback report to prescribers engaged in the
19 professions represented by the associations for quality improvement
20 purposes, so long as the reports contain no direct patient
21 identifiers that could be used to identify individual patients,
22 dispensers, and persons who received prescriptions from dispensers,
23 and the association enters into a written data-sharing agreement with
24 the department. However, reports may include indirect patient
25 identifiers as agreed to by the department and the association in a
26 written data-sharing agreement.

27 (c) For the purposes of this subsection:

28 (i) "Indirect patient identifiers" means data that may include:
29 Hospital or provider identifiers, a five-digit zip code, county,
30 state, and country of resident; dates that include month and year;
31 age in years; and race and ethnicity; but does not include the
32 patient's first name; middle name; last name; social security number;
33 control or medical record number; zip code plus four digits; dates
34 that include day, month, and year; or admission and discharge date in
35 combination; and

36 (ii) "Prescribing professions" include:

- 37 (A) Allopathic physicians and physician assistants;
38 (B) Osteopathic physicians ((and ~~physician assistants~~));
39 (C) Podiatric physicians;
40 (D) Dentists; and

1 (E) Advanced registered nurse practitioners.

2 (6) The department may enter into agreements to exchange
3 prescription monitoring program data with established prescription
4 monitoring programs in other jurisdictions. Under these agreements,
5 the department may share prescription monitoring system data
6 containing direct and indirect patient identifiers with other
7 jurisdictions through a clearinghouse or prescription monitoring
8 program data exchange that meets federal health care information
9 privacy requirements. Data the department receives from other
10 jurisdictions must be retained, used, protected, and destroyed as
11 provided by the agreements to the extent consistent with the laws in
12 this state.

13 (7) Persons authorized in subsections (3) through (6) of this
14 section to receive data in the prescription monitoring program from
15 the department, acting in good faith, are immune from any civil,
16 criminal, disciplinary, or administrative liability that might
17 otherwise be incurred or imposed for acting under this chapter.

18 **Sec. 51.** RCW 71.05.020 and 2019 c 446 s 2, 2019 c 444 s 16, and
19 2019 c 325 s 3001 are each reenacted and amended to read as follows:

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

22 (1) "Admission" or "admit" means a decision by a physician,
23 physician assistant, or psychiatric advanced registered nurse
24 practitioner that a person should be examined or treated as a patient
25 in a hospital;

26 (2) "Alcoholism" means a disease, characterized by a dependency
27 on alcoholic beverages, loss of control over the amount and
28 circumstances of use, symptoms of tolerance, physiological or
29 psychological withdrawal, or both, if use is reduced or discontinued,
30 and impairment of health or disruption of social or economic
31 functioning;

32 (3) "Antipsychotic medications" means that class of drugs
33 primarily used to treat serious manifestations of mental illness
34 associated with thought disorders, which includes, but is not limited
35 to atypical antipsychotic medications;

36 (4) "Approved substance use disorder treatment program" means a
37 program for persons with a substance use disorder provided by a
38 treatment program certified by the department as meeting standards
39 adopted under chapter 71.24 RCW;

- 1 (5) "Attending staff" means any person on the staff of a public
2 or private agency having responsibility for the care and treatment of
3 a patient;
- 4 (6) "Authority" means the Washington state health care authority;
- 5 (7) "Co-occurring disorder specialist" means an individual
6 possessing an enhancement granted by the department of health under
7 chapter 18.205 RCW that certifies the individual to provide substance
8 use disorder counseling subject to the practice limitations under RCW
9 18.205.105;
- 10 (8) "Commitment" means the determination by a court that a person
11 should be detained for a period of either evaluation or treatment, or
12 both, in an inpatient or a less restrictive setting;
- 13 (9) "Conditional release" means a revocable modification of a
14 commitment, which may be revoked upon violation of any of its terms;
- 15 (10) "Crisis stabilization unit" means a short-term facility or a
16 portion of a facility licensed or certified by the department, such
17 as an evaluation and treatment facility or a hospital, which has been
18 designed to assess, diagnose, and treat individuals experiencing an
19 acute crisis without the use of long-term hospitalization;
- 20 (11) "Custody" means involuntary detention under the provisions
21 of this chapter or chapter 10.77 RCW, uninterrupted by any period of
22 unconditional release from commitment from a facility providing
23 involuntary care and treatment;
- 24 (12) "Department" means the department of health;
- 25 (13) "Designated crisis responder" means a mental health
26 professional appointed by the county or an entity appointed by the
27 county, to perform the duties specified in this chapter;
- 28 (14) "Detention" or "detain" means the lawful confinement of a
29 person, under the provisions of this chapter;
- 30 (15) "Developmental disabilities professional" means a person who
31 has specialized training and three years of experience in directly
32 treating or working with persons with developmental disabilities and
33 is a psychiatrist, physician assistant working with a supervising
34 psychiatrist, psychologist, psychiatric advanced registered nurse
35 practitioner, or social worker, and such other developmental
36 disabilities professionals as may be defined by rules adopted by the
37 secretary of the department of social and health services;
- 38 (16) "Developmental disability" means that condition defined in
39 RCW 71A.10.020(5);
- 40 (17) "Director" means the director of the authority;

1 (18) "Discharge" means the termination of hospital medical
2 authority. The commitment may remain in place, be terminated, or be
3 amended by court order;

4 (19) "Drug addiction" means a disease, characterized by a
5 dependency on psychoactive chemicals, loss of control over the amount
6 and circumstances of use, symptoms of tolerance, physiological or
7 psychological withdrawal, or both, if use is reduced or discontinued,
8 and impairment of health or disruption of social or economic
9 functioning;

10 (20) "Evaluation and treatment facility" means any facility which
11 can provide directly, or by direct arrangement with other public or
12 private agencies, emergency evaluation and treatment, outpatient
13 care, and timely and appropriate inpatient care to persons suffering
14 from a mental disorder, and which is licensed or certified as such by
15 the department. The authority may certify single beds as temporary
16 evaluation and treatment beds under RCW 71.05.745. A physically
17 separate and separately operated portion of a state hospital may be
18 designated as an evaluation and treatment facility. A facility which
19 is part of, or operated by, the department of social and health
20 services or any federal agency will not require certification. No
21 correctional institution or facility, or jail, shall be an evaluation
22 and treatment facility within the meaning of this chapter;

23 (21) "Gravely disabled" means a condition in which a person, as a
24 result of a mental disorder, or as a result of the use of alcohol or
25 other psychoactive chemicals: (a) Is in danger of serious physical
26 harm resulting from a failure to provide for his or her essential
27 human needs of health or safety; or (b) manifests severe
28 deterioration in routine functioning evidenced by repeated and
29 escalating loss of cognitive or volitional control over his or her
30 actions and is not receiving such care as is essential for his or her
31 health or safety;

32 (22) "Habilitative services" means those services provided by
33 program personnel to assist persons in acquiring and maintaining life
34 skills and in raising their levels of physical, mental, social, and
35 vocational functioning. Habilitative services include education,
36 training for employment, and therapy. The habilitative process shall
37 be undertaken with recognition of the risk to the public safety
38 presented by the person being assisted as manifested by prior charged
39 criminal conduct;

1 (23) "Hearing" means any proceeding conducted in open court. For
2 purposes of this chapter, at any hearing the petitioner, the
3 respondent, the witnesses, and the presiding judicial officer may be
4 present and participate either in person or by video, as determined
5 by the court. The term "video" as used herein shall include any
6 functional equivalent. At any hearing conducted by video, the
7 technology used must permit the judicial officer, counsel, all
8 parties, and the witnesses to be able to see, hear, and speak, when
9 authorized, during the hearing; to allow attorneys to use exhibits or
10 other materials during the hearing; and to allow respondent's counsel
11 to be in the same location as the respondent unless otherwise
12 requested by the respondent or the respondent's counsel. Witnesses in
13 a proceeding may also appear in court through other means, including
14 telephonically, pursuant to the requirements of superior court civil
15 rule 43. Notwithstanding the foregoing, the court, upon its own
16 motion or upon a motion for good cause by any party, may require all
17 parties and witnesses to participate in the hearing in person rather
18 than by video. In ruling on any such motion, the court may allow in-
19 person or video testimony; and the court may consider, among other
20 things, whether the respondent's alleged mental illness affects the
21 respondent's ability to perceive or participate in the proceeding by
22 video;

23 (24) "History of one or more violent acts" refers to the period
24 of time ten years prior to the filing of a petition under this
25 chapter, excluding any time spent, but not any violent acts
26 committed, in a mental health facility, a long-term alcoholism or
27 drug treatment facility, or in confinement as a result of a criminal
28 conviction;

29 (25) "Imminent" means the state or condition of being likely to
30 occur at any moment or near at hand, rather than distant or remote;

31 (26) "In need of assisted outpatient behavioral health treatment"
32 means that a person, as a result of a mental disorder or substance
33 use disorder: (a) Has been committed by a court to detention for
34 involuntary behavioral health treatment during the preceding thirty-
35 six months; (b) is unlikely to voluntarily participate in outpatient
36 treatment without an order for less restrictive alternative
37 treatment, based on a history of nonadherence with treatment or in
38 view of the person's current behavior; (c) is likely to benefit from
39 less restrictive alternative treatment; and (d) requires less
40 restrictive alternative treatment to prevent a relapse,

1 decompensation, or deterioration that is likely to result in the
2 person presenting a likelihood of serious harm or the person becoming
3 gravely disabled within a reasonably short period of time;

4 (27) "Individualized service plan" means a plan prepared by a
5 developmental disabilities professional with other professionals as a
6 team, for a person with developmental disabilities, which shall
7 state:

8 (a) The nature of the person's specific problems, prior charged
9 criminal behavior, and habilitation needs;

10 (b) The conditions and strategies necessary to achieve the
11 purposes of habilitation;

12 (c) The intermediate and long-range goals of the habilitation
13 program, with a projected timetable for the attainment;

14 (d) The rationale for using this plan of habilitation to achieve
15 those intermediate and long-range goals;

16 (e) The staff responsible for carrying out the plan;

17 (f) Where relevant in light of past criminal behavior and due
18 consideration for public safety, the criteria for proposed movement
19 to less-restrictive settings, criteria for proposed eventual
20 discharge or release, and a projected possible date for discharge or
21 release; and

22 (g) The type of residence immediately anticipated for the person
23 and possible future types of residences;

24 (28) "Information related to mental health services" means all
25 information and records compiled, obtained, or maintained in the
26 course of providing services to either voluntary or involuntary
27 recipients of services by a mental health service provider. This may
28 include documents of legal proceedings under this chapter or chapter
29 71.34 or 10.77 RCW, or somatic health care information;

30 (29) "Intoxicated person" means a person whose mental or physical
31 functioning is substantially impaired as a result of the use of
32 alcohol or other psychoactive chemicals;

33 (30) "Judicial commitment" means a commitment by a court pursuant
34 to the provisions of this chapter;

35 (31) "Legal counsel" means attorneys and staff employed by county
36 prosecutor offices or the state attorney general acting in their
37 capacity as legal representatives of public mental health and
38 substance use disorder service providers under RCW 71.05.130;

1 (32) "Less restrictive alternative treatment" means a program of
2 individualized treatment in a less restrictive setting than inpatient
3 treatment that includes the services described in RCW 71.05.585;

4 (33) "Licensed physician" means a person licensed to practice
5 medicine or osteopathic medicine and surgery in the state of
6 Washington;

7 (34) "Likelihood of serious harm" means:

8 (a) A substantial risk that: (i) Physical harm will be inflicted
9 by a person upon his or her own person, as evidenced by threats or
10 attempts to commit suicide or inflict physical harm on oneself; (ii)
11 physical harm will be inflicted by a person upon another, as
12 evidenced by behavior which has caused such harm or which places
13 another person or persons in reasonable fear of sustaining such harm;
14 or (iii) physical harm will be inflicted by a person upon the
15 property of others, as evidenced by behavior which has caused
16 substantial loss or damage to the property of others; or

17 (b) The person has threatened the physical safety of another and
18 has a history of one or more violent acts;

19 (35) "Medical clearance" means a physician or other health care
20 provider has determined that a person is medically stable and ready
21 for referral to the designated crisis responder;

22 (36) "Mental disorder" means any organic, mental, or emotional
23 impairment which has substantial adverse effects on a person's
24 cognitive or volitional functions;

25 (37) "Mental health professional" means a psychiatrist,
26 psychologist, physician assistant working with a supervising
27 psychiatrist, psychiatric advanced registered nurse practitioner,
28 psychiatric nurse, or social worker, and such other mental health
29 professionals as may be defined by rules adopted by the secretary
30 pursuant to the provisions of this chapter;

31 (38) "Mental health service provider" means a public or private
32 agency that provides mental health services to persons with mental
33 disorders or substance use disorders as defined under this section
34 and receives funding from public sources. This includes, but is not
35 limited to, hospitals licensed under chapter 70.41 RCW, evaluation
36 and treatment facilities as defined in this section, community mental
37 health service delivery systems or community behavioral health
38 programs as defined in RCW 71.24.025, facilities conducting
39 competency evaluations and restoration under chapter 10.77 RCW,
40 approved substance use disorder treatment programs as defined in this

1 section, secure withdrawal management and stabilization facilities as
2 defined in this section, and correctional facilities operated by
3 state and local governments;

4 (39) "Peace officer" means a law enforcement official of a public
5 agency or governmental unit, and includes persons specifically given
6 peace officer powers by any state law, local ordinance, or judicial
7 order of appointment;

8 (40) "Physician assistant" means a person licensed as a physician
9 assistant under chapter (~~18.57A or~~) 18.71A RCW;

10 (41) "Private agency" means any person, partnership, corporation,
11 or association that is not a public agency, whether or not financed
12 in whole or in part by public funds, which constitutes an evaluation
13 and treatment facility or private institution, or hospital, or
14 approved substance use disorder treatment program, which is conducted
15 for, or includes a department or ward conducted for, the care and
16 treatment of persons with mental illness, substance use disorders, or
17 both mental illness and substance use disorders;

18 (42) "Professional person" means a mental health professional,
19 substance use disorder professional, or designated crisis responder
20 and shall also mean a physician, physician assistant, psychiatric
21 advanced registered nurse practitioner, registered nurse, and such
22 others as may be defined by rules adopted by the secretary pursuant
23 to the provisions of this chapter;

24 (43) "Psychiatric advanced registered nurse practitioner" means a
25 person who is licensed as an advanced registered nurse practitioner
26 pursuant to chapter 18.79 RCW; and who is board certified in advanced
27 practice psychiatric and mental health nursing;

28 (44) "Psychiatrist" means a person having a license as a
29 physician and surgeon in this state who has in addition completed
30 three years of graduate training in psychiatry in a program approved
31 by the American medical association or the American osteopathic
32 association and is certified or eligible to be certified by the
33 American board of psychiatry and neurology;

34 (45) "Psychologist" means a person who has been licensed as a
35 psychologist pursuant to chapter 18.83 RCW;

36 (46) "Public agency" means any evaluation and treatment facility
37 or institution, secure withdrawal management and stabilization
38 facility, approved substance use disorder treatment program, or
39 hospital which is conducted for, or includes a department or ward
40 conducted for, the care and treatment of persons with mental illness,

1 substance use disorders, or both mental illness and substance use
2 disorders, if the agency is operated directly by federal, state,
3 county, or municipal government, or a combination of such
4 governments;

5 (47) "Release" means legal termination of the commitment under
6 the provisions of this chapter;

7 (48) "Resource management services" has the meaning given in
8 chapter 71.24 RCW;

9 (49) "Secretary" means the secretary of the department of health,
10 or his or her designee;

11 (50) "Secure withdrawal management and stabilization facility"
12 means a facility operated by either a public or private agency or by
13 the program of an agency which provides care to voluntary individuals
14 and individuals involuntarily detained and committed under this
15 chapter for whom there is a likelihood of serious harm or who are
16 gravely disabled due to the presence of a substance use disorder.
17 Secure withdrawal management and stabilization facilities must:

18 (a) Provide the following services:

19 (i) Assessment and treatment, provided by certified substance use
20 disorder professionals or co-occurring disorder specialists;

21 (ii) Clinical stabilization services;

22 (iii) Acute or subacute detoxification services for intoxicated
23 individuals; and

24 (iv) Discharge assistance provided by certified substance use
25 disorder professionals or co-occurring disorder specialists, including
26 facilitating transitions to appropriate voluntary or involuntary
27 inpatient services or to less restrictive alternatives as appropriate
28 for the individual;

29 (b) Include security measures sufficient to protect the patients,
30 staff, and community; and

31 (c) Be licensed or certified as such by the department of health;

32 (51) "Serious violent offense" has the same meaning as provided
33 in RCW 9.94A.030;

34 (52) "Social worker" means a person with a master's or further
35 advanced degree from a social work educational program accredited and
36 approved as provided in RCW 18.320.010;

37 (53) "Substance use disorder" means a cluster of cognitive,
38 behavioral, and physiological symptoms indicating that an individual
39 continues using the substance despite significant substance-related
40 problems. The diagnosis of a substance use disorder is based on a

1 pathological pattern of behaviors related to the use of the
2 substances;

3 (54) "Substance use disorder professional" means a person
4 certified as a substance use disorder professional by the department
5 of health under chapter 18.205 RCW;

6 (55) "Therapeutic court personnel" means the staff of a mental
7 health court or other therapeutic court which has jurisdiction over
8 defendants who are dually diagnosed with mental disorders, including
9 court personnel, probation officers, a court monitor, prosecuting
10 attorney, or defense counsel acting within the scope of therapeutic
11 court duties;

12 (56) "Treatment records" include registration and all other
13 records concerning persons who are receiving or who at any time have
14 received services for mental illness, which are maintained by the
15 department of social and health services, the department, the
16 authority, behavioral health administrative services organizations
17 and their staffs, managed care organizations and their staffs, and by
18 treatment facilities. Treatment records include mental health
19 information contained in a medical bill including but not limited to
20 mental health drugs, a mental health diagnosis, provider name, and
21 dates of service stemming from a medical service. Treatment records
22 do not include notes or records maintained for personal use by a
23 person providing treatment services for the department of social and
24 health services, the department, the authority, behavioral health
25 administrative services organizations, managed care organizations, or
26 a treatment facility if the notes or records are not available to
27 others;

28 (57) "Triage facility" means a short-term facility or a portion
29 of a facility licensed or certified by the department, which is
30 designed as a facility to assess and stabilize an individual or
31 determine the need for involuntary commitment of an individual, and
32 must meet department residential treatment facility standards. A
33 triage facility may be structured as a voluntary or involuntary
34 placement facility;

35 (58) "Violent act" means behavior that resulted in homicide,
36 attempted suicide, nonfatal injuries, or substantial damage to
37 property.

38 **Sec. 52.** RCW 71.24.025 and 2019 c 325 s 1004 and 2019 c 324 s 2
39 are each reenacted and amended to read as follows:

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout this chapter.

3 (1) "Acutely mentally ill" means a condition which is limited to
4 a short-term severe crisis episode of:

5 (a) A mental disorder as defined in RCW 71.05.020 or, in the case
6 of a child, as defined in RCW 71.34.020;

7 (b) Being gravely disabled as defined in RCW 71.05.020 or, in the
8 case of a child, a gravely disabled minor as defined in RCW
9 71.34.020; or

10 (c) Presenting a likelihood of serious harm as defined in RCW
11 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

12 (2) "Alcoholism" means a disease, characterized by a dependency
13 on alcoholic beverages, loss of control over the amount and
14 circumstances of use, symptoms of tolerance, physiological or
15 psychological withdrawal, or both, if use is reduced or discontinued,
16 and impairment of health or disruption of social or economic
17 functioning.

18 (3) "Approved substance use disorder treatment program" means a
19 program for persons with a substance use disorder provided by a
20 treatment program licensed or certified by the department as meeting
21 standards adopted under this chapter.

22 (4) "Authority" means the Washington state health care authority.

23 (5) "Available resources" means funds appropriated for the
24 purpose of providing community behavioral health programs, federal
25 funds, except those provided according to Title XIX of the Social
26 Security Act, and state funds appropriated under this chapter or
27 chapter 71.05 RCW by the legislature during any biennium for the
28 purpose of providing residential services, resource management
29 services, community support services, and other behavioral health
30 services. This does not include funds appropriated for the purpose of
31 operating and administering the state psychiatric hospitals.

32 (6) "Behavioral health administrative services organization"
33 means an entity contracted with the authority to administer
34 behavioral health services and programs under RCW 71.24.381,
35 including crisis services and administration of chapter 71.05 RCW,
36 the involuntary treatment act, for all individuals in a defined
37 regional service area.

38 (7) "Behavioral health provider" means a person licensed under
39 chapter 18.57, (~~(18.57A,)~~) 18.71, 18.71A, 18.83, 18.205, 18.225, or

1 18.79 RCW, as it applies to registered nurses and advanced registered
2 nurse practitioners.

3 (8) "Behavioral health services" means mental health services as
4 described in this chapter and chapter 71.36 RCW and substance use
5 disorder treatment services as described in this chapter that,
6 depending on the type of service, are provided by licensed or
7 certified behavioral health agencies, behavioral health providers, or
8 integrated into other health care providers.

9 (9) "Child" means a person under the age of eighteen years.

10 (10) "Chronically mentally ill adult" or "adult who is
11 chronically mentally ill" means an adult who has a mental disorder
12 and meets at least one of the following criteria:

13 (a) Has undergone two or more episodes of hospital care for a
14 mental disorder within the preceding two years; or

15 (b) Has experienced a continuous psychiatric hospitalization or
16 residential treatment exceeding six months' duration within the
17 preceding year; or

18 (c) Has been unable to engage in any substantial gainful activity
19 by reason of any mental disorder which has lasted for a continuous
20 period of not less than twelve months. "Substantial gainful activity"
21 shall be defined by the authority by rule consistent with Public Law
22 92-603, as amended.

23 (11) "Clubhouse" means a community-based program that provides
24 rehabilitation services and is licensed or certified by the
25 department.

26 (12) "Community behavioral health program" means all
27 expenditures, services, activities, or programs, including reasonable
28 administration and overhead, designed and conducted to prevent or
29 treat substance use disorder, mental illness, or both in the
30 community behavioral health system.

31 (13) "Community behavioral health service delivery system" means
32 public, private, or tribal agencies that provide services
33 specifically to persons with mental disorders, substance use
34 disorders, or both, as defined under RCW 71.05.020 and receive
35 funding from public sources.

36 (14) "Community support services" means services authorized,
37 planned, and coordinated through resource management services
38 including, at a minimum, assessment, diagnosis, emergency crisis
39 intervention available twenty-four hours, seven days a week,
40 prescreening determinations for persons who are mentally ill being

1 considered for placement in nursing homes as required by federal law,
2 screening for patients being considered for admission to residential
3 services, diagnosis and treatment for children who are acutely
4 mentally ill or severely emotionally or behaviorally disturbed
5 discovered under screening through the federal Title XIX early and
6 periodic screening, diagnosis, and treatment program, investigation,
7 legal, and other nonresidential services under chapter 71.05 RCW,
8 case management services, psychiatric treatment including medication
9 supervision, counseling, psychotherapy, assuring transfer of relevant
10 patient information between service providers, recovery services, and
11 other services determined by behavioral health administrative
12 services organizations.

13 (15) "Consensus-based" means a program or practice that has
14 general support among treatment providers and experts, based on
15 experience or professional literature, and may have anecdotal or case
16 study support, or that is agreed but not possible to perform studies
17 with random assignment and controlled groups.

18 (16) "County authority" means the board of county commissioners,
19 county council, or county executive having authority to establish a
20 behavioral health administrative services organization, or two or
21 more of the county authorities specified in this subsection which
22 have entered into an agreement to establish a behavioral health
23 administrative services organization.

24 (17) "Department" means the department of health.

25 (18) "Designated crisis responder" has the same meaning as in RCW
26 71.05.020.

27 (19) "Director" means the director of the authority.

28 (20) "Drug addiction" means a disease characterized by a
29 dependency on psychoactive chemicals, loss of control over the amount
30 and circumstances of use, symptoms of tolerance, physiological or
31 psychological withdrawal, or both, if use is reduced or discontinued,
32 and impairment of health or disruption of social or economic
33 functioning.

34 (21) "Early adopter" means a regional service area for which all
35 of the county authorities have requested that the authority purchase
36 medical and behavioral health services through a managed care health
37 system as defined under RCW 71.24.380(6).

38 (22) "Emerging best practice" or "promising practice" means a
39 program or practice that, based on statistical analyses or a well
40 established theory of change, shows potential for meeting the

1 evidence-based or research-based criteria, which may include the use
2 of a program that is evidence-based for outcomes other than those
3 listed in subsection (23) of this section.

4 (23) "Evidence-based" means a program or practice that has been
5 tested in heterogeneous or intended populations with multiple
6 randomized, or statistically controlled evaluations, or both; or one
7 large multiple site randomized, or statistically controlled
8 evaluation, or both, where the weight of the evidence from a systemic
9 review demonstrates sustained improvements in at least one outcome.
10 "Evidence-based" also means a program or practice that can be
11 implemented with a set of procedures to allow successful replication
12 in Washington and, when possible, is determined to be cost-
13 beneficial.

14 (24) "Indian health care provider" means a health care program
15 operated by the Indian health service or by a tribe, tribal
16 organization, or urban Indian organization as those terms are defined
17 in the Indian health care improvement act (25 U.S.C. Sec. 1603).

18 (25) "Intensive behavioral health treatment facility" means a
19 community-based specialized residential treatment facility for
20 individuals with behavioral health conditions, including individuals
21 discharging from or being diverted from state and local hospitals,
22 whose impairment or behaviors do not meet, or no longer meet,
23 criteria for involuntary inpatient commitment under chapter 71.05
24 RCW, but whose care needs cannot be met in other community-based
25 placement settings.

26 (26) "Licensed or certified behavioral health agency" means:

27 (a) An entity licensed or certified according to this chapter or
28 chapter 71.05 RCW;

29 (b) An entity deemed to meet state minimum standards as a result
30 of accreditation by a recognized behavioral health accrediting body
31 recognized and having a current agreement with the department; or

32 (c) An entity with a tribal attestation that it meets state
33 minimum standards for a licensed or certified behavioral health
34 agency.

35 (27) "Licensed physician" means a person licensed to practice
36 medicine or osteopathic medicine and surgery in the state of
37 Washington.

38 (28) "Long-term inpatient care" means inpatient services for
39 persons committed for, or voluntarily receiving intensive treatment
40 for, periods of ninety days or greater under chapter 71.05 RCW.

1 "Long-term inpatient care" as used in this chapter does not include:
2 (a) Services for individuals committed under chapter 71.05 RCW who
3 are receiving services pursuant to a conditional release or a court-
4 ordered less restrictive alternative to detention; or (b) services
5 for individuals voluntarily receiving less restrictive alternative
6 treatment on the grounds of the state hospital.

7 (29) "Managed care organization" means an organization, having a
8 certificate of authority or certificate of registration from the
9 office of the insurance commissioner, that contracts with the
10 authority under a comprehensive risk contract to provide prepaid
11 health care services to enrollees under the authority's managed care
12 programs under chapter 74.09 RCW.

13 (30) "Mental health peer respite center" means a peer-run program
14 to serve individuals in need of voluntary, short-term, noncrisis
15 services that focus on recovery and wellness.

16 (31) Mental health "treatment records" include registration and
17 all other records concerning persons who are receiving or who at any
18 time have received services for mental illness, which are maintained
19 by the department of social and health services or the authority, by
20 behavioral health administrative services organizations and their
21 staffs, by managed care organizations and their staffs, or by
22 treatment facilities. "Treatment records" do not include notes or
23 records maintained for personal use by a person providing treatment
24 services for the entities listed in this subsection, or a treatment
25 facility if the notes or records are not available to others.

26 (32) "Mentally ill persons," "persons who are mentally ill," and
27 "the mentally ill" mean persons and conditions defined in subsections
28 (1), (10), (39), and (40) of this section.

29 (33) "Recovery" means a process of change through which
30 individuals improve their health and wellness, live a self-directed
31 life, and strive to reach their full potential.

32 (34) "Research-based" means a program or practice that has been
33 tested with a single randomized, or statistically controlled
34 evaluation, or both, demonstrating sustained desirable outcomes; or
35 where the weight of the evidence from a systemic review supports
36 sustained outcomes as described in subsection (23) of this section
37 but does not meet the full criteria for evidence-based.

38 (35) "Residential services" means a complete range of residences
39 and supports authorized by resource management services and which may
40 involve a facility, a distinct part thereof, or services which

1 support community living, for persons who are acutely mentally ill,
2 adults who are chronically mentally ill, children who are severely
3 emotionally disturbed, or adults who are seriously disturbed and
4 determined by the behavioral health administrative services
5 organization or managed care organization to be at risk of becoming
6 acutely or chronically mentally ill. The services shall include at
7 least evaluation and treatment services as defined in chapter 71.05
8 RCW, acute crisis respite care, long-term adaptive and rehabilitative
9 care, and supervised and supported living services, and shall also
10 include any residential services developed to service persons who are
11 mentally ill in nursing homes, residential treatment facilities,
12 assisted living facilities, and adult family homes, and may include
13 outpatient services provided as an element in a package of services
14 in a supported housing model. Residential services for children in
15 out-of-home placements related to their mental disorder shall not
16 include the costs of food and shelter, except for children's long-
17 term residential facilities existing prior to January 1, 1991.

18 (36) "Resilience" means the personal and community qualities that
19 enable individuals to rebound from adversity, trauma, tragedy,
20 threats, or other stresses, and to live productive lives.

21 (37) "Resource management services" mean the planning,
22 coordination, and authorization of residential services and community
23 support services administered pursuant to an individual service plan
24 for: (a) Adults and children who are acutely mentally ill; (b) adults
25 who are chronically mentally ill; (c) children who are severely
26 emotionally disturbed; or (d) adults who are seriously disturbed and
27 determined by a behavioral health administrative services
28 organization or managed care organization to be at risk of becoming
29 acutely or chronically mentally ill. Such planning, coordination, and
30 authorization shall include mental health screening for children
31 eligible under the federal Title XIX early and periodic screening,
32 diagnosis, and treatment program. Resource management services
33 include seven day a week, twenty-four hour a day availability of
34 information regarding enrollment of adults and children who are
35 mentally ill in services and their individual service plan to
36 designated crisis responders, evaluation and treatment facilities,
37 and others as determined by the behavioral health administrative
38 services organization or managed care organization, as applicable.

39 (38) "Secretary" means the secretary of the department of health.

40 (39) "Seriously disturbed person" means a person who:

1 (a) Is gravely disabled or presents a likelihood of serious harm
2 to himself or herself or others, or to the property of others, as a
3 result of a mental disorder as defined in chapter 71.05 RCW;

4 (b) Has been on conditional release status, or under a less
5 restrictive alternative order, at some time during the preceding two
6 years from an evaluation and treatment facility or a state mental
7 health hospital;

8 (c) Has a mental disorder which causes major impairment in
9 several areas of daily living;

10 (d) Exhibits suicidal preoccupation or attempts; or

11 (e) Is a child diagnosed by a mental health professional, as
12 defined in chapter 71.34 RCW, as experiencing a mental disorder which
13 is clearly interfering with the child's functioning in family or
14 school or with peers or is clearly interfering with the child's
15 personality development and learning.

16 (40) "Severely emotionally disturbed child" or "child who is
17 severely emotionally disturbed" means a child who has been determined
18 by the behavioral health administrative services organization or
19 managed care organization, if applicable, to be experiencing a mental
20 disorder as defined in chapter 71.34 RCW, including those mental
21 disorders that result in a behavioral or conduct disorder, that is
22 clearly interfering with the child's functioning in family or school
23 or with peers and who meets at least one of the following criteria:

24 (a) Has undergone inpatient treatment or placement outside of the
25 home related to a mental disorder within the last two years;

26 (b) Has undergone involuntary treatment under chapter 71.34 RCW
27 within the last two years;

28 (c) Is currently served by at least one of the following child-
29 serving systems: Juvenile justice, child-protection/welfare, special
30 education, or developmental disabilities;

31 (d) Is at risk of escalating maladjustment due to:

32 (i) Chronic family dysfunction involving a caretaker who is
33 mentally ill or inadequate;

34 (ii) Changes in custodial adult;

35 (iii) Going to, residing in, or returning from any placement
36 outside of the home, for example, psychiatric hospital, short-term
37 inpatient, residential treatment, group or foster home, or a
38 correctional facility;

39 (iv) Subject to repeated physical abuse or neglect;

40 (v) Drug or alcohol abuse; or

1 (vi) Homelessness.

2 (41) "State minimum standards" means minimum requirements
3 established by rules adopted and necessary to implement this chapter
4 by:

5 (a) The authority for:

6 (i) Delivery of mental health and substance use disorder
7 services; and

8 (ii) Community support services and resource management services;

9 (b) The department of health for:

10 (i) Licensed or certified behavioral health agencies for the
11 purpose of providing mental health or substance use disorder programs
12 and services, or both;

13 (ii) Licensed behavioral health providers for the provision of
14 mental health or substance use disorder services, or both; and

15 (iii) Residential services.

16 (42) "Substance use disorder" means a cluster of cognitive,
17 behavioral, and physiological symptoms indicating that an individual
18 continues using the substance despite significant substance-related
19 problems. The diagnosis of a substance use disorder is based on a
20 pathological pattern of behaviors related to the use of the
21 substances.

22 (43) "Tribe," for the purposes of this section, means a federally
23 recognized Indian tribe.

24 **Sec. 53.** RCW 71.32.020 and 2016 c 209 s 407 are each amended to
25 read as follows:

26 The definitions in this section apply throughout this chapter
27 unless the context clearly requires otherwise.

28 (1) "Adult" means any individual who has attained the age of
29 majority or is an emancipated minor.

30 (2) "Agent" has the same meaning as an attorney-in-fact or agent
31 as provided in chapter 11.125 RCW.

32 (3) "Capacity" means that an adult has not been found to be
33 incapacitated pursuant to this chapter or RCW 11.88.010(1)(e).

34 (4) "Court" means a superior court under chapter 2.08 RCW.

35 (5) "Health care facility" means a hospital, as defined in RCW
36 70.41.020; an institution, as defined in RCW 71.12.455; a state
37 hospital, as defined in RCW 72.23.010; a nursing home, as defined in
38 RCW 18.51.010; or a clinic that is part of a community mental health
39 service delivery system, as defined in RCW 71.24.025.

1 (6) "Health care provider" means an osteopathic physician (~~(or~~
2 ~~osteopathic physician's assistant)~~) licensed under chapter 18.57 (~~(or~~
3 ~~18.57A)~~) RCW, a physician or physician's assistant licensed under
4 chapter 18.71 or 18.71A RCW, or an advanced registered nurse
5 practitioner licensed under RCW 18.79.050.

6 (7) "Incapacitated" means an adult who: (a) Is unable to
7 understand the nature, character, and anticipated results of proposed
8 treatment or alternatives; understand the recognized serious possible
9 risks, complications, and anticipated benefits in treatments and
10 alternatives, including nontreatment; or communicate his or her
11 understanding or treatment decisions; or (b) has been found to be
12 incompetent pursuant to RCW 11.88.010(1)(e).

13 (8) "Informed consent" means consent that is given after the
14 person: (a) Is provided with a description of the nature, character,
15 and anticipated results of proposed treatments and alternatives, and
16 the recognized serious possible risks, complications, and anticipated
17 benefits in the treatments and alternatives, including nontreatment,
18 in language that the person can reasonably be expected to understand;
19 or (b) elects not to be given the information included in (a) of this
20 subsection.

21 (9) "Long-term care facility" has the same meaning as defined in
22 RCW 43.190.020.

23 (10) "Mental disorder" means any organic, mental, or emotional
24 impairment which has substantial adverse effects on an individual's
25 cognitive or volitional functions.

26 (11) "Mental health advance directive" or "directive" means a
27 written document in which the principal makes a declaration of
28 instructions or preferences or appoints an agent to make decisions on
29 behalf of the principal regarding the principal's mental health
30 treatment, or both, and that is consistent with the provisions of
31 this chapter.

32 (12) "Mental health professional" means a psychiatrist,
33 psychologist, psychiatric nurse, or social worker, and such other
34 mental health professionals as may be defined by rules adopted by the
35 secretary pursuant to the provisions of chapter 71.05 RCW.

36 (13) "Principal" means an adult who has executed a mental health
37 advance directive.

38 (14) "Professional person" means a mental health professional and
39 shall also mean a physician, registered nurse, and such others as may

1 be defined by rules adopted by the secretary pursuant to the
2 provisions of chapter 71.05 RCW.

3 (15) "Social worker" means a person with a master's or further
4 advanced degree from a social work educational program accredited and
5 approved as provided in RCW 18.320.010.

6 **Sec. 54.** RCW 71.34.020 and 2019 c 446 s 24, 2019 c 444 s 17,
7 2019 c 381 s 2, and 2019 c 325 s 2001 are each reenacted and amended
8 to read as follows:

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

11 (1) "Adolescent" means a minor thirteen years of age or older.

12 (2) "Alcoholism" means a disease, characterized by a dependency
13 on alcoholic beverages, loss of control over the amount and
14 circumstances of use, symptoms of tolerance, physiological or
15 psychological withdrawal, or both, if use is reduced or discontinued,
16 and impairment of health or disruption of social or economic
17 functioning.

18 (3) "Approved substance use disorder treatment program" means a
19 program for minors with substance use disorders provided by a
20 treatment program licensed or certified by the department of health
21 as meeting standards adopted under chapter 71.24 RCW.

22 (4) "Authority" means the Washington state health care authority.

23 (5) "Behavioral health administrative services organization" has
24 the same meaning as provided in RCW 71.24.025.

25 (6) "Child psychiatrist" means a person having a license as a
26 physician and surgeon in this state, who has had graduate training in
27 child psychiatry in a program approved by the American Medical
28 Association or the American Osteopathic Association, and who is board
29 eligible or board certified in child psychiatry.

30 (7) "Children's mental health specialist" means:

31 (a) A mental health professional who has completed a minimum of
32 one hundred actual hours, not quarter or semester hours, of
33 specialized training devoted to the study of child development and
34 the treatment of children; and

35 (b) A mental health professional who has the equivalent of one
36 year of full-time experience in the treatment of children under the
37 supervision of a children's mental health specialist.

38 (8) "Commitment" means a determination by a judge or court
39 commissioner, made after a commitment hearing, that the minor is in

1 need of inpatient diagnosis, evaluation, or treatment or that the
2 minor is in need of less restrictive alternative treatment.

3 (9) "Co-occurring disorder specialist" means an individual
4 possessing an enhancement granted by the department of health under
5 chapter 18.205 RCW that certifies the individual to provide substance
6 use disorder counseling subject to the practice limitations under RCW
7 18.205.105.

8 (10) "Department" means the department of social and health
9 services.

10 (11) "Designated crisis responder" has the same meaning as
11 provided in RCW 71.05.020.

12 (12) "Director" means the director of the authority.

13 (13) "Evaluation and treatment facility" means a public or
14 private facility or unit that is licensed or certified by the
15 department of health to provide emergency, inpatient, residential, or
16 outpatient mental health evaluation and treatment services for
17 minors. A physically separate and separately operated portion of a
18 state hospital may be designated as an evaluation and treatment
19 facility for minors. A facility which is part of or operated by the
20 state or federal agency does not require licensure or certification.
21 No correctional institution or facility, juvenile court detention
22 facility, or jail may be an evaluation and treatment facility within
23 the meaning of this chapter.

24 (14) "Evaluation and treatment program" means the total system of
25 services and facilities coordinated and approved by a county or
26 combination of counties for the evaluation and treatment of minors
27 under this chapter.

28 (15) "Gravely disabled minor" means a minor who, as a result of a
29 mental disorder, or as a result of the use of alcohol or other
30 psychoactive chemicals, is in danger of serious physical harm
31 resulting from a failure to provide for his or her essential human
32 needs of health or safety, or manifests severe deterioration in
33 routine functioning evidenced by repeated and escalating loss of
34 cognitive or volitional control over his or her actions and is not
35 receiving such care as is essential for his or her health or safety.

36 (16) "Inpatient treatment" means twenty-four-hour-per-day mental
37 health care provided within a general hospital, psychiatric hospital,
38 residential treatment facility licensed or certified by the
39 department of health as an evaluation and treatment facility for
40 minors, secure withdrawal management and stabilization facility for

1 minors, or approved substance use disorder treatment program for
2 minors.

3 (17) "Intoxicated minor" means a minor whose mental or physical
4 functioning is substantially impaired as a result of the use of
5 alcohol or other psychoactive chemicals.

6 (18) "Kinship caregiver" has the same meaning as in RCW
7 74.13.031(19)(a).

8 (19) "Less restrictive alternative" or "less restrictive setting"
9 means outpatient treatment provided to a minor who is not residing in
10 a facility providing inpatient treatment as defined in this chapter.

11 (20) "Likelihood of serious harm" means either: (a) A substantial
12 risk that physical harm will be inflicted by an individual upon his
13 or her own person, as evidenced by threats or attempts to commit
14 suicide or inflict physical harm on oneself; (b) a substantial risk
15 that physical harm will be inflicted by an individual upon another,
16 as evidenced by behavior which has caused such harm or which places
17 another person or persons in reasonable fear of sustaining such harm;
18 or (c) a substantial risk that physical harm will be inflicted by an
19 individual upon the property of others, as evidenced by behavior
20 which has caused substantial loss or damage to the property of
21 others.

22 (21) "Managed care organization" has the same meaning as provided
23 in RCW 71.24.025.

24 (22) "Medical necessity" for inpatient care means a requested
25 service which is reasonably calculated to: (a) Diagnose, correct,
26 cure, or alleviate a mental disorder or substance use disorder; or
27 (b) prevent the progression of a mental disorder or substance use
28 disorder that endangers life or causes suffering and pain, or results
29 in illness or infirmity or threatens to cause or aggravate a
30 handicap, or causes physical deformity or malfunction, and there is
31 no adequate less restrictive alternative available.

32 (23) "Mental disorder" means any organic, mental, or emotional
33 impairment that has substantial adverse effects on an individual's
34 cognitive or volitional functions. The presence of alcohol abuse,
35 drug abuse, juvenile criminal history, antisocial behavior, or
36 intellectual disabilities alone is insufficient to justify a finding
37 of "mental disorder" within the meaning of this section.

38 (24) "Mental health professional" means a psychiatrist,
39 psychiatric advanced registered nurse practitioner, physician
40 assistant working with a supervising psychiatrist, psychologist,

1 psychiatric nurse, social worker, and such other mental health
2 professionals as defined by rules adopted by the secretary of the
3 department of health under this chapter.

4 (25) "Minor" means any person under the age of eighteen years.

5 (26) "Outpatient treatment" means any of the nonresidential
6 services mandated under chapter 71.24 RCW and provided by licensed or
7 certified behavioral health agencies as identified by RCW 71.24.025.

8 (27)(a) "Parent" has the same meaning as defined in RCW
9 26.26A.010, including either parent if custody is shared under a
10 joint custody agreement, or a person or agency judicially appointed
11 as legal guardian or custodian of the child.

12 (b) For purposes of family-initiated treatment under RCW
13 71.34.600 through 71.34.670, "parent" also includes a person to whom
14 a parent defined in (a) of this subsection has given a signed
15 authorization to make health care decisions for the adolescent, a
16 stepparent who is involved in caring for the adolescent, a kinship
17 caregiver who is involved in caring for the adolescent, or another
18 relative who is responsible for the health care of the adolescent,
19 who may be required to provide a declaration under penalty of perjury
20 stating that he or she is a relative responsible for the health care
21 of the adolescent pursuant to (~~RCW 9A.72.085~~) chapter 5.50 RCW. If
22 a dispute arises between individuals authorized to act as a parent
23 for the purpose of RCW 71.34.600 through 71.34.670, the disagreement
24 must be resolved according to the priority established under RCW
25 7.70.065(2) (a).

26 (28) "Physician assistant" means a person licensed as a physician
27 assistant under chapter (~~18.57A or~~) 18.71A RCW.

28 (29) "Private agency" means any person, partnership, corporation,
29 or association that is not a public agency, whether or not financed
30 in whole or in part by public funds, that constitutes an evaluation
31 and treatment facility or private institution, or hospital, or
32 approved substance use disorder treatment program, that is conducted
33 for, or includes a distinct unit, floor, or ward conducted for, the
34 care and treatment of persons with mental illness, substance use
35 disorders, or both mental illness and substance use disorders.

36 (30) "Professional person in charge" or "professional person"
37 means a physician, other mental health professional, or other person
38 empowered by an evaluation and treatment facility, secure withdrawal
39 management and stabilization facility, or approved substance use

1 disorder treatment program with authority to make admission and
2 discharge decisions on behalf of that facility.

3 (31) "Psychiatric nurse" means a registered nurse who has
4 experience in the direct treatment of persons who have a mental
5 illness or who are emotionally disturbed, such experience gained
6 under the supervision of a mental health professional.

7 (32) "Psychiatrist" means a person having a license as a
8 physician in this state who has completed residency training in
9 psychiatry in a program approved by the American Medical Association
10 or the American Osteopathic Association, and is board eligible or
11 board certified in psychiatry.

12 (33) "Psychologist" means a person licensed as a psychologist
13 under chapter 18.83 RCW.

14 (34) "Public agency" means any evaluation and treatment facility
15 or institution, or hospital, or approved substance use disorder
16 treatment program that is conducted for, or includes a distinct unit,
17 floor, or ward conducted for, the care and treatment of persons with
18 mental illness, substance use disorders, or both mental illness and
19 substance use disorders if the agency is operated directly by
20 federal, state, county, or municipal government, or a combination of
21 such governments.

22 (35) "Responsible other" means the minor, the minor's parent or
23 estate, or any other person legally responsible for support of the
24 minor.

25 (36) "Secretary" means the secretary of the department or
26 secretary's designee.

27 (37) "Secure withdrawal management and stabilization facility"
28 means a facility operated by either a public or private agency or by
29 the program of an agency which provides care to voluntary individuals
30 and individuals involuntarily detained and committed under this
31 chapter for whom there is a likelihood of serious harm or who are
32 gravely disabled due to the presence of a substance use disorder.
33 Secure withdrawal management and stabilization facilities must:

34 (a) Provide the following services:

35 (i) Assessment and treatment, provided by certified substance use
36 disorder professionals or co-occurring disorder specialists;

37 (ii) Clinical stabilization services;

38 (iii) Acute or subacute detoxification services for intoxicated
39 individuals; and

1 (iv) Discharge assistance provided by certified substance use
2 disorder professionals or co-occurring disorder specialists,
3 including facilitating transitions to appropriate voluntary or
4 involuntary inpatient services or to less restrictive alternatives as
5 appropriate for the individual;

6 (b) Include security measures sufficient to protect the patients,
7 staff, and community; and

8 (c) Be licensed or certified as such by the department of health.

9 (38) "Social worker" means a person with a master's or further
10 advanced degree from a social work educational program accredited and
11 approved as provided in RCW 18.320.010.

12 (39) "Start of initial detention" means the time of arrival of
13 the minor at the first evaluation and treatment facility, secure
14 withdrawal management and stabilization facility, or approved
15 substance use disorder treatment program offering inpatient treatment
16 if the minor is being involuntarily detained at the time. With regard
17 to voluntary patients, "start of initial detention" means the time at
18 which the minor gives notice of intent to leave under the provisions
19 of this chapter.

20 (40) "Substance use disorder" means a cluster of cognitive,
21 behavioral, and physiological symptoms indicating that an individual
22 continues using the substance despite significant substance-related
23 problems. The diagnosis of a substance use disorder is based on a
24 pathological pattern of behaviors related to the use of the
25 substances.

26 (41) "Substance use disorder professional" means a person
27 certified as a substance use disorder professional by the department
28 of health under chapter 18.205 RCW, or a person certified as a
29 (~~chemical dependency~~) substance use disorder professional trainee
30 under RCW 18.205.095 working under the direct supervision of a
31 certified (~~chemical dependency~~) substance use disorder
32 professional.

33 **Sec. 55.** RCW 74.09.010 and 2017 c 226 s 5 are each amended to
34 read as follows:

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

37 (1) "Authority" means the Washington state health care authority.

1 (2) "Bidirectional integration" means integrating behavioral
2 health services into primary care settings and integrating primary
3 care services into behavioral health settings.

4 (3) "Children's health program" means the health care services
5 program provided to children under eighteen years of age and in
6 households with incomes at or below the federal poverty level as
7 annually defined by the federal department of health and human
8 services as adjusted for family size, and who are not otherwise
9 eligible for medical assistance or the limited casualty program for
10 the medically needy.

11 (4) "Chronic care management" means the health care management
12 within a health home of persons identified with, or at high risk for,
13 one or more chronic conditions. Effective chronic care management:

14 (a) Actively assists patients to acquire self-care skills to
15 improve functioning and health outcomes, and slow the progression of
16 disease or disability;

17 (b) Employs evidence-based clinical practices;

18 (c) Coordinates care across health care settings and providers,
19 including tracking referrals;

20 (d) Provides ready access to behavioral health services that are,
21 to the extent possible, integrated with primary care; and

22 (e) Uses appropriate community resources to support individual
23 patients and families in managing chronic conditions.

24 (5) "Chronic condition" means a prolonged condition and includes,
25 but is not limited to:

26 (a) A mental health condition;

27 (b) A substance use disorder;

28 (c) Asthma;

29 (d) Diabetes;

30 (e) Heart disease; and

31 (f) Being overweight, as evidenced by a body mass index over
32 twenty-five.

33 (6) "County" means the board of county commissioners, county
34 council, county executive, or tribal jurisdiction, or its designee.

35 (7) "Department" means the department of social and health
36 services.

37 (8) "Department of health" means the Washington state department
38 of health created pursuant to RCW 43.70.020.

39 (9) "Director" means the director of the Washington state health
40 care authority.

1 (10) "Full benefit dual eligible beneficiary" means an individual
2 who, for any month: Has coverage for the month under a medicare
3 prescription drug plan or medicare advantage plan with part D
4 coverage; and is determined eligible by the state for full medicaid
5 benefits for the month under any eligibility category in the state's
6 medicaid plan or a section 1115 demonstration waiver that provides
7 pharmacy benefits.

8 (11) "Health home" or "primary care health home" means
9 coordinated health care provided by a licensed primary care provider
10 coordinating all medical care services, and a multidisciplinary
11 health care team comprised of clinical and nonclinical staff. The
12 term "coordinating all medical care services" shall not be construed
13 to require prior authorization by a primary care provider in order
14 for a patient to receive treatment for covered services by an
15 optometrist licensed under chapter 18.53 RCW. Primary care health
16 home services shall include those services defined as health home
17 services in 42 U.S.C. Sec. 1396w-4 and, in addition, may include, but
18 are not limited to:

19 (a) Comprehensive care management including, but not limited to,
20 chronic care treatment and management;

21 (b) Extended hours of service;

22 (c) Multiple ways for patients to communicate with the team,
23 including electronically and by phone;

24 (d) Education of patients on self-care, prevention, and health
25 promotion, including the use of patient decision aids;

26 (e) Coordinating and assuring smooth transitions and follow-up
27 from inpatient to other settings;

28 (f) Individual and family support including authorized
29 representatives;

30 (g) The use of information technology to link services, track
31 tests, generate patient registries, and provide clinical data; and

32 (h) Ongoing performance reporting and quality improvement.

33 (12) "Internal management" means the administration of medical
34 assistance, medical care services, the children's health program, and
35 the limited casualty program.

36 (13) "Limited casualty program" means the medical care program
37 provided to medically needy persons as defined under Title XIX of the
38 federal social security act, and to medically indigent persons who
39 are without income or resources sufficient to secure necessary
40 medical services.

1 (14) "Medical assistance" means the federal aid medical care
2 program provided to categorically needy persons as defined under
3 Title XIX of the federal social security act.

4 (15) "Medical care services" means the limited scope of care
5 financed by state funds and provided to persons who are not eligible
6 for medicaid under RCW 74.09.510 and who are eligible for the aged,
7 blind, or disabled assistance program authorized in RCW 74.62.030 or
8 the essential needs and housing support program pursuant to RCW
9 74.04.805.

10 (16) "Multidisciplinary health care team" means an
11 interdisciplinary team of health professionals which may include, but
12 is not limited to, medical specialists, nurses, pharmacists,
13 nutritionists, dieticians, social workers, behavioral and mental
14 health providers including substance use disorder prevention and
15 treatment providers, doctors of chiropractic, physical therapists,
16 licensed complementary and alternative medicine practitioners, home
17 care and other long-term care providers, and physicians' assistants.

18 (17) "Nursing home" means nursing home as defined in RCW
19 18.51.010.

20 (18) "Poverty" means the federal poverty level determined
21 annually by the United States department of health and human
22 services, or successor agency.

23 (19) "Primary care behavioral health" means a health care
24 integration model in which behavioral health care is colocated,
25 collaborative, and integrated within a primary care setting.

26 (20) "Primary care provider" means a general practice physician,
27 family practitioner, internist, pediatrician, osteopathic physician,
28 naturopath, physician assistant, (~~osteopathic physician assistant,~~)
29 and advanced registered nurse practitioner licensed under Title 18
30 RCW.

31 (21) "Secretary" means the secretary of social and health
32 services.

33 (22) "Whole-person care in behavioral health" means a health care
34 integration model in which primary care services are integrated into
35 a behavioral health setting either through collocation or community-
36 based care management.

37 **Sec. 56.** RCW 74.42.010 and 2019 c 301 s 3 and 2019 c 12 s 1 are
38 each reenacted and amended to read as follows:

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout this chapter.

3 (1) "Department" means the department of social and health
4 services and the department's employees.

5 (2) "Direct care staff" means the staffing domain identified and
6 defined in the center for medicare and medicaid service's five-star
7 quality rating system and as reported through the center for medicare
8 and medicaid service's payroll-based journal. For purposes of
9 calculating hours per resident day minimum staffing standards for
10 facilities with sixty-one or more licensed beds, the director of
11 nursing services classification (job title code five), as identified
12 in the (~~center[s]~~) centers for medicare and medicaid (~~service's~~)
13 services' payroll-based journal, shall not be used. For facilities
14 with sixty or fewer beds the director of nursing services
15 classification (job title code five) shall be included in calculating
16 hours per resident day minimum staffing standards.

17 (3) "Facility" refers to a nursing home as defined in RCW
18 18.51.010.

19 (4) "Geriatric behavioral health worker" means a person with a
20 bachelor's or master's degree in social work, behavioral health, or
21 other related areas, or a person who has received specialized
22 training devoted to mental illness and treatment of older adults.

23 (5) "Licensed practical nurse" means a person licensed to
24 practice practical nursing under chapter 18.79 RCW.

25 (6) "Medicaid" means Title XIX of the Social Security Act enacted
26 by the social security amendments of 1965 (42 U.S.C. Sec. 1396; 79
27 Stat. 343), as amended.

28 (7) "Nurse practitioner" means a person licensed to practice
29 advanced registered nursing under chapter 18.79 RCW.

30 (8) "Nursing care" means that care provided by a registered
31 nurse, an advanced registered nurse practitioner, a licensed
32 practical nurse, or a nursing assistant in the regular performance of
33 their duties.

34 (9) "Physician" means a person practicing pursuant to chapter
35 18.57 or 18.71 RCW, including, but not limited to, a physician
36 employed by the facility as provided in chapter 18.51 RCW.

37 (10) "Physician assistant" means a person practicing pursuant to
38 chapter (~~18.57A or~~) 18.71A RCW.

39 (11) "Qualified therapist" means:

1 (a) An activities specialist who has specialized education,
2 training, or experience specified by the department.

3 (b) An audiologist who is eligible for a certificate of clinical
4 competence in audiology or who has the equivalent education and
5 clinical experience.

6 (c) A mental health professional as defined in chapter 71.05 RCW.

7 (d) An intellectual disabilities professional who is a qualified
8 therapist or a therapist approved by the department and has
9 specialized training or one year experience in treating or working
10 with persons with intellectual or developmental disabilities.

11 (e) An occupational therapist who is a graduate of a program in
12 occupational therapy or who has equivalent education or training.

13 (f) A physical therapist as defined in chapter 18.74 RCW.

14 (g) A social worker as defined in RCW 18.320.010(2).

15 (h) A speech pathologist who is eligible for a certificate of
16 clinical competence in speech pathology or who has equivalent
17 education and clinical experience.

18 (12) "Registered nurse" means a person licensed to practice
19 registered nursing under chapter 18.79 RCW.

20 (13) "Resident" means an individual residing in a nursing home,
21 as defined in RCW 18.51.010.

22 **Sec. 57.** RCW 74.42.230 and 2019 c 55 s 20 are each amended to
23 read as follows:

24 (1) The resident's attending or staff physician or authorized
25 practitioner approved by the attending physician shall order all
26 medications for the resident. The order may be oral or written and
27 shall continue in effect until discontinued by a physician or other
28 authorized prescriber, unless the order is specifically limited by
29 time. An "authorized practitioner," as used in this section, is a
30 registered nurse under chapter 18.79 RCW when authorized by the
31 nursing care quality assurance commission, (~~an osteopathic physician~~
32 ~~assistant under chapter 18.57A RCW when authorized by the committee~~
33 ~~of osteopathic examiners,~~) a physician assistant under chapter
34 18.71A RCW when authorized by the Washington medical commission, or a
35 pharmacist under chapter 18.64 RCW when authorized by the pharmacy
36 quality assurance commission.

37 (2) An oral order shall be given only to a licensed nurse,
38 pharmacist, or another physician. The oral order shall be recorded
39 and physically or electronically signed immediately by the person

1 receiving the order. The attending physician shall sign the record of
2 the oral order in a manner consistent with good medical practice.

3 (3) A licensed nurse, pharmacist, or another physician receiving
4 and recording an oral order may, if so authorized by the physician or
5 authorized practitioner, communicate that order to a pharmacy on
6 behalf of the physician or authorized practitioner. The order may be
7 communicated verbally by telephone, by facsimile manually signed by
8 the person receiving the order pursuant to subsection (2) of this
9 section, or by electronic transmission pursuant to RCW 69.41.055. The
10 communication of a resident's order to a pharmacy by a licensed
11 nurse, pharmacist, or another physician acting at the prescriber's
12 direction has the same force and effect as if communicated directly
13 by the delegating physician or authorized practitioner. Nothing in
14 this provision limits the authority of a licensed nurse, pharmacist,
15 or physician to delegate to an authorized agent, including but not
16 limited to delegation of operation of a facsimile machine by
17 credentialed facility staff, to the extent consistent with his or her
18 professional license.

19 **Sec. 58.** RCW 82.04.050 and 2017 3rd sp.s. c 37 s 1201 are each
20 amended to read as follows:

21 (1)(a) "Sale at retail" or "retail sale" means every sale of
22 tangible personal property (including articles produced, fabricated,
23 or imprinted) to all persons irrespective of the nature of their
24 business and including, among others, without limiting the scope
25 hereof, persons who install, repair, clean, alter, improve,
26 construct, or decorate real or personal property of or for consumers
27 other than a sale to a person who:

28 (i) Purchases for the purpose of resale as tangible personal
29 property in the regular course of business without intervening use by
30 such person, but a purchase for the purpose of resale by a regional
31 transit authority under RCW 81.112.300 is not a sale for resale; or

32 (ii) Installs, repairs, cleans, alters, imprints, improves,
33 constructs, or decorates real or personal property of or for
34 consumers, if such tangible personal property becomes an ingredient
35 or component of such real or personal property without intervening
36 use by such person; or

37 (iii) Purchases for the purpose of consuming the property
38 purchased in producing for sale as a new article of tangible personal
39 property or substance, of which such property becomes an ingredient

1 or component or is a chemical used in processing, when the primary
2 purpose of such chemical is to create a chemical reaction directly
3 through contact with an ingredient of a new article being produced
4 for sale; or

5 (iv) Purchases for the purpose of consuming the property
6 purchased in producing ferrosilicon which is subsequently used in
7 producing magnesium for sale, if the primary purpose of such property
8 is to create a chemical reaction directly through contact with an
9 ingredient of ferrosilicon; or

10 (v) Purchases for the purpose of providing the property to
11 consumers as part of competitive telephone service, as defined in RCW
12 82.04.065; or

13 (vi) Purchases for the purpose of satisfying the person's
14 obligations under an extended warranty as defined in subsection (7)
15 of this section, if such tangible personal property replaces or
16 becomes an ingredient or component of property covered by the
17 extended warranty without intervening use by such person.

18 (b) The term includes every sale of tangible personal property
19 that is used or consumed or to be used or consumed in the performance
20 of any activity defined as a "sale at retail" or "retail sale" even
21 though such property is resold or used as provided in (a)(i) through
22 (vi) of this subsection following such use.

23 (c) The term also means every sale of tangible personal property
24 to persons engaged in any business that is taxable under RCW
25 82.04.280(1) (a), (b), and (g), 82.04.290, and 82.04.2908.

26 (2) The term "sale at retail" or "retail sale" includes the sale
27 of or charge made for tangible personal property consumed and/or for
28 labor and services rendered in respect to the following:

29 (a) The installing, repairing, cleaning, altering, imprinting, or
30 improving of tangible personal property of or for consumers,
31 including charges made for the mere use of facilities in respect
32 thereto, but excluding charges made for the use of self-service
33 laundry facilities, and also excluding sales of laundry service to
34 nonprofit health care facilities, and excluding services rendered in
35 respect to live animals, birds and insects;

36 (b) The constructing, repairing, decorating, or improving of new
37 or existing buildings or other structures under, upon, or above real
38 property of or for consumers, including the installing or attaching
39 of any article of tangible personal property therein or thereto,
40 whether or not such personal property becomes a part of the realty by

1 virtue of installation, and also includes the sale of services or
2 charges made for the clearing of land and the moving of earth
3 excepting the mere leveling of land used in commercial farming or
4 agriculture;

5 (c) The constructing, repairing, or improving of any structure
6 upon, above, or under any real property owned by an owner who conveys
7 the property by title, possession, or any other means to the person
8 performing such construction, repair, or improvement for the purpose
9 of performing such construction, repair, or improvement and the
10 property is then reconveyed by title, possession, or any other means
11 to the original owner;

12 (d) The cleaning, fumigating, razing, or moving of existing
13 buildings or structures, but does not include the charge made for
14 janitorial services; and for purposes of this section the term
15 "janitorial services" means those cleaning and caretaking services
16 ordinarily performed by commercial janitor service businesses
17 including, but not limited to, wall and window washing, floor
18 cleaning and waxing, and the cleaning in place of rugs, drapes and
19 upholstery. The term "janitorial services" does not include painting,
20 papering, repairing, furnace or septic tank cleaning, snow removal or
21 sandblasting;

22 (e) Automobile towing and similar automotive transportation
23 services, but not in respect to those required to report and pay
24 taxes under chapter 82.16 RCW;

25 (f) The furnishing of lodging and all other services by a hotel,
26 rooming house, tourist court, motel, trailer camp, and the granting
27 of any similar license to use real property, as distinguished from
28 the renting or leasing of real property, and it is presumed that the
29 occupancy of real property for a continuous period of one month or
30 more constitutes a rental or lease of real property and not a mere
31 license to use or enjoy the same. For the purposes of this
32 subsection, it is presumed that the sale of and charge made for the
33 furnishing of lodging for a continuous period of one month or more to
34 a person is a rental or lease of real property and not a mere license
35 to enjoy the same;

36 (g) The installing, repairing, altering, or improving of digital
37 goods for consumers;

38 (h) Persons taxable under (a), (b), (c), (d), (e), (f), and (g)
39 of this subsection when such sales or charges are for property, labor
40 and services which are used or consumed in whole or in part by such

1 persons in the performance of any activity defined as a "sale at
2 retail" or "retail sale" even though such property, labor and
3 services may be resold after such use or consumption. Nothing
4 contained in this subsection may be construed to modify subsection
5 (1) of this section and nothing contained in subsection (1) of this
6 section may be construed to modify this subsection.

7 (3) The term "sale at retail" or "retail sale" includes the sale
8 of or charge made for personal, business, or professional services
9 including amounts designated as interest, rents, fees, admission, and
10 other service emoluments however designated, received by persons
11 engaging in the following business activities:

12 (a) Abstract, title insurance, and escrow services;

13 (b) Credit bureau services;

14 (c) Automobile parking and storage garage services;

15 (d) Landscape maintenance and horticultural services but
16 excluding (i) horticultural services provided to farmers and (ii)
17 pruning, trimming, repairing, removing, and clearing of trees and
18 brush near electric transmission or distribution lines or equipment,
19 if performed by or at the direction of an electric utility;

20 (e) Service charges associated with tickets to professional
21 sporting events;

22 (f) The following personal services: Tanning salon services,
23 tattoo parlor services, steam bath services, turkish bath services,
24 escort services, and dating services; and

25 (g) (i) Operating an athletic or fitness facility, including all
26 charges for the use of such a facility or for any associated services
27 and amenities, except as provided in (g) (ii) of this subsection.

28 (ii) Notwithstanding anything to the contrary in (g) (i) of this
29 subsection (3), the term "sale at retail" and "retail sale" under
30 this subsection does not include:

31 (A) Separately stated charges for the use of an athletic or
32 fitness facility where such use is primarily for a purpose other than
33 engaging in or receiving instruction in a physical fitness activity;

34 (B) Separately stated charges for the use of a discrete portion
35 of an athletic or fitness facility, other than a pool, where such
36 discrete portion of the facility does not by itself meet the
37 definition of "athletic or fitness facility" in this subsection;

38 (C) Separately stated charges for services, such as advertising,
39 massage, nutritional consulting, and body composition testing, that
40 do not require the customer to engage in physical fitness activities

1 to receive the service. The exclusion in this subsection
2 (3)(g)(ii)(C) does not apply to personal training services and
3 instruction in a physical fitness activity;

4 (D) Separately stated charges for physical therapy provided by a
5 physical therapist, as those terms are defined in RCW 18.74.010, or
6 occupational therapy provided by an occupational therapy
7 practitioner, as those terms are defined in RCW 18.59.020, when
8 performed pursuant to a referral from an authorized health care
9 practitioner or in consultation with an authorized health care
10 practitioner. For the purposes of this subsection (3)(g)(ii)(D), an
11 authorized health care practitioner means a health care practitioner
12 licensed under chapter 18.83, 18.25, 18.36A, 18.57, (~~18.57A,~~)
13 18.71, or 18.71A RCW;

14 (E) Rent or association fees charged by a landlord or residential
15 association to a tenant or residential owner with access to an
16 athletic or fitness facility maintained by the landlord or
17 residential association, unless the rent or fee varies depending on
18 whether the tenant or owner has access to the facility;

19 (F) Services provided in the regular course of employment by an
20 employee with access to an athletic or fitness facility maintained by
21 the employer for use without charge by its employees or their family
22 members;

23 (G) The provision of access to an athletic or fitness facility by
24 an educational institution to its students and staff. However,
25 charges made by an educational institution to its alumni or other
26 members of the public for the use of any of the educational
27 institution's athletic or fitness facilities are a retail sale under
28 this subsection (3)(g). For purposes of this subsection
29 (3)(g)(ii)(G), "educational institution" has the same meaning as in
30 RCW 82.04.170;

31 (H) Yoga, chi gong, or martial arts classes, training, or events
32 held at a community center, park, school gymnasium, college or
33 university, hospital or other medical facility, private residence, or
34 any other facility that is not operated within and as part of an
35 athletic or fitness facility.

36 (iii) Nothing in (g)(ii) of this subsection (3) may be construed
37 to affect the taxation of sales made by the operator of an athletic
38 or fitness facility, where such sales are defined as a retail sale
39 under any provision of this section other than this subsection (3).

1 (iv) For the purposes of this subsection (3)(g), the following
2 definitions apply:

3 (A) "Athletic or fitness facility" means an indoor or outdoor
4 facility or portion of a facility that is primarily used for:
5 Exercise classes; strength and conditioning programs; personal
6 training services; tennis, racquetball, handball, squash, or
7 pickleball; or other activities requiring the use of exercise or
8 strength training equipment, such as treadmills, elliptical machines,
9 stair climbers, stationary cycles, rowing machines, pilates
10 equipment, balls, climbing ropes, jump ropes, and weightlifting
11 equipment.

12 (B) "Martial arts" means any of the various systems of training
13 for physical combat or self-defense. "Martial arts" includes, but is
14 not limited to, karate, kung fu, tae kwon do, Krav Maga, boxing,
15 kickboxing, jujitsu, shootfighting, wrestling, aikido, judo, hapkido,
16 Kendo, tai chi, and mixed martial arts.

17 (C) "Physical fitness activities" means activities that involve
18 physical exertion for the purpose of improving or maintaining the
19 general fitness, strength, flexibility, conditioning, or health of
20 the participant. "Physical fitness activities" includes participating
21 in yoga, chi gong, or martial arts.

22 (4)(a) The term also includes the renting or leasing of tangible
23 personal property to consumers.

24 (b) The term does not include the renting or leasing of tangible
25 personal property where the lease or rental is for the purpose of
26 sublease or subrent.

27 (5) The term also includes the providing of "competitive
28 telephone service," "telecommunications service," or "ancillary
29 services," as those terms are defined in RCW 82.04.065, to consumers.

30 (6)(a) The term also includes the sale of prewritten computer
31 software to a consumer, regardless of the method of delivery to the
32 end user. For purposes of (a) and (b) of this subsection, the sale of
33 prewritten computer software includes the sale of or charge made for
34 a key or an enabling or activation code, where the key or code is
35 required to activate prewritten computer software and put the
36 software into use. There is no separate sale of the key or code from
37 the prewritten computer software, regardless of how the sale may be
38 characterized by the vendor or by the purchaser.

39 (b) The term "retail sale" does not include the sale of or charge
40 made for:

1 (i) Custom software; or

2 (ii) The customization of prewritten computer software.

3 (c)(i) The term also includes the charge made to consumers for
4 the right to access and use prewritten computer software, where
5 possession of the software is maintained by the seller or a third
6 party, regardless of whether the charge for the service is on a per
7 use, per user, per license, subscription, or some other basis.

8 (ii)(A) The service described in (c)(i) of this subsection (6)
9 includes the right to access and use prewritten computer software to
10 perform data processing.

11 (B) For purposes of this subsection (6)(c)(ii), "data processing"
12 means the systematic performance of operations on data to extract the
13 required information in an appropriate form or to convert the data to
14 usable information. Data processing includes check processing, image
15 processing, form processing, survey processing, payroll processing,
16 claim processing, and similar activities.

17 (7) The term also includes the sale of or charge made for an
18 extended warranty to a consumer. For purposes of this subsection,
19 "extended warranty" means an agreement for a specified duration to
20 perform the replacement or repair of tangible personal property at no
21 additional charge or a reduced charge for tangible personal property,
22 labor, or both, or to provide indemnification for the replacement or
23 repair of tangible personal property, based on the occurrence of
24 specified events. The term "extended warranty" does not include an
25 agreement, otherwise meeting the definition of extended warranty in
26 this subsection, if no separate charge is made for the agreement and
27 the value of the agreement is included in the sales price of the
28 tangible personal property covered by the agreement. For purposes of
29 this subsection, "sales price" has the same meaning as in RCW
30 82.08.010.

31 (8)(a) The term also includes the following sales to consumers of
32 digital goods, digital codes, and digital automated services:

33 (i) Sales in which the seller has granted the purchaser the right
34 of permanent use;

35 (ii) Sales in which the seller has granted the purchaser a right
36 of use that is less than permanent;

37 (iii) Sales in which the purchaser is not obligated to make
38 continued payment as a condition of the sale; and

39 (iv) Sales in which the purchaser is obligated to make continued
40 payment as a condition of the sale.

1 (b) A retail sale of digital goods, digital codes, or digital
2 automated services under this subsection (8) includes any services
3 provided by the seller exclusively in connection with the digital
4 goods, digital codes, or digital automated services, whether or not a
5 separate charge is made for such services.

6 (c) For purposes of this subsection, "permanent" means perpetual
7 or for an indefinite or unspecified length of time. A right of
8 permanent use is presumed to have been granted unless the agreement
9 between the seller and the purchaser specifies or the circumstances
10 surrounding the transaction suggest or indicate that the right to use
11 terminates on the occurrence of a condition subsequent.

12 (9) The term also includes the charge made for providing tangible
13 personal property along with an operator for a fixed or indeterminate
14 period of time. A consideration of this is that the operator is
15 necessary for the tangible personal property to perform as designed.
16 For the purpose of this subsection (9), an operator must do more than
17 maintain, inspect, or set up the tangible personal property.

18 (10) The term does not include the sale of or charge made for
19 labor and services rendered in respect to the building, repairing, or
20 improving of any street, place, road, highway, easement, right-of-
21 way, mass public transportation terminal or parking facility, bridge,
22 tunnel, or trestle which is owned by a municipal corporation or
23 political subdivision of the state or by the United States and which
24 is used or to be used primarily for foot or vehicular traffic
25 including mass transportation vehicles of any kind.

26 (11) The term also does not include sales of chemical sprays or
27 washes to persons for the purpose of postharvest treatment of fruit
28 for the prevention of scald, fungus, mold, or decay, nor does it
29 include sales of feed, seed, seedlings, fertilizer, agents for
30 enhanced pollination including insects such as bees, and spray
31 materials to: (a) Persons who participate in the federal conservation
32 reserve program, the environmental quality incentives program, the
33 wetlands reserve program, and the wildlife habitat incentives
34 program, or their successors administered by the United States
35 department of agriculture; (b) farmers for the purpose of producing
36 for sale any agricultural product; (c) farmers for the purpose of
37 providing bee pollination services; and (d) farmers acting under
38 cooperative habitat development or access contracts with an
39 organization exempt from federal income tax under 26 U.S.C. Sec.
40 501(c)(3) of the federal internal revenue code or the Washington

1 state department of fish and wildlife to produce or improve wildlife
2 habitat on land that the farmer owns or leases.

3 (12) The term does not include the sale of or charge made for
4 labor and services rendered in respect to the constructing,
5 repairing, decorating, or improving of new or existing buildings or
6 other structures under, upon, or above real property of or for the
7 United States, any instrumentality thereof, or a county or city
8 housing authority created pursuant to chapter 35.82 RCW, including
9 the installing, or attaching of any article of tangible personal
10 property therein or thereto, whether or not such personal property
11 becomes a part of the realty by virtue of installation. Nor does the
12 term include the sale of services or charges made for the clearing of
13 land and the moving of earth of or for the United States, any
14 instrumentality thereof, or a county or city housing authority. Nor
15 does the term include the sale of services or charges made for
16 cleaning up for the United States, or its instrumentalities,
17 radioactive waste and other by-products of weapons production and
18 nuclear research and development.

19 (13) The term does not include the sale of or charge made for
20 labor, services, or tangible personal property pursuant to agreements
21 providing maintenance services for bus, rail, or rail fixed guideway
22 equipment when a regional transit authority is the recipient of the
23 labor, services, or tangible personal property, and a transit agency,
24 as defined in RCW 81.104.015, performs the labor or services.

25 (14) The term does not include the sale for resale of any service
26 described in this section if the sale would otherwise constitute a
27 "sale at retail" and "retail sale" under this section.

28 (15)(a) The term "sale at retail" or "retail sale" includes
29 amounts charged, however labeled, to consumers to engage in any of
30 the activities listed in this subsection (15)(a), including the
31 furnishing of any associated equipment or, except as otherwise
32 provided in this subsection, providing instruction in such
33 activities, where such charges are not otherwise defined as a "sale
34 at retail" or "retail sale" in this section:

35 (i)(A) Golf, including any variant in which either golf balls or
36 golf clubs are used, such as miniature golf, hitting golf balls at a
37 driving range, and golf simulators, and including fees charged by a
38 golf course to a player for using his or her own cart. However,
39 charges for golf instruction are not a retail sale, provided that if
40 the instruction involves the use of a golfing facility that would

1 otherwise require the payment of a fee, such as green fees or driving
2 range fees, such fees, including the applicable retail sales tax,
3 must be separately identified and charged by the golfing facility
4 operator to the instructor or the person receiving the instruction.

5 (B) Notwithstanding (a)(i)(A) of this subsection (15) and except
6 as otherwise provided in this subsection (15)(a)(i)(B), the term
7 "sale at retail" or "retail sale" does not include amounts charged to
8 participate in, or conduct, a golf tournament or other competitive
9 event. However, amounts paid by event participants to the golf
10 facility operator are retail sales under this subsection (15)(a)(i).
11 Likewise, amounts paid by the event organizer to the golf facility
12 are retail sales under this subsection (15)(a)(i), if such amounts
13 vary based on the number of event participants;

14 (ii) Ballooning, hang gliding, indoor or outdoor sky diving,
15 paragliding, parasailing, and similar activities;

16 (iii) Air hockey, billiards, pool, foosball, darts, shuffleboard,
17 ping pong, and similar games;

18 (iv) Access to amusement park, theme park, and water park
19 facilities, including but not limited to charges for admission and
20 locker or cabana rentals. Discrete charges for rides or other
21 attractions or entertainment that are in addition to the charge for
22 admission are not a retail sale under this subsection (15)(a)(iv).
23 For the purposes of this subsection, an amusement park or theme park
24 is a location that provides permanently affixed amusement rides,
25 games, and other entertainment, but does not include parks or zoos
26 for which the primary purpose is the exhibition of wildlife, or
27 fairs, carnivals, and festivals as defined in (b)(i) of this
28 subsection;

29 (v) Batting cage activities;

30 (vi) Bowling, but not including competitive events, except that
31 amounts paid by the event participants to the bowling alley operator
32 are retail sales under this subsection (15)(a)(vi). Likewise, amounts
33 paid by the event organizer to the operator of the bowling alley are
34 retail sales under this subsection (15)(a)(vi), if such amounts vary
35 based on the number of event participants;

36 (vii) Climbing on artificial climbing structures, whether indoors
37 or outdoors;

38 (viii) Day trips for sightseeing purposes;

39 (ix) Bungee jumping, zip lining, and riding inside a ball,
40 whether inflatable or otherwise;

1 (x) Horseback riding offered to the public, where the seller
2 furnishes the horse to the buyer and providing instruction is not the
3 primary focus of the activity, including guided rides, but not
4 including therapeutic horseback riding provided by an instructor
5 certified by a nonprofit organization that offers national or
6 international certification for therapeutic riding instructors;

7 (xi) Fishing, including providing access to private fishing areas
8 and charter or guided fishing, except that fishing contests and
9 license fees imposed by a government entity are not a retail sale
10 under this subsection;

11 (xii) Guided hunting and hunting at game farms and shooting
12 preserves, except that hunting contests and license fees imposed by a
13 government entity are not a retail sale under this subsection;

14 (xiii) Swimming, but only in respect to (A) recreational or
15 fitness swimming that is open to the public, such as open swim, lap
16 swimming, and special events like kids night out and pool parties
17 during open swim time, and (B) pool parties for private events, such
18 as birthdays, family gatherings, and employee outings. Fees for
19 swimming lessons, to participate in swim meets and other
20 competitions, or to join a swim team, club, or aquatic facility are
21 not retail sales under this subsection (15) (a) (xiii);

22 (xiv) Go-karting, bumper cars, and other motorized activities
23 where the seller provides the vehicle and the premises where the
24 buyer will operate the vehicle;

25 (xv) Indoor or outdoor playground activities, such as inflatable
26 bounce structures and other inflatables; mazes; trampolines; slides;
27 ball pits; games of tag, including laser tag and soft-dart tag; and
28 human gyroscope rides, regardless of whether such activities occur at
29 the seller's place of business, but not including playground
30 activities provided for children by a licensed child day care center
31 or licensed family day care provider as those terms are defined in
32 RCW ((~~43.215.010~~)) 43.216.010;

33 (xvi) Shooting sports and activities, such as target shooting,
34 skeet, trap, sporting clays, "5" stand, and archery, but only in
35 respect to discrete charges to members of the public to engage in
36 these activities, but not including fees to enter a competitive
37 event, instruction that is entirely or predominately classroom based,
38 or to join or renew a membership at a club, range, or other facility;

39 (xvii) Paintball and airsoft activities;

1 (xviii) Skating, including ice skating, roller skating, and
2 inline skating, but only in respect to discrete charges to members of
3 the public to engage in skating activities, but not including skating
4 lessons, competitive events, team activities, or fees to join or
5 renew a membership at a skating facility, club, or other
6 organization;

7 (xix) Nonmotorized snow sports and activities, such as downhill
8 and cross-country skiing, snowboarding, ski jumping, sledding, snow
9 tubing, snowshoeing, and similar snow sports and activities, whether
10 engaged in outdoors or in an indoor facility with or without snow,
11 but only in respect to discrete charges to the public for the use of
12 land or facilities to engage in nonmotorized snow sports and
13 activities, such as fees, however labeled, for the use of ski lifts
14 and tows and daily or season passes for access to trails or other
15 areas where nonmotorized snow sports and activities are conducted.
16 However, fees for the following are not retail sales under this
17 subsection (15)(a)(xix): (A) Instructional lessons; (B) permits
18 issued by a governmental entity to park a vehicle on or access public
19 lands; and (C) permits or leases granted by an owner of private
20 timberland for recreational access to areas used primarily for
21 growing and harvesting timber; and

22 (xx) Scuba diving; snorkeling; river rafting; surfing;
23 kiteboarding; flyboarding; water slides; inflatables, such as water
24 pillows, water trampolines, and water rollers; and similar water
25 sports and activities.

26 (b) Notwithstanding anything to the contrary in this subsection
27 (15), the term "sale at retail" or "retail sale" does not include
28 charges:

29 (i) Made for admission to, and rides or attractions at, fairs,
30 carnivals, and festivals. For the purposes of this subsection, fairs,
31 carnivals, and festivals are events that do not exceed twenty-one
32 days and a majority of the amusement rides, if any, are not affixed
33 to real property;

34 (ii) Made by an educational institution to its students and staff
35 for activities defined as retail sales by (a)(i) through (xx) of this
36 subsection. However, charges made by an educational institution to
37 its alumni or other members of the general public for these
38 activities are a retail sale under this subsection (15). For purposes
39 of this subsection (15)(b)(ii), "educational institution" has the
40 same meaning as in RCW 82.04.170;

1 (iii) Made by a vocational school for commercial diver training
2 that is licensed by the workforce training and education coordinating
3 board under chapter 28C.10 RCW; or

4 (iv) Made for day camps offered by a nonprofit organization or
5 state or local governmental entity that provide youth not older than
6 age eighteen, or that are focused on providing individuals with
7 disabilities or mental illness, the opportunity to participate in a
8 variety of supervised activities.

9 NEW SECTION. **Sec. 59.** The following acts or parts of acts are
10 each repealed:

11 (1) RCW 18.57A.010 (Definitions) and 1979 c 117 s 17 & 1971 ex.s.
12 c 30 s 7;

13 (2) RCW 18.57A.020 (Rules fixing qualifications and restricting
14 practice—Interim permit—Applications—Discipline—Information about
15 current professional practice) and 2016 c 42 s 2, 2015 c 252 s 11,
16 1999 c 127 s 2, 1998 c 132 s 13, 1996 c 191 s 39, 1993 c 28 s 1, 1992
17 c 28 s 1, & 1971 ex.s. c 30 s 8;

18 (3) RCW 18.57A.023 (Practice requirements—Military training and
19 experience) and 2011 c 32 s 4;

20 (4) RCW 18.57A.025 (Application of uniform disciplinary act) and
21 1986 c 259 s 93;

22 (5) RCW 18.57A.030 (Limitations on practice—Scope of practice)
23 and 2016 c 155 s 24, 2013 c 203 s 3, 1993 c 28 s 2, 1986 c 259 s 95,
24 & 1971 ex.s. c 30 s 9;

25 (6) RCW 18.57A.035 (Limitation on practice—Remote sites) and 2013
26 c 203 s 1;

27 (7) RCW 18.57A.040 (Practice arrangements) and 2013 c 203 s 4,
28 1993 c 28 s 3, & 1991 c 3 s 152;

29 (8) RCW 18.57A.050 (Osteopathic physician's liability,
30 responsibility) and 1993 c 28 s 4, 1986 c 259 s 97, & 1971 ex.s. c 30
31 s 11;

32 (9) RCW 18.57A.060 (Limitations on health care services) and 2000
33 c 171 s 21, 1973 c 77 s 20, & 1971 ex.s. c 30 s 12;

34 (10) RCW 18.57A.070 (Physician assistant acupuncturist—Licensure)
35 and 2000 c 93 s 41 & 1977 ex.s. c 233 s 1;

36 (11) RCW 18.57A.080 (Signing and attesting to required
37 documentation) and 2013 c 203 s 5 & 2007 c 264 s 2;

1 (12) RCW 18.57A.090 (Pain management rules—Repeal—Adoption of
2 new rules) and 2010 c 209 s 4;

3 (13) RCW 18.57A.100 (Down syndrome—Parent information) and 2016 c
4 70 s 4;

5 (14) RCW 18.57A.800 (Opioid drug prescribing rules—Adoption) and
6 2017 c 297 s 5; and

7 (15) RCW 18.57A.810 (Opioid drugs—Right to refuse) and 2019 c 314
8 s 6.

9 NEW SECTION. **Sec. 60.** The following acts or parts of acts are
10 each repealed:

11 (1) RCW 18.71A.035 (Limitation on practice—Remote sites) and 2013
12 c 203 s 2; and

13 (2) RCW 18.71A.040 (Commission approval required—Application—Fee
14 —Discipline) and 2013 c 203 s 7.

15 NEW SECTION. **Sec. 61.** Sections 1 through 10 and 60 of this act
16 take effect July 1, 2021.

17 NEW SECTION. **Sec. 62.** Sections 12 through 59 of this act take
18 effect July 1, 2022.

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