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**HOUSE BILL 2378**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Representatives Riccelli, Harris, Macri, and Cody

Prefiled 01/10/20. Read first time 01/13/20. Referred to Committee on Health Care & Wellness.

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

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

19 NEW SECTION. **Sec. 1.** The legislature intends to modernize the  
20 practice of physician assistants in order to increase access to care,  
21 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 NEW SECTION. **Sec. 6.** A new section is added to chapter 18.71A  
9 RCW to read as follows:

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

14 (a) Entering into a practice agreement is voluntary for the  
15 physician assistant and the supervising physician. A physician may  
16 not be compelled to participate in a practice agreement as a  
17 condition of employment.

18 (b) Prior to entering into the practice agreement, the physician,  
19 physicians, or their designee must verify the physician assistant's  
20 credentials.

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

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

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

28 (f) The commission shall establish administrative procedures,  
29 administrative requirements, and fees as provided in RCW 43.70.250  
30 and 43.70.280.

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

32 (a) The duties and responsibilities of the physician assistant,  
33 the supervising physician, and alternate physicians. The practice  
34 agreement must describe supervision requirements for specified  
35 procedures or areas of practice. The practice agreement may only  
36 include acts, tasks, or functions that the physician assistant and  
37 supervising physician or alternate physicians are qualified to  
38 perform by education, training, or experience and that are within the  
39 scope of expertise and clinical practice of both the physician

1 assistant and the supervising physician or alternate physicians,  
2 unless otherwise authorized by law, rule, or the commission;

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

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

13 (d) The signature of the physician assistant and the signature or  
14 signatures of the supervising physician. A practice agreement may be  
15 signed electronically using a method for electronic signatures  
16 approved by the commission; and

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

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

27 (ii) The physician assistant or supervising physician may  
28 terminate the practice agreement immediately due to good faith  
29 concerns regarding unprofessional conduct or failure to practice  
30 medicine while exercising reasonable skill and safety.

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

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

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

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

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

6 No physician who (~~supervises~~) enters into a practice agreement  
7 with a licensed physician assistant in accordance with and within the  
8 terms of any permission granted by the commission is considered as  
9 aiding and abetting an unlicensed person to practice medicine. The  
10 supervising physician and physician assistant shall each retain  
11 professional and personal responsibility for any act which  
12 constitutes the practice of medicine as defined in RCW 18.71.011 or  
13 the practice of osteopathic medicine and surgery as defined in RCW  
14 18.57.001 when performed by the physician assistant.

15 **Sec. 8.** RCW 18.71A.060 and 1994 sp.s. c 9 s 324 are each amended  
16 to read as follows:

17 No health care services may be performed under this chapter in  
18 any of the following areas:

19 (1) The measurement of the powers or range of human vision, or  
20 the determination of the accommodation and refractive state of the  
21 human eye or the scope of its functions in general, or the fitting or  
22 adaptation of lenses or frames for the aid thereof.

23 (2) The prescribing or directing the use of, or using, any  
24 optical device in connection with ocular exercises, visual training,  
25 vision training, or orthoptics.

26 (3) The prescribing of contact lenses for, or the fitting or  
27 adaptation of contact lenses to, the human eye.

28 (4) Nothing in this section shall preclude the performance of  
29 routine visual screening.

30 (5) The practice of dentistry or dental hygiene as defined in  
31 chapters 18.32 and 18.29 RCW respectively. The exemptions set forth  
32 in RCW 18.32.030 (1) and (8), shall not apply to a physician  
33 assistant.

34 (6) The practice of chiropractic as defined in chapter 18.25 RCW  
35 including the adjustment or manipulation of the articulations of the  
36 spine. Nothing in this subsection prohibits a physician assistant  
37 from performing tasks within the scope of practice of a physician  
38 licensed under chapter 18.57 RCW if one or more supervising

1 physicians in the physician assistant's practice agreement are  
2 licensed under chapter 18.57 RCW.

3 (7) The practice of podiatric medicine and surgery as defined in  
4 chapter 18.22 RCW.

5 **Sec. 9.** RCW 18.71A.090 and 2007 c 264 s 3 are each amended to  
6 read as follows:

7 (1) A physician assistant may sign and attest to any  
8 certificates, cards, forms, or other required documentation that the  
9 physician assistant's supervising physician or physician group may  
10 sign, provided that it is within the physician assistant's scope of  
11 practice and is consistent with the terms of the physician  
12 assistant's practice (~~(arrangement plan)~~) agreement as required by  
13 this chapter.

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

19 NEW SECTION. **Sec. 10.** A new section is added to chapter 18.71A  
20 RCW to read as follows:

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

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

25 NEW SECTION. **Sec. 11.** A new section is added to chapter 18.71A  
26 RCW to read as follows:

27 (1) On or after the effective date of this section, no new  
28 licenses may be issued under chapter 18.57A RCW. The commission shall  
29 license physician assistants licensed under chapter 18.57A RCW prior  
30 to the effective date of this section as physician assistants under  
31 this chapter when they renew their licenses.

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

35 NEW SECTION. **Sec. 12.** A new section is added to chapter 18.71A  
36 RCW to read as follows:



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

3 **Sec. 13.** RCW 7.68.030 and 2017 c 235 s 2 are each amended to  
4 read as follows:

5 (1) It shall be the duty of the director to establish and  
6 administer a program of benefits to innocent victims of criminal acts  
7 within the terms and limitations of this chapter. The director may  
8 apply for and, subject to appropriation, expend federal funds under  
9 Public Law 98-473 and any other federal program providing financial  
10 assistance to state crime victim compensation programs. The federal  
11 funds shall be deposited in the state general fund and may be  
12 expended only for purposes authorized by applicable federal law.

13 (2) The director shall:

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

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

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

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

23 (e) Designate a medical director who is licensed under chapter  
24 18.57 or 18.71 RCW;

25 (f) Supervise the providing of prompt and efficient care and  
26 treatment, including care provided by physician assistants governed  
27 by the provisions of (~~chapters 18.57A and~~) chapter 18.71A RCW,  
28 acting under a supervising physician, including chiropractic care,  
29 and including care provided by licensed advanced registered nurse  
30 practitioners, to victims at the least cost consistent with  
31 promptness and efficiency, without discrimination or favoritism, and  
32 with as great uniformity as the various and diverse surrounding  
33 circumstances and locations of industries will permit and to that end  
34 shall, from time to time, establish and adopt and supervise the  
35 administration of printed forms, electronic communications, rules,  
36 regulations, and practices for the furnishing of such care and  
37 treatment. The medical coverage decisions of the department do not  
38 constitute a "rule" as used in RCW 34.05.010(16), nor are such  
39 decisions subject to the rule-making provisions of chapter 34.05 RCW

1 except that criteria for establishing medical coverage decisions  
2 shall be adopted by rule. The department may recommend to a victim  
3 particular health care services and providers where specialized  
4 treatment is indicated or where cost-effective payment levels or  
5 rates are obtained by the department, and the department may enter  
6 into contracts for goods and services including, but not limited to,  
7 durable medical equipment so long as statewide access to quality  
8 service is maintained for injured victims;

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

32 (i) If the department, using caseload estimates, projects a  
33 deficit in funding for the program by July 15th for the following  
34 fiscal year, the director shall notify the governor and the  
35 appropriate committees of the legislature and request funding  
36 sufficient to continue payments to not less than payments provided  
37 for comparable services under the workers' compensation program. If  
38 sufficient funding is not provided to continue payments to not less  
39 than payments provided for comparable services under the workers'  
40 compensation program, the director shall reduce the payments under

1 the fee schedule for the following fiscal year based on caseload  
2 estimates and available funding, except payments may not be reduced  
3 to less than seventy percent of payments for comparable services  
4 under the workers' compensation program;

5 (ii) If an unforeseeable catastrophic event results in  
6 insufficient funding to continue payments to not less than payments  
7 provided for comparable services under the workers' compensation  
8 program, the director shall reduce the payments under the fee  
9 schedule to not less than seventy percent of payments provided for  
10 comparable services under the workers' compensation program, provided  
11 that the reduction may not be more than necessary to fund benefits  
12 under the program; and

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

17 (h) Make a record of the commencement of every disability and the  
18 termination thereof and, when bills are rendered for the care and  
19 treatment of injured victims, shall approve and pay those which  
20 conform to the adopted rules, regulations, established fee schedules,  
21 and practices of the director and may reject any bill or item thereof  
22 incurred in violation of the principles laid down in this section or  
23 the rules, regulations, or the established fee schedules and rules  
24 and regulations adopted under it.

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

26 (a) Have power to issue subpoenas to enforce the attendance and  
27 testimony of witnesses and the production and examination of books,  
28 papers, photographs, tapes, and records before the department in  
29 connection with any claim made to the department or any billing  
30 submitted to the department. The superior court has the power to  
31 enforce any such subpoena by proper proceedings;

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

1 department's authority and that the subpoenaed documents or testimony  
2 are reasonably related to an investigation within the department's  
3 authority.

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

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

12 (4) In all hearings, actions, or proceedings before the  
13 department, any physician or licensed advanced registered nurse  
14 practitioner having theretofore examined or treated the claimant may  
15 be required to testify fully regarding such examination or treatment,  
16 and shall not be exempt from so testifying by reason of the relation  
17 of the physician or licensed advanced registered nurse practitioner  
18 to the patient.

19 **Sec. 14.** RCW 18.06.140 and 2019 c 308 s 9 are each amended to  
20 read as follows:

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

1 underlying potentially serious disorder. The requirements of the  
2 waiver shall be established by the secretary in rule.

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

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

8 **Sec. 15.** RCW 18.57.003 and 2017 c 101 s 1 are each amended to  
9 read as follows:

10 There is hereby created an agency of the state of Washington,  
11 consisting of eleven individuals appointed by the governor to be  
12 known as the Washington state board of osteopathic medicine and  
13 surgery.

14 On expiration of the term of any member, the governor shall  
15 appoint for a period of five years a qualified individual to take the  
16 place of such member. Each member shall hold office until the  
17 expiration of the term for which such member is appointed or until a  
18 successor shall have been appointed and shall have qualified. Initial  
19 appointments shall be made and vacancies in the membership of the  
20 board shall be filled for the unexpired term by appointment by the  
21 governor.

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

31 The board shall elect a chairperson, a secretary, and a vice  
32 chairperson from its members. Meetings of the board shall be held at  
33 least four times a year and at such place as the board shall  
34 determine and at such other times and places as the board deems  
35 necessary.

36 An affirmative vote of a simple majority of the members present  
37 at a meeting or hearing shall be required for the board to take any  
38 official action. The board may not take any action without a quorum

1 of the board members present. A simple majority of the board members  
2 currently serving constitutes a quorum of the board.

3 Each member of the board shall be compensated in accordance with  
4 RCW 43.03.265 and shall be reimbursed for travel expenses in  
5 accordance with RCW 43.03.050 and 43.03.060. The board is a class  
6 five group for purposes of chapter 43.03 RCW.

7 Any member of the board may be removed by the governor for  
8 neglect of duty, misconduct, malfeasance or misfeasance in office, or  
9 upon written request of two-thirds of the physicians licensed under  
10 this chapter and in active practice in this state.

11 **Sec. 16.** RCW 18.79.040 and 2012 c 13 s 1 are each amended to  
12 read as follows:

13 (1) "Registered nursing practice" means the performance of acts  
14 requiring substantial specialized knowledge, judgment, and skill  
15 based on the principles of the biological, physiological, behavioral,  
16 and sociological sciences in either:

17 (a) The observation, assessment, diagnosis, care or counsel, and  
18 health teaching of individuals with illnesses, injuries, or  
19 disabilities, or in the maintenance of health or prevention of  
20 illness of others;

21 (b) The performance of such additional acts requiring education  
22 and training and that are recognized by the medical and nursing  
23 professions as proper and recognized by the commission to be  
24 performed by registered nurses licensed under this chapter and that  
25 are authorized by the commission through its rules;

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

31 (d) The teaching of nursing;

32 (e) The executing of medical regimen as prescribed by a licensed  
33 physician and surgeon, dentist, osteopathic physician and surgeon,  
34 podiatric physician and surgeon, physician assistant, (~~osteopathic~~  
35 ~~physician assistant,~~) or advanced registered nurse practitioner, or  
36 as directed by a licensed midwife within his or her scope of  
37 practice.

38 (2) Nothing in this section prohibits a person from practicing a  
39 profession for which a license has been issued under the laws of this

1 state or specifically authorized by any other law of the state of  
2 Washington.

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

9 **Sec. 17.** RCW 18.79.060 and 2012 c 13 s 2 are each amended to  
10 read as follows:

11 "Licensed practical nursing practice" means the performance of  
12 services requiring the knowledge, skill, and judgment necessary for  
13 carrying out selected aspects of the designated nursing regimen under  
14 the direction and supervision of a licensed physician and surgeon,  
15 dentist, osteopathic physician and surgeon, physician assistant,  
16 (~~osteopathic physician assistant,~~) podiatric physician and surgeon,  
17 advanced registered nurse practitioner, registered nurse, or midwife.

18 Nothing in this section prohibits a person from practicing a  
19 profession for which a license has been issued under the laws of this  
20 state or specifically authorized by any other law of the state of  
21 Washington.

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

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

27 (1) In the context of the definition of registered nursing  
28 practice and advanced registered nursing practice, this chapter shall  
29 not be construed as:

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

34 (b) Preventing a person from the domestic administration of  
35 family remedies or the furnishing of nursing assistance in case of  
36 emergency;

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

4 (d) Prohibiting auxiliary services provided by persons carrying  
5 out duties necessary for the support of nursing services, including  
6 those duties that involve minor nursing services for persons  
7 performed in hospitals, nursing homes, or elsewhere under the  
8 direction of licensed physicians or the supervision of licensed  
9 registered nurses;

10 (e) Prohibiting the practice of nursing in this state by a  
11 legally qualified nurse of another state or territory whose  
12 engagement requires him or her to accompany and care for a patient  
13 temporarily residing in this state during the period of one such  
14 engagement, not to exceed six months in length, if the person does  
15 not represent or hold himself or herself out as a registered nurse  
16 licensed to practice in this state;

17 (f) Prohibiting nursing or care of the sick, with or without  
18 compensation, when done in connection with the practice of the  
19 religious tenets of a church by adherents of the church so long as  
20 they do not engage in the practice of nursing as defined in this  
21 chapter;

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

26 (h) Permitting the measurement of the powers or range of human  
27 vision, or the determination of the accommodation and refractive  
28 state of the human eye or the scope of its functions in general, or  
29 the fitting or adaptation of lenses for the aid thereof;

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

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

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

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

38 (m) Permitting the practice of chiropractic as defined in chapter  
39 18.25 RCW including the adjustment or manipulation of the  
40 articulation of the spine;



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

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

6 (p) Permitting the prescribing of controlled substances as  
7 defined in Schedule I of the Uniform Controlled Substances Act,  
8 chapter 69.50 RCW;

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

10 (r) Prohibiting advanced registered nurse practitioners, approved  
11 by the commission as certified registered nurse anesthetists from  
12 selecting, ordering, or administering controlled substances as  
13 defined in Schedules II through IV of the Uniform Controlled  
14 Substances Act, chapter 69.50 RCW, consistent with their commission-  
15 recognized scope of practice; subject to facility-specific protocols,  
16 and subject to a request for certified registered nurse anesthetist  
17 anesthesia services issued by a physician licensed under chapter  
18 18.71 RCW, an osteopathic physician and surgeon licensed under  
19 chapter 18.57 RCW, a dentist licensed under chapter 18.32 RCW, or a  
20 podiatric physician and surgeon licensed under chapter 18.22 RCW; the  
21 authority to select, order, or administer Schedule II through IV  
22 controlled substances being limited to those drugs that are to be  
23 directly administered to patients who require anesthesia for  
24 diagnostic, operative, obstetrical, or therapeutic procedures in a  
25 hospital, clinic, ambulatory surgical facility, or the office of a  
26 practitioner licensed under chapter 18.71, 18.22, 18.36, 18.36A,  
27 18.57, (~~18.57A,~~) or 18.32 RCW; "select" meaning the decision-making  
28 process of choosing a drug, dosage, route, and time of  
29 administration; and "order" meaning the process of directing licensed  
30 individuals pursuant to their statutory authority to directly  
31 administer a drug or to dispense, deliver, or distribute a drug for  
32 the purpose of direct administration to a patient, under instructions  
33 of the certified registered nurse anesthetist. "Protocol" means a  
34 statement regarding practice and documentation concerning such items  
35 as categories of patients, categories of medications, or categories  
36 of procedures rather than detailed case-specific formulas for the  
37 practice of nurse anesthesia;

38 (s) Prohibiting advanced registered nurse practitioners from  
39 ordering or prescribing controlled substances as defined in Schedules  
40 II through IV of the Uniform Controlled Substances Act, chapter 69.50

1 RCW, if and to the extent that doing so is permitted by their scope  
2 of practice;

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

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

7 (ii) The student is under the direct supervision of a registered  
8 nurse or advanced registered nurse practitioner licensed under this  
9 chapter, a pharmacist licensed under chapter 18.64 RCW, an  
10 osteopathic physician and surgeon licensed under chapter 18.57 RCW,  
11 or a physician licensed under chapter 18.71 RCW;

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

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

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

20 (2) In the context of the definition of licensed practical  
21 nursing practice, this chapter shall 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 practical 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 practical nursing by students  
30 enrolled in approved schools as may be incidental to their course of  
31 study or prohibiting the students from working as nursing assistants;

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 or preventing the practice of nursing in this  
39 state by a legally qualified nurse of another state or territory  
40 whose engagement requires him or her to accompany and care for a

1 patient temporarily residing in this state during the period of one  
2 such engagement, not to exceed six months in length, if the person  
3 does not represent or hold himself or herself out as a licensed  
4 practical nurse licensed to practice in this state;

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

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

14 **Sec. 19.** RCW 18.79.260 and 2012 c 164 s 407, 2012 c 13 s 3, and  
15 2012 c 10 s 37 are each reenacted and amended to read as follows:

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

19 (2) A registered nurse may, at or under the general direction of  
20 a licensed physician and surgeon, dentist, osteopathic physician and  
21 surgeon, naturopathic physician, optometrist, podiatric physician and  
22 surgeon, physician assistant, (~~osteopathic physician assistant,~~)  
23 advanced registered nurse practitioner, or midwife acting within the  
24 scope of his or her license, administer medications, treatments,  
25 tests, and inoculations, whether or not the severing or penetrating  
26 of tissues is involved and whether or not a degree of independent  
27 judgment and skill is required. Such direction must be for acts which  
28 are within the scope of registered nursing practice.

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

32 (a) The delegating nurse shall:

33 (i) Determine the competency of the individual to perform the  
34 tasks;

35 (ii) Evaluate the appropriateness of the delegation;

36 (iii) Supervise the actions of the person performing the  
37 delegated task; and

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

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

5 (c) Except as authorized in (b) or (e) of this subsection, a  
6 registered nurse may not delegate the administration of medications.  
7 Except as authorized in (e) of this subsection, a registered nurse  
8 may not delegate acts requiring substantial skill, and may not  
9 delegate piercing or severing of tissues. Acts that require nursing  
10 judgment shall not be delegated.

11 (d) No person may coerce a nurse into compromising patient safety  
12 by requiring the nurse to delegate if the nurse determines that it is  
13 inappropriate to do so. Nurses shall not be subject to any employer  
14 reprisal or disciplinary action by the nursing care quality assurance  
15 commission for refusing to delegate tasks or refusing to provide the  
16 required training for delegation if the nurse determines delegation  
17 may compromise patient safety.

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

26 (i) "Community-based care settings" includes: Community  
27 residential programs for people with developmental disabilities,  
28 certified by the department of social and health services under  
29 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128  
30 RCW; and assisted living facilities licensed under chapter 18.20 RCW.  
31 Community-based care settings do not include acute care or skilled  
32 nursing facilities.

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

37 (iii) Delegation of nursing care tasks in community-based care  
38 settings and in-home care settings is only allowed for individuals  
39 who have a stable and predictable condition. "Stable and predictable  
40 condition" means a situation in which the individual's clinical and

1 behavioral status is known and does not require the frequent presence  
2 and evaluation of a registered nurse.

3 (iv) The determination of the appropriateness of delegation of a  
4 nursing task is at the discretion of the registered nurse. Other than  
5 delegation of the administration of insulin by injection for the  
6 purpose of caring for individuals with diabetes, the administration  
7 of medications by injection, sterile procedures, and central line  
8 maintenance may never be delegated.

9 (v) When delegating insulin injections under this section, the  
10 registered nurse delegator must instruct the individual regarding  
11 proper injection procedures and the use of insulin, demonstrate  
12 proper injection procedures, and must supervise and evaluate the  
13 individual performing the delegated task weekly during the first four  
14 weeks of delegation of insulin injections. If the registered nurse  
15 delegator determines that the individual is competent to perform the  
16 injection properly and safely, supervision and evaluation shall occur  
17 at least every ninety days thereafter.

18 (vi) (A) The registered nurse shall verify that the nursing  
19 assistant or home care aide, as the case may be, has completed the  
20 required core nurse delegation training required in chapter 18.88A or  
21 18.88B RCW prior to authorizing delegation.

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

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

29 (viii) Nursing task delegation protocols are not intended to  
30 regulate the settings in which delegation may occur, but are intended  
31 to ensure that nursing care services have a consistent standard of  
32 practice upon which the public and the profession may rely, and to  
33 safeguard the authority of the nurse to make independent professional  
34 decisions regarding the delegation of a task.

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

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

1 (5) Only a person licensed as a registered nurse may hold herself  
2 or himself out to the public or designate herself or himself as a  
3 registered nurse.

4 **Sec. 20.** RCW 18.79.270 and 2012 c 13 s 4 are each amended to  
5 read as follows:

6 A licensed practical nurse under his or her license may perform  
7 nursing care, as that term is usually understood, of the ill,  
8 injured, or infirm, and in the course thereof may, under the  
9 direction of a licensed physician and surgeon, osteopathic physician  
10 and surgeon, dentist, naturopathic physician, podiatric physician and  
11 surgeon, physician assistant, (~~osteopathic physician assistant,~~)  
12 advanced registered nurse practitioner, or midwife acting under the  
13 scope of his or her license, or at the direction and under the  
14 supervision of a registered nurse, administer drugs, medications,  
15 treatments, tests, injections, and inoculations, whether or not the  
16 piercing of tissues is involved and whether or not a degree of  
17 independent judgment and skill is required, when selected to do so by  
18 one of the licensed practitioners designated in this section, or by a  
19 registered nurse who need not be physically present; if the order  
20 given is reduced to writing within a reasonable time and made a part  
21 of the patient's record. Such direction must be for acts within the  
22 scope of licensed practical nurse practice.

23 **Sec. 21.** RCW 18.89.020 and 2011 c 235 s 1 are each reenacted and  
24 amended to read as follows:

25 Unless the context clearly requires otherwise, the definitions in  
26 this section apply throughout this chapter.

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

28 (2) "Health care practitioner" means:

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

30 (b) An osteopathic physician or surgeon licensed under chapter  
31 18.57 RCW; or

32 (c) Acting within the scope of their respective licensure, a  
33 podiatric physician and surgeon licensed under chapter 18.22 RCW, an  
34 advanced registered nurse practitioner licensed under chapter 18.79  
35 RCW, a naturopath licensed under chapter 18.36A RCW, or a physician  
36 assistant licensed under chapter 18.71A RCW (~~, or an osteopathic  
37 physician assistant licensed under chapter 18.57A RCW~~).

1 (3) "Respiratory care practitioner" means an individual licensed  
2 under this chapter.

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

5 **Sec. 22.** RCW 18.100.050 and 2001 c 251 s 29 are each amended to  
6 read as follows:

7 (1) An individual or group of individuals duly licensed or  
8 otherwise legally authorized to render the same professional services  
9 within this state may organize and become a shareholder or  
10 shareholders of a professional corporation for pecuniary profit under  
11 the provisions of Title 23B RCW for the purpose of rendering  
12 professional service. One or more of the legally authorized  
13 individuals shall be the incorporators of the professional  
14 corporation.

15 (2) Notwithstanding any other provision of this chapter,  
16 registered architects and registered engineers may own stock in and  
17 render their individual professional services through one  
18 professional service corporation.

19 (3) Licensed health care professionals, providing services to  
20 enrolled participants either directly or through arrangements with a  
21 health maintenance organization registered under chapter 48.46 RCW or  
22 federally qualified health maintenance organization, may own stock in  
23 and render their individual professional services through one  
24 professional service corporation.

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

29 (5)(a) Notwithstanding any other provision of this chapter,  
30 health care professionals who are licensed or certified pursuant to  
31 chapters 18.06, 18.225, 18.22, 18.25, 18.29, 18.34, 18.35, 18.36A,  
32 18.50, 18.53, 18.55, 18.57, (~~18.57A~~) 18.64, 18.71, 18.71A, 18.79,  
33 18.83, 18.89, 18.108, and 18.138 RCW may own stock in and render  
34 their individual professional services through one professional  
35 service corporation and are to be considered, for the purpose of  
36 forming a professional service corporation, as rendering the "same  
37 specific professional services" or "same professional services" or  
38 similar terms.

1 (b) Notwithstanding any other provision of this chapter, health  
2 care professionals who are regulated under chapters 18.59 and 18.74  
3 RCW may own stock in and render their individual professional  
4 services through one professional service corporation formed for the  
5 sole purpose of providing professional services within their  
6 respective scope of practice.

7 (c) Formation of a professional service corporation under this  
8 subsection does not restrict the application of the uniform  
9 disciplinary act under chapter 18.130 RCW, or applicable health care  
10 professional statutes under Title 18 RCW, including but not limited  
11 to restrictions on persons practicing a health profession without  
12 being appropriately credentialed and persons practicing beyond the  
13 scope of their credential.

14 **Sec. 23.** RCW 18.120.020 and 2019 c 308 s 17 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) "Applicant group" includes any health professional group or  
19 organization, any individual, or any other interested party which  
20 proposes that any health professional group not presently regulated  
21 be regulated or which proposes to substantially increase the scope of  
22 practice of the profession.

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

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

35 (4) "Health professions" means and includes the following health  
36 and health-related licensed or regulated professions and occupations:  
37 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic  
38 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;  
39 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;



1 dental anesthesia assistants under chapter 18.350 RCW; dispensing  
2 opticians under chapter 18.34 RCW; hearing instruments under chapter  
3 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and  
4 funeral directing under chapter 18.39 RCW; midwifery under chapter  
5 18.50 RCW; nursing home administration under chapter 18.52 RCW;  
6 optometry under chapters 18.53 and 18.54 RCW; ocularists under  
7 chapter 18.55 RCW; osteopathic medicine and surgery under  
8 ((~~chapters~~)) chapter 18.57 ((~~and 18.57A~~)) RCW; pharmacy under  
9 chapters 18.64 and 18.64A RCW; medicine under chapters 18.71 and  
10 18.71A RCW; emergency medicine under chapter 18.73 RCW; physical  
11 therapy under chapter 18.74 RCW; practical nurses under chapter 18.79  
12 RCW; psychologists under chapter 18.83 RCW; registered nurses under  
13 chapter 18.79 RCW; occupational therapists licensed under chapter  
14 18.59 RCW; respiratory care practitioners licensed under chapter  
15 18.89 RCW; veterinarians and veterinary technicians under chapter  
16 18.92 RCW; massage therapists under chapter 18.108 RCW;  
17 acupuncturists or acupuncture and Eastern medicine practitioners  
18 licensed under chapter 18.06 RCW; persons registered under chapter  
19 18.19 RCW; persons licensed as mental health counselors, marriage and  
20 family therapists, and social workers under chapter 18.225 RCW;  
21 dietitians and nutritionists certified by chapter 18.138 RCW;  
22 radiologic technicians under chapter 18.84 RCW; nursing assistants  
23 registered or certified under chapter 18.88A RCW; reflexologists  
24 certified under chapter 18.108 RCW; medical assistants-certified,  
25 medical assistants-hemodialysis technician, medical assistants-  
26 phlebotomist, forensic phlebotomist, and medical assistants-  
27 registered certified and registered under chapter 18.360 RCW; and  
28 licensed behavior analysts, licensed assistant behavior analysts, and  
29 certified behavior technicians under chapter 18.380 RCW.

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

34 (6) "Legislative committees of reference" means the standing  
35 legislative committees designated by the respective rules committees  
36 of the senate and house of representatives to consider proposed  
37 legislation to regulate health professions not previously regulated.

38 (7) "License," "licensing," and "licensure" mean permission to  
39 engage in a health profession which would otherwise be unlawful in  
40 the state in the absence of the permission. A license is granted to

1 those individuals who meet prerequisite qualifications to perform  
2 prescribed health professional tasks and for the use of a particular  
3 title.

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

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

12 (10) "Public member" means an individual who is not, and never  
13 was, a member of the health profession being regulated or the spouse  
14 of a member, or an individual who does not have and never has had a  
15 material financial interest in either the rendering of the health  
16 professional service being regulated or an activity directly related  
17 to the profession being regulated.

18 (11) "Registration" means the formal notification which, prior to  
19 rendering services, a practitioner shall submit to a state agency  
20 setting forth the name and address of the practitioner; the location,  
21 nature and operation of the health activity to be practiced; and, if  
22 required by the regulatory entity, a description of the service to be  
23 provided.

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

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

32 **Sec. 24.** RCW 18.130.040 and 2019 c 444 s 11, 2019 c 308 s 18,  
33 and 2019 c 55 s 7 are each reenacted and amended to read as follows:

34 (1) This chapter applies only to the secretary and the boards and  
35 commissions having jurisdiction in relation to the professions  
36 licensed under the chapters specified in this section. This chapter  
37 does not apply to any business or profession not licensed under the  
38 chapters specified in this section.

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

3 (i) Dispensing opticians licensed and designated apprentices  
4 under chapter 18.34 RCW;

5 (ii) Midwives licensed under chapter 18.50 RCW;

6 (iii) Ocularists licensed under chapter 18.55 RCW;

7 (iv) Massage therapists and businesses licensed under chapter  
8 18.108 RCW;

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

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

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

14 (viii) Respiratory care practitioners licensed under chapter  
15 18.89 RCW;

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

18 (x) Persons licensed as mental health counselors, mental health  
19 counselor associates, marriage and family therapists, marriage and  
20 family therapist associates, social workers, social work associates—  
21 advanced, and social work associates—independent clinical under  
22 chapter 18.225 RCW;

23 (xi) Persons registered as nursing pool operators under chapter  
24 18.52C RCW;

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

27 (xiii) Dietitians and nutritionists certified under chapter  
28 18.138 RCW;

29 (xiv) Substance use disorder professionals, substance use  
30 disorder professional trainees, or co-occurring disorder specialists  
31 certified under chapter 18.205 RCW;

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

34 (xvi) Persons licensed and certified under chapter 18.73 RCW or  
35 RCW 18.71.205;

36 (xvii) Orthotists and prosthetists licensed under chapter 18.200  
37 RCW;

38 (xviii) Surgical technologists registered under chapter 18.215  
39 RCW;

40 (xix) Recreational therapists under chapter 18.230 RCW;

1 (xx) Animal massage therapists certified under chapter 18.240  
2 RCW;

3 (xxi) Athletic trainers licensed under chapter 18.250 RCW;  
4 (xxii) Home care aides certified under chapter 18.88B RCW;  
5 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;  
6 (xxiv) Reflexologists certified under chapter 18.108 RCW;  
7 (xxv) Medical assistants-certified, medical assistants-  
8 hemodialysis technician, medical assistants-phlebotomist, forensic  
9 phlebotomist, and medical assistants-registered certified and  
10 registered under chapter 18.360 RCW; and

11 (xxvi) Behavior analysts, assistant behavior analysts, and  
12 behavior technicians under chapter 18.380 RCW.

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

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

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

19 (iii) The dental quality assurance commission as established in  
20 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,  
21 licenses and registrations issued under chapter 18.260 RCW, and  
22 certifications issued under chapter 18.350 RCW;

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

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

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

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

32 (viii) The pharmacy quality assurance commission as established  
33 in chapter 18.64 RCW governing licenses issued under chapters 18.64  
34 and 18.64A RCW;

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

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

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

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

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

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

10 (xv) The board of naturopathy established in chapter 18.36A RCW;  
11 and

12 (xvi) The board of denturists established in chapter 18.30 RCW.

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

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

21 **Sec. 25.** RCW 18.130.410 and 2017 c 336 s 9 are each amended to  
22 read as follows:

23 It is not professional misconduct for a physician licensed under  
24 chapter 18.71 RCW; osteopathic physician licensed under chapter 18.57  
25 RCW; registered nurse, licensed practical nurse, or advanced  
26 registered nurse practitioner licensed under chapter 18.79 RCW;  
27 physician assistant licensed under chapter 18.71A RCW; (~~osteopathic~~  
28 ~~physician assistant licensed under chapter 18.57A RCW;~~) advanced  
29 emergency medical technician or paramedic certified under chapter  
30 18.71 RCW; or medical assistant-certified, medical assistant-  
31 phlebotomist, or forensic phlebotomist certified under chapter 18.360  
32 RCW, or person holding another credential under Title 18 RCW whose  
33 scope of practice includes performing venous blood draws, or  
34 hospital, or duly licensed clinical laboratory employing or utilizing  
35 services of such licensed or certified health care provider, to  
36 collect a blood sample without a person's consent when the physician  
37 licensed under chapter 18.71 RCW; osteopathic physician licensed  
38 under chapter 18.57 RCW; registered nurse, licensed practical nurse,  
39 or advanced registered nurse practitioner licensed under chapter

1 18.79 RCW; physician assistant licensed under chapter 18.71A RCW;  
2 (~~osteopathic physician assistant licensed under chapter 18.57A~~  
3 ~~RCW;~~) advanced emergency medical technician or paramedic certified  
4 under chapter 18.71 RCW; or medical assistant-certified, medical  
5 assistant-phlebotomist, or forensic phlebotomist certified under  
6 chapter 18.360 RCW, or person holding another credential under Title  
7 18 RCW whose scope of practice includes performing venous blood  
8 draws, or hospital, or duly licensed clinical laboratory employing or  
9 utilizing services of such licensed or certified health care provider  
10 withdrawing blood was directed by a law enforcement officer to do so  
11 for the purpose of a blood test under the provisions of a search  
12 warrant or exigent circumstances: PROVIDED, That nothing in this  
13 section shall relieve a physician licensed under chapter 18.71 RCW;  
14 osteopathic physician licensed under chapter 18.57 RCW; registered  
15 nurse, licensed practical nurse, or advanced registered nurse  
16 practitioner licensed under chapter 18.79 RCW; physician assistant  
17 licensed under chapter 18.71A RCW; (~~osteopathic physician assistant~~  
18 ~~licensed under chapter 18.57A RCW;~~) advanced emergency medical  
19 technician or paramedic certified under chapter 18.71 RCW; or medical  
20 assistant-certified, medical assistant-phlebotomist, or forensic  
21 phlebotomist certified under chapter 18.360 RCW, or person holding  
22 another credential under Title 18 RCW whose scope of practice  
23 includes performing venous blood draws, or hospital, or duly licensed  
24 clinical laboratory employing or utilizing services of such licensed  
25 or certified health care provider withdrawing blood from professional  
26 discipline arising from the use of improper procedures or from  
27 failing to exercise the required standard of care.

28 **Sec. 26.** RCW 18.250.010 and 2019 c 308 s 19 are each amended to  
29 read as follows:

30 The definitions in this section apply throughout this chapter  
31 unless the context clearly requires otherwise.

32 (1) "Athlete" means a person who participates in exercise,  
33 recreation, sport, or games requiring physical strength,  
34 range-of-motion, flexibility, body awareness and control, speed,  
35 stamina, or agility, and the exercise, recreation, sports, or games  
36 are of a type conducted in association with an educational  
37 institution or professional, amateur, or recreational sports club or  
38 organization.

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

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

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

12 (i) Risk management and prevention of athletic injuries through  
13 preactivity screening and evaluation, educational programs, physical  
14 conditioning and reconditioning programs, application of commercial  
15 products, use of protective equipment, promotion of healthy  
16 behaviors, and reduction of environmental risks;

17 (ii) Recognition, evaluation, and assessment of athletic injuries  
18 by obtaining a history of the athletic injury, inspection and  
19 palpation of the injured part and associated structures, and  
20 performance of specific testing techniques related to stability and  
21 function to determine the extent of an injury;

22 (iii) Immediate care of athletic injuries, including emergency  
23 medical situations through the application of first-aid and emergency  
24 procedures and techniques for nonlife-threatening or life-threatening  
25 athletic injuries;

26 (iv) Treatment, rehabilitation, and reconditioning of athletic  
27 injuries through the application of physical agents and modalities,  
28 therapeutic activities and exercise, standard reassessment techniques  
29 and procedures, commercial products, and educational programs, in  
30 accordance with guidelines established with a licensed health care  
31 provider as provided in RCW 18.250.070;

32 (v) Treatment, rehabilitation, and reconditioning of work-related  
33 injuries through the application of physical agents and modalities,  
34 therapeutic activities and exercise, standard reassessment techniques  
35 and procedures, commercial products, and educational programs, under  
36 the direct supervision of and in accordance with a plan of care for  
37 an individual worker established by a provider authorized to provide  
38 physical medicine and rehabilitation services for injured workers;  
39 and

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

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

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

8 (ii) Orthotic or prosthetic services with the exception of  
9 evaluation, measurement, fitting, and adjustment of temporary,  
10 prefabricated or direct-formed orthosis as defined in chapter 18.200  
11 RCW;

12 (iii) The practice of occupational therapy as defined in chapter  
13 18.59 RCW;

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

16 (v) Any medical diagnosis; and

17 (vi) Prescribing legend drugs or controlled substances, or  
18 surgery.

19 (5) "Committee" means the athletic training advisory committee.

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

21 (7) "Licensed health care provider" means a physician, physician  
22 assistant, osteopathic physician, (~~osteopathic physician~~  
23 ~~assistant,~~) advanced registered nurse practitioner, naturopath,  
24 physical therapist, chiropractor, dentist, massage therapist,  
25 acupuncturist, occupational therapist, or podiatric physician and  
26 surgeon.

27 (8) "Secretary" means the secretary of health or the secretary's  
28 designee.

29 **Sec. 27.** RCW 18.360.010 and 2017 c 336 s 14 are each reenacted  
30 and amended to read as follows:

31 The definitions in this section apply throughout this chapter  
32 unless the context clearly requires otherwise.

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

35 (2) "Delegation" means direct authorization granted by a licensed  
36 health care practitioner to a medical assistant to perform the  
37 functions authorized in this chapter which fall within the scope of  
38 practice of the health care provider and the training and experience  
39 of the medical assistant.



- 1 (3) "Department" means the department of health.
- 2 (4) "Forensic phlebotomist" means a police officer, law  
3 enforcement officer, or employee of a correctional facility or  
4 detention facility, who is certified under this chapter and meets any  
5 additional training and proficiency standards of his or her employer  
6 to collect a venous blood sample for forensic testing pursuant to a  
7 search warrant, a waiver of the warrant requirement, or exigent  
8 circumstances.
- 9 (5) "Health care practitioner" means:
- 10 (a) A physician licensed under chapter 18.71 RCW;
- 11 (b) An osteopathic physician and surgeon licensed under chapter  
12 18.57 RCW; or
- 13 (c) Acting within the scope of their respective licensure, a  
14 podiatric physician and surgeon licensed under chapter 18.22 RCW, a  
15 registered nurse or advanced registered nurse practitioner licensed  
16 under chapter 18.79 RCW, a naturopath licensed under chapter 18.36A  
17 RCW, a physician assistant licensed under chapter 18.71A RCW, (~~an~~  
18 ~~osteopathic physician assistant licensed under chapter 18.57A RCW,~~)  
19 or an optometrist licensed under chapter 18.53 RCW.
- 20 (6) "Medical assistant-certified" means a person certified under  
21 RCW 18.360.040 who assists a health care practitioner with patient  
22 care, executes administrative and clinical procedures, and performs  
23 functions as provided in RCW 18.360.050 under the supervision of the  
24 health care practitioner.
- 25 (7) "Medical assistant-hemodialysis technician" means a person  
26 certified under RCW 18.360.040 who performs hemodialysis and other  
27 functions pursuant to RCW 18.360.050 under the supervision of a  
28 health care practitioner.
- 29 (8) "Medical assistant-phlebotomist" means a person certified  
30 under RCW 18.360.040 who performs capillary, venous, and arterial  
31 invasive procedures for blood withdrawal and other functions pursuant  
32 to RCW 18.360.050 under the supervision of a health care  
33 practitioner.
- 34 (9) "Medical assistant-registered" means a person registered  
35 under RCW 18.360.040 who, pursuant to an endorsement by a health care  
36 practitioner, clinic, or group practice, assists a health care  
37 practitioner with patient care, executes administrative and clinical  
38 procedures, and performs functions as provided in RCW 18.360.050  
39 under the supervision of the health care practitioner.
- 40 (10) "Secretary" means the secretary of the department of health.

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

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

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

13 (a) A written certification signed by a health care practitioner  
14 that a particular vaccine required by rule of the state board of  
15 health is, in his or her judgment, not advisable for the child:  
16 PROVIDED, That when it is determined that this particular vaccine is  
17 no longer contraindicated, the child will be required to have the  
18 vaccine;

19 (b) A written certification signed by any parent or legal  
20 guardian of the child or any adult in loco parentis to the child that  
21 the religious beliefs of the signator are contrary to the required  
22 immunization measures; or

23 (c) A written certification signed by any parent or legal  
24 guardian of the child or any adult in loco parentis to the child that  
25 the signator has either a philosophical or personal objection to the  
26 immunization of the child. A philosophical or personal objection may  
27 not be used to exempt a child from the measles, mumps, and rubella  
28 vaccine.

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

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

1 (c) Any parent or legal guardian of the child or any adult in  
2 loco parentis to the child who exempts the child due to religious  
3 beliefs pursuant to subsection (1)(b) of this section is not required  
4 to have the form provided for in (a) of this subsection signed by a  
5 health care practitioner if the parent or legal guardian demonstrates  
6 membership in a religious body or a church in which the religious  
7 beliefs or teachings of the church preclude a health care  
8 practitioner from providing medical treatment to the child.

9 (3) For purposes of this section, "health care practitioner"  
10 means a physician licensed under chapter 18.71 or 18.57 RCW, a  
11 naturopath licensed under chapter 18.36A RCW, a physician assistant  
12 licensed under chapter 18.71A (~~or 18.57A~~) RCW, or an advanced  
13 registered nurse practitioner licensed under chapter 18.79 RCW.

14 **Sec. 29.** RCW 43.70.110 and 2019 c 308 s 21 and 2019 c 140 s 1  
15 are each reenacted and amended to read as follows:

16 (1) The secretary shall charge fees to the licensee for obtaining  
17 a license. Physicians regulated pursuant to chapter 18.71 RCW who  
18 reside and practice in Washington and obtain or renew a retired  
19 active license are exempt from such fees. Municipal corporations  
20 providing emergency medical care and transportation services pursuant  
21 to chapter 18.73 RCW shall be exempt from such fees, provided that  
22 such other emergency services shall only be charged for their pro  
23 rata share of the cost of licensure and inspection, if appropriate.  
24 The secretary may waive the fees when, in the discretion of the  
25 secretary, the fees would not be in the best interest of public  
26 health and safety, or when the fees would be to the financial  
27 disadvantage of the state.

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

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

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

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

1 (c) For physicians licensed under chapter 18.71 RCW, physician  
2 assistants licensed under chapter 18.71A RCW, osteopathic physicians  
3 licensed under chapter 18.57 RCW, (~~osteopathic physicians and~~  
4 ~~assistants licensed under chapter 18.57A RCW,~~) naturopaths licensed  
5 under chapter 18.36A RCW, podiatrists licensed under chapter 18.22  
6 RCW, chiropractors licensed under chapter 18.25 RCW, psychologists  
7 licensed under chapter 18.83 RCW, registered nurses and licensed  
8 practical nurses licensed under chapter 18.79 RCW, optometrists  
9 licensed under chapter 18.53 RCW, mental health counselors licensed  
10 under chapter 18.225 RCW, massage therapists licensed under chapter  
11 18.108 RCW, advanced social workers licensed under chapter 18.225  
12 RCW, independent clinical social workers and independent clinical  
13 social worker associates licensed under chapter 18.225 RCW, midwives  
14 licensed under chapter 18.50 RCW, marriage and family therapists and  
15 marriage and family therapist associates licensed under chapter  
16 18.225 RCW, occupational therapists and occupational therapy  
17 assistants licensed under chapter 18.59 RCW, dietitians and  
18 nutritionists certified under chapter 18.138 RCW, speech-language  
19 pathologists licensed under chapter 18.35 RCW, acupuncturists or  
20 acupuncture and Eastern medicine practitioners licensed under chapter  
21 18.06 RCW, and veterinarians and veterinary technicians licensed  
22 under chapter 18.92 RCW, the license fees shall include up to an  
23 additional twenty-five dollars to be transferred by the department to  
24 the University of Washington for the purposes of RCW 43.70.112.

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

28 **Sec. 30.** RCW 43.70.220 and 1994 sp.s. c 9 s 727 are each amended  
29 to read as follows:

30 The powers and duties of the department of licensing and the  
31 director of licensing under the following statutes are hereby  
32 transferred to the department of health and the secretary of health:  
33 Chapters 18.06, 18.19, 18.22, 18.25, 18.29, 18.32, 18.34, 18.35,  
34 18.36A, 18.50, 18.52, 18.52C, 18.53, 18.54, 18.55, 18.57, (~~18.57A,~~)  
35 18.59, 18.71, 18.71A, 18.74, 18.83, 18.84, 18.79, 18.89, 18.92,  
36 18.108, (~~18.135,~~) and 18.138 RCW. More specifically, the health  
37 professions regulatory programs and services presently administered  
38 by the department of licensing are hereby transferred to the  
39 department of health.

1       **Sec. 31.** RCW 43.70.442 and 2019 c 444 s 13 and 2019 c 358 s 5  
2 are each reenacted and amended to read as follows:

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

7       (i) An adviser or counselor certified under chapter 18.19 RCW;

8       (ii) A substance use disorder professional licensed under chapter  
9 18.205 RCW;

10       (iii) A marriage and family therapist licensed under chapter  
11 18.225 RCW;

12       (iv) A mental health counselor licensed under chapter 18.225 RCW;

13       (v) An occupational therapy practitioner licensed under chapter  
14 18.59 RCW;

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

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

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

20       (b) The requirements in (a) of this subsection apply to a person  
21 holding a retired active license for one of the professions in (a) of  
22 this subsection.

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

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

33       (2)(a) Except as provided in (b) of this subsection, a  
34 professional listed in subsection (1)(a) of this section must  
35 complete the first training required by this section by the end of  
36 the first full continuing education reporting period after January 1,  
37 2014, or during the first full continuing education reporting period  
38 after initial licensure or certification, whichever occurs later.

39       (b) A professional listed in subsection (1)(a) of this section  
40 applying for initial licensure may delay completion of the first

1 training required by this section for six years after initial  
2 licensure if he or she can demonstrate successful completion of the  
3 training required in subsection (1) of this section no more than six  
4 years prior to the application for initial licensure.

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

9 (4)(a) A disciplining authority may, by rule, specify minimum  
10 training and experience that is sufficient to exempt an individual  
11 professional from the training requirements in subsections (1) and  
12 (5) of this section. Nothing in this subsection (4)(a) allows a  
13 disciplining authority to provide blanket exemptions to broad  
14 categories or specialties within a profession.

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

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

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

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

24 (iii) A licensed practical nurse, registered nurse, or advanced  
25 registered nurse practitioner, other than a certified registered  
26 nurse anesthetist, licensed under chapter 18.79 RCW;

27 (iv) An osteopathic physician and surgeon licensed under chapter  
28 18.57 RCW, other than a holder of a postgraduate osteopathic medicine  
29 and surgery license issued under RCW 18.57.035;

30 ~~(v) ((An osteopathic physician assistant licensed under chapter  
31 18.57A RCW;~~

32 ~~(vi))~~ A physical therapist or physical therapist assistant  
33 licensed under chapter 18.74 RCW;

34 ~~((vi))~~ (vi) A physician licensed under chapter 18.71 RCW,  
35 other than a resident holding a limited license issued under RCW  
36 18.71.095(3);

37 ~~((viii))~~ (vii) A physician assistant licensed under chapter  
38 18.71A RCW;

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

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

1       (~~(xi)~~) (x) A dental hygienist licensed under chapter 18.29 RCW;  
2       (~~(xii)~~) (xi) An athletic trainer licensed under chapter 18.250  
3 RCW; and  
4       (~~(xiii)~~) (xii) A person holding a retired active license for  
5 one of the professions listed in (a)(i) through (~~(xii)~~) (xi) of  
6 this subsection.  
7       (b)(i) A professional listed in (a)(i) through (~~(viii)~~) (vii)  
8 of this subsection or a person holding a retired active license for  
9 one of the professions listed in (a)(i) through (~~(viii)~~) (vii) of  
10 this subsection must complete the one-time training by the end of the  
11 first full continuing education reporting period after January 1,  
12 2016, or during the first full continuing education reporting period  
13 after initial licensure, whichever is later. Training completed  
14 between June 12, 2014, and January 1, 2016, that meets the  
15 requirements of this section, other than the timing requirements of  
16 this subsection (5)(b), must be accepted by the disciplining  
17 authority as meeting the one-time training requirement of this  
18 subsection (5).  
19       (ii) A licensed pharmacist or a person holding a retired active  
20 pharmacist license must complete the one-time training by the end of  
21 the first full continuing education reporting period after January 1,  
22 2017, or during the first full continuing education reporting period  
23 after initial licensure, whichever is later.  
24       (iii) A licensed dentist, a licensed dental hygienist, or a  
25 person holding a retired active license as a dentist shall complete  
26 the one-time training by the end of the full continuing education  
27 reporting period after August 1, 2020, or during the first full  
28 continuing education reporting period after initial licensure,  
29 whichever is later. Training completed between July 23, 2017, and  
30 August 1, 2020, that meets the requirements of this section, other  
31 than the timing requirements of this subsection (5)(b)(iii), must be  
32 accepted by the disciplining authority as meeting the one-time  
33 training requirement of this subsection (5).  
34       (c) The training required by this subsection must be at least six  
35 hours in length, unless a disciplining authority has determined,  
36 under subsection (10)(b) of this section, that training that includes  
37 only screening and referral elements is appropriate for the  
38 profession in question, in which case the training must be at least  
39 three hours in length.

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

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

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

10 (c) By June 30, 2016, the department shall adopt rules  
11 establishing minimum standards for the training programs included on  
12 the model list. The minimum standards must require that six-hour  
13 trainings include content specific to veterans and the assessment of  
14 issues related to imminent harm via lethal means or self-injurious  
15 behaviors and that three-hour trainings for pharmacists or dentists  
16 include content related to the assessment of issues related to  
17 imminent harm via lethal means. When adopting the rules required  
18 under this subsection (6)(c), the department shall:

19 (i) Consult with the affected disciplining authorities, public  
20 and private institutions of higher education, educators, experts in  
21 suicide assessment, treatment, and management, the Washington  
22 department of veterans affairs, and affected professional  
23 associations; and

24 (ii) Consider standards related to the best practices registry of  
25 the American foundation for suicide prevention and the suicide  
26 prevention resource center.

27 (d) Beginning January 1, 2017:

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

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

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



1 (7) The department shall provide the health profession training  
2 standards created in this section to the professional educator  
3 standards board as a model in meeting the requirements of RCW  
4 28A.410.226 and provide technical assistance, as requested, in the  
5 review and evaluation of educator training programs. The educator  
6 training programs approved by the professional educator standards  
7 board may be included in the department's model list.

8 (8) Nothing in this section may be interpreted to expand or limit  
9 the scope of practice of any profession regulated under chapter  
10 18.130 RCW.

11 (9) The secretary and the disciplining authorities affected by  
12 this section shall adopt any rules necessary to implement this  
13 section.

14 (10) For purposes of this section:

15 (a) "Disciplining authority" has the same meaning as in RCW  
16 18.130.020.

17 (b) "Training in suicide assessment, treatment, and management"  
18 means empirically supported training approved by the appropriate  
19 disciplining authority that contains the following elements: Suicide  
20 assessment, including screening and referral, suicide treatment, and  
21 suicide management. However, the disciplining authority may approve  
22 training that includes only screening and referral elements if  
23 appropriate for the profession in question based on the profession's  
24 scope of practice. The board of occupational therapy may also approve  
25 training that includes only screening and referral elements if  
26 appropriate for occupational therapy practitioners based on practice  
27 setting.

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

35 (12) An employee of a community mental health agency licensed  
36 under chapter 71.24 RCW or a chemical dependency program certified  
37 under chapter 71.24 RCW is exempt from the requirements of this  
38 section if he or she receives a total of at least six hours of  
39 training in suicide assessment, treatment, and management from his or  
40 her employer every six years. For purposes of this subsection, the

1 training may be provided in one six-hour block or may be spread among  
2 shorter training sessions at the employer's discretion.

3 **Sec. 32.** RCW 43.70.470 and 2005 c 156 s 2 are each amended to  
4 read as follows:

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

10 (1) The participating health care provider associated with the  
11 clinic shall hold a valid license to practice as a physician under  
12 chapter 18.71 or 18.57 RCW, a naturopath under chapter 18.36A RCW, a  
13 physician assistant under chapter 18.71A (~~or 18.57A~~) RCW, an  
14 advanced registered nurse practitioner under chapter 18.79 RCW, a  
15 dentist under chapter 18.32 RCW, or other health professionals as may  
16 be deemed in short supply by the department. All health care  
17 providers must be in conformity with current requirements for  
18 licensure, including continuing education requirements;

19 (2) Health care shall be limited to noninvasive procedures and  
20 shall not include obstetrical care. Noninvasive procedures include  
21 injections, suturing of minor lacerations, and incisions of boils or  
22 superficial abscesses. Primary dental care shall be limited to  
23 diagnosis, oral hygiene, restoration, and extractions and shall not  
24 include orthodontia, or other specialized care and treatment;

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

28 (4) The participating health care provider shall limit the  
29 provision of health care services to primarily low-income persons  
30 provided that clinics may, but are not required to, provide means  
31 tests for eligibility as a condition for obtaining health care  
32 services;

33 (5) The participating health care provider shall not accept  
34 compensation for providing health care services from patients served  
35 pursuant to this section and RCW 43.70.460, nor from clinics serving  
36 these patients. "Compensation" shall mean any remuneration of value  
37 to the participating health care provider for services provided by  
38 the health care provider, but shall not be construed to include any  
39 nominal copayments charged by the clinic, nor reimbursement of

1 related expenses of a participating health care provider authorized  
2 by the clinic in advance of being incurred; and

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

8 **Sec. 33.** RCW 46.19.010 and 2017 c 112 s 1 are each amended to  
9 read as follows:

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

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

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

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

18 (d) Uses portable oxygen;

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

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

27 (g) Has a disability resulting from an acute sensitivity to  
28 automobile emissions that limits or impairs the ability to walk. The  
29 personal physician, advanced registered nurse practitioner, or  
30 physician assistant of the applicant shall document that the  
31 disability is comparable in severity to the others listed in this  
32 subsection;

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

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

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

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

5 (a) A licensed physician;

6 (b) An advanced registered nurse practitioner licensed under  
7 chapter 18.79 RCW; or

8 (c) A physician assistant licensed under chapter 18.71A (~~or~~  
9 ~~18.57A~~) RCW.

10 (3) A health care practitioner listed under subsection (2) of  
11 this section who is authorizing a parking permit for purposes of this  
12 chapter must provide a signed written authorization: On a  
13 prescription pad or paper, as defined in RCW 18.64.500; on office  
14 letterhead; or by electronic means, as described by the director in  
15 rule.

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

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

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

30 (5) A natural person who has a disability described in subsection  
31 (1) of this section and is expected to improve within twelve months  
32 may be issued a temporary placard for a period not to exceed twelve  
33 months. If the disability exists after twelve months, a new temporary  
34 placard must be issued upon receipt of a new application with  
35 certification from the person's physician as prescribed in  
36 subsections (3) and (4) of this section. Special license plates for  
37 persons with disabilities may not be issued to a person with a  
38 temporary disability.

39 (6) A natural person who qualifies for special parking privileges  
40 under this section must receive an identification card showing the

1 name and date of birth of the person to whom the parking privilege  
2 has been issued and the serial number of the placard.

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

5 (a) Up to two parking placards;

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

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

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

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

17 (9) The parking placard and identification card must be  
18 immediately returned to the department upon the placard holder's  
19 death.

20 **Sec. 34.** RCW 46.61.506 and 2017 c 336 s 7 are each amended to  
21 read as follows:

22 (1) Upon the trial of any civil or criminal action or proceeding  
23 arising out of acts alleged to have been committed by any person  
24 while driving or in actual physical control of a vehicle while under  
25 the influence of intoxicating liquor or any drug, if the person's  
26 alcohol concentration is less than 0.08 or the person's THC  
27 concentration is less than 5.00, it is evidence that may be  
28 considered with other competent evidence in determining whether the  
29 person was under the influence of intoxicating liquor or any drug.

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

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

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

1 (3) Analysis of the person's blood or breath to be considered  
2 valid under the provisions of this section or RCW 46.61.502 or  
3 46.61.504 shall have been performed according to methods approved by  
4 the state toxicologist and by an individual possessing a valid permit  
5 issued by the state toxicologist for this purpose. The state  
6 toxicologist is directed to approve satisfactory techniques or  
7 methods, to supervise the examination of individuals to ascertain  
8 their qualifications and competence to conduct such analyses, and to  
9 issue permits which shall be subject to termination or revocation at  
10 the discretion of the state toxicologist.

11 (4)(a) A breath test performed by any instrument approved by the  
12 state toxicologist shall be admissible at trial or in an  
13 administrative proceeding if the prosecution or department produces  
14 prima facie evidence of the following:

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

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

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

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

28 (v) The internal standard test resulted in the message  
29 "verified";

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

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

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

37 (b) For purposes of this section, "prima facie evidence" is  
38 evidence of sufficient circumstances that would support a logical and  
39 reasonable inference of the facts sought to be proved. In assessing  
40 whether there is sufficient evidence of the foundational facts, the

1 court or administrative tribunal is to assume the truth of the  
2 prosecution's or department's evidence and all reasonable inferences  
3 from it in a light most favorable to the prosecution or department.

4 (c) Nothing in this section shall be deemed to prevent the  
5 subject of the test from challenging the reliability or accuracy of  
6 the test, the reliability or functioning of the instrument, or any  
7 maintenance procedures. Such challenges, however, shall not preclude  
8 the admissibility of the test once the prosecution or department has  
9 made a prima facie showing of the requirements contained in (a) of  
10 this subsection. Instead, such challenges may be considered by the  
11 trier of fact in determining what weight to give to the test result.

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

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

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

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

1 (c) The blood sample must be collected using sterile equipment  
2 and the skin area of puncture must be thoroughly cleansed and  
3 disinfected.

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

6 (7) The person tested may have a licensed or certified health  
7 care provider listed in subsection (5) of this section, or a  
8 qualified technician, chemist, or other qualified person of his or  
9 her own choosing administer one or more tests in addition to any  
10 administered at the direction of a law enforcement officer. The test  
11 will be admissible if the person establishes the general  
12 acceptability of the testing technique or method. The failure or  
13 inability to obtain an additional test by a person shall not preclude  
14 the admission of evidence relating to the test or tests taken at the  
15 direction of a law enforcement officer.

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

20 **Sec. 35.** RCW 46.61.508 and 2017 c 336 s 8 are each amended to  
21 read as follows:

22 No physician licensed under chapter 18.71 RCW; osteopathic  
23 physician licensed under chapter 18.57 RCW; registered nurse,  
24 licensed practical nurse, or advanced registered nurse practitioner  
25 licensed under chapter 18.79 RCW; physician assistant licensed under  
26 chapter 18.71A RCW; (~~osteopathic physician assistant licensed under~~  
27 ~~chapter 18.57A RCW;~~) advanced emergency medical technician or  
28 paramedic certified under chapter 18.71 RCW; or medical assistant-  
29 certified or medical assistant-phlebotomist certified under chapter  
30 18.360 RCW, person holding another credential under Title 18 RCW  
31 whose scope of practice includes performing venous blood draws, or  
32 forensic phlebotomist certified under chapter 18.360 RCW, or  
33 hospital, or duly licensed clinical laboratory employing or utilizing  
34 services of such licensed or certified health care provider, shall  
35 incur any civil or criminal liability as a result of the act of  
36 withdrawing blood from any person when directed by a law enforcement  
37 officer to do so for the purpose of a blood test under the provisions  
38 of a search warrant, a waiver of the search warrant requirement,  
39 exigent circumstances, or any other authority of law: PROVIDED, That



1 nothing in this section shall relieve such licensed or certified  
2 health care provider, hospital or duly licensed clinical laboratory,  
3 or forensic phlebotomist from civil liability arising from the use of  
4 improper procedures or failing to exercise the required standard of  
5 care.

6 **Sec. 36.** RCW 48.42.100 and 2000 c 7 s 1 are each amended to read  
7 as follows:

8 (1) For purposes of this section, health care carriers includes  
9 disability insurers regulated under chapter 48.20 or 48.21 RCW,  
10 health care services contractors regulated under chapter 48.44 RCW,  
11 health maintenance organizations regulated under chapter 48.46 RCW,  
12 plans operating under the health care authority under chapter 41.05  
13 RCW, the state health insurance pool operating under chapter 48.41  
14 RCW, and insuring entities regulated under chapter 48.43 RCW.

15 (2) For purposes of this section and consistent with their lawful  
16 scopes of practice, types of health care practitioners that provide  
17 women's health care services shall include, but need not be limited  
18 by a health care carrier to, the following: Any generally recognized  
19 medical specialty of practitioners licensed under chapter 18.57 or  
20 18.71 RCW who provides women's health care services; practitioners  
21 licensed under (~~chapters 18.57A and~~) chapter 18.71A RCW when  
22 providing women's health care services; midwives licensed under  
23 chapter 18.50 RCW; and advanced registered nurse practitioner  
24 specialists in women's health and midwifery under chapter 18.79 RCW.

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

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

35 (5) (a) Health care carrier policies, plans, and programs written,  
36 amended, or renewed after July 23, 1995, shall provide women patients  
37 with direct access to the type of health care practitioner of their  
38 choice for appropriate covered women's health care services without

1 the necessity of prior referral from another type of health care  
2 practitioner.

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

6 (c) Nothing in this section shall prevent health care carriers  
7 from restricting women patients to seeing only health care  
8 practitioners who have signed participating provider agreements with  
9 the health care carrier.

10 **Sec. 37.** RCW 48.43.094 and 2015 c 237 s 1 are each amended to  
11 read as follows:

12 (1) For health plans issued or renewed on or after January 1,  
13 2017:

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

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

18 (ii) The plan would have provided benefits if the service had  
19 been performed by a physician licensed under chapter 18.71 or 18.57  
20 RCW, an advanced registered nurse practitioner licensed under chapter  
21 18.79 RCW, or a physician's assistant licensed under chapter 18.71A  
22 (~~or 18.57A~~) RCW; and

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

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

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

30 (3) For health benefit plans issued or renewed on or after  
31 January 1, 2016, but before January 1, 2017, health plans that  
32 delegate credentialing agreements to contracted health care  
33 facilities must accept credentialing for pharmacists employed or  
34 contracted by those facilities. Health plans must reimburse  
35 facilities for covered services provided by network pharmacists  
36 within the pharmacists' scope of practice per negotiations with the  
37 facility.

38 (4) This section does not supersede the requirements of RCW  
39 48.43.045.

1       **Sec. 38.** RCW 48.43.115 and 2003 c 248 s 14 are each amended to  
2 read as follows:

3       (1) The legislature recognizes the role of health care providers  
4 as the appropriate authority to determine and establish the delivery  
5 of quality health care services to maternity patients and their newly  
6 born children. It is the intent of the legislature to recognize  
7 patient preference and the clinical sovereignty of providers as they  
8 make determinations regarding services provided and the length of  
9 time individual patients may need to remain in a health care facility  
10 after giving birth. It is not the intent of the legislature to  
11 diminish a carrier's ability to utilize managed care strategies but  
12 to ensure the clinical judgment of the provider is not undermined by  
13 restrictive carrier contracts or utilization review criteria that  
14 fail to recognize individual postpartum needs.

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

17       (a) "Attending provider" means a provider who: Has clinical  
18 hospital privileges consistent with RCW 70.43.020; is included in a  
19 provider network of the carrier that is providing coverage; and is a  
20 physician licensed under chapter 18.57 or 18.71 RCW, a certified  
21 nurse midwife licensed under chapter 18.79 RCW, a midwife licensed  
22 under chapter 18.50 RCW, a physician's assistant licensed under  
23 chapter ((~~18.57A or~~) 18.71A RCW, or an advanced registered nurse  
24 practitioner licensed under chapter 18.79 RCW.

25       (b) "Health carrier" or "carrier" means disability insurers  
26 regulated under chapter 48.20 or 48.21 RCW, health care services  
27 contractors regulated under chapter 48.44 RCW, health maintenance  
28 organizations regulated under chapter 48.46 RCW, plans operating  
29 under the health care authority under chapter 41.05 RCW, the state  
30 health insurance pool operating under chapter 48.41 RCW, and insuring  
31 entities regulated under this chapter.

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

38       (b) Covered eligible services may not be denied for inpatient,  
39 postdelivery care to a mother and her newly born child after a

1 vaginal delivery or a cesarean section delivery for such care as  
2 ordered by the attending provider in consultation with the mother.

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

8 (d) Covered eligible services may not be denied for follow-up  
9 care, including in-person care, as ordered by the attending provider  
10 in consultation with the mother. Coverage for providers of follow-up  
11 services must include, but need not be limited to, attending  
12 providers as defined in this section, home health agencies licensed  
13 under chapter 70.127 RCW, and registered nurses licensed under  
14 chapter 18.79 RCW.

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

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

20 (4) A carrier that provides coverage for maternity services may  
21 not deselect, terminate the services of, require additional  
22 documentation from, require additional utilization review of, reduce  
23 payments to, or otherwise provide financial disincentives to any  
24 attending provider or health care facility solely as a result of the  
25 attending provider or health care facility ordering care consistent  
26 with this section. This section does not prevent any insurer from  
27 reimbursing an attending provider or health care facility on a  
28 capitated, case rate, or other financial incentive basis.

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

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

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

1       **Sec. 39.** RCW 51.04.030 and 2011 c 290 s 1 are each amended to  
2 read as follows:

3       (1) The director shall supervise the providing of prompt and  
4 efficient care and treatment, including care provided by physician  
5 assistants governed by the provisions of (~~chapters 18.57A and~~)  
6 chapter 18.71A RCW, acting under a supervising physician, including  
7 chiropractic care, and including care provided by licensed advanced  
8 registered nurse practitioners, to workers injured during the course  
9 of their employment at the least cost consistent with promptness and  
10 efficiency, without discrimination or favoritism, and with as great  
11 uniformity as the various and diverse surrounding circumstances and  
12 locations of industries will permit and to that end shall, from time  
13 to time, establish and adopt and supervise the administration of  
14 printed forms, rules, regulations, and practices for the furnishing  
15 of such care and treatment: PROVIDED, That the medical coverage  
16 decisions of the department do not constitute a "rule" as used in RCW  
17 34.05.010(16), nor are such decisions subject to the rule-making  
18 provisions of chapter 34.05 RCW except that criteria for establishing  
19 medical coverage decisions shall be adopted by rule after  
20 consultation with the workers' compensation advisory committee  
21 established in RCW 51.04.110: PROVIDED FURTHER, That the department  
22 may recommend to an injured worker particular health care services  
23 and providers where specialized treatment is indicated or where cost-  
24 effective payment levels or rates are obtained by the department: AND  
25 PROVIDED FURTHER, That the department may enter into contracts for  
26 goods and services including, but not limited to, durable medical  
27 equipment so long as statewide access to quality service is  
28 maintained for injured workers.

29       (2) The director shall, in consultation with interested persons,  
30 establish and, in his or her discretion, periodically change as may  
31 be necessary, and make available a fee schedule of the maximum  
32 charges to be made by any physician, surgeon, chiropractor, hospital,  
33 druggist, licensed advanced registered nurse practitioner,  
34 physicians' assistants as defined in (~~chapters 18.57A and~~) chapter  
35 18.71A RCW, acting under a supervising physician or other agency or  
36 person rendering services to injured workers. The department shall  
37 coordinate with other state purchasers of health care services to  
38 establish as much consistency and uniformity in billing and coding  
39 practices as possible, taking into account the unique requirements  
40 and differences between programs. No service covered under this

1 title, including services provided to injured workers, whether aliens  
2 or other injured workers, who are not residing in the United States  
3 at the time of receiving the services, shall be charged or paid at a  
4 rate or rates exceeding those specified in such fee schedule, and no  
5 contract providing for greater fees shall be valid as to the excess.  
6 The establishment of such a schedule, exclusive of conversion  
7 factors, does not constitute "agency action" as used in RCW  
8 34.05.010(3), nor does such a fee schedule and its associated billing  
9 or payment instructions and policies constitute a "rule" as used in  
10 RCW 34.05.010(16).

11 (3) The director or self-insurer, as the case may be, shall make  
12 a record of the commencement of every disability and the termination  
13 thereof and, when bills are rendered for the care and treatment of  
14 injured workers, shall approve and pay those which conform to the  
15 adopted rules, regulations, established fee schedules, and practices  
16 of the director and may reject any bill or item thereof incurred in  
17 violation of the principles laid down in this section or the rules,  
18 regulations, or the established fee schedules and rules and  
19 regulations adopted under it.

20 **Sec. 40.** RCW 51.28.100 and 2007 c 263 s 1 are each amended to  
21 read as follows:

22 The department shall accept the signature of a physician  
23 assistant on any certificate, card, form, or other documentation  
24 required by the department that the physician assistant's supervising  
25 physician or physicians may sign, provided that it is within the  
26 physician assistant's scope of practice, and is consistent with the  
27 terms of the physician assistant's practice (~~(arrangement plan)~~)  
28 agreement as required by (~~(chapters 18.57A and)~~) chapter 18.71A RCW.  
29 Consistent with the terms of this section, the authority of a  
30 physician assistant to sign such certificates, cards, forms, or other  
31 documentation includes, but is not limited to, the execution of the  
32 certificate required in RCW 51.28.020. A physician assistant may not  
33 rate a worker's permanent partial disability under RCW 51.32.055.

34 **Sec. 41.** RCW 69.41.010 and 2019 c 358 s 6 and 2019 c 308 s 23  
35 are each reenacted and amended to read as follows:

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

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

4 (a) A practitioner; or

5 (b) The patient or research subject at the direction of the  
6 practitioner.

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

8 (3) "Community-based care settings" include: Community  
9 residential programs for persons with developmental disabilities,  
10 certified by the department of social and health services under  
11 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128  
12 RCW; and assisted living facilities licensed under chapter 18.20 RCW.  
13 Community-based care settings do not include acute care or skilled  
14 nursing facilities.

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

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

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

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

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

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

27 (10) "Drug" means:

28 (a) Substances recognized as drugs in the official United States  
29 pharmacopoeia, official homeopathic pharmacopoeia of the United  
30 States, or official national formulary, or any supplement to any of  
31 them;

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

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

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

1 (11) "Electronic communication of prescription information" means  
2 the transmission of a prescription or refill authorization for a drug  
3 of a practitioner using computer systems. The term does not include a  
4 prescription or refill authorization transmitted verbally by  
5 telephone nor a facsimile manually signed by the practitioner.

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

10 (13) "Legend drugs" means any drugs which are required by state  
11 law or regulation of the pharmacy quality assurance commission to be  
12 dispensed on prescription only or are restricted to use by  
13 practitioners only.

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

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

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

37 (17) "Practitioner" means:

38 (a) A physician under chapter 18.71 RCW, an osteopathic physician  
39 or an osteopathic physician and surgeon under chapter 18.57 RCW, a  
40 dentist under chapter 18.32 RCW, a podiatric physician and surgeon



1 under chapter 18.22 RCW, an acupuncturist or acupuncture and Eastern  
2 medicine practitioner to the extent authorized under chapter 18.06  
3 RCW and the rules adopted under RCW 18.06.010(1)(j), a veterinarian  
4 under chapter 18.92 RCW, a registered nurse, advanced registered  
5 nurse practitioner, or licensed practical nurse under chapter 18.79  
6 RCW, an optometrist under chapter 18.53 RCW who is certified by the  
7 optometry board under RCW 18.53.010, (~~an osteopathic physician~~  
8 ~~assistant under chapter 18.57A RCW,~~) a physician assistant under  
9 chapter 18.71A RCW, a naturopath licensed under chapter 18.36A RCW, a  
10 licensed athletic trainer to the extent authorized under chapter  
11 18.250 RCW, a pharmacist under chapter 18.64 RCW, or, when acting  
12 under the required supervision of a dentist licensed under chapter  
13 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW;

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

18 (c) A physician licensed to practice medicine and surgery or a  
19 physician licensed to practice osteopathic medicine and surgery in  
20 any state, or province of Canada, which shares a common border with  
21 the state of Washington.

22 (18) "Secretary" means the secretary of health or the secretary's  
23 designee.

24 **Sec. 42.** RCW 69.41.030 and 2019 c 55 s 9 are each amended to  
25 read as follows:

26 (1) It shall be unlawful for any person to sell, deliver, or  
27 possess any legend drug except upon the order or prescription of a  
28 physician under chapter 18.71 RCW, an osteopathic physician and  
29 surgeon under chapter 18.57 RCW, an optometrist licensed under  
30 chapter 18.53 RCW who is certified by the optometry board under RCW  
31 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician  
32 and surgeon under chapter 18.22 RCW, a veterinarian under chapter  
33 18.92 RCW, a commissioned medical or dental officer in the United  
34 States armed forces or public health service in the discharge of his  
35 or her official duties, a duly licensed physician or dentist employed  
36 by the veterans administration in the discharge of his or her  
37 official duties, a registered nurse or advanced registered nurse  
38 practitioner under chapter 18.79 RCW when authorized by the nursing  
39 care quality assurance commission, a pharmacist licensed under

1 chapter 18.64 RCW to the extent permitted by drug therapy guidelines  
2 or protocols established under RCW 18.64.011 and authorized by the  
3 commission and approved by a practitioner authorized to prescribe  
4 drugs, (~~(an osteopathic physician assistant under chapter 18.57A RCW~~  
5 ~~when authorized by the board of osteopathic medicine and surgery,~~) a  
6 physician assistant under chapter 18.71A RCW when authorized by the  
7 Washington medical commission, or any of the following professionals  
8 in any province of Canada that shares a common border with the state  
9 of Washington or in any state of the United States: A physician  
10 licensed to practice medicine and surgery or a physician licensed to  
11 practice osteopathic medicine and surgery, a dentist licensed to  
12 practice dentistry, a podiatric physician and surgeon licensed to  
13 practice podiatric medicine and surgery, a licensed advanced  
14 registered nurse practitioner, a licensed physician assistant, (~~a~~  
15 ~~licensed osteopathic physician assistant,~~) or a veterinarian  
16 licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the  
17 above provisions shall not apply to sale, delivery, or possession by  
18 drug wholesalers or drug manufacturers, or their agents or employees,  
19 or to any practitioner acting within the scope of his or her license,  
20 or to a common or contract carrier or warehouse operator, or any  
21 employee thereof, whose possession of any legend drug is in the usual  
22 course of business or employment: PROVIDED FURTHER, That nothing in  
23 this chapter or chapter 18.64 RCW shall prevent a family planning  
24 clinic that is under contract with the health care authority from  
25 selling, delivering, possessing, and dispensing commercially  
26 prepackaged oral contraceptives prescribed by authorized, licensed  
27 health care practitioners: PROVIDED FURTHER, That nothing in this  
28 chapter prohibits possession or delivery of legend drugs by an  
29 authorized collector or other person participating in the operation  
30 of a drug take-back program authorized in chapter 69.48 RCW.

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

34 (b) A violation of this section involving possession is a  
35 misdemeanor.

36 **Sec. 43.** RCW 69.45.010 and 2019 c 55 s 10 are each amended to  
37 read as follows:

38 The definitions in this section apply throughout this chapter.

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

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

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

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

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

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

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

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

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

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

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

34 (12) "Practitioner" means a physician under chapter 18.71 RCW, an  
35 osteopathic physician or an osteopathic physician and surgeon under  
36 chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric  
37 physician and surgeon under chapter 18.22 RCW, a veterinarian under  
38 chapter 18.92 RCW, a pharmacist under chapter 18.64 RCW, a  
39 commissioned medical or dental officer in the United States armed  
40 forces or the public health service in the discharge of his or her

1 official duties, a duly licensed physician or dentist employed by the  
2 veterans administration in the discharge of his or her official  
3 duties, a registered nurse or advanced registered nurse practitioner  
4 under chapter 18.79 RCW when authorized to prescribe by the nursing  
5 care quality assurance commission, (~~(an osteopathic physician  
6 assistant under chapter 18.57A RCW when authorized by the board of  
7 osteopathic medicine and surgery,~~) or a physician assistant under  
8 chapter 18.71A RCW when authorized by the Washington medical  
9 commission.

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

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

16 **Sec. 44.** RCW 69.50.101 and 2019 c 394 s 9, 2019 c 158 s 12, and  
17 2019 c 55 s 11 are each reenacted and amended to read as follows:

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

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

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

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

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

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

32 (d) "CBD concentration" has the meaning provided in RCW  
33 69.51A.010.

34 (e) "CBD product" means any product containing or consisting of  
35 cannabidiol.

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

37 (g) "Controlled substance" means a drug, substance, or immediate  
38 precursor included in Schedules I through V as set forth in federal

1 or state laws, or federal or commission rules, but does not include  
2 hemp or industrial hemp as defined in RCW 15.140.020.

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

6 (i) that has a stimulant, depressant, or hallucinogenic effect on  
7 the central nervous system substantially similar to the stimulant,  
8 depressant, or hallucinogenic effect on the central nervous system of  
9 a controlled substance included in Schedule I or II; or

10 (ii) with respect to a particular individual, that the individual  
11 represents or intends to have a stimulant, depressant, or  
12 hallucinogenic effect on the central nervous system substantially  
13 similar to the stimulant, depressant, or hallucinogenic effect on the  
14 central nervous system of a controlled substance included in Schedule  
15 I or II.

16 (2) The term does not include:

17 (i) a controlled substance;

18 (ii) a substance for which there is an approved new drug  
19 application;

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

25 (iv) any substance to the extent not intended for human  
26 consumption before an exemption takes effect with respect to the  
27 substance.

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

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

32 (k) "Designated provider" has the meaning provided in RCW  
33 69.51A.010.

34 (l) "Dispense" means the interpretation of a prescription or  
35 order for a controlled substance and, pursuant to that prescription  
36 or order, the proper selection, measuring, compounding, labeling, or  
37 packaging necessary to prepare that prescription or order for  
38 delivery.

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

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

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

4 (p) "Drug" means (1) a controlled substance recognized as a drug  
5 in the official United States pharmacopoeia/national formulary or the  
6 official homeopathic pharmacopoeia of the United States, or any  
7 supplement to them; (2) controlled substances intended for use in the  
8 diagnosis, cure, mitigation, treatment, or prevention of disease in  
9 individuals or animals; (3) controlled substances (other than food)  
10 intended to affect the structure or any function of the body of  
11 individuals or animals; and (4) controlled substances intended for  
12 use as a component of any article specified in (1), (2), or (3) of  
13 this subsection. The term does not include devices or their  
14 components, parts, or accessories.

15 (q) "Drug enforcement administration" means the drug enforcement  
16 administration in the United States Department of Justice, or its  
17 successor agency.

18 (r) "Electronic communication of prescription information" means  
19 the transmission of a prescription or refill authorization for a drug  
20 of a practitioner using computer systems. The term does not include a  
21 prescription or refill authorization verbally transmitted by  
22 telephone nor a facsimile manually signed by the practitioner.

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

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

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

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

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

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

1 (v) "Lot" means a definite quantity of marijuana, marijuana  
2 concentrates, useable marijuana, or marijuana-infused product  
3 identified by a lot number, every portion or package of which is  
4 uniform within recognized tolerances for the factors that appear in  
5 the labeling.

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

10 (x) "Manufacture" means the production, preparation, propagation,  
11 compounding, conversion, or processing of a controlled substance,  
12 either directly or indirectly or by extraction from substances of  
13 natural origin, or independently by means of chemical synthesis, or  
14 by a combination of extraction and chemical synthesis, and includes  
15 any packaging or repackaging of the substance or labeling or  
16 relabeling of its container. The term does not include the  
17 preparation, compounding, packaging, repackaging, labeling, or  
18 relabeling of a controlled substance:

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

22 (2) by a practitioner, or by the practitioner's authorized agent  
23 under the practitioner's supervision, for the purpose of, or as an  
24 incident to, research, teaching, or chemical analysis and not for  
25 sale.

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

32 (1) The mature stalks of the plant, fiber produced from the  
33 stalks, oil or cake made from the seeds of the plant, any other  
34 compound, manufacture, salt, derivative, mixture, or preparation of  
35 the mature stalks (except the resin extracted therefrom), fiber, oil,  
36 or cake, or the sterilized seed of the plant which is incapable of  
37 germination; or

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

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

4 (aa) "Marijuana processor" means a person licensed by the state  
5 liquor and cannabis board to process marijuana into marijuana  
6 concentrates, useable marijuana, and marijuana-infused products,  
7 package and label marijuana concentrates, useable marijuana, and  
8 marijuana-infused products for sale in retail outlets, and sell  
9 marijuana concentrates, useable marijuana, and marijuana-infused  
10 products at wholesale to marijuana retailers.

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

14 (cc) "Marijuana products" means useable marijuana, marijuana  
15 concentrates, and marijuana-infused products as defined in this  
16 section.

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

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

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

30 (gg) "Narcotic drug" means any of the following, whether produced  
31 directly or indirectly by extraction from substances of vegetable  
32 origin, or independently by means of chemical synthesis, or by a  
33 combination of extraction and chemical synthesis:

34 (1) Opium, opium derivative, and any derivative of opium or opium  
35 derivative, including their salts, isomers, and salts of isomers,  
36 whenever the existence of the salts, isomers, and salts of isomers is  
37 possible within the specific chemical designation. The term does not  
38 include the isoquinoline alkaloids of opium.

39 (2) Synthetic opiate and any derivative of synthetic opiate,  
40 including their isomers, esters, ethers, salts, and salts of isomers,



1 esters, and ethers, whenever the existence of the isomers, esters,  
2 ethers, and salts is possible within the specific chemical  
3 designation.

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

5 (4) Coca leaves, except coca leaves and extracts of coca leaves  
6 from which cocaine, ecgonine, and derivatives or ecgonine or their  
7 salts have been removed.

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

9 (6) Cocaine base.

10 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer  
11 thereof.

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

15 (hh) "Opiate" means any substance having an addiction-forming or  
16 addiction-sustaining liability similar to morphine or being capable  
17 of conversion into a drug having addiction-forming or addiction-  
18 sustaining liability. The term includes opium, substances derived  
19 from opium (opium derivatives), and synthetic opiates. The term does  
20 not include, unless specifically designated as controlled under RCW  
21 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan  
22 and its salts (dextromethorphan). The term includes the racemic and  
23 levorotatory forms of dextromethorphan.

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

26 (jj) "Person" means individual, corporation, business trust,  
27 estate, trust, partnership, association, joint venture, government,  
28 governmental subdivision or agency, or any other legal or commercial  
29 entity.

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

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

33 (mm) "Practitioner" means:

34 (1) A physician under chapter 18.71 RCW; a physician assistant  
35 under chapter 18.71A RCW; an osteopathic physician and surgeon under  
36 chapter 18.57 RCW; ~~((an osteopathic physician assistant under chapter~~  
37 ~~18.57A RCW who is licensed under RCW 18.57A.020 subject to any~~  
38 ~~limitations in RCW 18.57A.040;))~~ an optometrist licensed under  
39 chapter 18.53 RCW who is certified by the optometry board under RCW  
40 18.53.010 subject to any limitations in RCW 18.53.010; a dentist

1 under chapter 18.32 RCW; a podiatric physician and surgeon under  
2 chapter 18.22 RCW; a veterinarian under chapter 18.92 RCW; a  
3 registered nurse, advanced registered nurse practitioner, or licensed  
4 practical nurse under chapter 18.79 RCW; a naturopathic physician  
5 under chapter 18.36A RCW who is licensed under RCW 18.36A.030 subject  
6 to any limitations in RCW 18.36A.040; a pharmacist under chapter  
7 18.64 RCW or a scientific investigator under this chapter, licensed,  
8 registered or otherwise permitted insofar as is consistent with those  
9 licensing laws to distribute, dispense, conduct research with respect  
10 to or administer a controlled substance in the course of their  
11 professional practice or research in this state.

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

16 (3) A physician licensed to practice medicine and surgery, a  
17 physician licensed to practice osteopathic medicine and surgery, a  
18 dentist licensed to practice dentistry, a podiatric physician and  
19 surgeon licensed to practice podiatric medicine and surgery, a  
20 licensed physician assistant or a licensed osteopathic physician  
21 assistant specifically approved to prescribe controlled substances by  
22 his or her state's medical commission or equivalent and his or her  
23 supervising physician, an advanced registered nurse practitioner  
24 licensed to prescribe controlled substances, or a veterinarian  
25 licensed to practice veterinary medicine in any state of the United  
26 States.

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

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

33 (pp) "Qualifying patient" has the meaning provided in RCW  
34 69.51A.010.

35 (qq) "Recognition card" has the meaning provided in RCW  
36 69.51A.010.

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

1 (ss) "Secretary" means the secretary of health or the secretary's  
2 designee.

3 (tt) "State," unless the context otherwise requires, means a  
4 state of the United States, the District of Columbia, the  
5 Commonwealth of Puerto Rico, or a territory or insular possession  
6 subject to the jurisdiction of the United States.

7 (uu) "THC concentration" means percent of delta-9  
8 tetrahydrocannabinol content per dry weight of any part of the plant  
9 *Cannabis*, or per volume or weight of marijuana product, or the  
10 combined percent of delta-9 tetrahydrocannabinol and  
11 tetrahydrocannabinolic acid in any part of the plant *Cannabis*  
12 regardless of moisture content.

13 (vv) "Ultimate user" means an individual who lawfully possesses a  
14 controlled substance for the individual's own use or for the use of a  
15 member of the individual's household or for administering to an  
16 animal owned by the individual or by a member of the individual's  
17 household.

18 (ww) "Useable marijuana" means dried marijuana flowers. The term  
19 "useable marijuana" does not include either marijuana-infused  
20 products or marijuana concentrates.

21 **Sec. 45.** RCW 69.51A.010 and 2015 c 70 s 17 are each reenacted  
22 and amended to read as follows:

23 The definitions in this section apply throughout this chapter  
24 unless the context clearly requires otherwise.

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

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

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

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

36 (c) An authorization is not a prescription as defined in RCW  
37 69.50.101.

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

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

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

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

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

12 (b) (i) Has an authorization from the qualifying patient's health  
13 care professional; or

14 (ii) Beginning July 1, 2016:

15 (A) Has been entered into the medical marijuana authorization  
16 database as being the designated provider to a qualifying patient;  
17 and

18 (B) Has been provided a recognition card;

19 (c) Is prohibited from consuming marijuana obtained for the  
20 personal, medical use of the qualifying patient for whom the  
21 individual is acting as designated provider;

22 (d) Provides marijuana to only the qualifying patient that has  
23 designated him or her;

24 (e) Is in compliance with the terms and conditions of this  
25 chapter; and

26 (f) Is the designated provider to only one patient at any one  
27 time.

28 (5) "Health care professional," for purposes of this chapter  
29 only, means a physician licensed under chapter 18.71 RCW, a physician  
30 assistant licensed under chapter 18.71A RCW, an osteopathic physician  
31 licensed under chapter 18.57 RCW, (~~(an osteopathic physicians'  
32 assistant licensed under chapter 18.57A RCW,)~~) a naturopath licensed  
33 under chapter 18.36A RCW, or an advanced registered nurse  
34 practitioner licensed under chapter 18.79 RCW.

35 (6) "Housing unit" means a house, an apartment, a mobile home, a  
36 group of rooms, or a single room that is occupied as separate living  
37 quarters, in which the occupants live and eat separately from any  
38 other persons in the building, and which have direct access from the  
39 outside of the building or through a common hall.

1 (7) "Low THC, high CBD" means products determined by the  
2 department to have a low THC, high CBD ratio under RCW 69.50.375. Low  
3 THC, high CBD products must be inhalable, ingestible, or absorbable.

4 (8) "Marijuana" has the meaning provided in RCW 69.50.101.

5 (9) "Marijuana concentrates" has the meaning provided in RCW  
6 69.50.101.

7 (10) "Marijuana processor" has the meaning provided in RCW  
8 69.50.101.

9 (11) "Marijuana producer" has the meaning provided in RCW  
10 69.50.101.

11 (12) "Marijuana retailer" has the meaning provided in RCW  
12 69.50.101.

13 (13) "Marijuana retailer with a medical marijuana endorsement"  
14 means a marijuana retailer that has been issued a medical marijuana  
15 endorsement by the state liquor and cannabis board pursuant to RCW  
16 69.50.375.

17 (14) "Marijuana-infused products" has the meaning provided in RCW  
18 69.50.101.

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

21 (16) "Medical use of marijuana" means the manufacture,  
22 production, possession, transportation, delivery, ingestion,  
23 application, or administration of marijuana for the exclusive benefit  
24 of a qualifying patient in the treatment of his or her terminal or  
25 debilitating medical condition.

26 (17) "Plant" means a marijuana plant having at least three  
27 distinguishable and distinct leaves, each leaf being at least three  
28 centimeters in diameter, and a readily observable root formation  
29 consisting of at least two separate and distinct roots, each being at  
30 least two centimeters in length. Multiple stalks emanating from the  
31 same root ball or root system is considered part of the same single  
32 plant.

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

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

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

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

38 (iii) Is a resident of the state of Washington at the time of  
39 such diagnosis;

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

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

5 (vi) (A) Has an authorization from his or her health care  
6 professional; or

7 (B) Beginning July 1, 2016, has been entered into the medical  
8 marijuana authorization database and has been provided a recognition  
9 card; and

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

12 (b) "Qualifying patient" does not include a person who is  
13 actively being supervised for a criminal conviction by a corrections  
14 agency or department that has determined that the terms of this  
15 chapter are inconsistent with and contrary to his or her supervision  
16 and all related processes and procedures related to that supervision.

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

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

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

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

25 (a) One or more features designed to prevent copying of the  
26 paper;

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

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

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

35 (a) Cancer, human immunodeficiency virus (HIV), multiple  
36 sclerosis, epilepsy or other seizure disorder, or spasticity  
37 disorders;

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

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

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

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

8 (f) Diseases, including anorexia, which result in nausea,  
9 vomiting, wasting, appetite loss, cramping, seizures, muscle spasms,  
10 or spasticity, when these symptoms are unrelieved by standard  
11 treatments or medications;

12 (g) Posttraumatic stress disorder; or

13 (h) Traumatic brain injury.

14 (25) "THC concentration" has the meaning provided in RCW  
15 69.50.101.

16 (26) "Useable marijuana" has the meaning provided in RCW  
17 69.50.101.

18 **Sec. 46.** RCW 70.41.210 and 2008 c 134 s 14 are each amended to  
19 read as follows:

20 (1) The chief administrator or executive officer of a hospital  
21 shall report to the department when the practice of a health care  
22 practitioner as defined in subsection (2) of this section is  
23 restricted, suspended, limited, or terminated based upon a  
24 conviction, determination, or finding by the hospital that the health  
25 care practitioner has committed an action defined as unprofessional  
26 conduct under RCW 18.130.180. The chief administrator or executive  
27 officer shall also report any voluntary restriction or termination of  
28 the practice of a health care practitioner as defined in subsection  
29 (2) of this section while the practitioner is under investigation or  
30 the subject of a proceeding by the hospital regarding unprofessional  
31 conduct, or in return for the hospital not conducting such an  
32 investigation or proceeding or not taking action. The department will  
33 forward the report to the appropriate disciplining authority.

34 (2) The reporting requirements apply to the following health care  
35 practitioners: Pharmacists as defined in chapter 18.64 RCW; advanced  
36 registered nurse practitioners as defined in chapter 18.79 RCW;  
37 dentists as defined in chapter 18.32 RCW; naturopaths as defined in  
38 chapter 18.36A RCW; optometrists as defined in chapter 18.53 RCW;  
39 osteopathic physicians and surgeons as defined in chapter 18.57 RCW;

1 (~~osteopathic physicians' assistants as defined in chapter 18.57A~~  
2 ~~RCW,~~) physicians as defined in chapter 18.71 RCW; physician  
3 assistants as defined in chapter 18.71A RCW; podiatric physicians and  
4 surgeons as defined in chapter 18.22 RCW; and psychologists as  
5 defined in chapter 18.83 RCW.

6 (3) Reports made under subsection (1) of this section shall be  
7 made within fifteen days of the date: (a) A conviction,  
8 determination, or finding is made by the hospital that the health  
9 care practitioner has committed an action defined as unprofessional  
10 conduct under RCW 18.130.180; or (b) the voluntary restriction or  
11 termination of the practice of a health care practitioner, including  
12 his or her voluntary resignation, while under investigation or the  
13 subject of proceedings regarding unprofessional conduct under RCW  
14 18.130.180 is accepted by the hospital.

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

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

26 (6) The department shall forward reports made under subsection  
27 (1) of this section to the appropriate disciplining authority  
28 designated under Title 18 RCW within fifteen days of the date the  
29 report is received by the department. The department shall notify a  
30 hospital that has made a report under subsection (1) of this section  
31 of the results of the disciplining authority's case disposition  
32 decision within fifteen days after the case disposition. Case  
33 disposition is the decision whether to issue a statement of charges,  
34 take informal action, or close the complaint without action against a  
35 practitioner. In its biennial report to the legislature under RCW  
36 18.130.310, the department shall specifically identify the case  
37 dispositions of reports made by hospitals under subsection (1) of  
38 this section.

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



1       **Sec. 47.** RCW 70.54.400 and 2009 c 438 s 1 are each amended to  
2 read as follows:

3       (1) For purposes of this section:

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

6       (b) "Eligible medical condition" means:

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

9       (ii) Irritable bowel syndrome;

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

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

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

15       (d) "Health care provider" means an advanced registered nurse  
16 practitioner licensed under chapter 18.79 RCW, an osteopathic  
17 physician or surgeon licensed under chapter 18.57 RCW, (~~an~~  
18 ~~osteopathic physicians assistant licensed under chapter 18.57A RCW,~~)  
19 a physician or surgeon licensed under chapter 18.71 RCW, or a  
20 physician assistant licensed under chapter 18.71A RCW.

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

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

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

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

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

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

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

1 (ii) Allowing the customer to access the restroom facility does  
2 not pose a security risk to the retail establishment or its  
3 employees.

4 (3) A retail establishment that has an employee restroom must  
5 allow a customer to use that employee restroom during normal business  
6 hours if:

7 (a)(i) Three or more employees of the retail establishment are  
8 working at the time the customer requests use of the employee  
9 restroom; and

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

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

15 (ii) Allowing the customer to access the employee restroom does  
16 not pose a security risk to the retail establishment or its  
17 employees.

18 (4) The department of health shall develop a standard electronic  
19 form that may be signed by a health care provider as evidence of the  
20 existence of an eligible medical condition as required by subsection  
21 (2) of this section. The form shall include a brief description of a  
22 customer's rights under this section and shall be made available for  
23 a customer or his or her health care provider to access by computer.  
24 Nothing in this section requires the department to distribute printed  
25 versions of the form.

26 (5) Fraudulent use of a form as evidence of the existence of an  
27 eligible medical condition is a misdemeanor punishable under RCW  
28 9A.20.010.

29 (6) For a first violation of this section, the city or county  
30 attorney shall issue a warning letter to the owner or operator of the  
31 retail establishment, and to any employee of a retail establishment  
32 who denies access to an employee restroom in violation of this  
33 section, informing the owner or operator of the establishment and  
34 employee of the requirements of this section. A retail establishment  
35 or an employee of a retail establishment that violates this section  
36 after receiving a warning letter is guilty of a class 2 civil  
37 infraction under chapter 7.80 RCW.

38 (7) A retail establishment is not required to make any physical  
39 changes to an employee restroom under this section and may require

1 that an employee accompany a customer or a customer with an eligible  
2 medical condition to the employee restroom.

3 (8) A retail establishment or an employee of a retail  
4 establishment is not civilly liable for any act or omission in  
5 allowing a customer or a customer with an eligible medical condition  
6 to use an employee restroom if the act or omission meets all of the  
7 following:

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

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

11 (c) It results in an injury to or death of the customer or the  
12 customer with an eligible medical condition or any individual other  
13 than an employee accompanying the customer or the customer with an  
14 eligible medical condition.

15 **Sec. 48.** RCW 70.128.120 and 2015 c 66 s 2 are each amended to  
16 read as follows:

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

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

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

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

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

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

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

37 (e) Admission to, or completion of postgraduate coursework at, a  
38 United States college or university for which credits were awarded;  
39 or

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

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

5 (4) Literacy and the ability to communicate in the English  
6 language;

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

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

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

15 (8) Not been convicted of any crime that is disqualifying under  
16 RCW 43.43.830 or 43.43.842, or department rules adopted under this  
17 chapter, or been found to have abused, neglected, exploited, or  
18 abandoned a minor or vulnerable adult as specified in RCW  
19 74.39A.056(2);

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

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

36 (11) Applicants must successfully complete an adult family home  
37 administration and business planning class, prior to being granted a  
38 license. The class must be a minimum of forty-eight hours of  
39 classroom time and approved by the department. The department shall  
40 promote and prioritize bilingual capabilities within available

1 resources and when materials are available for this purpose. Under  
2 exceptional circumstances, such as the sudden and unexpected death of  
3 a provider, the department may consider granting a license to an  
4 applicant who has not completed the class but who meets all other  
5 requirements. If the department decides to grant the license due to  
6 exceptional circumstances, the applicant must have enrolled in or  
7 completed the class within four months of licensure.

8 **Sec. 49.** RCW 70.180.030 and 1994 sp.s. c 9 s 746 and 1994 c 103  
9 s 2 are each reenacted and amended to read as follows:

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

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

25 (3) Participating sites may:

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

29 (b) Receive reimbursement for the cost of malpractice insurance  
30 if the services provided are not covered by the substitute provider's  
31 or local provider's existing medical malpractice insurance.  
32 Reimbursement for malpractice insurance shall only be made available  
33 to sites that incur additional costs for substitute provider  
34 coverage.

35 (4) The department may require rural communities to participate  
36 in health professional recruitment programs as a condition for  
37 providing a temporary substitute health care professional if the  
38 community does not have adequate permanent health care personnel. To  
39 the extent deemed appropriate and subject to funding, the department

1 may also require communities to participate in other programs or  
2 projects, such as the rural health system project authorized in  
3 chapter 70.175 RCW, that are designed to assist communities to  
4 reorganize the delivery of rural health care services.

5 (5) A participating site may receive reimbursement for substitute  
6 provider assistance as provided for in subsection (3) of this section  
7 for up to ninety days during any twelve-month period. The department  
8 may modify or waive this limitation should it determine that the  
9 health and safety of the community warrants a waiver or modification.

10 (6) Participating sites shall:

11 (a) Be responsible for all salary expenses for the temporary  
12 substitute provider.

13 (b) Provide the temporary substitute provider with referral and  
14 backup coverage information.

15 **Sec. 50.** RCW 70.185.090 and 1993 c 492 s 274 are each amended to  
16 read as follows:

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

22 (2) Eligible education and training programs are those programs  
23 approved by the department that lead to eligibility for a credential  
24 as a credentialed health care professional. Eligible professions are  
25 those licensed under chapters 18.36A, 18.57, (~~(18.57A,)~~) 18.71, and  
26 18.71A RCW and advanced registered nurse practitioners and certified  
27 nurse midwives licensed under chapter (~~(18.88)~~) 18.79 RCW, and may  
28 include other providers identified as needed in the health personnel  
29 resource plan.

30 (3) Students participating in the community contracted  
31 educational positions shall meet all applicable educational program  
32 requirements and provide assurances, acceptable to the community,  
33 that they will practice in the sponsoring community following  
34 completion of education and necessary licensure.

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

38 (5) The department may provide funds to communities for use in  
39 contracting.

1       **Sec. 51.** RCW 70.225.040 and 2019 c 314 s 23 are each amended to  
2 read as follows:

3       (1) All information submitted to the prescription monitoring  
4 program is confidential, exempt from public inspection, copying, and  
5 disclosure under chapter 42.56 RCW, not subject to subpoena or  
6 discovery in any civil action, and protected under federal health  
7 care information privacy requirements, except as provided in  
8 subsections (3) through (6) of this section. Such confidentiality and  
9 exemption from disclosure continues whenever information from the  
10 prescription monitoring program is provided to a requestor under  
11 subsection (3), (4), (5), or (6) of this section except when used in  
12 proceedings specifically authorized in subsection (3), (4), or (5) of  
13 this section.

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

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

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

25       (b) An individual who requests the individual's own prescription  
26 monitoring information;

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

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

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

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

1 (g) The director or the director's designee within the department  
2 of corrections regarding offenders committed to the department of  
3 corrections;

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

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

6 (i) Assessing prescribing and treatment practices and morbidity  
7 and mortality related to use of controlled substances and developing  
8 and implementing initiatives to protect the public health including,  
9 but not limited to, initiatives to address opioid use disorder;

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

13 (iii) Administration and enforcement of this chapter or chapter  
14 69.50 RCW;

15 (j) Personnel of a test site that meet the standards under RCW  
16 70.225.070 pursuant to an agreement between the test site and a  
17 person identified in (a) of this subsection to provide assistance in  
18 determining which medications are being used by an identified patient  
19 who is under the care of that person;

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

29 (l) A health care provider group of five or more prescribers or  
30 dispensers for purposes of providing medical or pharmaceutical care  
31 to the patients of the provider group, or for quality improvement  
32 purposes if all the prescribers or dispensers in the provider group  
33 are licensed by the department or the provider group is operated by  
34 the federal government or a federally recognized Indian tribe;

35 (m) The local health officer of a local health jurisdiction for  
36 the purposes of patient follow-up and care coordination following a  
37 controlled substance overdose event. For the purposes of this  
38 subsection "local health officer" has the same meaning as in RCW  
39 70.05.010; and



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

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

7 (ii) Notice to local health officers who have made opioid-related  
8 overdose a notifiable condition under RCW 70.05.070 as authorized by  
9 rules adopted under RCW 43.20.050, providers, appropriate care  
10 coordination staff, and prescribers listed in the patient's  
11 prescription monitoring program record that the patient has  
12 experienced a controlled substance overdose event. The department  
13 shall determine the content and format of the notice in consultation  
14 with the Washington state hospital association, Washington state  
15 medical association, and Washington state health care authority, and  
16 the notice may be modified as necessary to reflect current needs and  
17 best practices.

18 (4) The department shall, on at least a quarterly basis, and  
19 pursuant to a schedule determined by the department, provide a  
20 facility or entity identified under subsection (3)(k) of this section  
21 or a provider group identified under subsection (3)(l) of this  
22 section with facility or entity and individual prescriber information  
23 if the facility, entity, or provider group:

24 (a) Uses the information only for internal quality improvement  
25 and individual prescriber quality improvement feedback purposes and  
26 does not use the information as the sole basis for any medical staff  
27 sanction or adverse employment action; and

28 (b) Provides to the department a standardized list of current  
29 prescribers of the facility, entity, or provider group. The specific  
30 facility, entity, or provider group information provided pursuant to  
31 this subsection and the requirements under this subsection must be  
32 determined by the department in consultation with the Washington  
33 state hospital association, Washington state medical association, and  
34 Washington state health care authority, and may be modified as  
35 necessary to reflect current needs and best practices.

36 (5)(a) The department may publish or provide data to public or  
37 private entities for statistical, research, or educational purposes  
38 after removing information that could be used directly or indirectly  
39 to identify individual patients, requestors, dispensers, prescribers,  
40 and persons who received prescriptions from dispensers. Direct and

1 indirect patient identifiers may be provided for research that has  
2 been approved by the Washington state institutional review board and  
3 by the department through a data-sharing agreement.

4 (b) (i) The department may provide dispenser and prescriber data  
5 and data that includes indirect patient identifiers to the Washington  
6 state hospital association for use solely in connection with its  
7 coordinated quality improvement program maintained under RCW  
8 43.70.510 after entering into a data use agreement as specified in  
9 RCW 43.70.052(8) with the association. The department may provide  
10 dispenser and prescriber data and data that includes indirect patient  
11 identifiers to the Washington state medical association for use  
12 solely in connection with its coordinated quality improvement program  
13 maintained under RCW 43.70.510 after entering into a data use  
14 agreement with the association.

15 (ii) The department may provide data including direct and  
16 indirect patient identifiers to the department of social and health  
17 services office of research and data analysis, the department of  
18 labor and industries, and the health care authority for research that  
19 has been approved by the Washington state institutional review board  
20 and, with a data-sharing agreement approved by the department, for  
21 public health purposes to improve the prevention or treatment of  
22 substance use disorders.

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

35 (c) For the purposes of this subsection:

36 (i) "Indirect patient identifiers" means data that may include:  
37 Hospital or provider identifiers, a five-digit zip code, county,  
38 state, and country of resident; dates that include month and year;  
39 age in years; and race and ethnicity; but does not include the  
40 patient's first name; middle name; last name; social security number;

1 control or medical record number; zip code plus four digits; dates  
2 that include day, month, and year; or admission and discharge date in  
3 combination; and

4 (ii) "Prescribing professions" include:

5 (A) Allopathic physicians and physician assistants;

6 (B) Osteopathic physicians ((and ~~physician assistants~~));

7 (C) Podiatric physicians;

8 (D) Dentists; and

9 (E) Advanced registered nurse practitioners.

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

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

26 **Sec. 52.** RCW 71.05.020 and 2019 c 446 s 2, 2019 c 444 s 16, and  
27 2019 c 325 s 3001 are each reenacted and amended to read as follows:

28 The definitions in this section apply throughout this chapter  
29 unless the context clearly requires otherwise.

30 (1) "Admission" or "admit" means a decision by a physician,  
31 physician assistant, or psychiatric advanced registered nurse  
32 practitioner that a person should be examined or treated as a patient  
33 in a hospital;

34 (2) "Alcoholism" means a disease, characterized by a dependency  
35 on alcoholic beverages, loss of control over the amount and  
36 circumstances of use, symptoms of tolerance, physiological or  
37 psychological withdrawal, or both, if use is reduced or discontinued,  
38 and impairment of health or disruption of social or economic  
39 functioning;

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

5 (4) "Approved substance use disorder treatment program" means a  
6 program for persons with a substance use disorder provided by a  
7 treatment program certified by the department as meeting standards  
8 adopted under chapter 71.24 RCW;

9 (5) "Attending staff" means any person on the staff of a public  
10 or private agency having responsibility for the care and treatment of  
11 a patient;

12 (6) "Authority" means the Washington state health care authority;

13 (7) "Co-occurring disorder specialist" means an individual  
14 possessing an enhancement granted by the department of health under  
15 chapter 18.205 RCW that certifies the individual to provide substance  
16 use disorder counseling subject to the practice limitations under RCW  
17 18.205.105;

18 (8) "Commitment" means the determination by a court that a person  
19 should be detained for a period of either evaluation or treatment, or  
20 both, in an inpatient or a less restrictive setting;

21 (9) "Conditional release" means a revocable modification of a  
22 commitment, which may be revoked upon violation of any of its terms;

23 (10) "Crisis stabilization unit" means a short-term facility or a  
24 portion of a facility licensed or certified by the department, such  
25 as an evaluation and treatment facility or a hospital, which has been  
26 designed to assess, diagnose, and treat individuals experiencing an  
27 acute crisis without the use of long-term hospitalization;

28 (11) "Custody" means involuntary detention under the provisions  
29 of this chapter or chapter 10.77 RCW, uninterrupted by any period of  
30 unconditional release from commitment from a facility providing  
31 involuntary care and treatment;

32 (12) "Department" means the department of health;

33 (13) "Designated crisis responder" means a mental health  
34 professional appointed by the county or an entity appointed by the  
35 county, to perform the duties specified in this chapter;

36 (14) "Detention" or "detain" means the lawful confinement of a  
37 person, under the provisions of this chapter;

38 (15) "Developmental disabilities professional" means a person who  
39 has specialized training and three years of experience in directly  
40 treating or working with persons with developmental disabilities and

1 is a psychiatrist, physician assistant working with a supervising  
2 psychiatrist, psychologist, psychiatric advanced registered nurse  
3 practitioner, or social worker, and such other developmental  
4 disabilities professionals as may be defined by rules adopted by the  
5 secretary of the department of social and health services;

6 (16) "Developmental disability" means that condition defined in  
7 RCW 71A.10.020(5);

8 (17) "Director" means the director of the authority;

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

12 (19) "Drug addiction" means a disease, characterized by a  
13 dependency on psychoactive chemicals, loss of control over the amount  
14 and 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 (20) "Evaluation and treatment facility" means any facility which  
19 can provide directly, or by direct arrangement with other public or  
20 private agencies, emergency evaluation and treatment, outpatient  
21 care, and timely and appropriate inpatient care to persons suffering  
22 from a mental disorder, and which is licensed or certified as such by  
23 the department. The authority may certify single beds as temporary  
24 evaluation and treatment beds under RCW 71.05.745. A physically  
25 separate and separately operated portion of a state hospital may be  
26 designated as an evaluation and treatment facility. A facility which  
27 is part of, or operated by, the department of social and health  
28 services or any federal agency will not require certification. No  
29 correctional institution or facility, or jail, shall be an evaluation  
30 and treatment facility within the meaning of this chapter;

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

1 (22) "Habilitative services" means those services provided by  
2 program personnel to assist persons in acquiring and maintaining life  
3 skills and in raising their levels of physical, mental, social, and  
4 vocational functioning. Habilitative services include education,  
5 training for employment, and therapy. The habilitative process shall  
6 be undertaken with recognition of the risk to the public safety  
7 presented by the person being assisted as manifested by prior charged  
8 criminal conduct;

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

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

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

39 (26) "In need of assisted outpatient behavioral health treatment"  
40 means that a person, as a result of a mental disorder or substance

1 use disorder: (a) Has been committed by a court to detention for  
2 involuntary behavioral health treatment during the preceding thirty-  
3 six months; (b) is unlikely to voluntarily participate in outpatient  
4 treatment without an order for less restrictive alternative  
5 treatment, based on a history of nonadherence with treatment or in  
6 view of the person's current behavior; (c) is likely to benefit from  
7 less restrictive alternative treatment; and (d) requires less  
8 restrictive alternative treatment to prevent a relapse,  
9 decompensation, or deterioration that is likely to result in the  
10 person presenting a likelihood of serious harm or the person becoming  
11 gravely disabled within a reasonably short period of time;

12 (27) "Individualized service plan" means a plan prepared by a  
13 developmental disabilities professional with other professionals as a  
14 team, for a person with developmental disabilities, which shall  
15 state:

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

18 (b) The conditions and strategies necessary to achieve the  
19 purposes of habilitation;

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

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

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

25 (f) Where relevant in light of past criminal behavior and due  
26 consideration for public safety, the criteria for proposed movement  
27 to less-restrictive settings, criteria for proposed eventual  
28 discharge or release, and a projected possible date for discharge or  
29 release; and

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

32 (28) "Information related to mental health services" means all  
33 information and records compiled, obtained, or maintained in the  
34 course of providing services to either voluntary or involuntary  
35 recipients of services by a mental health service provider. This may  
36 include documents of legal proceedings under this chapter or chapter  
37 71.34 or 10.77 RCW, or somatic health care information;

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

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

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

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

10 (33) "Licensed physician" means a person licensed to practice  
11 medicine or osteopathic medicine and surgery in the state of  
12 Washington;

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

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

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

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

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

31 (37) "Mental health professional" means a psychiatrist,  
32 psychologist, physician assistant working with a supervising  
33 psychiatrist, psychiatric advanced registered nurse practitioner,  
34 psychiatric nurse, or social worker, and such other mental health  
35 professionals as may be defined by rules adopted by the secretary  
36 pursuant to the provisions of this chapter;

37 (38) "Mental health service provider" means a public or private  
38 agency that provides mental health services to persons with mental  
39 disorders or substance use disorders as defined under this section  
40 and receives funding from public sources. This includes, but is not



1 limited to, hospitals licensed under chapter 70.41 RCW, evaluation  
2 and treatment facilities as defined in this section, community mental  
3 health service delivery systems or community behavioral health  
4 programs as defined in RCW 71.24.025, facilities conducting  
5 competency evaluations and restoration under chapter 10.77 RCW,  
6 approved substance use disorder treatment programs as defined in this  
7 section, secure withdrawal management and stabilization facilities as  
8 defined in this section, and correctional facilities operated by  
9 state and local governments;

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

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

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

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

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

34 (44) "Psychiatrist" means a person having a license as a  
35 physician and surgeon in this state who has in addition completed  
36 three years of graduate training in psychiatry in a program approved  
37 by the American medical association or the American osteopathic  
38 association and is certified or eligible to be certified by the  
39 American board of psychiatry and neurology;

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

3 (46) "Public agency" means any evaluation and treatment facility  
4 or institution, secure withdrawal management and stabilization  
5 facility, approved substance use disorder treatment program, or  
6 hospital which is conducted for, or includes a department or ward  
7 conducted for, the care and treatment of persons with mental illness,  
8 substance use disorders, or both mental illness and substance use  
9 disorders, if the agency is operated directly by federal, state,  
10 county, or municipal government, or a combination of such  
11 governments;

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

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

16 (49) "Secretary" means the secretary of the department of health,  
17 or his or her designee;

18 (50) "Secure withdrawal management and stabilization facility"  
19 means a facility operated by either a public or private agency or by  
20 the program of an agency which provides care to voluntary individuals  
21 and individuals involuntarily detained and committed under this  
22 chapter for whom there is a likelihood of serious harm or who are  
23 gravely disabled due to the presence of a substance use disorder.  
24 Secure withdrawal management and stabilization facilities must:

25 (a) Provide the following services:

26 (i) Assessment and treatment, provided by certified substance use  
27 disorder professionals or co-occurring disorder specialists;

28 (ii) Clinical stabilization services;

29 (iii) Acute or subacute detoxification services for intoxicated  
30 individuals; and

31 (iv) Discharge assistance provided by certified substance use  
32 disorder professionals or co-occurring disorder specialists, including  
33 facilitating transitions to appropriate voluntary or involuntary  
34 inpatient services or to less restrictive alternatives as appropriate  
35 for the individual;

36 (b) Include security measures sufficient to protect the patients,  
37 staff, and community; and

38 (c) Be licensed or certified as such by the department of health;

39 (51) "Serious violent offense" has the same meaning as provided  
40 in RCW 9.94A.030;

1 (52) "Social worker" means a person with a master's or further  
2 advanced degree from a social work educational program accredited and  
3 approved as provided in RCW 18.320.010;

4 (53) "Substance use disorder" means a cluster of cognitive,  
5 behavioral, and physiological symptoms indicating that an individual  
6 continues using the substance despite significant substance-related  
7 problems. The diagnosis of a substance use disorder is based on a  
8 pathological pattern of behaviors related to the use of the  
9 substances;

10 (54) "Substance use disorder professional" means a person  
11 certified as a substance use disorder professional by the department  
12 of health under chapter 18.205 RCW;

13 (55) "Therapeutic court personnel" means the staff of a mental  
14 health court or other therapeutic court which has jurisdiction over  
15 defendants who are dually diagnosed with mental disorders, including  
16 court personnel, probation officers, a court monitor, prosecuting  
17 attorney, or defense counsel acting within the scope of therapeutic  
18 court duties;

19 (56) "Treatment records" include registration and all other  
20 records concerning persons who are receiving or who at any time have  
21 received services for mental illness, which are maintained by the  
22 department of social and health services, the department, the  
23 authority, behavioral health administrative services organizations  
24 and their staffs, managed care organizations and their staffs, and by  
25 treatment facilities. Treatment records include mental health  
26 information contained in a medical bill including but not limited to  
27 mental health drugs, a mental health diagnosis, provider name, and  
28 dates of service stemming from a medical service. Treatment records  
29 do not include notes or records maintained for personal use by a  
30 person providing treatment services for the department of social and  
31 health services, the department, the authority, behavioral health  
32 administrative services organizations, managed care organizations, or  
33 a treatment facility if the notes or records are not available to  
34 others;

35 (57) "Triage facility" means a short-term facility or a portion  
36 of a facility licensed or certified by the department, which is  
37 designed as a facility to assess and stabilize an individual or  
38 determine the need for involuntary commitment of an individual, and  
39 must meet department residential treatment facility standards. A

1 triage facility may be structured as a voluntary or involuntary  
2 placement facility;

3 (58) "Violent act" means behavior that resulted in homicide,  
4 attempted suicide, nonfatal injuries, or substantial damage to  
5 property.

6 **Sec. 53.** RCW 71.24.025 and 2019 c 325 s 1004 and 2019 c 324 s 2  
7 are each reenacted and amended to read as follows:

8 Unless the context clearly requires otherwise, the definitions in  
9 this section apply throughout this chapter.

10 (1) "Acutely mentally ill" means a condition which is limited to  
11 a short-term severe crisis episode of:

12 (a) A mental disorder as defined in RCW 71.05.020 or, in the case  
13 of a child, as defined in RCW 71.34.020;

14 (b) Being gravely disabled as defined in RCW 71.05.020 or, in the  
15 case of a child, a gravely disabled minor as defined in RCW  
16 71.34.020; or

17 (c) Presenting a likelihood of serious harm as defined in RCW  
18 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

19 (2) "Alcoholism" means a disease, characterized by a dependency  
20 on alcoholic beverages, loss of control over the amount and  
21 circumstances of use, symptoms of tolerance, physiological or  
22 psychological withdrawal, or both, if use is reduced or discontinued,  
23 and impairment of health or disruption of social or economic  
24 functioning.

25 (3) "Approved substance use disorder treatment program" means a  
26 program for persons with a substance use disorder provided by a  
27 treatment program licensed or certified by the department as meeting  
28 standards adopted under this chapter.

29 (4) "Authority" means the Washington state health care authority.

30 (5) "Available resources" means funds appropriated for the  
31 purpose of providing community behavioral health programs, federal  
32 funds, except those provided according to Title XIX of the Social  
33 Security Act, and state funds appropriated under this chapter or  
34 chapter 71.05 RCW by the legislature during any biennium for the  
35 purpose of providing residential services, resource management  
36 services, community support services, and other behavioral health  
37 services. This does not include funds appropriated for the purpose of  
38 operating and administering the state psychiatric hospitals.

1 (6) "Behavioral health administrative services organization"  
2 means an entity contracted with the authority to administer  
3 behavioral health services and programs under RCW 71.24.381,  
4 including crisis services and administration of chapter 71.05 RCW,  
5 the involuntary treatment act, for all individuals in a defined  
6 regional service area.

7 (7) "Behavioral health provider" means a person licensed under  
8 chapter 18.57, (~~(18.57A,)~~) 18.71, 18.71A, 18.83, 18.205, 18.225, or  
9 18.79 RCW, as it applies to registered nurses and advanced registered  
10 nurse practitioners.

11 (8) "Behavioral health services" means mental health services as  
12 described in this chapter and chapter 71.36 RCW and substance use  
13 disorder treatment services as described in this chapter that,  
14 depending on the type of service, are provided by licensed or  
15 certified behavioral health agencies, behavioral health providers, or  
16 integrated into other health care providers.

17 (9) "Child" means a person under the age of eighteen years.

18 (10) "Chronically mentally ill adult" or "adult who is  
19 chronically mentally ill" means an adult who has a mental disorder  
20 and meets at least one of the following criteria:

21 (a) Has undergone two or more episodes of hospital care for a  
22 mental disorder within the preceding two years; or

23 (b) Has experienced a continuous psychiatric hospitalization or  
24 residential treatment exceeding six months' duration within the  
25 preceding year; or

26 (c) Has been unable to engage in any substantial gainful activity  
27 by reason of any mental disorder which has lasted for a continuous  
28 period of not less than twelve months. "Substantial gainful activity"  
29 shall be defined by the authority by rule consistent with Public Law  
30 92-603, as amended.

31 (11) "Clubhouse" means a community-based program that provides  
32 rehabilitation services and is licensed or certified by the  
33 department.

34 (12) "Community behavioral health program" means all  
35 expenditures, services, activities, or programs, including reasonable  
36 administration and overhead, designed and conducted to prevent or  
37 treat substance use disorder, mental illness, or both in the  
38 community behavioral health system.

39 (13) "Community behavioral health service delivery system" means  
40 public, private, or tribal agencies that provide services

1 specifically to persons with mental disorders, substance use  
2 disorders, or both, as defined under RCW 71.05.020 and receive  
3 funding from public sources.

4 (14) "Community support services" means services authorized,  
5 planned, and coordinated through resource management services  
6 including, at a minimum, assessment, diagnosis, emergency crisis  
7 intervention available twenty-four hours, seven days a week,  
8 prescreening determinations for persons who are mentally ill being  
9 considered for placement in nursing homes as required by federal law,  
10 screening for patients being considered for admission to residential  
11 services, diagnosis and treatment for children who are acutely  
12 mentally ill or severely emotionally or behaviorally disturbed  
13 discovered under screening through the federal Title XIX early and  
14 periodic screening, diagnosis, and treatment program, investigation,  
15 legal, and other nonresidential services under chapter 71.05 RCW,  
16 case management services, psychiatric treatment including medication  
17 supervision, counseling, psychotherapy, assuring transfer of relevant  
18 patient information between service providers, recovery services, and  
19 other services determined by behavioral health administrative  
20 services organizations.

21 (15) "Consensus-based" means a program or practice that has  
22 general support among treatment providers and experts, based on  
23 experience or professional literature, and may have anecdotal or case  
24 study support, or that is agreed but not possible to perform studies  
25 with random assignment and controlled groups.

26 (16) "County authority" means the board of county commissioners,  
27 county council, or county executive having authority to establish a  
28 behavioral health administrative services organization, or two or  
29 more of the county authorities specified in this subsection which  
30 have entered into an agreement to establish a behavioral health  
31 administrative services organization.

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

33 (18) "Designated crisis responder" has the same meaning as in RCW  
34 71.05.020.

35 (19) "Director" means the director of the authority.

36 (20) "Drug addiction" means a disease characterized by a  
37 dependency on psychoactive chemicals, loss of control over the amount  
38 and circumstances of use, symptoms of tolerance, physiological or  
39 psychological withdrawal, or both, if use is reduced or discontinued,

1 and impairment of health or disruption of social or economic  
2 functioning.

3 (21) "Early adopter" means a regional service area for which all  
4 of the county authorities have requested that the authority purchase  
5 medical and behavioral health services through a managed care health  
6 system as defined under RCW 71.24.380(6).

7 (22) "Emerging best practice" or "promising practice" means a  
8 program or practice that, based on statistical analyses or a well  
9 established theory of change, shows potential for meeting the  
10 evidence-based or research-based criteria, which may include the use  
11 of a program that is evidence-based for outcomes other than those  
12 listed in subsection (23) of this section.

13 (23) "Evidence-based" means a program or practice that has been  
14 tested in heterogeneous or intended populations with multiple  
15 randomized, or statistically controlled evaluations, or both; or one  
16 large multiple site randomized, or statistically controlled  
17 evaluation, or both, where the weight of the evidence from a systemic  
18 review demonstrates sustained improvements in at least one outcome.  
19 "Evidence-based" also means a program or practice that can be  
20 implemented with a set of procedures to allow successful replication  
21 in Washington and, when possible, is determined to be cost-  
22 beneficial.

23 (24) "Indian health care provider" means a health care program  
24 operated by the Indian health service or by a tribe, tribal  
25 organization, or urban Indian organization as those terms are defined  
26 in the Indian health care improvement act (25 U.S.C. Sec. 1603).

27 (25) "Intensive behavioral health treatment facility" means a  
28 community-based specialized residential treatment facility for  
29 individuals with behavioral health conditions, including individuals  
30 discharging from or being diverted from state and local hospitals,  
31 whose impairment or behaviors do not meet, or no longer meet,  
32 criteria for involuntary inpatient commitment under chapter 71.05  
33 RCW, but whose care needs cannot be met in other community-based  
34 placement settings.

35 (26) "Licensed or certified behavioral health agency" means:

36 (a) An entity licensed or certified according to this chapter or  
37 chapter 71.05 RCW;

38 (b) An entity deemed to meet state minimum standards as a result  
39 of accreditation by a recognized behavioral health accrediting body  
40 recognized and having a current agreement with the department; or

1 (c) An entity with a tribal attestation that it meets state  
2 minimum standards for a licensed or certified behavioral health  
3 agency.

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

7 (28) "Long-term inpatient care" means inpatient services for  
8 persons committed for, or voluntarily receiving intensive treatment  
9 for, periods of ninety days or greater under chapter 71.05 RCW.

10 "Long-term inpatient care" as used in this chapter does not include:

11 (a) Services for individuals committed under chapter 71.05 RCW who  
12 are receiving services pursuant to a conditional release or a court-  
13 ordered less restrictive alternative to detention; or (b) services  
14 for individuals voluntarily receiving less restrictive alternative  
15 treatment on the grounds of the state hospital.

16 (29) "Managed care organization" means an organization, having a  
17 certificate of authority or certificate of registration from the  
18 office of the insurance commissioner, that contracts with the  
19 authority under a comprehensive risk contract to provide prepaid  
20 health care services to enrollees under the authority's managed care  
21 programs under chapter 74.09 RCW.

22 (30) "Mental health peer respite center" means a peer-run program  
23 to serve individuals in need of voluntary, short-term, noncrisis  
24 services that focus on recovery and wellness.

25 (31) Mental health "treatment records" include registration and  
26 all other records concerning persons who are receiving or who at any  
27 time have received services for mental illness, which are maintained  
28 by the department of social and health services or the authority, by  
29 behavioral health administrative services organizations and their  
30 staffs, by managed care organizations and their staffs, or by  
31 treatment facilities. "Treatment records" do not include notes or  
32 records maintained for personal use by a person providing treatment  
33 services for the entities listed in this subsection, or a treatment  
34 facility if the notes or records are not available to others.

35 (32) "Mentally ill persons," "persons who are mentally ill," and  
36 "the mentally ill" mean persons and conditions defined in subsections  
37 (1), (10), (39), and (40) of this section.

38 (33) "Recovery" means a process of change through which  
39 individuals improve their health and wellness, live a self-directed  
40 life, and strive to reach their full potential.



1 (34) "Research-based" means a program or practice that has been  
2 tested with a single randomized, or statistically controlled  
3 evaluation, or both, demonstrating sustained desirable outcomes; or  
4 where the weight of the evidence from a systemic review supports  
5 sustained outcomes as described in subsection (23) of this section  
6 but does not meet the full criteria for evidence-based.

7 (35) "Residential services" means a complete range of residences  
8 and supports authorized by resource management services and which may  
9 involve a facility, a distinct part thereof, or services which  
10 support community living, for persons who are acutely mentally ill,  
11 adults who are chronically mentally ill, children who are severely  
12 emotionally disturbed, or adults who are seriously disturbed and  
13 determined by the behavioral health administrative services  
14 organization or managed care organization to be at risk of becoming  
15 acutely or chronically mentally ill. The services shall include at  
16 least evaluation and treatment services as defined in chapter 71.05  
17 RCW, acute crisis respite care, long-term adaptive and rehabilitative  
18 care, and supervised and supported living services, and shall also  
19 include any residential services developed to service persons who are  
20 mentally ill in nursing homes, residential treatment facilities,  
21 assisted living facilities, and adult family homes, and may include  
22 outpatient services provided as an element in a package of services  
23 in a supported housing model. Residential services for children in  
24 out-of-home placements related to their mental disorder shall not  
25 include the costs of food and shelter, except for children's long-  
26 term residential facilities existing prior to January 1, 1991.

27 (36) "Resilience" means the personal and community qualities that  
28 enable individuals to rebound from adversity, trauma, tragedy,  
29 threats, or other stresses, and to live productive lives.

30 (37) "Resource management services" mean the planning,  
31 coordination, and authorization of residential services and community  
32 support services administered pursuant to an individual service plan  
33 for: (a) Adults and children who are acutely mentally ill; (b) adults  
34 who are chronically mentally ill; (c) children who are severely  
35 emotionally disturbed; or (d) adults who are seriously disturbed and  
36 determined by a behavioral health administrative services  
37 organization or managed care organization to be at risk of becoming  
38 acutely or chronically mentally ill. Such planning, coordination, and  
39 authorization shall include mental health screening for children  
40 eligible under the federal Title XIX early and periodic screening,

1 diagnosis, and treatment program. Resource management services  
2 include seven day a week, twenty-four hour a day availability of  
3 information regarding enrollment of adults and children who are  
4 mentally ill in services and their individual service plan to  
5 designated crisis responders, evaluation and treatment facilities,  
6 and others as determined by the behavioral health administrative  
7 services organization or managed care organization, as applicable.

8 (38) "Secretary" means the secretary of the department of health.

9 (39) "Seriously disturbed person" means a person who:

10 (a) Is gravely disabled or presents a likelihood of serious harm  
11 to himself or herself or others, or to the property of others, as a  
12 result of a mental disorder as defined in chapter 71.05 RCW;

13 (b) Has been on conditional release status, or under a less  
14 restrictive alternative order, at some time during the preceding two  
15 years from an evaluation and treatment facility or a state mental  
16 health hospital;

17 (c) Has a mental disorder which causes major impairment in  
18 several areas of daily living;

19 (d) Exhibits suicidal preoccupation or attempts; or

20 (e) Is a child diagnosed by a mental health professional, as  
21 defined in chapter 71.34 RCW, as experiencing a mental disorder which  
22 is clearly interfering with the child's functioning in family or  
23 school or with peers or is clearly interfering with the child's  
24 personality development and learning.

25 (40) "Severely emotionally disturbed child" or "child who is  
26 severely emotionally disturbed" means a child who has been determined  
27 by the behavioral health administrative services organization or  
28 managed care organization, if applicable, to be experiencing a mental  
29 disorder as defined in chapter 71.34 RCW, including those mental  
30 disorders that result in a behavioral or conduct disorder, that is  
31 clearly interfering with the child's functioning in family or school  
32 or with peers and who meets at least one of the following criteria:

33 (a) Has undergone inpatient treatment or placement outside of the  
34 home related to a mental disorder within the last two years;

35 (b) Has undergone involuntary treatment under chapter 71.34 RCW  
36 within the last two years;

37 (c) Is currently served by at least one of the following child-  
38 serving systems: Juvenile justice, child-protection/welfare, special  
39 education, or developmental disabilities;

40 (d) Is at risk of escalating maladjustment due to:

1 (i) Chronic family dysfunction involving a caretaker who is  
2 mentally ill or inadequate;

3 (ii) Changes in custodial adult;

4 (iii) Going to, residing in, or returning from any placement  
5 outside of the home, for example, psychiatric hospital, short-term  
6 inpatient, residential treatment, group or foster home, or a  
7 correctional facility;

8 (iv) Subject to repeated physical abuse or neglect;

9 (v) Drug or alcohol abuse; or

10 (vi) Homelessness.

11 (41) "State minimum standards" means minimum requirements  
12 established by rules adopted and necessary to implement this chapter  
13 by:

14 (a) The authority for:

15 (i) Delivery of mental health and substance use disorder  
16 services; and

17 (ii) Community support services and resource management services;

18 (b) The department of health for:

19 (i) Licensed or certified behavioral health agencies for the  
20 purpose of providing mental health or substance use disorder programs  
21 and services, or both;

22 (ii) Licensed behavioral health providers for the provision of  
23 mental health or substance use disorder services, or both; and

24 (iii) Residential services.

25 (42) "Substance use disorder" means a cluster of cognitive,  
26 behavioral, and physiological symptoms indicating that an individual  
27 continues using the substance despite significant substance-related  
28 problems. The diagnosis of a substance use disorder is based on a  
29 pathological pattern of behaviors related to the use of the  
30 substances.

31 (43) "Tribe," for the purposes of this section, means a federally  
32 recognized Indian tribe.

33 **Sec. 54.** RCW 71.32.020 and 2016 c 209 s 407 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) "Adult" means any individual who has attained the age of  
38 majority or is an emancipated minor.

1 (2) "Agent" has the same meaning as an attorney-in-fact or agent  
2 as provided in chapter 11.125 RCW.

3 (3) "Capacity" means that an adult has not been found to be  
4 incapacitated pursuant to this chapter or RCW 11.88.010(1)(e).

5 (4) "Court" means a superior court under chapter 2.08 RCW.

6 (5) "Health care facility" means a hospital, as defined in RCW  
7 70.41.020; an institution, as defined in RCW 71.12.455; a state  
8 hospital, as defined in RCW 72.23.010; a nursing home, as defined in  
9 RCW 18.51.010; or a clinic that is part of a community mental health  
10 service delivery system, as defined in RCW 71.24.025.

11 (6) "Health care provider" means an osteopathic physician (~~(or~~  
12 ~~osteopathic physician's assistant)~~) licensed under chapter 18.57 (~~(or~~  
13 ~~18.57A)~~) RCW, a physician or physician's assistant licensed under  
14 chapter 18.71 or 18.71A RCW, or an advanced registered nurse  
15 practitioner licensed under RCW 18.79.050.

16 (7) "Incapacitated" means an adult who: (a) Is unable to  
17 understand the nature, character, and anticipated results of proposed  
18 treatment or alternatives; understand the recognized serious possible  
19 risks, complications, and anticipated benefits in treatments and  
20 alternatives, including nontreatment; or communicate his or her  
21 understanding or treatment decisions; or (b) has been found to be  
22 incompetent pursuant to RCW 11.88.010(1)(e).

23 (8) "Informed consent" means consent that is given after the  
24 person: (a) Is provided with a description of the nature, character,  
25 and anticipated results of proposed treatments and alternatives, and  
26 the recognized serious possible risks, complications, and anticipated  
27 benefits in the treatments and alternatives, including nontreatment,  
28 in language that the person can reasonably be expected to understand;  
29 or (b) elects not to be given the information included in (a) of this  
30 subsection.

31 (9) "Long-term care facility" has the same meaning as defined in  
32 RCW 43.190.020.

33 (10) "Mental disorder" means any organic, mental, or emotional  
34 impairment which has substantial adverse effects on an individual's  
35 cognitive or volitional functions.

36 (11) "Mental health advance directive" or "directive" means a  
37 written document in which the principal makes a declaration of  
38 instructions or preferences or appoints an agent to make decisions on  
39 behalf of the principal regarding the principal's mental health

1 treatment, or both, and that is consistent with the provisions of  
2 this chapter.

3 (12) "Mental health professional" means a psychiatrist,  
4 psychologist, psychiatric nurse, or social worker, and such other  
5 mental health professionals as may be defined by rules adopted by the  
6 secretary pursuant to the provisions of chapter 71.05 RCW.

7 (13) "Principal" means an adult who has executed a mental health  
8 advance directive.

9 (14) "Professional person" means a mental health professional and  
10 shall also mean a physician, registered nurse, and such others as may  
11 be defined by rules adopted by the secretary pursuant to the  
12 provisions of chapter 71.05 RCW.

13 (15) "Social worker" means a person with a master's or further  
14 advanced degree from a social work educational program accredited and  
15 approved as provided in RCW 18.320.010.

16 **Sec. 55.** RCW 71.34.020 and 2019 c 446 s 24, 2019 c 444 s 17,  
17 2019 c 381 s 2, and 2019 c 325 s 2001 are each reenacted and amended  
18 to read as follows:

19 Unless the context clearly requires otherwise, the definitions in  
20 this section apply throughout this chapter.

21 (1) "Adolescent" means a minor thirteen years of age or older.

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

28 (3) "Approved substance use disorder treatment program" means a  
29 program for minors with substance use disorders provided by a  
30 treatment program licensed or certified by the department of health  
31 as meeting standards adopted under chapter 71.24 RCW.

32 (4) "Authority" means the Washington state health care authority.

33 (5) "Behavioral health administrative services organization" has  
34 the same meaning as provided in RCW 71.24.025.

35 (6) "Child psychiatrist" means a person having a license as a  
36 physician and surgeon in this state, who has had graduate training in  
37 child psychiatry in a program approved by the American Medical  
38 Association or the American Osteopathic Association, and who is board  
39 eligible or board certified in child psychiatry.

1 (7) "Children's mental health specialist" means:

2 (a) A mental health professional who has completed a minimum of  
3 one hundred actual hours, not quarter or semester hours, of  
4 specialized training devoted to the study of child development and  
5 the treatment of children; and

6 (b) A mental health professional who has the equivalent of one  
7 year of full-time experience in the treatment of children under the  
8 supervision of a children's mental health specialist.

9 (8) "Commitment" means a determination by a judge or court  
10 commissioner, made after a commitment hearing, that the minor is in  
11 need of inpatient diagnosis, evaluation, or treatment or that the  
12 minor is in need of less restrictive alternative treatment.

13 (9) "Co-occurring disorder specialist" means an individual  
14 possessing an enhancement granted by the department of health under  
15 chapter 18.205 RCW that certifies the individual to provide substance  
16 use disorder counseling subject to the practice limitations under RCW  
17 18.205.105.

18 (10) "Department" means the department of social and health  
19 services.

20 (11) "Designated crisis responder" has the same meaning as  
21 provided in RCW 71.05.020.

22 (12) "Director" means the director of the authority.

23 (13) "Evaluation and treatment facility" means a public or  
24 private facility or unit that is licensed or certified by the  
25 department of health to provide emergency, inpatient, residential, or  
26 outpatient mental health evaluation and treatment services for  
27 minors. A physically separate and separately operated portion of a  
28 state hospital may be designated as an evaluation and treatment  
29 facility for minors. A facility which is part of or operated by the  
30 state or federal agency does not require licensure or certification.  
31 No correctional institution or facility, juvenile court detention  
32 facility, or jail may be an evaluation and treatment facility within  
33 the meaning of this chapter.

34 (14) "Evaluation and treatment program" means the total system of  
35 services and facilities coordinated and approved by a county or  
36 combination of counties for the evaluation and treatment of minors  
37 under this chapter.

38 (15) "Gravely disabled minor" means a minor who, as a result of a  
39 mental disorder, or as a result of the use of alcohol or other  
40 psychoactive chemicals, is in danger of serious physical harm

1 resulting from a failure to provide for his or her essential human  
2 needs of health or safety, or manifests severe deterioration in  
3 routine functioning evidenced by repeated and escalating loss of  
4 cognitive or volitional control over his or her actions and is not  
5 receiving such care as is essential for his or her health or safety.

6 (16) "Inpatient treatment" means twenty-four-hour-per-day mental  
7 health care provided within a general hospital, psychiatric hospital,  
8 residential treatment facility licensed or certified by the  
9 department of health as an evaluation and treatment facility for  
10 minors, secure withdrawal management and stabilization facility for  
11 minors, or approved substance use disorder treatment program for  
12 minors.

13 (17) "Intoxicated minor" means a minor whose mental or physical  
14 functioning is substantially impaired as a result of the use of  
15 alcohol or other psychoactive chemicals.

16 (18) "Kinship caregiver" has the same meaning as in RCW  
17 74.13.031(19) (a).

18 (19) "Less restrictive alternative" or "less restrictive setting"  
19 means outpatient treatment provided to a minor who is not residing in  
20 a facility providing inpatient treatment as defined in this chapter.

21 (20) "Likelihood of serious harm" means either: (a) A substantial  
22 risk that physical harm will be inflicted by an individual upon his  
23 or her own person, as evidenced by threats or attempts to commit  
24 suicide or inflict physical harm on oneself; (b) a substantial risk  
25 that physical harm will be inflicted by an individual upon another,  
26 as evidenced by behavior which has caused such harm or which places  
27 another person or persons in reasonable fear of sustaining such harm;  
28 or (c) a substantial risk that physical harm will be inflicted by an  
29 individual upon the property of others, as evidenced by behavior  
30 which has caused substantial loss or damage to the property of  
31 others.

32 (21) "Managed care organization" has the same meaning as provided  
33 in RCW 71.24.025.

34 (22) "Medical necessity" for inpatient care means a requested  
35 service which is reasonably calculated to: (a) Diagnose, correct,  
36 cure, or alleviate a mental disorder or substance use disorder; or  
37 (b) prevent the progression of a mental disorder or substance use  
38 disorder that endangers life or causes suffering and pain, or results  
39 in illness or infirmity or threatens to cause or aggravate a

1 handicap, or causes physical deformity or malfunction, and there is  
2 no adequate less restrictive alternative available.

3 (23) "Mental disorder" means any organic, mental, or emotional  
4 impairment that has substantial adverse effects on an individual's  
5 cognitive or volitional functions. The presence of alcohol abuse,  
6 drug abuse, juvenile criminal history, antisocial behavior, or  
7 intellectual disabilities alone is insufficient to justify a finding  
8 of "mental disorder" within the meaning of this section.

9 (24) "Mental health professional" means a psychiatrist,  
10 psychiatric advanced registered nurse practitioner, physician  
11 assistant working with a supervising psychiatrist, psychologist,  
12 psychiatric nurse, social worker, and such other mental health  
13 professionals as defined by rules adopted by the secretary of the  
14 department of health under this chapter.

15 (25) "Minor" means any person under the age of eighteen years.

16 (26) "Outpatient treatment" means any of the nonresidential  
17 services mandated under chapter 71.24 RCW and provided by licensed or  
18 certified behavioral health agencies as identified by RCW 71.24.025.

19 (27)(a) "Parent" has the same meaning as defined in RCW  
20 26.26A.010, including either parent if custody is shared under a  
21 joint custody agreement, or a person or agency judicially appointed  
22 as legal guardian or custodian of the child.

23 (b) For purposes of family-initiated treatment under RCW  
24 71.34.600 through 71.34.670, "parent" also includes a person to whom  
25 a parent defined in (a) of this subsection has given a signed  
26 authorization to make health care decisions for the adolescent, a  
27 stepparent who is involved in caring for the adolescent, a kinship  
28 caregiver who is involved in caring for the adolescent, or another  
29 relative who is responsible for the health care of the adolescent,  
30 who may be required to provide a declaration under penalty of perjury  
31 stating that he or she is a relative responsible for the health care  
32 of the adolescent pursuant to (~~RCW 9A.72.085~~) chapter 5.50 RCW. If  
33 a dispute arises between individuals authorized to act as a parent  
34 for the purpose of RCW 71.34.600 through 71.34.670, the disagreement  
35 must be resolved according to the priority established under RCW  
36 7.70.065(2)(a).

37 (28) "Physician assistant" means a person licensed as a physician  
38 assistant under chapter (~~18.57A or~~) 18.71A RCW.

39 (29) "Private agency" means any person, partnership, corporation,  
40 or association that is not a public agency, whether or not financed



1 in whole or in part by public funds, that constitutes an evaluation  
2 and treatment facility or private institution, or hospital, or  
3 approved substance use disorder treatment program, that is conducted  
4 for, or includes a distinct unit, floor, or ward conducted for, the  
5 care and treatment of persons with mental illness, substance use  
6 disorders, or both mental illness and substance use disorders.

7 (30) "Professional person in charge" or "professional person"  
8 means a physician, other mental health professional, or other person  
9 empowered by an evaluation and treatment facility, secure withdrawal  
10 management and stabilization facility, or approved substance use  
11 disorder treatment program with authority to make admission and  
12 discharge decisions on behalf of that facility.

13 (31) "Psychiatric nurse" means a registered nurse who has  
14 experience in the direct treatment of persons who have a mental  
15 illness or who are emotionally disturbed, such experience gained  
16 under the supervision of a mental health professional.

17 (32) "Psychiatrist" means a person having a license as a  
18 physician in this state who has completed residency training in  
19 psychiatry in a program approved by the American Medical Association  
20 or the American Osteopathic Association, and is board eligible or  
21 board certified in psychiatry.

22 (33) "Psychologist" means a person licensed as a psychologist  
23 under chapter 18.83 RCW.

24 (34) "Public agency" means any evaluation and treatment facility  
25 or institution, or hospital, or approved substance use disorder  
26 treatment program that is conducted for, or includes a distinct unit,  
27 floor, or ward conducted for, the care and treatment of persons with  
28 mental illness, substance use disorders, or both mental illness and  
29 substance use disorders if the agency is operated directly by  
30 federal, state, county, or municipal government, or a combination of  
31 such governments.

32 (35) "Responsible other" means the minor, the minor's parent or  
33 estate, or any other person legally responsible for support of the  
34 minor.

35 (36) "Secretary" means the secretary of the department or  
36 secretary's designee.

37 (37) "Secure withdrawal management and stabilization facility"  
38 means a facility operated by either a public or private agency or by  
39 the program of an agency which provides care to voluntary individuals  
40 and individuals involuntarily detained and committed under this

1 chapter for whom there is a likelihood of serious harm or who are  
2 gravely disabled due to the presence of a substance use disorder.  
3 Secure withdrawal management and stabilization facilities must:

4 (a) Provide the following services:

5 (i) Assessment and treatment, provided by certified substance use  
6 disorder professionals or co-occurring disorder specialists;

7 (ii) Clinical stabilization services;

8 (iii) Acute or subacute detoxification services for intoxicated  
9 individuals; and

10 (iv) Discharge assistance provided by certified substance use  
11 disorder professionals or co-occurring disorder specialists,  
12 including facilitating transitions to appropriate voluntary or  
13 involuntary inpatient services or to less restrictive alternatives as  
14 appropriate for the individual;

15 (b) Include security measures sufficient to protect the patients,  
16 staff, and community; and

17 (c) Be licensed or certified as such by the department of health.

18 (38) "Social worker" means a person with a master's or further  
19 advanced degree from a social work educational program accredited and  
20 approved as provided in RCW 18.320.010.

21 (39) "Start of initial detention" means the time of arrival of  
22 the minor at the first evaluation and treatment facility, secure  
23 withdrawal management and stabilization facility, or approved  
24 substance use disorder treatment program offering inpatient treatment  
25 if the minor is being involuntarily detained at the time. With regard  
26 to voluntary patients, "start of initial detention" means the time at  
27 which the minor gives notice of intent to leave under the provisions  
28 of this chapter.

29 (40) "Substance use disorder" means a cluster of cognitive,  
30 behavioral, and physiological symptoms indicating that an individual  
31 continues using the substance despite significant substance-related  
32 problems. The diagnosis of a substance use disorder is based on a  
33 pathological pattern of behaviors related to the use of the  
34 substances.

35 (41) "Substance use disorder professional" means a person  
36 certified as a substance use disorder professional by the department  
37 of health under chapter 18.205 RCW, or a person certified as a  
38 (~~chemical dependency~~) substance use disorder professional trainee  
39 under RCW 18.205.095 working under the direct supervision of a

1 certified ((~~chemical dependency~~)) substance use disorder  
2 professional.

3 **Sec. 56.** RCW 74.09.010 and 2017 c 226 s 5 are each amended to  
4 read as follows:

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

7 (1) "Authority" means the Washington state health care authority.

8 (2) "Bidirectional integration" means integrating behavioral  
9 health services into primary care settings and integrating primary  
10 care services into behavioral health settings.

11 (3) "Children's health program" means the health care services  
12 program provided to children under eighteen years of age and in  
13 households with incomes at or below the federal poverty level as  
14 annually defined by the federal department of health and human  
15 services as adjusted for family size, and who are not otherwise  
16 eligible for medical assistance or the limited casualty program for  
17 the medically needy.

18 (4) "Chronic care management" means the health care management  
19 within a health home of persons identified with, or at high risk for,  
20 one or more chronic conditions. Effective chronic care management:

21 (a) Actively assists patients to acquire self-care skills to  
22 improve functioning and health outcomes, and slow the progression of  
23 disease or disability;

24 (b) Employs evidence-based clinical practices;

25 (c) Coordinates care across health care settings and providers,  
26 including tracking referrals;

27 (d) Provides ready access to behavioral health services that are,  
28 to the extent possible, integrated with primary care; and

29 (e) Uses appropriate community resources to support individual  
30 patients and families in managing chronic conditions.

31 (5) "Chronic condition" means a prolonged condition and includes,  
32 but is not limited to:

33 (a) A mental health condition;

34 (b) A substance use disorder;

35 (c) Asthma;

36 (d) Diabetes;

37 (e) Heart disease; and

38 (f) Being overweight, as evidenced by a body mass index over  
39 twenty-five.

1 (6) "County" means the board of county commissioners, county  
2 council, county executive, or tribal jurisdiction, or its designee.

3 (7) "Department" means the department of social and health  
4 services.

5 (8) "Department of health" means the Washington state department  
6 of health created pursuant to RCW 43.70.020.

7 (9) "Director" means the director of the Washington state health  
8 care authority.

9 (10) "Full benefit dual eligible beneficiary" means an individual  
10 who, for any month: Has coverage for the month under a medicare  
11 prescription drug plan or medicare advantage plan with part D  
12 coverage; and is determined eligible by the state for full medicaid  
13 benefits for the month under any eligibility category in the state's  
14 medicaid plan or a section 1115 demonstration waiver that provides  
15 pharmacy benefits.

16 (11) "Health home" or "primary care health home" means  
17 coordinated health care provided by a licensed primary care provider  
18 coordinating all medical care services, and a multidisciplinary  
19 health care team comprised of clinical and nonclinical staff. The  
20 term "coordinating all medical care services" shall not be construed  
21 to require prior authorization by a primary care provider in order  
22 for a patient to receive treatment for covered services by an  
23 optometrist licensed under chapter 18.53 RCW. Primary care health  
24 home services shall include those services defined as health home  
25 services in 42 U.S.C. Sec. 1396w-4 and, in addition, may include, but  
26 are not limited to:

27 (a) Comprehensive care management including, but not limited to,  
28 chronic care treatment and management;

29 (b) Extended hours of service;

30 (c) Multiple ways for patients to communicate with the team,  
31 including electronically and by phone;

32 (d) Education of patients on self-care, prevention, and health  
33 promotion, including the use of patient decision aids;

34 (e) Coordinating and assuring smooth transitions and follow-up  
35 from inpatient to other settings;

36 (f) Individual and family support including authorized  
37 representatives;

38 (g) The use of information technology to link services, track  
39 tests, generate patient registries, and provide clinical data; and

40 (h) Ongoing performance reporting and quality improvement.

1 (12) "Internal management" means the administration of medical  
2 assistance, medical care services, the children's health program, and  
3 the limited casualty program.

4 (13) "Limited casualty program" means the medical care program  
5 provided to medically needy persons as defined under Title XIX of the  
6 federal social security act, and to medically indigent persons who  
7 are without income or resources sufficient to secure necessary  
8 medical services.

9 (14) "Medical assistance" means the federal aid medical care  
10 program provided to categorically needy persons as defined under  
11 Title XIX of the federal social security act.

12 (15) "Medical care services" means the limited scope of care  
13 financed by state funds and provided to persons who are not eligible  
14 for medicaid under RCW 74.09.510 and who are eligible for the aged,  
15 blind, or disabled assistance program authorized in RCW 74.62.030 or  
16 the essential needs and housing support program pursuant to RCW  
17 74.04.805.

18 (16) "Multidisciplinary health care team" means an  
19 interdisciplinary team of health professionals which may include, but  
20 is not limited to, medical specialists, nurses, pharmacists,  
21 nutritionists, dieticians, social workers, behavioral and mental  
22 health providers including substance use disorder prevention and  
23 treatment providers, doctors of chiropractic, physical therapists,  
24 licensed complementary and alternative medicine practitioners, home  
25 care and other long-term care providers, and physicians' assistants.

26 (17) "Nursing home" means nursing home as defined in RCW  
27 18.51.010.

28 (18) "Poverty" means the federal poverty level determined  
29 annually by the United States department of health and human  
30 services, or successor agency.

31 (19) "Primary care behavioral health" means a health care  
32 integration model in which behavioral health care is colocated,  
33 collaborative, and integrated within a primary care setting.

34 (20) "Primary care provider" means a general practice physician,  
35 family practitioner, internist, pediatrician, osteopathic physician,  
36 naturopath, physician assistant, (~~osteopathic physician assistant,~~)  
37 and advanced registered nurse practitioner licensed under Title 18  
38 RCW.

39 (21) "Secretary" means the secretary of social and health  
40 services.

1 (22) "Whole-person care in behavioral health" means a health care  
2 integration model in which primary care services are integrated into  
3 a behavioral health setting either through colocation or community-  
4 based care management.

5 **Sec. 57.** RCW 74.42.010 and 2019 c 301 s 3 and 2019 c 12 s 1 are  
6 each reenacted and amended to read as follows:

7 Unless the context clearly requires otherwise, the definitions in  
8 this section apply throughout this chapter.

9 (1) "Department" means the department of social and health  
10 services and the department's employees.

11 (2) "Direct care staff" means the staffing domain identified and  
12 defined in the center for medicare and medicaid service's five-star  
13 quality rating system and as reported through the center for medicare  
14 and medicaid service's payroll-based journal. For purposes of  
15 calculating hours per resident day minimum staffing standards for  
16 facilities with sixty-one or more licensed beds, the director of  
17 nursing services classification (job title code five), as identified  
18 in the (~~center[s]~~) centers for medicare and medicaid (~~service's~~)  
19 services' payroll-based journal, shall not be used. For facilities  
20 with sixty or fewer beds the director of nursing services  
21 classification (job title code five) shall be included in calculating  
22 hours per resident day minimum staffing standards.

23 (3) "Facility" refers to a nursing home as defined in RCW  
24 18.51.010.

25 (4) "Geriatric behavioral health worker" means a person with a  
26 bachelor's or master's degree in social work, behavioral health, or  
27 other related areas, or a person who has received specialized  
28 training devoted to mental illness and treatment of older adults.

29 (5) "Licensed practical nurse" means a person licensed to  
30 practice practical nursing under chapter 18.79 RCW.

31 (6) "Medicaid" means Title XIX of the Social Security Act enacted  
32 by the social security amendments of 1965 (42 U.S.C. Sec. 1396; 79  
33 Stat. 343), as amended.

34 (7) "Nurse practitioner" means a person licensed to practice  
35 advanced registered nursing under chapter 18.79 RCW.

36 (8) "Nursing care" means that care provided by a registered  
37 nurse, an advanced registered nurse practitioner, a licensed  
38 practical nurse, or a nursing assistant in the regular performance of  
39 their duties.

1 (9) "Physician" means a person practicing pursuant to chapter  
2 18.57 or 18.71 RCW, including, but not limited to, a physician  
3 employed by the facility as provided in chapter 18.51 RCW.

4 (10) "Physician assistant" means a person practicing pursuant to  
5 chapter (~~(18.57A or)~~) 18.71A RCW.

6 (11) "Qualified therapist" means:

7 (a) An activities specialist who has specialized education,  
8 training, or experience specified by the department.

9 (b) An audiologist who is eligible for a certificate of clinical  
10 competence in audiology or who has the equivalent education and  
11 clinical experience.

12 (c) A mental health professional as defined in chapter 71.05 RCW.

13 (d) An intellectual disabilities professional who is a qualified  
14 therapist or a therapist approved by the department and has  
15 specialized training or one year experience in treating or working  
16 with persons with intellectual or developmental disabilities.

17 (e) An occupational therapist who is a graduate of a program in  
18 occupational therapy or who has equivalent education or training.

19 (f) A physical therapist as defined in chapter 18.74 RCW.

20 (g) A social worker as defined in RCW 18.320.010(2).

21 (h) A speech pathologist who is eligible for a certificate of  
22 clinical competence in speech pathology or who has equivalent  
23 education and clinical experience.

24 (12) "Registered nurse" means a person licensed to practice  
25 registered nursing under chapter 18.79 RCW.

26 (13) "Resident" means an individual residing in a nursing home,  
27 as defined in RCW 18.51.010.

28 **Sec. 58.** RCW 74.42.230 and 2019 c 55 s 20 are each amended to  
29 read as follows:

30 (1) The resident's attending or staff physician or authorized  
31 practitioner approved by the attending physician shall order all  
32 medications for the resident. The order may be oral or written and  
33 shall continue in effect until discontinued by a physician or other  
34 authorized prescriber, unless the order is specifically limited by  
35 time. An "authorized practitioner," as used in this section, is a  
36 registered nurse under chapter 18.79 RCW when authorized by the  
37 nursing care quality assurance commission, (~~(an osteopathic physician  
38 assistant under chapter 18.57A RCW when authorized by the committee  
39 of osteopathic examiners,)~~) a physician assistant under chapter

1 18.71A RCW when authorized by the Washington medical commission, or a  
2 pharmacist under chapter 18.64 RCW when authorized by the pharmacy  
3 quality assurance commission.

4 (2) An oral order shall be given only to a licensed nurse,  
5 pharmacist, or another physician. The oral order shall be recorded  
6 and physically or electronically signed immediately by the person  
7 receiving the order. The attending physician shall sign the record of  
8 the oral order in a manner consistent with good medical practice.

9 (3) A licensed nurse, pharmacist, or another physician receiving  
10 and recording an oral order may, if so authorized by the physician or  
11 authorized practitioner, communicate that order to a pharmacy on  
12 behalf of the physician or authorized practitioner. The order may be  
13 communicated verbally by telephone, by facsimile manually signed by  
14 the person receiving the order pursuant to subsection (2) of this  
15 section, or by electronic transmission pursuant to RCW 69.41.055. The  
16 communication of a resident's order to a pharmacy by a licensed  
17 nurse, pharmacist, or another physician acting at the prescriber's  
18 direction has the same force and effect as if communicated directly  
19 by the delegating physician or authorized practitioner. Nothing in  
20 this provision limits the authority of a licensed nurse, pharmacist,  
21 or physician to delegate to an authorized agent, including but not  
22 limited to delegation of operation of a facsimile machine by  
23 credentialed facility staff, to the extent consistent with his or her  
24 professional license.

25 **Sec. 59.** RCW 82.04.050 and 2017 3rd sp.s. c 37 s 1201 are each  
26 amended to read as follows:

27 (1)(a) "Sale at retail" or "retail sale" means every sale of  
28 tangible personal property (including articles produced, fabricated,  
29 or imprinted) to all persons irrespective of the nature of their  
30 business and including, among others, without limiting the scope  
31 hereof, persons who install, repair, clean, alter, improve,  
32 construct, or decorate real or personal property of or for consumers  
33 other than a sale to a person who:

34 (i) Purchases for the purpose of resale as tangible personal  
35 property in the regular course of business without intervening use by  
36 such person, but a purchase for the purpose of resale by a regional  
37 transit authority under RCW 81.112.300 is not a sale for resale; or

38 (ii) Installs, repairs, cleans, alters, imprints, improves,  
39 constructs, or decorates real or personal property of or for



1 consumers, if such tangible personal property becomes an ingredient  
2 or component of such real or personal property without intervening  
3 use by such person; or

4 (iii) Purchases for the purpose of consuming the property  
5 purchased in producing for sale as a new article of tangible personal  
6 property or substance, of which such property becomes an ingredient  
7 or component or is a chemical used in processing, when the primary  
8 purpose of such chemical is to create a chemical reaction directly  
9 through contact with an ingredient of a new article being produced  
10 for sale; or

11 (iv) Purchases for the purpose of consuming the property  
12 purchased in producing ferrosilicon which is subsequently used in  
13 producing magnesium for sale, if the primary purpose of such property  
14 is to create a chemical reaction directly through contact with an  
15 ingredient of ferrosilicon; or

16 (v) Purchases for the purpose of providing the property to  
17 consumers as part of competitive telephone service, as defined in RCW  
18 82.04.065; or

19 (vi) Purchases for the purpose of satisfying the person's  
20 obligations under an extended warranty as defined in subsection (7)  
21 of this section, if such tangible personal property replaces or  
22 becomes an ingredient or component of property covered by the  
23 extended warranty without intervening use by such person.

24 (b) The term includes every sale of tangible personal property  
25 that is used or consumed or to be used or consumed in the performance  
26 of any activity defined as a "sale at retail" or "retail sale" even  
27 though such property is resold or used as provided in (a)(i) through  
28 (vi) of this subsection following such use.

29 (c) The term also means every sale of tangible personal property  
30 to persons engaged in any business that is taxable under RCW  
31 82.04.280(1) (a), (b), and (g), 82.04.290, and 82.04.2908.

32 (2) The term "sale at retail" or "retail sale" includes the sale  
33 of or charge made for tangible personal property consumed and/or for  
34 labor and services rendered in respect to the following:

35 (a) The installing, repairing, cleaning, altering, imprinting, or  
36 improving of tangible personal property of or for consumers,  
37 including charges made for the mere use of facilities in respect  
38 thereto, but excluding charges made for the use of self-service  
39 laundry facilities, and also excluding sales of laundry service to

1 nonprofit health care facilities, and excluding services rendered in  
2 respect to live animals, birds and insects;

3 (b) The constructing, repairing, decorating, or improving of new  
4 or existing buildings or other structures under, upon, or above real  
5 property of or for consumers, including the installing or attaching  
6 of any article of tangible personal property therein or thereto,  
7 whether or not such personal property becomes a part of the realty by  
8 virtue of installation, and also includes the sale of services or  
9 charges made for the clearing of land and the moving of earth  
10 excepting the mere leveling of land used in commercial farming or  
11 agriculture;

12 (c) The constructing, repairing, or improving of any structure  
13 upon, above, or under any real property owned by an owner who conveys  
14 the property by title, possession, or any other means to the person  
15 performing such construction, repair, or improvement for the purpose  
16 of performing such construction, repair, or improvement and the  
17 property is then reconveyed by title, possession, or any other means  
18 to the original owner;

19 (d) The cleaning, fumigating, razing, or moving of existing  
20 buildings or structures, but does not include the charge made for  
21 janitorial services; and for purposes of this section the term  
22 "janitorial services" means those cleaning and caretaking services  
23 ordinarily performed by commercial janitor service businesses  
24 including, but not limited to, wall and window washing, floor  
25 cleaning and waxing, and the cleaning in place of rugs, drapes and  
26 upholstery. The term "janitorial services" does not include painting,  
27 papering, repairing, furnace or septic tank cleaning, snow removal or  
28 sandblasting;

29 (e) Automobile towing and similar automotive transportation  
30 services, but not in respect to those required to report and pay  
31 taxes under chapter 82.16 RCW;

32 (f) The furnishing of lodging and all other services by a hotel,  
33 rooming house, tourist court, motel, trailer camp, and the granting  
34 of any similar license to use real property, as distinguished from  
35 the renting or leasing of real property, and it is presumed that the  
36 occupancy of real property for a continuous period of one month or  
37 more constitutes a rental or lease of real property and not a mere  
38 license to use or enjoy the same. For the purposes of this  
39 subsection, it is presumed that the sale of and charge made for the  
40 furnishing of lodging for a continuous period of one month or more to

1 a person is a rental or lease of real property and not a mere license  
2 to enjoy the same;

3 (g) The installing, repairing, altering, or improving of digital  
4 goods for consumers;

5 (h) Persons taxable under (a), (b), (c), (d), (e), (f), and (g)  
6 of this subsection when such sales or charges are for property, labor  
7 and services which are used or consumed in whole or in part by such  
8 persons in the performance of any activity defined as a "sale at  
9 retail" or "retail sale" even though such property, labor and  
10 services may be resold after such use or consumption. Nothing  
11 contained in this subsection may be construed to modify subsection  
12 (1) of this section and nothing contained in subsection (1) of this  
13 section may be construed to modify this subsection.

14 (3) The term "sale at retail" or "retail sale" includes the sale  
15 of or charge made for personal, business, or professional services  
16 including amounts designated as interest, rents, fees, admission, and  
17 other service emoluments however designated, received by persons  
18 engaging in the following business activities:

19 (a) Abstract, title insurance, and escrow services;

20 (b) Credit bureau services;

21 (c) Automobile parking and storage garage services;

22 (d) Landscape maintenance and horticultural services but  
23 excluding (i) horticultural services provided to farmers and (ii)  
24 pruning, trimming, repairing, removing, and clearing of trees and  
25 brush near electric transmission or distribution lines or equipment,  
26 if performed by or at the direction of an electric utility;

27 (e) Service charges associated with tickets to professional  
28 sporting events;

29 (f) The following personal services: Tanning salon services,  
30 tattoo parlor services, steam bath services, turkish bath services,  
31 escort services, and dating services; and

32 (g) (i) Operating an athletic or fitness facility, including all  
33 charges for the use of such a facility or for any associated services  
34 and amenities, except as provided in (g) (ii) of this subsection.

35 (ii) Notwithstanding anything to the contrary in (g) (i) of this  
36 subsection (3), the term "sale at retail" and "retail sale" under  
37 this subsection does not include:

38 (A) Separately stated charges for the use of an athletic or  
39 fitness facility where such use is primarily for a purpose other than  
40 engaging in or receiving instruction in a physical fitness activity;

1 (B) Separately stated charges for the use of a discrete portion  
2 of an athletic or fitness facility, other than a pool, where such  
3 discrete portion of the facility does not by itself meet the  
4 definition of "athletic or fitness facility" in this subsection;

5 (C) Separately stated charges for services, such as advertising,  
6 massage, nutritional consulting, and body composition testing, that  
7 do not require the customer to engage in physical fitness activities  
8 to receive the service. The exclusion in this subsection  
9 (3)(g)(ii)(C) does not apply to personal training services and  
10 instruction in a physical fitness activity;

11 (D) Separately stated charges for physical therapy provided by a  
12 physical therapist, as those terms are defined in RCW 18.74.010, or  
13 occupational therapy provided by an occupational therapy  
14 practitioner, as those terms are defined in RCW 18.59.020, when  
15 performed pursuant to a referral from an authorized health care  
16 practitioner or in consultation with an authorized health care  
17 practitioner. For the purposes of this subsection (3)(g)(ii)(D), an  
18 authorized health care practitioner means a health care practitioner  
19 licensed under chapter 18.83, 18.25, 18.36A, 18.57, (~~18.57A,~~)  
20 18.71, or 18.71A RCW;

21 (E) Rent or association fees charged by a landlord or residential  
22 association to a tenant or residential owner with access to an  
23 athletic or fitness facility maintained by the landlord or  
24 residential association, unless the rent or fee varies depending on  
25 whether the tenant or owner has access to the facility;

26 (F) Services provided in the regular course of employment by an  
27 employee with access to an athletic or fitness facility maintained by  
28 the employer for use without charge by its employees or their family  
29 members;

30 (G) The provision of access to an athletic or fitness facility by  
31 an educational institution to its students and staff. However,  
32 charges made by an educational institution to its alumni or other  
33 members of the public for the use of any of the educational  
34 institution's athletic or fitness facilities are a retail sale under  
35 this subsection (3)(g). For purposes of this subsection  
36 (3)(g)(ii)(G), "educational institution" has the same meaning as in  
37 RCW 82.04.170;

38 (H) Yoga, chi gong, or martial arts classes, training, or events  
39 held at a community center, park, school gymnasium, college or  
40 university, hospital or other medical facility, private residence, or

1 any other facility that is not operated within and as part of an  
2 athletic or fitness facility.

3 (iii) Nothing in (g)(ii) of this subsection (3) may be construed  
4 to affect the taxation of sales made by the operator of an athletic  
5 or fitness facility, where such sales are defined as a retail sale  
6 under any provision of this section other than this subsection (3).

7 (iv) For the purposes of this subsection (3)(g), the following  
8 definitions apply:

9 (A) "Athletic or fitness facility" means an indoor or outdoor  
10 facility or portion of a facility that is primarily used for:  
11 Exercise classes; strength and conditioning programs; personal  
12 training services; tennis, racquetball, handball, squash, or  
13 pickleball; or other activities requiring the use of exercise or  
14 strength training equipment, such as treadmills, elliptical machines,  
15 stair climbers, stationary cycles, rowing machines, pilates  
16 equipment, balls, climbing ropes, jump ropes, and weightlifting  
17 equipment.

18 (B) "Martial arts" means any of the various systems of training  
19 for physical combat or self-defense. "Martial arts" includes, but is  
20 not limited to, karate, kung fu, tae kwon do, Krav Maga, boxing,  
21 kickboxing, jujitsu, shootfighting, wrestling, aikido, judo, hapkido,  
22 Kendo, tai chi, and mixed martial arts.

23 (C) "Physical fitness activities" means activities that involve  
24 physical exertion for the purpose of improving or maintaining the  
25 general fitness, strength, flexibility, conditioning, or health of  
26 the participant. "Physical fitness activities" includes participating  
27 in yoga, chi gong, or martial arts.

28 (4)(a) The term also includes the renting or leasing of tangible  
29 personal property to consumers.

30 (b) The term does not include the renting or leasing of tangible  
31 personal property where the lease or rental is for the purpose of  
32 sublease or subrent.

33 (5) The term also includes the providing of "competitive  
34 telephone service," "telecommunications service," or "ancillary  
35 services," as those terms are defined in RCW 82.04.065, to consumers.

36 (6)(a) The term also includes the sale of prewritten computer  
37 software to a consumer, regardless of the method of delivery to the  
38 end user. For purposes of (a) and (b) of this subsection, the sale of  
39 prewritten computer software includes the sale of or charge made for  
40 a key or an enabling or activation code, where the key or code is

1 required to activate prewritten computer software and put the  
2 software into use. There is no separate sale of the key or code from  
3 the prewritten computer software, regardless of how the sale may be  
4 characterized by the vendor or by the purchaser.

5 (b) The term "retail sale" does not include the sale of or charge  
6 made for:

7 (i) Custom software; or

8 (ii) The customization of prewritten computer software.

9 (c)(i) The term also includes the charge made to consumers for  
10 the right to access and use prewritten computer software, where  
11 possession of the software is maintained by the seller or a third  
12 party, regardless of whether the charge for the service is on a per  
13 use, per user, per license, subscription, or some other basis.

14 (ii)(A) The service described in (c)(i) of this subsection (6)  
15 includes the right to access and use prewritten computer software to  
16 perform data processing.

17 (B) For purposes of this subsection (6)(c)(ii), "data processing"  
18 means the systematic performance of operations on data to extract the  
19 required information in an appropriate form or to convert the data to  
20 usable information. Data processing includes check processing, image  
21 processing, form processing, survey processing, payroll processing,  
22 claim processing, and similar activities.

23 (7) The term also includes the sale of or charge made for an  
24 extended warranty to a consumer. For purposes of this subsection,  
25 "extended warranty" means an agreement for a specified duration to  
26 perform the replacement or repair of tangible personal property at no  
27 additional charge or a reduced charge for tangible personal property,  
28 labor, or both, or to provide indemnification for the replacement or  
29 repair of tangible personal property, based on the occurrence of  
30 specified events. The term "extended warranty" does not include an  
31 agreement, otherwise meeting the definition of extended warranty in  
32 this subsection, if no separate charge is made for the agreement and  
33 the value of the agreement is included in the sales price of the  
34 tangible personal property covered by the agreement. For purposes of  
35 this subsection, "sales price" has the same meaning as in RCW  
36 82.08.010.

37 (8)(a) The term also includes the following sales to consumers of  
38 digital goods, digital codes, and digital automated services:

39 (i) Sales in which the seller has granted the purchaser the right  
40 of permanent use;

1 (ii) Sales in which the seller has granted the purchaser a right  
2 of use that is less than permanent;

3 (iii) Sales in which the purchaser is not obligated to make  
4 continued payment as a condition of the sale; and

5 (iv) Sales in which the purchaser is obligated to make continued  
6 payment as a condition of the sale.

7 (b) A retail sale of digital goods, digital codes, or digital  
8 automated services under this subsection (8) includes any services  
9 provided by the seller exclusively in connection with the digital  
10 goods, digital codes, or digital automated services, whether or not a  
11 separate charge is made for such services.

12 (c) For purposes of this subsection, "permanent" means perpetual  
13 or for an indefinite or unspecified length of time. A right of  
14 permanent use is presumed to have been granted unless the agreement  
15 between the seller and the purchaser specifies or the circumstances  
16 surrounding the transaction suggest or indicate that the right to use  
17 terminates on the occurrence of a condition subsequent.

18 (9) The term also includes the charge made for providing tangible  
19 personal property along with an operator for a fixed or indeterminate  
20 period of time. A consideration of this is that the operator is  
21 necessary for the tangible personal property to perform as designed.  
22 For the purpose of this subsection (9), an operator must do more than  
23 maintain, inspect, or set up the tangible personal property.

24 (10) The term does not include the sale of or charge made for  
25 labor and services rendered in respect to the building, repairing, or  
26 improving of any street, place, road, highway, easement, right-of-  
27 way, mass public transportation terminal or parking facility, bridge,  
28 tunnel, or trestle which is owned by a municipal corporation or  
29 political subdivision of the state or by the United States and which  
30 is used or to be used primarily for foot or vehicular traffic  
31 including mass transportation vehicles of any kind.

32 (11) The term also does not include sales of chemical sprays or  
33 washes to persons for the purpose of postharvest treatment of fruit  
34 for the prevention of scald, fungus, mold, or decay, nor does it  
35 include sales of feed, seed, seedlings, fertilizer, agents for  
36 enhanced pollination including insects such as bees, and spray  
37 materials to: (a) Persons who participate in the federal conservation  
38 reserve program, the environmental quality incentives program, the  
39 wetlands reserve program, and the wildlife habitat incentives  
40 program, or their successors administered by the United States

1 department of agriculture; (b) farmers for the purpose of producing  
2 for sale any agricultural product; (c) farmers for the purpose of  
3 providing bee pollination services; and (d) farmers acting under  
4 cooperative habitat development or access contracts with an  
5 organization exempt from federal income tax under 26 U.S.C. Sec.  
6 501(c)(3) of the federal internal revenue code or the Washington  
7 state department of fish and wildlife to produce or improve wildlife  
8 habitat on land that the farmer owns or leases.

9 (12) The term does not include the sale of or charge made for  
10 labor and services rendered in respect to the constructing,  
11 repairing, decorating, or improving of new or existing buildings or  
12 other structures under, upon, or above real property of or for the  
13 United States, any instrumentality thereof, or a county or city  
14 housing authority created pursuant to chapter 35.82 RCW, including  
15 the installing, or attaching of any article of tangible personal  
16 property therein or thereto, whether or not such personal property  
17 becomes a part of the realty by virtue of installation. Nor does the  
18 term include the sale of services or charges made for the clearing of  
19 land and the moving of earth of or for the United States, any  
20 instrumentality thereof, or a county or city housing authority. Nor  
21 does the term include the sale of services or charges made for  
22 cleaning up for the United States, or its instrumentalities,  
23 radioactive waste and other by-products of weapons production and  
24 nuclear research and development.

25 (13) The term does not include the sale of or charge made for  
26 labor, services, or tangible personal property pursuant to agreements  
27 providing maintenance services for bus, rail, or rail fixed guideway  
28 equipment when a regional transit authority is the recipient of the  
29 labor, services, or tangible personal property, and a transit agency,  
30 as defined in RCW 81.104.015, performs the labor or services.

31 (14) The term does not include the sale for resale of any service  
32 described in this section if the sale would otherwise constitute a  
33 "sale at retail" and "retail sale" under this section.

34 (15)(a) The term "sale at retail" or "retail sale" includes  
35 amounts charged, however labeled, to consumers to engage in any of  
36 the activities listed in this subsection (15)(a), including the  
37 furnishing of any associated equipment or, except as otherwise  
38 provided in this subsection, providing instruction in such  
39 activities, where such charges are not otherwise defined as a "sale  
40 at retail" or "retail sale" in this section:



1 (i)(A) Golf, including any variant in which either golf balls or  
2 golf clubs are used, such as miniature golf, hitting golf balls at a  
3 driving range, and golf simulators, and including fees charged by a  
4 golf course to a player for using his or her own cart. However,  
5 charges for golf instruction are not a retail sale, provided that if  
6 the instruction involves the use of a golfing facility that would  
7 otherwise require the payment of a fee, such as green fees or driving  
8 range fees, such fees, including the applicable retail sales tax,  
9 must be separately identified and charged by the golfing facility  
10 operator to the instructor or the person receiving the instruction.

11 (B) Notwithstanding (a)(i)(A) of this subsection (15) and except  
12 as otherwise provided in this subsection (15)(a)(i)(B), the term  
13 "sale at retail" or "retail sale" does not include amounts charged to  
14 participate in, or conduct, a golf tournament or other competitive  
15 event. However, amounts paid by event participants to the golf  
16 facility operator are retail sales under this subsection (15)(a)(i).  
17 Likewise, amounts paid by the event organizer to the golf facility  
18 are retail sales under this subsection (15)(a)(i), if such amounts  
19 vary based on the number of event participants;

20 (ii) Ballooning, hang gliding, indoor or outdoor sky diving,  
21 paragliding, parasailing, and similar activities;

22 (iii) Air hockey, billiards, pool, foosball, darts, shuffleboard,  
23 ping pong, and similar games;

24 (iv) Access to amusement park, theme park, and water park  
25 facilities, including but not limited to charges for admission and  
26 locker or cabana rentals. Discrete charges for rides or other  
27 attractions or entertainment that are in addition to the charge for  
28 admission are not a retail sale under this subsection (15)(a)(iv).  
29 For the purposes of this subsection, an amusement park or theme park  
30 is a location that provides permanently affixed amusement rides,  
31 games, and other entertainment, but does not include parks or zoos  
32 for which the primary purpose is the exhibition of wildlife, or  
33 fairs, carnivals, and festivals as defined in (b)(i) of this  
34 subsection;

35 (v) Batting cage activities;

36 (vi) Bowling, but not including competitive events, except that  
37 amounts paid by the event participants to the bowling alley operator  
38 are retail sales under this subsection (15)(a)(vi). Likewise, amounts  
39 paid by the event organizer to the operator of the bowling alley are

1 retail sales under this subsection (15)(a)(vi), if such amounts vary  
2 based on the number of event participants;

3 (vii) Climbing on artificial climbing structures, whether indoors  
4 or outdoors;

5 (viii) Day trips for sightseeing purposes;

6 (ix) Bungee jumping, zip lining, and riding inside a ball,  
7 whether inflatable or otherwise;

8 (x) Horseback riding offered to the public, where the seller  
9 furnishes the horse to the buyer and providing instruction is not the  
10 primary focus of the activity, including guided rides, but not  
11 including therapeutic horseback riding provided by an instructor  
12 certified by a nonprofit organization that offers national or  
13 international certification for therapeutic riding instructors;

14 (xi) Fishing, including providing access to private fishing areas  
15 and charter or guided fishing, except that fishing contests and  
16 license fees imposed by a government entity are not a retail sale  
17 under this subsection;

18 (xii) Guided hunting and hunting at game farms and shooting  
19 preserves, except that hunting contests and license fees imposed by a  
20 government entity are not a retail sale under this subsection;

21 (xiii) Swimming, but only in respect to (A) recreational or  
22 fitness swimming that is open to the public, such as open swim, lap  
23 swimming, and special events like kids night out and pool parties  
24 during open swim time, and (B) pool parties for private events, such  
25 as birthdays, family gatherings, and employee outings. Fees for  
26 swimming lessons, to participate in swim meets and other  
27 competitions, or to join a swim team, club, or aquatic facility are  
28 not retail sales under this subsection (15)(a)(xiii);

29 (xiv) Go-karting, bumper cars, and other motorized activities  
30 where the seller provides the vehicle and the premises where the  
31 buyer will operate the vehicle;

32 (xv) Indoor or outdoor playground activities, such as inflatable  
33 bounce structures and other inflatables; mazes; trampolines; slides;  
34 ball pits; games of tag, including laser tag and soft-dart tag; and  
35 human gyroscope rides, regardless of whether such activities occur at  
36 the seller's place of business, but not including playground  
37 activities provided for children by a licensed child day care center  
38 or licensed family day care provider as those terms are defined in  
39 RCW (~~(43.215.010)~~) 43.216.010;

1 (xvi) Shooting sports and activities, such as target shooting,  
2 skeet, trap, sporting clays, "5" stand, and archery, but only in  
3 respect to discrete charges to members of the public to engage in  
4 these activities, but not including fees to enter a competitive  
5 event, instruction that is entirely or predominately classroom based,  
6 or to join or renew a membership at a club, range, or other facility;

7 (xvii) Paintball and airsoft activities;

8 (xviii) Skating, including ice skating, roller skating, and  
9 inline skating, but only in respect to discrete charges to members of  
10 the public to engage in skating activities, but not including skating  
11 lessons, competitive events, team activities, or fees to join or  
12 renew a membership at a skating facility, club, or other  
13 organization;

14 (xix) Nonmotorized snow sports and activities, such as downhill  
15 and cross-country skiing, snowboarding, ski jumping, sledding, snow  
16 tubing, snowshoeing, and similar snow sports and activities, whether  
17 engaged in outdoors or in an indoor facility with or without snow,  
18 but only in respect to discrete charges to the public for the use of  
19 land or facilities to engage in nonmotorized snow sports and  
20 activities, such as fees, however labeled, for the use of ski lifts  
21 and tows and daily or season passes for access to trails or other  
22 areas where nonmotorized snow sports and activities are conducted.  
23 However, fees for the following are not retail sales under this  
24 subsection (15) (a) (xix): (A) Instructional lessons; (B) permits  
25 issued by a governmental entity to park a vehicle on or access public  
26 lands; and (C) permits or leases granted by an owner of private  
27 timberland for recreational access to areas used primarily for  
28 growing and harvesting timber; and

29 (xx) Scuba diving; snorkeling; river rafting; surfing;  
30 kiteboarding; flyboarding; water slides; inflatables, such as water  
31 pillows, water trampolines, and water rollers; and similar water  
32 sports and activities.

33 (b) Notwithstanding anything to the contrary in this subsection  
34 (15), the term "sale at retail" or "retail sale" does not include  
35 charges:

36 (i) Made for admission to, and rides or attractions at, fairs,  
37 carnivals, and festivals. For the purposes of this subsection, fairs,  
38 carnivals, and festivals are events that do not exceed twenty-one  
39 days and a majority of the amusement rides, if any, are not affixed  
40 to real property;

1 (ii) Made by an educational institution to its students and staff  
2 for activities defined as retail sales by (a)(i) through (xx) of this  
3 subsection. However, charges made by an educational institution to  
4 its alumni or other members of the general public for these  
5 activities are a retail sale under this subsection (15). For purposes  
6 of this subsection (15)(b)(ii), "educational institution" has the  
7 same meaning as in RCW 82.04.170;

8 (iii) Made by a vocational school for commercial diver training  
9 that is licensed by the workforce training and education coordinating  
10 board under chapter 28C.10 RCW; or

11 (iv) Made for day camps offered by a nonprofit organization or  
12 state or local governmental entity that provide youth not older than  
13 age eighteen, or that are focused on providing individuals with  
14 disabilities or mental illness, the opportunity to participate in a  
15 variety of supervised activities.

16 NEW SECTION. **Sec. 60.** The following acts or parts of acts are  
17 each repealed:

18 (1) RCW 18.57A.010 (Definitions) and 1979 c 117 s 17 & 1971 ex.s.  
19 c 30 s 7;

20 (2) RCW 18.57A.020 (Rules fixing qualifications and restricting  
21 practice—Interim permit—Applications—Discipline—Information about  
22 current professional practice) and 2016 c 42 s 2, 2015 c 252 s 11,  
23 1999 c 127 s 2, 1998 c 132 s 13, 1996 c 191 s 39, 1993 c 28 s 1, 1992  
24 c 28 s 1, & 1971 ex.s. c 30 s 8;

25 (3) RCW 18.57A.023 (Practice requirements—Military training and  
26 experience) and 2011 c 32 s 4;

27 (4) RCW 18.57A.025 (Application of uniform disciplinary act) and  
28 1986 c 259 s 93;

29 (5) RCW 18.57A.030 (Limitations on practice—Scope of practice)  
30 and 2016 c 155 s 24, 2013 c 203 s 3, 1993 c 28 s 2, 1986 c 259 s 95,  
31 & 1971 ex.s. c 30 s 9;

32 (6) RCW 18.57A.035 (Limitation on practice—Remote sites) and 2013  
33 c 203 s 1;

34 (7) RCW 18.57A.040 (Practice arrangements) and 2013 c 203 s 4,  
35 1993 c 28 s 3, & 1991 c 3 s 152;

36 (8) RCW 18.57A.050 (Osteopathic physician's liability,  
37 responsibility) and 1993 c 28 s 4, 1986 c 259 s 97, & 1971 ex.s. c 30  
38 s 11;

1 (9) RCW 18.57A.060 (Limitations on health care services) and 2000  
2 c 171 s 21, 1973 c 77 s 20, & 1971 ex.s. c 30 s 12;  
3 (10) RCW 18.57A.070 (Physician assistant acupuncturist—Licensure)  
4 and 2000 c 93 s 41 & 1977 ex.s. c 233 s 1;  
5 (11) RCW 18.57A.080 (Signing and attesting to required  
6 documentation) and 2013 c 203 s 5 & 2007 c 264 s 2;  
7 (12) RCW 18.57A.090 (Pain management rules—Repeal—Adoption of  
8 new rules) and 2010 c 209 s 4;  
9 (13) RCW 18.57A.100 (Down syndrome—Parent information) and 2016 c  
10 70 s 4;  
11 (14) RCW 18.57A.800 (Opioid drug prescribing rules—Adoption) and  
12 2017 c 297 s 5; and  
13 (15) RCW 18.57A.810 (Opioid drugs—Right to refuse) and 2019 c 314  
14 s 6.

15 NEW SECTION. **Sec. 61.** The following acts or parts of acts are  
16 each repealed:

17 (1) RCW 18.71A.035 (Limitation on practice—Remote sites) and 2013  
18 c 203 s 2; and

19 (2) RCW 18.71A.040 (Commission approval required—Application—Fee  
20 —Discipline) and 2013 c 203 s 7.

21 NEW SECTION. **Sec. 62.** Sections 1 through 11 and 61 of this act  
22 take effect July 1, 2021.

23 NEW SECTION. **Sec. 63.** Sections 13 through 60 of this act take  
24 effect July 1, 2022.

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