
HOUSE BILL 2967

State of Washington

66th Legislature

2020 Regular Session

By Representative Macri

1 AN ACT Relating to the prescriptive authority of psychologists;
2 amending RCW 18.83.010, 18.83.050, 18.83.080, and 18.83.090;
3 reenacting and amending RCW 18.64.011, 18.79.260, and 69.50.101; and
4 adding new sections to chapter 18.83 RCW.

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

6 **Sec. 1.** RCW 18.83.010 and 1994 c 35 s 1 are each amended to read
7 as follows:

8 ~~((When used in this chapter:))~~ The definitions in this section
9 apply throughout this chapter unless the context clearly requires
10 otherwise.

11 (1) ~~((The))~~ "Board" means the examining board of psychology.

12 (2) "Clinical experience" means a period of supervised clinical
13 training and practice in which clinical diagnoses and interventions
14 are learned and which is conducted and supervised as part of the
15 training program.

16 (3) "Controlled substance" has the same meaning as in RCW
17 69.50.101.

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

19 (5) "Practice of psychology" means the observation, evaluation,
20 interpretation, and modification of human behavior by the application
21 of psychological principles, methods, and procedures for the purposes

1 of preventing or eliminating symptomatic or maladaptive behavior and
2 promoting mental and behavioral health. It includes, but is not
3 limited to, providing the following services to individuals,
4 families, groups, organizations, and the public, whether or not
5 payment is received for services rendered:

6 (a) Psychological measurement, assessment, and evaluation by
7 means of psychological, neuropsychological, and psychoeducational
8 testing;

9 (b) Diagnosis and treatment of mental, emotional, and behavioral
10 disorders, and psychological aspects of illness, injury, and
11 disability; and

12 (c) Counseling and guidance, psychotherapeutic techniques,
13 remediation, health promotion, and consultation within the context of
14 established psychological principles and theories.

15 This definition does not include the teaching of principles of
16 psychology for accredited educational institutions, or the conduct of
17 research in problems of human or animal behavior.

18 ~~((Nothing in this definition shall be construed as permitting the
19 administration or prescribing of drugs or in any way infringing upon
20 the practice of medicine and surgery as defined in chapter 18.71 RCW.~~

21 ~~(2))~~ (6) "Prescribing psychologist" means a person who holds an
22 active license to practice psychology under this chapter and holds an
23 active certificate to exercise prescriptive authority under the
24 standards of section 2 of this act.

25 (7) "Prescription" has the same meaning as in RCW 18.64.011.

26 (8) "Prescriptive authority" means the authority of a prescribing
27 psychologist to prescribe, administer, discontinue, and distribute
28 controlled substances recognized or customarily used in the
29 diagnosis, treatment, and management of individuals with psychiatric,
30 mental, cognitive, nervous, emotional, developmental, or behavioral
31 disorders. The term includes ordering necessary laboratory tests and
32 diagnostic examinations, procedures necessary to obtain laboratory
33 tests and diagnostic examinations, procedures which are relevant to
34 the practice of psychology, and other directly related procedures
35 within the scope of the practice of psychology in accordance with
36 rules adopted by the board.

37 (9) "Secretary" means the secretary of health.

38 ~~((3) "Board" means the examining board of psychology.~~

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

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.83

2 RCW to read as follows:

3 (1) A psychologist who is licensed under this chapter may apply
4 for certification as a prescribing psychologist to allow the
5 psychologist to exercise prescriptive authority.

6 (2) The board shall certify an applicant as a prescribing
7 psychologist if the applicant demonstrates to the board, by official
8 transcript or other official evidence satisfactory to the board, that
9 the applicant:

10 (a) Holds a current license as a psychologist;

11 (b) Holds a doctorate degree obtained from an integrated program
12 of graduate study in psychology, as defined by rules of the board;

13 (c)(i) Has successfully completed an organized sequence of study
14 in a master's degree offering intensive didactic education, and
15 including the following core areas of instruction:

16 (A) Basic science;

17 (B) Functional neurosciences;

18 (C) Physical examination;

19 (D) Interpretation of laboratory tests;

20 (E) Pathological basis of disease;

21 (F) Clinical medicine;

22 (G) Clinical neurotherapeutics;

23 (H) Systems of care;

24 (I) Pharmacology;

25 (J) Clinical pharmacology;

26 (K) Psychopharmacology;

27 (L) Psychopharmacology research; and

28 (M) Professional, ethical, and legal issues;

29 (ii) The didactic portion of the education must consist of an
30 appropriate number of didactic hours to assure acquisition of the
31 necessary knowledge and skills to prescribe in a safe and effective
32 manner;

33 (d) Has successfully completed a postdoctoral prescribing
34 psychology fellowship defined by the board to obtain clinical
35 experience sufficient to attain competency in the
36 psychopharmacological treatment of a diverse patient population under
37 the direction of qualified practitioners, as determined by the board;
38 and

1 (e) Has passed an examination relevant to establishing competence
2 for prescribing as developed by a nationally recognized organization
3 and approved by the board.

4 (3) The board may waive certain requirements for applicants who
5 have obtained relevant training and experience including:

6 (a) Psychologists who are dually licensed as physicians, nurse
7 practitioners, or another health profession with comparable
8 prescriptive authority in Washington; or

9 (b) Psychologists who have completed the United States department
10 of defense psychopharmacology demonstration project.

11 (4) A certificate issued under this section may be renewed in
12 accordance with RCW 18.83.090.

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.83
14 RCW to read as follows:

15 (1) Prescribing psychologists may exercise prescriptive authority
16 as provided in this chapter.

17 (2) A psychologist may not exercise prescriptive authority unless
18 the psychologist holds a valid certificate of prescriptive authority
19 under section 2 of this act.

20 (3) Each prescription issued by a prescribing psychologist must:

21 (a) Comply with all applicable state and federal laws and
22 regulations; and

23 (b) Be identified as written by the prescribing psychologist in a
24 manner determined by the board.

25 (4) A record of all prescriptions must be maintained in the
26 patient's record.

27 (5) A prescribing psychologist may not delegate the authority to
28 prescribe drugs and controlled substances to any other person.

29 (6) A prescribing psychologist who is authorized to prescribe
30 controlled substances must submit to the board, in a timely manner,
31 the prescribing psychologist's drug enforcement agency registration
32 number.

33 (7) The board shall maintain a current list of every prescribing
34 psychologist, the psychologists' license and certificate of
35 prescribing authority numbers, and the drug enforcement agency
36 registration and number.

37 (8) (a) The board shall transmit to the pharmacy quality assurance
38 commission an initial list of prescribing psychologists. The list
39 must contain:

- 1 (i) The name of each prescribing psychologist;
2 (ii) Each prescribing psychologist's identification number
3 assigned by the board; and
4 (iii) The effective date of each prescribing psychologist's
5 certificate of prescriptive authority.
6 (b) The board shall promptly notify the pharmacy quality
7 assurance commission of:
8 (i) Any additions to the initial list as new prescribing
9 psychologists are certified; and
10 (ii) The termination, suspension, or reinstatement of any
11 prescribing psychologist's certification.

12 **Sec. 4.** RCW 18.83.050 and 2004 c 262 s 8 are each amended to
13 read as follows:

14 (1) The board shall adopt such rules as it deems necessary to
15 carry out its functions.

16 (2) The board shall examine the qualifications of applicants for
17 licensing under this chapter, to determine which applicants are
18 eligible for licensing under this chapter and shall forward to the
19 secretary the names of applicants so eligible.

20 (3) The board shall:

21 (a) Develop and implement procedures for reviewing education and
22 training credentials of applicants for certificates of prescriptive
23 authority;

24 (b) Certify an applicant as a prescribing psychologist if the
25 applicant meets the qualifications of section 2 of this act; and

26 (c) Adopt rules for denying, modifying, suspending, or revoking
27 certification of a prescribing psychologist. The board may require
28 remediation of any deficiencies in the training or practice pattern
29 of the prescribing psychologist when, in the judgment of the board,
30 such deficiencies could reasonably be expected to jeopardize the
31 health, safety, or welfare of the public.

32 (4) The board shall administer examinations to qualified
33 applicants on at least an annual basis. The board shall determine the
34 subject matter and scope of the examination, except as provided in
35 RCW 18.83.170. The board may allow applicants to take the examination
36 upon the granting of their doctoral degree before completion of their
37 internship for supervised experience.

38 ~~((4))~~ (5) The board shall keep a complete record of its own
39 proceedings, of the questions given in examinations, of the names and

1 qualifications of all applicants, and the names and addresses of all
2 licensed psychologists. The examination paper of such applicant shall
3 be kept on file for a period of at least one year after examination.

4 ~~((+5))~~ (6) The board shall, by rule, adopt a code of ethics for
5 psychologists which is designed to protect the public interest.

6 ~~((+6))~~ (7) The board may require that persons licensed under
7 this chapter as psychologists obtain and maintain professional
8 liability insurance in amounts determined by the board to be
9 practicable and reasonably available.

10 **Sec. 5.** RCW 18.83.080 and 1996 c 191 s 66 are each amended to
11 read as follows:

12 The board shall forward to the secretary the name of each
13 applicant entitled to a license under this chapter. The secretary
14 shall promptly issue to such applicant a license authorizing such
15 applicant to use the title "psychologist". Each licensed psychologist
16 shall keep his or her license and certificate of prescriptive
17 authority, if applicable, displayed in a conspicuous place in his or
18 her principal place of business.

19 **Sec. 6.** RCW 18.83.090 and 2009 c 492 s 6 are each amended to
20 read as follows:

21 (1) The board shall establish rules governing mandatory
22 continuing education requirements which shall be met by any
23 psychologist applying for a license renewal or renewal of a
24 certificate of prescriptive authority.

25 (2) The office of crime victims advocacy shall supply the board
26 with information on methods of recognizing victims of human
27 trafficking, what services are available for these victims, and where
28 to report potential trafficking situations. The information supplied
29 must be culturally sensitive and must include information relating to
30 minor victims. The board shall disseminate this information to
31 licensees by: Providing the information on the board's web site;
32 including the information in newsletters; holding trainings at
33 meetings attended by organization members; or ~~((through))~~ another
34 distribution method determined by the board. The board shall report
35 to the office of crime victims advocacy on the method or methods it
36 uses to distribute information under this subsection.

1 (3) Administrative procedures, administrative requirements, and
2 fees for renewal and reissue of licenses shall be established as
3 provided in RCW 43.70.250 and 43.70.280.

4 (4)(a) The board shall establish rules for the renewal of a
5 certificate of prescriptive authority issued under section 2 of this
6 act at the time of the renewal of the psychologist's license to
7 practice psychology.

8 (b) Each applicant for renewal of a certificate of prescriptive
9 authority shall present satisfactory evidence to the board
10 demonstrating the completion of continuing education instruction
11 relevant to prescriptive authority during the previous three-year
12 renewal period.

13 **Sec. 7.** RCW 18.64.011 and 2016 c 148 s 1 are each reenacted and
14 amended to read as follows:

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

17 (1) "Administer" means the direct application of a drug or
18 device, whether by injection, inhalation, ingestion, or any other
19 means, to the body of a patient or research subject.

20 (2) "Business licensing system" means the mechanism established
21 by chapter 19.02 RCW by which business licenses, endorsed for
22 individual state-issued licenses, are issued and renewed utilizing a
23 business license application and a business license expiration date
24 common to each renewable license endorsement.

25 (3) "Chart order" means a lawful order for a drug or device
26 entered on the chart or medical record of an inpatient or resident of
27 an institutional facility by a practitioner or his or her designated
28 agent.

29 (4) "Closed door long-term care pharmacy" means a pharmacy that
30 provides pharmaceutical care to a defined and exclusive group of
31 patients who have access to the services of the pharmacy because they
32 are treated by or have an affiliation with a long-term care facility
33 or hospice program, and that is not a retailer of goods to the
34 general public.

35 (5) "Commission" means the pharmacy quality assurance commission.

36 (6) "Compounding" means the act of combining two or more
37 ingredients in the preparation of a prescription.

1 (7) "Controlled substance" means a drug or substance, or an
2 immediate precursor of such drug or substance, so designated under or
3 pursuant to the provisions of chapter 69.50 RCW.

4 (8) "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 (9) "Department" means the department of health.

8 (10) "Device" means instruments, apparatus, and contrivances,
9 including their components, parts, and accessories, intended (a) for
10 use in the diagnosis, cure, mitigation, treatment, or prevention of
11 disease in human beings or other animals, or (b) to affect the
12 structure or any function of the body of human beings or other
13 animals.

14 (11) "Dispense" means the interpretation of a prescription or
15 order for a drug, biological, or device and, pursuant to that
16 prescription or order, the proper selection, measuring, compounding,
17 labeling, or packaging necessary to prepare that prescription or
18 order for delivery.

19 (12) "Distribute" means the delivery of a drug or device other
20 than by administering or dispensing.

21 (13) "Drug" and "devices" do not include surgical or dental
22 instruments or laboratory materials, gas and oxygen, therapy
23 equipment, X-ray apparatus or therapeutic equipment, their component
24 parts or accessories, or equipment, instruments, apparatus, or
25 contrivances used to render such articles effective in medical,
26 surgical, or dental treatment, or for use or consumption in or for
27 mechanical, industrial, manufacturing, or scientific applications or
28 purposes. "Drug" also does not include any article or mixture covered
29 by the Washington pesticide control act (chapter 15.58 RCW), as
30 enacted or hereafter amended, nor medicated feed intended for and
31 used exclusively as a feed for animals other than human beings.

32 (14) "Drugs" means:

33 (a) Articles recognized in the official United States
34 pharmacopoeia or the official homeopathic pharmacopoeia of the United
35 States;

36 (b) Substances intended for use in the diagnosis, cure,
37 mitigation, treatment, or prevention of disease in human beings or
38 other animals;

39 (c) Substances (other than food) intended to affect the structure
40 or any function of the body of human beings or other animals; or

1 (d) Substances intended for use as a component of any substances
2 specified in (a), (b), or (c) of this subsection, but not including
3 devices or their component parts or accessories.

4 (15) "Health care entity" means an organization that provides
5 health care services in a setting that is not otherwise licensed by
6 the state to acquire or possess legend drugs. Health care entity
7 includes a freestanding outpatient surgery center, a residential
8 treatment facility, and a freestanding cardiac care center. "Health
9 care entity" does not include an individual practitioner's office or
10 a multipractitioner clinic, regardless of ownership, unless the owner
11 elects licensure as a health care entity. "Health care entity" also
12 does not include an individual practitioner's office or
13 multipractitioner clinic identified by a hospital on a pharmacy
14 application or renewal pursuant to RCW 18.64.043.

15 (16) "Hospice program" means a hospice program certified or paid
16 by medicare under Title XVIII of the federal social security act, or
17 a hospice program licensed under chapter 70.127 RCW.

18 (17) "Institutional facility" means any organization whose
19 primary purpose is to provide a physical environment for patients to
20 obtain health care services including, but not limited to, services
21 in a hospital, long-term care facility, hospice program, mental
22 health facility, drug abuse treatment center, residential
23 habilitation center, or a local, state, or federal correction
24 facility.

25 (18) "Labeling" means the process of preparing and affixing a
26 label to any drug or device container. The label must include all
27 information required by current federal and state law and pharmacy
28 rules.

29 (19) "Legend drugs" means any drugs which are required by any
30 applicable federal or state law or regulation to be dispensed on
31 prescription only or are restricted to use by practitioners only.

32 (20) "Long-term care facility" means a nursing home licensed
33 under chapter 18.51 RCW, an assisted living facility licensed under
34 chapter 18.20 RCW, or an adult family home licensed under chapter
35 70.128 RCW.

36 (21) "Manufacture" means the production, preparation,
37 propagation, compounding, or processing of a drug or other substance
38 or device or the packaging or repackaging of such substance or
39 device, or the labeling or relabeling of the commercial container of
40 such substance or device, but does not include the activities of a

1 practitioner who, as an incident to his or her administration or
2 dispensing such substance or device in the course of his or her
3 professional practice, personally prepares, compounds, packages, or
4 labels such substance or device. "Manufacture" includes the
5 distribution of a licensed pharmacy compounded drug product to other
6 state licensed persons or commercial entities for subsequent resale
7 or distribution, unless a specific product item has approval of the
8 commission. The term does not include:

9 (a) The activities of a licensed pharmacy that compounds a
10 product on or in anticipation of an order of a licensed practitioner
11 for use in the course of their professional practice to administer to
12 patients, either personally or under their direct supervision;

13 (b) The practice of a licensed pharmacy when repackaging
14 commercially available medication in small, reasonable quantities for
15 a practitioner legally authorized to prescribe the medication for
16 office use only;

17 (c) The distribution of a drug product that has been compounded
18 by a licensed pharmacy to other appropriately licensed entities under
19 common ownership or control of the facility in which the compounding
20 takes place; or

21 (d) The delivery of finished and appropriately labeled compounded
22 products dispensed pursuant to a valid prescription to alternate
23 delivery locations, other than the patient's residence, when
24 requested by the patient, or the prescriber to administer to the
25 patient, or to another licensed pharmacy to dispense to the patient.

26 (22) "Manufacturer" means a person, corporation, or other entity
27 engaged in the manufacture of drugs or devices.

28 (23) "Nonlegend" or "nonprescription" drugs means any drugs which
29 may be lawfully sold without a prescription.

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

33 (25) "Pharmacist" means a person duly licensed by the commission
34 to engage in the practice of pharmacy.

35 (26) "Pharmacy" means every place properly licensed by the
36 commission where the practice of pharmacy is conducted.

37 (27) "Poison" does not include any article or mixture covered by
38 the Washington pesticide control act (chapter 15.58 RCW), as enacted
39 or hereafter amended.

1 (28) "Practice of pharmacy" includes the practice of and
2 responsibility for: Interpreting prescription orders; the
3 compounding, dispensing, labeling, administering, and distributing of
4 drugs and devices; the monitoring of drug therapy and use; the
5 initiating or modifying of drug therapy in accordance with written
6 guidelines or protocols previously established and approved for his
7 or her practice by a practitioner authorized to prescribe drugs; the
8 participating in drug utilization reviews and drug product selection;
9 the proper and safe storing and distributing of drugs and devices and
10 maintenance of proper records thereof; the providing of information
11 on legend drugs which may include, but is not limited to, the
12 advising of therapeutic values, hazards, and the uses of drugs and
13 devices.

14 (29) "Practitioner" means a physician, dentist, veterinarian,
15 nurse, prescribing psychologist, or other person duly authorized by
16 law or rule in the state of Washington to prescribe drugs.

17 (30) "Prescription" means an order for drugs or devices issued by
18 a practitioner duly authorized by law or rule in the state of
19 Washington to prescribe drugs or devices in the course of his or her
20 professional practice for a legitimate medical purpose.

21 (31) "Secretary" means the secretary of health or the secretary's
22 designee.

23 (32) "Shared pharmacy services" means a system that allows a
24 participating pharmacist or pharmacy pursuant to a request from
25 another participating pharmacist or pharmacy to process or fill a
26 prescription or drug order, which may include but is not necessarily
27 limited to preparing, packaging, labeling, data entry, compounding
28 for specific patients, dispensing, performing drug utilization
29 reviews, conducting claims adjudication, obtaining refill
30 authorizations, reviewing therapeutic interventions, or reviewing
31 chart orders.

32 (33) "Wholesaler" means a corporation, individual, or other
33 entity which buys drugs or devices for resale and distribution to
34 corporations, individuals, or entities other than consumers.

35 **Sec. 8.** RCW 18.79.260 and 2012 c 164 s 407, 2012 c 13 s 3, and
36 2012 c 10 s 37 are each reenacted and amended to read as follows:

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

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

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

15 (a) The delegating nurse shall:

16 (i) Determine the competency of the individual to perform the
17 tasks;

18 (ii) Evaluate the appropriateness of the delegation;

19 (iii) Supervise the actions of the person performing the
20 delegated task; and

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

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

27 (c) Except as authorized in (b) or (e) of this subsection, a
28 registered nurse may not delegate the administration of medications.
29 Except as authorized in (e) of this subsection, a registered nurse
30 may not delegate acts requiring substantial skill, and may not
31 delegate piercing or severing of tissues. Acts that require nursing
32 judgment shall not be delegated.

33 (d) No person may coerce a nurse into compromising patient safety
34 by requiring the nurse to delegate if the nurse determines that it is
35 inappropriate to do so. Nurses shall not be subject to any employer
36 reprisal or disciplinary action by the nursing care quality assurance
37 commission for refusing to delegate tasks or refusing to provide the
38 required training for delegation if the nurse determines delegation
39 may compromise patient safety.

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

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

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

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

26 (iv) The determination of the appropriateness of delegation of a
27 nursing task is at the discretion of the registered nurse. Other than
28 delegation of the administration of insulin by injection for the
29 purpose of caring for individuals with diabetes, the administration
30 of medications by injection, sterile procedures, and central line
31 maintenance may never be delegated.

32 (v) When delegating insulin injections under this section, the
33 registered nurse delegator must instruct the individual regarding
34 proper injection procedures and the use of insulin, demonstrate
35 proper injection procedures, and must supervise and evaluate the
36 individual performing the delegated task weekly during the first four
37 weeks of delegation of insulin injections. If the registered nurse
38 delegator determines that the individual is competent to perform the
39 injection properly and safely, supervision and evaluation shall occur
40 at least every ninety days thereafter.

1 (vi) (A) The registered nurse shall verify that the nursing
2 assistant or home care aide, as the case may be, has completed the
3 required core nurse delegation training required in chapter 18.88A or
4 18.88B RCW prior to authorizing delegation.

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

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

12 (viii) Nursing task delegation protocols are not intended to
13 regulate the settings in which delegation may occur, but are intended
14 to ensure that nursing care services have a consistent standard of
15 practice upon which the public and the profession may rely, and to
16 safeguard the authority of the nurse to make independent professional
17 decisions regarding the delegation of a task.

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

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

22 (5) Only a person licensed as a registered nurse may hold herself
23 or himself out to the public or designate herself or himself as a
24 registered nurse.

25 **Sec. 9.** RCW 69.50.101 and 2019 c 394 s 9, 2019 c 158 s 12, and
26 2019 c 55 s 11 are each reenacted and amended to read as follows:

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

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

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

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

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

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

2 (d) "CBD concentration" has the meaning provided in RCW
3 69.51A.010.

4 (e) "CBD product" means any product containing or consisting of
5 cannabidiol.

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

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

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

14 (i) that has a stimulant, depressant, or hallucinogenic effect on
15 the central nervous system substantially similar to the stimulant,
16 depressant, or hallucinogenic effect on the central nervous system of
17 a controlled substance included in Schedule I or II; or

18 (ii) with respect to a particular individual, that the individual
19 represents or intends to have a stimulant, depressant, or
20 hallucinogenic effect on the central nervous system substantially
21 similar to the stimulant, depressant, or hallucinogenic effect on the
22 central nervous system of a controlled substance included in Schedule
23 I or II.

24 (2) The term does not include:

25 (i) a controlled substance;

26 (ii) a substance for which there is an approved new drug
27 application;

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

33 (iv) any substance to the extent not intended for human
34 consumption before an exemption takes effect with respect to the
35 substance.

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

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

1 (k) "Designated provider" has the meaning provided in RCW
2 69.51A.010.

3 (l) "Dispense" means the interpretation of a prescription or
4 order for a controlled substance and, pursuant to that prescription
5 or order, the proper selection, measuring, compounding, labeling, or
6 packaging necessary to prepare that prescription or order for
7 delivery.

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

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

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

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

23 (q) "Drug enforcement administration" means the drug enforcement
24 administration in the United States Department of Justice, or its
25 successor agency.

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

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

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

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

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

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

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

9 (v) "Lot" means a definite quantity of marijuana, marijuana
10 concentrates, useable marijuana, or marijuana-infused product
11 identified by a lot number, every portion or package of which is
12 uniform within recognized tolerances for the factors that appear in
13 the labeling.

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

18 (x) "Manufacture" means the production, preparation, propagation,
19 compounding, conversion, or processing of a controlled substance,
20 either directly or indirectly or by extraction from substances of
21 natural origin, or independently by means of chemical synthesis, or
22 by a combination of extraction and chemical synthesis, and includes
23 any packaging or repackaging of the substance or labeling or
24 relabeling of its container. The term does not include the
25 preparation, compounding, packaging, repackaging, labeling, or
26 relabeling of a controlled substance:

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

30 (2) by a practitioner, or by the practitioner's authorized agent
31 under the practitioner's supervision, for the purpose of, or as an
32 incident to, research, teaching, or chemical analysis and not for
33 sale.

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

1 (1) The mature stalks of the plant, fiber produced from the
2 stalks, oil or cake made from the seeds of the plant, any other
3 compound, manufacture, salt, derivative, mixture, or preparation of
4 the mature stalks (except the resin extracted therefrom), fiber, oil,
5 or cake, or the sterilized seed of the plant which is incapable of
6 germination; or

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

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

12 (aa) "Marijuana processor" means a person licensed by the state
13 liquor and cannabis board to process marijuana into marijuana
14 concentrates, useable marijuana, and marijuana-infused products,
15 package and label marijuana concentrates, useable marijuana, and
16 marijuana-infused products for sale in retail outlets, and sell
17 marijuana concentrates, useable marijuana, and marijuana-infused
18 products at wholesale to marijuana retailers.

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

22 (cc) "Marijuana products" means useable marijuana, marijuana
23 concentrates, and marijuana-infused products as defined in this
24 section.

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

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

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

38 (gg) "Narcotic drug" means any of the following, whether produced
39 directly or indirectly by extraction from substances of vegetable

1 origin, or independently by means of chemical synthesis, or by a
2 combination of extraction and chemical synthesis:

3 (1) Opium, opium derivative, and any derivative of opium or opium
4 derivative, including their salts, isomers, and salts of isomers,
5 whenever the existence of the salts, isomers, and salts of isomers is
6 possible within the specific chemical designation. The term does not
7 include the isoquinoline alkaloids of opium.

8 (2) Synthetic opiate and any derivative of synthetic opiate,
9 including their isomers, esters, ethers, salts, and salts of isomers,
10 esters, and ethers, whenever the existence of the isomers, esters,
11 ethers, and salts is possible within the specific chemical
12 designation.

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

14 (4) Coca leaves, except coca leaves and extracts of coca leaves
15 from which cocaine, ecgonine, and derivatives or ecgonine or their
16 salts have been removed.

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

18 (6) Cocaine base.

19 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
20 thereof.

21 (8) Any compound, mixture, or preparation containing any quantity
22 of any substance referred to in ((subparagraphs)) (1) through (7) of
23 this subsection.

24 (hh) "Opiate" means any substance having an addiction-forming or
25 addiction-sustaining liability similar to morphine or being capable
26 of conversion into a drug having addiction-forming or addiction-
27 sustaining liability. The term includes opium, substances derived
28 from opium (opium derivatives), and synthetic opiates. The term does
29 not include, unless specifically designated as controlled under RCW
30 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan
31 and its salts (dextromethorphan). The term includes the racemic and
32 levorotatory forms of dextromethorphan.

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

35 (jj) "Person" means individual, corporation, business trust,
36 estate, trust, partnership, association, joint venture, government,
37 governmental subdivision or agency, or any other legal or commercial
38 entity.

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

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

3 (mm) "Practitioner" means:

4 (1) A physician under chapter 18.71 RCW; a physician assistant
5 under chapter 18.71A RCW; an osteopathic physician and surgeon under
6 chapter 18.57 RCW; an osteopathic physician assistant under chapter
7 18.57A RCW who is licensed under RCW 18.57A.020 subject to any
8 limitations in RCW 18.57A.040; an optometrist licensed under chapter
9 18.53 RCW who is certified by the optometry board under RCW 18.53.010
10 subject to any limitations in RCW 18.53.010; a dentist under chapter
11 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;
12 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced
13 registered nurse practitioner, or licensed practical nurse under
14 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
15 who is licensed under RCW 18.36A.030 subject to any limitations in
16 RCW 18.36A.040; a psychologist licensed under chapter 18.83 RCW and
17 certified as a prescribing psychologist under section 2 of this act;
18 a pharmacist under chapter 18.64 RCW or a scientific investigator
19 under this chapter, licensed, registered or otherwise permitted
20 insofar as is consistent with those licensing laws to distribute,
21 dispense, conduct research with respect to or administer a controlled
22 substance in the course of their professional practice or research in
23 this state.

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

28 (3) A physician licensed to practice medicine and surgery, a
29 physician licensed to practice osteopathic medicine and surgery, a
30 dentist licensed to practice dentistry, a podiatric physician and
31 surgeon licensed to practice podiatric medicine and surgery, a
32 licensed physician assistant or a licensed osteopathic physician
33 assistant specifically approved to prescribe controlled substances by
34 his or her state's medical commission or equivalent and his or her
35 supervising physician, an advanced registered nurse practitioner
36 licensed to prescribe controlled substances, or a veterinarian
37 licensed to practice veterinary medicine in any state of the United
38 States.

39 (nn) "Prescription" means an order for controlled substances
40 issued by a practitioner duly authorized by law or rule in the state

1 of Washington to prescribe controlled substances within the scope of
2 his or her professional practice for a legitimate medical purpose.

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

5 (pp) "Qualifying patient" has the meaning provided in RCW
6 69.51A.010.

7 (qq) "Recognition card" has the meaning provided in RCW
8 69.51A.010.

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

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

14 (tt) "State," unless the context otherwise requires, means a
15 state of the United States, the District of Columbia, the
16 Commonwealth of Puerto Rico, or a territory or insular possession
17 subject to the jurisdiction of the United States.

18 (uu) "THC concentration" means percent of delta-9
19 tetrahydrocannabinol content per dry weight of any part of the plant
20 *Cannabis*, or per volume or weight of marijuana product, or the
21 combined percent of delta-9 tetrahydrocannabinol and
22 tetrahydrocannabinolic acid in any part of the plant *Cannabis*
23 regardless of moisture content.

24 (vv) "Ultimate user" means an individual who lawfully possesses a
25 controlled substance for the individual's own use or for the use of a
26 member of the individual's household or for administering to an
27 animal owned by the individual or by a member of the individual's
28 household.

29 (ww) "Useable marijuana" means dried marijuana flowers. The term
30 "useable marijuana" does not include either marijuana-infused
31 products or marijuana concentrates.

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