

ESHB 1300 - S COMM AMD

By Committee on Law & Justice

ADOPTED AND ENGROSSED 02/27/2024

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 9A.36.031 and 2013 c 256 s 1 are each amended to  
4 read as follows:

5 (1) A person is guilty of assault in the third degree if he or  
6 she, under circumstances not amounting to assault in the first or  
7 second degree:

8 (a) With intent to prevent or resist the execution of any lawful  
9 process or mandate of any court officer or the lawful apprehension or  
10 detention of himself, herself, or another person, assaults another;  
11 or

12 (b) Assaults a person employed as a transit operator or driver,  
13 the immediate supervisor of a transit operator or driver, a mechanic,  
14 or a security officer, by a public or private transit company or a  
15 contracted transit service provider, while that person is performing  
16 his or her official duties at the time of the assault; or

17 (c) Assaults a school bus driver, the immediate supervisor of a  
18 driver, a mechanic, or a security officer, employed by a school  
19 district transportation service or a private company under contract  
20 for transportation services with a school district, while the person  
21 is performing his or her official duties at the time of the assault;  
22 or

23 (d) With criminal negligence, causes bodily harm to another  
24 person by means of a weapon or other instrument or thing likely to  
25 produce bodily harm; or

26 (e) Assaults a firefighter or other employee of a fire  
27 department, county fire marshal's office, county fire prevention  
28 bureau, or fire protection district who was performing his or her  
29 official duties at the time of the assault; or

30 (f) With criminal negligence, causes bodily harm accompanied by  
31 substantial pain that extends for a period sufficient to cause  
32 considerable suffering; or

1 (g) Assaults a law enforcement officer or other employee of a law  
2 enforcement agency who was performing his or her official duties at  
3 the time of the assault; or

4 (h) Assaults a peace officer with a projectile stun gun; or

5 (i) Assaults a nurse, physician, or health care provider who was  
6 performing his or her nursing or health care duties at the time of  
7 the assault. For purposes of this subsection: "Nurse" means a person  
8 licensed under chapter 18.79 RCW; "physician" means a person licensed  
9 under chapter 18.57 or 18.71 RCW; and "health care provider" means a  
10 person certified under chapter 18.71 or 18.73 RCW who performs  
11 emergency medical services or a person regulated under Title 18 RCW  
12 and employed by, or contracting with, a hospital licensed under  
13 chapter 70.41 RCW; or

14 (j) Assaults a judicial officer, court-related employee, county  
15 clerk, or county clerk's employee, while that person is performing  
16 his or her official duties at the time of the assault or as a result  
17 of that person's employment within the judicial system. For purposes  
18 of this subsection, "court-related employee" includes bailiffs, court  
19 reporters, judicial assistants, court managers, court managers'  
20 employees, and any other employee, regardless of title, who is  
21 engaged in equivalent functions; or

22 (k) Assaults a person located in a courtroom, jury room, judge's  
23 chamber, or any waiting area or corridor immediately adjacent to a  
24 courtroom, jury room, or judge's chamber. This section shall apply  
25 only: (i) During the times when a courtroom, jury room, or judge's  
26 chamber is being used for judicial purposes during court proceedings;  
27 and (ii) if signage was posted in compliance with RCW 2.28.200 at the  
28 time of the assault; or

29 (l) Is a licensed health care provider who implants or causes  
30 another to implant the provider's own gametes or reproductive  
31 material into a patient during an assisted reproduction procedure.  
32 For the purposes of this subsection, "gamete" means sperm, egg, or  
33 any part of a sperm or egg, and "reproductive material" means a human  
34 gamete or a human organism at any stage of development from  
35 fertilized ovum to embryo.

36 (2) Assault in the third degree is a class C felony.

37 **Sec. 2.** RCW 18.130.180 and 2023 c 192 s 2 and 2023 c 122 s 4 are  
38 each reenacted and amended to read as follows:

1 Except as provided in RCW 18.130.450, the following conduct,  
2 acts, or conditions constitute unprofessional conduct for any license  
3 holder under the jurisdiction of this chapter:

4 (1) The commission of any act involving moral turpitude,  
5 dishonesty, or corruption relating to the practice of the person's  
6 profession, whether the act constitutes a crime or not. If the act  
7 constitutes a crime, conviction in a criminal proceeding is not a  
8 condition precedent to disciplinary action. Upon such a conviction,  
9 however, the judgment and sentence is conclusive evidence at the  
10 ensuing disciplinary hearing of the guilt of the license holder of  
11 the crime described in the indictment or information, and of the  
12 person's violation of the statute on which it is based. For the  
13 purposes of this section, conviction includes all instances in which  
14 a plea of guilty or nolo contendere is the basis for the conviction  
15 and all proceedings in which the sentence has been deferred or  
16 suspended. Nothing in this section abrogates rights guaranteed under  
17 chapter 9.96A RCW;

18 (2) Misrepresentation or concealment of a material fact in  
19 obtaining a license or in reinstatement thereof;

20 (3) All advertising which is false, fraudulent, or misleading;

21 (4) Incompetence, negligence, or malpractice which results in  
22 injury to a patient or which creates an unreasonable risk that a  
23 patient may be harmed. The use of a nontraditional treatment by  
24 itself shall not constitute unprofessional conduct, provided that it  
25 does not result in injury to a patient or create an unreasonable risk  
26 that a patient may be harmed;

27 (5) Suspension, revocation, or restriction of the individual's  
28 license to practice any health care profession by competent authority  
29 in any state, federal, or foreign jurisdiction, a certified copy of  
30 the order, stipulation, or agreement being conclusive evidence of the  
31 revocation, suspension, or restriction;

32 (6) The possession, use, prescription for use, or distribution of  
33 controlled substances or legend drugs in any way other than for  
34 legitimate or therapeutic purposes, diversion of controlled  
35 substances or legend drugs, the violation of any drug law, or  
36 prescribing controlled substances for oneself;

37 (7) Violation of any state or federal statute or administrative  
38 rule regulating the profession in question, including any statute or  
39 rule defining or establishing standards of patient care or  
40 professional conduct or practice;

- 1 (8) Failure to cooperate with the disciplining authority by:
- 2 (a) Not furnishing any papers, documents, records, or other  
3 items;
- 4 (b) Not furnishing in writing a full and complete explanation  
5 covering the matter contained in the complaint filed with the  
6 disciplining authority;
- 7 (c) Not responding to subpoenas issued by the disciplining  
8 authority, whether or not the recipient of the subpoena is the  
9 accused in the proceeding; or
- 10 (d) Not providing reasonable and timely access for authorized  
11 representatives of the disciplining authority seeking to perform  
12 practice reviews at facilities utilized by the license holder;
- 13 (9) Failure to comply with an order issued by the disciplining  
14 authority or a stipulation for informal disposition entered into with  
15 the disciplining authority;
- 16 (10) Aiding or abetting an unlicensed person to practice when a  
17 license is required;
- 18 (11) Violations of rules established by any health agency;
- 19 (12) Practice beyond the scope of practice as defined by law or  
20 rule;
- 21 (13) Misrepresentation or fraud in any aspect of the conduct of  
22 the business or profession;
- 23 (14) Failure to adequately supervise auxiliary staff to the  
24 extent that the consumer's health or safety is at risk;
- 25 (15) Engaging in a profession involving contact with the public  
26 while suffering from a contagious or infectious disease involving  
27 serious risk to public health;
- 28 (16) Promotion for personal gain of any unnecessary or  
29 inefficacious drug, device, treatment, procedure, or service;
- 30 (17) Conviction of any gross misdemeanor or felony relating to  
31 the practice of the person's profession. For the purposes of this  
32 subsection, conviction includes all instances in which a plea of  
33 guilty or nolo contendere is the basis for conviction and all  
34 proceedings in which the sentence has been deferred or suspended.  
35 Nothing in this section abrogates rights guaranteed under chapter  
36 9.96A RCW;
- 37 (18) The offering, undertaking, or agreeing to cure or treat  
38 disease by a secret method, procedure, treatment, or medicine, or the  
39 treating, operating, or prescribing for any health condition by a

1 method, means, or procedure which the licensee refuses to divulge  
2 upon demand of the disciplining authority;

3 (19) The willful betrayal of a practitioner-patient privilege as  
4 recognized by law;

5 (20) Violation of chapter 19.68 RCW or a pattern of violations of  
6 RCW 41.05.700(8), 48.43.735(8), 48.49.020, 48.49.030, 71.24.335(8),  
7 or 74.09.325(8);

8 (21) Interference with an investigation or disciplinary  
9 proceeding by willful misrepresentation of facts before the  
10 disciplining authority or its authorized representative, or by the  
11 use of threats or harassment against any patient or witness to  
12 prevent them from providing evidence in a disciplinary proceeding or  
13 any other legal action, or by the use of financial inducements to any  
14 patient or witness to prevent or attempt to prevent him or her from  
15 providing evidence in a disciplinary proceeding;

16 (22) Current misuse of:

17 (a) Alcohol;

18 (b) Controlled substances; or

19 (c) Legend drugs;

20 (23) Abuse of a client or patient or sexual contact with a client  
21 or patient;

22 (24) Acceptance of more than a nominal gratuity, hospitality, or  
23 subsidy offered by a representative or vendor of medical or health-  
24 related products or services intended for patients, in contemplation  
25 of a sale or for use in research publishable in professional  
26 journals, where a conflict of interest is presented, as defined by  
27 rules of the disciplining authority, in consultation with the  
28 department, based on recognized professional ethical standards;

29 (25) Violation of RCW 18.130.420;

30 (26) Performing conversion therapy on a patient under age  
31 eighteen;

32 (27) Violation of RCW 18.130.430;

33 (28) Violation of RCW 18.130.460; or

34 (29) Implanting the license holder's own gametes or reproductive  
35 material into a patient."

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**ADOPTED 02/27/2024**

1        On page 1, line 1 of the title, after "reproduction;" strike the  
2 remainder of the title and insert "amending RCW 9A.36.031; reenacting  
3 and amending RCW 18.130.180; and prescribing penalties."

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