
HOUSE BILL 2400

State of Washington 61st Legislature 2010 Regular Session

By Representatives Green, Ericksen, Morrell, Hinkle, and Appleton

Prefiled 12/07/09. Read first time 01/11/10. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to creating the Washington state board of
2 naturopathy; amending RCW 18.36A.020, 18.36A.060, 18.36A.080,
3 18.36A.090, 18.36A.100, 18.36A.110, and 18.36A.120; reenacting and
4 amending RCW 18.130.040; adding new sections to chapter 18.36A RCW;
5 repealing RCW 18.36A.070; and providing an effective date.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.36A RCW
8 to read as follows:

9 (1) There is hereby created the board of naturopathy consisting of
10 seven members appointed by the governor to four-year terms. The
11 governor shall consider naturopathic members who are recommended for
12 appointment by the appropriate professional associations in the state.
13 Five members of the board shall be persons licensed under this chapter
14 and two shall be members of the public. No member may serve more than
15 two consecutive full terms. Members hold office until their successors
16 are appointed. The governor may appoint the initial members of the
17 board to staggered terms from one to four years. Thereafter, all
18 members shall be appointed to full four-year terms.

1 (2) The public members of the board may not (a) be a member of any
2 other health care licensing board or commission, (b) have a fiduciary
3 obligation to a facility rendering services regulated under this
4 chapter, or (c) have a material or financial interest in the rendering
5 of services regulated under this chapter.

6 (3) The board shall meet at least twice each year and may hold
7 additional meetings as called by the chair. The board shall elect
8 officers each year. Meetings of the board are open to the public,
9 except that the board may hold executive sessions to the extent
10 permitted by chapter 42.30 RCW. The department shall provide
11 secretarial, clerical, and other assistance as required by the board.

12 (4) Each member of the board shall be compensated in accordance
13 with RCW 43.03.265. Members shall be reimbursed for travel expenses
14 incurred in the actual performance of their duties, as provided in RCW
15 43.03.050 and 43.03.060.

16 (5) A majority of the board members appointed and serving
17 constitutes a quorum for the transaction of board business. The
18 affirmative vote of a majority of a quorum of the board is required to
19 carry a motion or resolution, to adopt a rule, or to pass a measure.

20 (6) The board may appoint members to panels of at least three
21 members. A quorum for transaction of any business by a panel is a
22 minimum of three members. A majority vote of a quorum of the panel is
23 required to transact business delegated to it by the board.

24 (7) The board may adopt such rules as are consistent with this
25 chapter, as may be deemed necessary and proper to carry out the
26 purposes of this chapter.

27 (8) The governor may remove a member of the board for neglect of
28 duty, misconduct, or malfeasance or misfeasance in office, or upon
29 written request of two-thirds of the physicians licensed under this
30 chapter and in active practice in the state. Whenever the governor is
31 satisfied that a member of the board has been guilty of neglect of
32 duty, misconduct, or malfeasance or misfeasance in office, he or she
33 shall file with the secretary of state a statement of the cause for and
34 the order of removal from office, and the secretary shall forthwith
35 send a certified copy of the order of removal and statement of causes
36 by certified mail to the last known post office address of the member.
37 If a vacancy occurs on the board, the governor shall appoint a
38 replacement to fill the remainder of the unexpired term.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.36A RCW
2 to read as follows:

3 (1) In addition to any other authority provided by law, the board
4 shall:

5 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to
6 implement this chapter;

7 (b) Determine the minimum education and experience requirements for
8 licensure in conformance with RCW 18.36A.090, including but not limited
9 to approval of educational programs;

10 (c) Prepare and administer, or approve the preparation and
11 administration of, examinations for licensure;

12 (d) Establish by rule the procedures for an appeal of examination
13 failure;

14 (e) Determine whether alternative methods of training are
15 equivalent to formal education, and establish forms, procedures, and
16 criteria for evaluation of an applicant's equivalent alternative
17 training to determine the applicant's eligibility to take the
18 examination; and

19 (f) Adopt rules implementing a continuing competency program.

20 (2) The uniform disciplinary act, chapter 18.130 RCW, governs
21 unlicensed practice, the issuance and denial of licenses, and the
22 discipline of licensees under this chapter. The board shall be the
23 disciplining authority under this chapter.

24 **Sec. 3.** RCW 18.36A.020 and 2005 c 158 s 1 are each amended to read
25 as follows:

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

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

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

31 (3) "Naturopath" means an individual licensed under this chapter.

32 (4) (~~"Committee" means the Washington state naturopathic practice~~
33 ~~advisory committee.~~) "Board" means the board of naturopathy.

34 (5) "Educational program" means an accredited program preparing
35 persons for the practice of naturopathic medicine.

36 (6) "Nutrition and food science" means the prevention and treatment

1 of disease or other human conditions through the use of foods, water,
2 herbs, roots, bark, or natural food elements.

3 (7) "Manual manipulation" or "mechanotherapy" means manipulation of
4 a part or the whole of the body by hand or by mechanical means.

5 (8) "Physical modalities" means use of physical, chemical,
6 electrical, and other noninvasive modalities, including but not limited
7 to heat, cold, air, light, water in any of its forms, sound, massage,
8 and therapeutic exercise.

9 (9) "Homeopathy" means a system of medicine based on the use of
10 infinitesimal doses of medicines capable of producing symptoms similar
11 to those of the disease treated, as listed in the homeopathic
12 pharmacopeia of the United States.

13 (10) "Naturopathic medicines" means vitamins; minerals; botanical
14 medicines; homeopathic medicines; hormones; and those legend drugs and
15 controlled substances consistent with naturopathic medical practice in
16 accordance with rules established by the ((secretary)) board.
17 Controlled substances are limited to codeine and testosterone products
18 that are contained in Schedules III, IV, and V in chapter 69.50 RCW.

19 (11) "Hygiene and immunization" means the use of such preventative
20 techniques as personal hygiene, asepsis, public health, and
21 immunizations, to the extent allowed by rule.

22 (12) "Minor office procedures" means care and procedures incident
23 thereto of superficial lacerations, lesions, and abrasions, and the
24 removal of foreign bodies located in superficial structures, not to
25 include the eye; and the use of antiseptics and topical or local
26 anesthetics in connection therewith. "Minor office procedures" also
27 includes intramuscular, intravenous, subcutaneous, and intradermal
28 injections of substances consistent with the practice of naturopathic
29 medicine and in accordance with rules established by the ((secretary))
30 board.

31 (13) "Common diagnostic procedures" means the use of venipuncture
32 consistent with the practice of naturopathic medicine, commonly used
33 diagnostic modalities consistent with naturopathic practice, health
34 history taking, physical examination, radiography, examination of body
35 orifices excluding endoscopy, laboratory medicine, and obtaining
36 samples of human tissues, but excluding incision or excision beyond
37 that which is authorized as a minor office procedure.

1 (14) "Suggestion" means techniques including but not limited to
2 counseling, biofeedback, and hypnosis.

3 (15) "Radiography" means the ordering, but not the interpretation,
4 of radiographic diagnostic and other imaging studies and the taking and
5 interpretation of standard radiographs.

6 **Sec. 4.** RCW 18.36A.060 and 1991 c 3 s 91 are each amended to read
7 as follows:

8 ~~((+l))~~ In addition to any other authority provided by law, the
9 secretary may:

10 ~~((+a) Adopt rules, in accordance with chapter 34.05 RCW, necessary
11 to implement this chapter;~~

12 ~~(+b))~~ (1) Set all license, examination, and renewal fees in
13 accordance with RCW 43.70.250;

14 ~~((+c))~~ (2) Establish forms and procedures necessary to administer
15 this chapter;

16 ~~((+d) Determine the minimum education and experience requirements
17 for licensure in conformance with RCW 18.36A.090, including but not
18 limited to approval of educational programs;~~

19 ~~(+e) Prepare and administer or approve the preparation and
20 administration of examinations for licensure;~~

21 ~~(+f))~~ (3) Issue a license to any applicant who has met the
22 education, training, and examination requirements for licensure and
23 deny a license to applicants who do not meet the minimum qualifications
24 for licensure; except that denial of licenses based on unprofessional
25 conduct or impaired practice shall be governed by the uniform
26 disciplinary act, chapter 18.130 RCW;

27 ~~((+g))~~ (4) Hire clerical, administrative, and investigative staff
28 as needed to implement and administer this chapter and to hire
29 individuals, including those licensed under this chapter, to serve as
30 examiners or consultants as necessary to implement and administer this
31 chapter;

32 ~~((+h))~~ (5) Maintain the official department record of all
33 applicants and licensees; and

34 ~~((+i) Determine whether alternative methods of training are
35 equivalent to formal education, and establish forms, procedures, and
36 criteria for evaluation of an applicant's equivalent alternative~~

1 ~~training to determine the applicant's eligibility to take the~~
2 ~~examination;~~

3 ~~(j) Establish by rule the procedures for an appeal of examination~~
4 ~~failure;~~

5 ~~(k))~~ (6) Conduct a hearing on an appeal of a denial of a license
6 based on the applicant's failure to meet the minimum qualifications for
7 licensure. The hearing shall be conducted pursuant to chapter 34.05
8 RCW(~~;~~ and

9 ~~(1) Adopt rules implementing a continuing competency program.~~

10 ~~(2) The uniform disciplinary act, chapter 18.130 RCW, governs~~
11 ~~unlicensed practice, the issuance and denial of licenses and the~~
12 ~~discipline of licensees under this chapter. The secretary shall be the~~
13 ~~disciplining authority under this chapter)).~~

14 **Sec. 5.** RCW 18.36A.080 and 1991 c 3 s 93 are each amended to read
15 as follows:

16 The secretary, members of the (~~committee~~) board, or individuals
17 acting on their behalf, are immune from suit in any civil action based
18 on any act performed in the course of their duties.

19 **Sec. 6.** RCW 18.36A.090 and 1991 c 3 s 94 are each amended to read
20 as follows:

21 The department shall issue a license to any applicant who meets the
22 following requirements:

23 (1) Successful completion of an educational program approved by the
24 (~~secretary~~) board, the minimum standard of which shall be the
25 successful completion of a doctorate degree program in naturopathy
26 which includes a minimum of two hundred post-graduate hours in the
27 study of mechanotherapy from an approved educational program, or
28 successful completion of equivalent alternate training that meets the
29 criteria established by the (~~secretary~~) board. The requirement for
30 two hundred post-graduate hours in the study of mechanotherapy shall
31 expire June 30, 1989;

32 (2) Successful completion of any equivalent experience requirement
33 established by the (~~secretary~~) board;

34 (3) Successful completion of an examination administered or
35 approved by the (~~secretary~~) board;

36 (4) Good moral character; and

1 (5) Not having engaged in unprofessional conduct or being unable to
2 practice with reasonable skill and safety as a result of a physical or
3 mental impairment.

4 The ((secretary)) board shall establish what constitutes adequate
5 proof of meeting the above requirements. Any person holding a valid
6 license to practice drugless therapeutics under chapter 18.36 RCW upon
7 January 1, 1988, shall be deemed licensed pursuant to this chapter.

8 **Sec. 7.** RCW 18.36A.100 and 1991 c 3 s 95 are each amended to read
9 as follows:

10 (1) The ((secretary)) board shall establish by rule the standards
11 for approval of educational programs and alternate training and may
12 contract with individuals or organizations having expertise in the
13 profession and/or in education to report to the ((secretary)) board the
14 information necessary for the ((secretary)) board to evaluate the
15 educational programs. The standards for approval shall be based on the
16 minimal competencies necessary for safe practice. The standards and
17 procedures for approval shall apply equally to educational programs and
18 equivalent alternate training within the United States and those in
19 foreign jurisdictions. ~~((The secretary may establish a fee for
20 educational program evaluation. The fee shall be determined by the))~~

21 (2) Each educational program requesting approval shall pay all
22 administrative costs for the educational program evaluation, including,
23 but not limited to, costs for site evaluation.

24 **Sec. 8.** RCW 18.36A.110 and 1991 c 3 s 96 are each amended to read
25 as follows:

26 (1) The date and location of the examination shall be established
27 by the ((secretary)) board. Applicants who have been found to meet the
28 education and experience requirements for licensure shall be scheduled
29 for the next examination following the filing of the application. The
30 ((secretary)) board shall establish by rule the examination application
31 deadline.

32 (2) The examination shall contain subjects appropriate to the
33 standards of competency and scope of practice.

34 (3) The ((secretary)) board shall establish by rule the
35 requirements for a reexamination if the applicant has failed the
36 examination.

1 (4) The ~~((committee))~~ board may ~~((recommend to the secretary))~~
2 approve an examination prepared or administered, or both, by a private
3 testing agency or association of licensing boards.

4 **Sec. 9.** RCW 18.36A.120 and 1991 c 3 s 97 are each amended to read
5 as follows:

6 The ~~((secretary))~~ board shall establish by rule the standards for
7 licensure of applicants licensed in another jurisdiction. However, the
8 standards for reciprocity of licensure shall not be less than required
9 for licensure in the state of Washington.

10 **Sec. 10.** RCW 18.130.040 and 2009 c 302 s 14, 2009 c 301 s 8, and
11 2009 c 52 s 2 are each reenacted and amended to read as follows:

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

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

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

21 (ii) ~~((Naturopaths licensed under chapter 18.36A RCW;~~

22 ~~((iii)))~~ Midwives licensed under chapter 18.50 RCW;

23 ~~((iv)))~~ (iii) Ocularists licensed under chapter 18.55 RCW;

24 ~~((v)))~~ (iv) Massage operators and businesses licensed under
25 chapter 18.108 RCW;

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

27 ~~((vii)))~~ (vi) Acupuncturists licensed under chapter 18.06 RCW;

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

30 ~~((ix)))~~ (viii) Respiratory care practitioners licensed under
31 chapter 18.89 RCW;

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

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

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

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

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

8 ~~((xiv))~~ (xiii) Health care assistants certified under chapter
9 18.135 RCW;

10 ~~((xv))~~ (xiv) Dietitians and nutritionists certified under chapter
11 18.138 RCW;

12 ~~((xvi))~~ (xv) Chemical dependency professionals and chemical
13 dependency professional trainees certified under chapter 18.205 RCW;

14 ~~((xvii))~~ (xvi) Sex offender treatment providers and certified
15 affiliate sex offender treatment providers certified under chapter
16 18.155 RCW;

17 ~~((xviii))~~ (xvii) Persons licensed and certified under chapter
18 18.73 RCW or RCW 18.71.205;

19 ~~((xix))~~ (xviii) Denturists licensed under chapter 18.30 RCW;

20 ~~((xx))~~ (xix) Orthotists and prosthetists licensed under chapter
21 18.200 RCW;

22 ~~((xxi))~~ (xx) Surgical technologists registered under chapter
23 18.215 RCW;

24 ~~((xxii))~~ (xxi) Recreational therapists;

25 ~~((xxiii))~~ (xxii) Animal massage practitioners certified under
26 chapter 18.240 RCW;

27 ~~((xxiv))~~ (xxiii) Athletic trainers licensed under chapter 18.250
28 RCW;

29 ~~((xxv))~~ (xxiv) Home care aides certified under chapter 18.88B
30 RCW;

31 ~~((xxvi))~~ (xxv) Speech-language pathology assistants certified
32 under chapter 18.35 RCW; and

33 ~~((xxvii))~~ (xxvi) Genetic counselors licensed under chapter 18.290
34 RCW.

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

37 (i) The podiatric medical board as established in chapter 18.22
38 RCW;

1 (ii) The chiropractic quality assurance commission as established
2 in chapter 18.25 RCW;

3 (iii) The dental quality assurance commission as established in
4 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
5 licenses and registrations issued under chapter 18.260 RCW;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 NEW SECTION. **Sec. 11.** RCW 18.36A.070 (Naturopathic advisory
4 committee) and 1991 c 3 s 92 & 1987 c 447 s 7 are each repealed.

5 NEW SECTION. **Sec. 12.** Section 10 of this act takes effect August
6 1, 2010.

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