
SENATE BILL 6280

State of Washington 61st Legislature 2010 Regular Session

By Senators Murray, Shin, Kohl-Welles, Marr, Jacobsen, and Kline

Read first time 01/11/10. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to East Asian medicine practitioners; amending RCW
2 18.06.010, 18.06.020, 18.06.045, 18.06.050, 18.06.080, 18.06.120,
3 18.06.130, 18.06.140, 18.06.190, 4.24.240, 4.24.290, 7.70.020,
4 18.120.020, and 43.70.110; reenacting and amending RCW 18.130.040,
5 18.130.040, and 18.130.040; adding a new section to chapter 18.06 RCW;
6 providing effective dates; and providing expiration dates.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.06 RCW
9 to read as follows:

10 The legislature intends to recognize that acupuncturists licensed
11 by the state of Washington engage in a system of medicine to maintain
12 and promote wellness and to prevent, diagnose, and treat disease
13 drawing upon the experience, learning, and traditions originating in
14 East Asia, which include more than acupuncture alone. To reflect this
15 reality, the legislature intends to change the state's professional
16 designation of acupuncturists to East Asian medicine practitioners and
17 to incorporate current statutory provisions governing acupuncture,
18 while recognizing treatments, methods, and techniques used in East
19 Asian medicine. The legislature does not intend to require persons

1 licensed under this act to change the business name of their practice
2 if otherwise in compliance with this act. It is further the intent
3 that any federal law, regulation, or health insurance program
4 applicable to licensed acupuncturists apply to persons licensed under
5 this act as East Asian medicine practitioners.

6 **Sec. 2.** RCW 18.06.010 and 1995 c 323 s 4 are each amended to read
7 as follows:

8 The following terms in this chapter shall have the meanings set
9 forth in this section unless the context clearly indicates otherwise:

10 (1) "~~((Acupuncture))~~ East Asian medicine" means a health care
11 service ~~((based on an Oriental system of medical theory))~~ utilizing
12 ~~((Oriental))~~ East Asian medicine diagnosis and treatment to promote
13 health and treat organic or functional disorders ~~((by treating specific
14 acupuncture points or meridians.—Acupuncture))~~ and includes the
15 following ~~((techniques))~~:

16 (a) Acupuncture, including the use of acupuncture needles or
17 lancets to directly and indirectly stimulate acupuncture points and
18 meridians;

19 (b) Use of electrical, mechanical, or magnetic devices to stimulate
20 acupuncture points and meridians;

21 (c) Moxibustion;

22 (d) Acupressure;

23 (e) Cupping;

24 (f) Dermal friction technique;

25 (g) Infra-red;

26 (h) Sonopuncture;

27 (i) Laserpuncture;

28 (j) Point injection therapy (aquapuncture); ~~((and))~~

29 (k) Dietary advice and health education based on ~~((Oriental))~~ East
30 Asian medical theory ~~((provided in conjunction with techniques under
31 (a) through (j) of this subsection))~~, including the recommendation and
32 sale of herbs, vitamins, minerals, and dietary and nutritional
33 supplements;

34 (l) Breathing, relaxation, and exercise techniques;

35 (m) Qi gong;

36 (n) East Asian massage and Tui na; and

37 (o) Heat and cold therapies.

1 (2) "~~((Acupuncturist))~~ East Asian medicine practitioner" means a
2 person licensed under this chapter.

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

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

6 Nothing in this chapter requires individuals to be licensed as an
7 East Asian medicine practitioner in order to sell herbal products.

8 **Sec. 3.** RCW 18.06.020 and 1995 c 323 s 5 are each amended to read
9 as follows:

10 (1) No one may hold themselves out to the public as an East Asian
11 medicine practitioner, acupuncturist, or licensed acupuncturist or any
12 derivative thereof which is intended to or is likely to lead the public
13 to believe such a person is an East Asian medicine practitioner,
14 acupuncturist, or licensed acupuncturist unless licensed as provided
15 for in this chapter.

16 (2) A person may not practice East Asian medicine or acupuncture if
17 the person is not licensed under this chapter.

18 (3) No one may use any configuration of letters after their name
19 (including L. Ac. or EAMP) which indicates a degree or formal training
20 in East Asian medicine, including acupuncture, unless licensed as
21 provided for in this chapter.

22 (4) The secretary may by rule proscribe or regulate advertising and
23 other forms of patient solicitation which are likely to mislead or
24 deceive the public as to whether someone is licensed under this
25 chapter.

26 (5) Any person licensed as an acupuncturist under this chapter
27 prior to the effective date of this section must, upon successful
28 license renewal, be granted the title East Asian medicine practitioner
29 or the letters EAMP indicating such license title.

30 **Sec. 4.** RCW 18.06.045 and 1995 c 323 s 6 are each amended to read
31 as follows:

32 Nothing in this chapter shall be construed to prohibit or restrict:

33 (1) The practice by an individual credentialed under the laws of
34 this state and performing services within such individual's authorized
35 scope of practice;

1 (2) The practice by an individual employed by the government of the
2 United States while engaged in the performance of duties prescribed by
3 the laws of the United States;

4 (3) The practice by a person who is a regular student in an
5 educational program approved by the secretary, and whose performance of
6 services is pursuant to a regular course of instruction or assignments
7 from an instructor and under the general supervision of the instructor;

8 (4) The practice of East Asian medicine, including acupuncture, by
9 any person credentialed to perform East Asian medicine, including
10 acupuncture, in any other jurisdiction where such person is doing so in
11 the course of regular instruction of a school of East Asian medicine,
12 including acupuncture, approved by the secretary or in an educational
13 seminar by a professional organization of East Asian medicine,
14 including acupuncture, provided that in the latter case, the practice
15 is supervised directly by a person licensed under this chapter or
16 licensed under any other healing art whose scope of practice
17 (~~includes~~) is East Asian medicine, including acupuncture.

18 **Sec. 5.** RCW 18.06.050 and 2004 c 262 s 2 are each amended to read
19 as follows:

20 Any person seeking to be examined shall present to the secretary at
21 least forty-five days before the commencement of the examination:

22 (1) A written application on a form or forms provided by the
23 secretary setting forth under affidavit such information as the
24 secretary may require; and

25 (2) Proof that the candidate has:

26 (a) Successfully completed a course, approved by the secretary, of
27 didactic training in basic sciences and East Asian medicine, including
28 acupuncture, over a minimum period of two academic years. The training
29 shall include such subjects as anatomy, physiology, microbiology,
30 biochemistry, pathology, hygiene, and a survey of western clinical
31 sciences. The basic science classes must be equivalent to those
32 offered at the collegiate level. However, if the applicant is a
33 licensed chiropractor under chapter 18.25 RCW or a naturopath licensed
34 under chapter 18.36A RCW, the requirements of this subsection relating
35 to basic sciences may be reduced by up to one year depending upon the
36 extent of the candidate's qualifications as determined under rules
37 adopted by the secretary;

1 (b) Successfully completed five hundred hours of clinical training
2 in East Asian medicine, including acupuncture, that is approved by the
3 secretary.

4 **Sec. 6.** RCW 18.06.080 and 2009 c 560 s 2 are each amended to read
5 as follows:

6 (1) The secretary is hereby authorized and empowered to execute the
7 provisions of this chapter and shall offer examinations in East Asian
8 medicine, including acupuncture, at least twice a year at such times
9 and places as the secretary may select. The examination shall be a
10 written examination and may include a practical examination.

11 (2) The secretary shall develop or approve a licensure examination
12 in the subjects that the secretary determines are within the scope of
13 and commensurate with the work performed by (~~licensed acupuncturists~~)
14 an East Asian medicine practitioner and shall include but not
15 necessarily be limited to anatomy, physiology, microbiology,
16 biochemistry, pathology, hygiene, and East Asian medicine, including
17 acupuncture. All application papers shall be deposited with the
18 secretary and there retained for at least one year, when they may be
19 destroyed.

20 (3) If the examination is successfully passed, the secretary shall
21 confer on such candidate the title of (~~Licensed Acupuncturist~~) East
22 Asian medicine practitioner.

23 (4) The secretary(~~, ad hoc committee members,~~) or individuals
24 acting in their behalf are immune from suit in a civil action based on
25 any certification or disciplinary proceedings or other official acts
26 performed in the course of their duties.

27 **Sec. 7.** RCW 18.06.120 and 1996 c 191 s 3 are each amended to read
28 as follows:

29 (1) Every person licensed (~~in acupuncture~~) under this chapter
30 shall comply with the administrative procedures and administrative
31 requirements for registration and renewal set by the secretary under
32 RCW 43.70.250 and 43.70.280.

33 (2) All fees collected under this section and RCW 18.06.070 shall
34 be credited to the health professions account as required under RCW
35 43.70.320.

1 **Sec. 8.** RCW 18.06.130 and 2003 c 53 s 121 are each amended to read
2 as follows:

3 (1) The secretary shall develop a form to be used by (~~an~~
4 ~~acupuncturist~~) a person licensed under this chapter to inform the
5 patient of the (~~acupuncturist's~~) scope of practice and qualifications
6 of an East Asian medicine practitioner. All license holders shall
7 bring the form to the attention of the patients in whatever manner the
8 secretary, by rule, provides.

9 (2) A person violating this section is guilty of a misdemeanor.

10 **Sec. 9.** RCW 18.06.140 and 2003 c 53 s 122 are each amended to read
11 as follows:

12 (1) Every (~~licensed acupuncturist~~) person licensed under this
13 chapter shall develop a written plan for consultation, emergency
14 transfer, and referral to other health care practitioners operating
15 within the scope of their authorized practices. The written plan shall
16 be submitted with the initial application for licensure as well as
17 annually thereafter with the license renewal fee to the department.
18 The department may withhold licensure or renewal of licensure if the
19 plan fails to meet the standards contained in rules adopted by the
20 secretary.

21 (2) When (~~the acupuncturist~~) a person licensed under this chapter
22 sees patients with potentially serious disorders such as cardiac
23 conditions, acute abdominal symptoms, and such other conditions, the
24 (~~acupuncturist~~) practitioner shall immediately request a consultation
25 or recent written diagnosis from a physician or health care provider
26 licensed under chapter 18.71 (~~or~~), 18.57, 18.57A, 18.36A, or 18.71A
27 RCW or RCW 18.79.050. In the event that the patient with the disorder
28 refuses to authorize such consultation or provide a recent diagnosis
29 from such physician, East Asian medicine, including acupuncture,
30 treatment shall not be continued.

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

32 **Sec. 10.** RCW 18.06.190 and 1995 c 323 s 13 are each amended to
33 read as follows:

34 The secretary may license a person without examination if such
35 person is credentialed as an East Asian medicine practitioner or

1 licensed acupuncturist, or equivalent, in another jurisdiction if, in
2 the secretary's judgment, the requirements of that jurisdiction are
3 equivalent to or greater than those of Washington state.

4 **Sec. 11.** RCW 4.24.240 and 1995 c 323 s 1 are each amended to read
5 as follows:

6 (1)(a) A person licensed by this state to provide health care or
7 related services(~~(7)~~) including, but not limited to, (~~(a licensed~~
8 ~~acupuncturist)~~) an East Asian medicine practitioner, a physician,
9 osteopathic physician, dentist, nurse, optometrist, podiatric physician
10 and surgeon, chiropractor, physical therapist, psychologist,
11 pharmacist, optician, physician(~~(+s)~~) assistant, osteopathic
12 physician's assistant, nurse practitioner, including, in the event such
13 person is deceased, his or her estate or personal representative;

14 (b) An employee or agent of a person described in subparagraph (a)
15 of this subsection, acting in the course and scope of his or her
16 employment, including, in the event such employee or agent is deceased,
17 his or her estate or personal representative; or

18 (c) An entity, whether or not incorporated, facility, or
19 institution employing one or more persons described in subparagraph (a)
20 of this subsection, including, but not limited to, a hospital, clinic,
21 health maintenance organization, or nursing home; or an officer,
22 director, trustee, employee, or agent thereof acting in the course and
23 scope of his or her employment, including in the event such officer,
24 director, employee, or agent is deceased, his or her estate or personal
25 representative;

26 shall be immune from civil action for damages arising out of the good
27 faith performance of their duties on such committees, where such
28 actions are being brought by or on behalf of the person who is being
29 evaluated.

30 (2) No member, employee, staff person, or investigator of a
31 professional review committee shall be liable in a civil action as a
32 result of acts or omissions made in good faith on behalf of the
33 committee; nor shall any person be so liable for filing charges with or
34 supplying information or testimony in good faith to any professional
35 review committee; nor shall a member, employee, staff person, or
36 investigator of a professional society, of a professional examining or
37 licensing board, of a professional disciplinary board, of a governing

1 board of any institution, or of any employer of professionals be so
2 liable for good faith acts or omissions made in full or partial
3 reliance on recommendations or decisions of a professional review
4 committee or examining board.

5 **Sec. 12.** RCW 4.24.290 and 1995 c 323 s 2 are each amended to read
6 as follows:

7 In any civil action for damages based on professional negligence
8 against a hospital which is licensed by the state of Washington or
9 against the personnel of any such hospital, or against a member of the
10 healing arts including, but not limited to, an (~~acupuncturist~~) East
11 Asian medicine practitioner licensed under chapter 18.06 RCW, a
12 physician licensed under chapter 18.71 RCW, an osteopathic physician
13 licensed under chapter 18.57 RCW, a chiropractor licensed under chapter
14 18.25 RCW, a dentist licensed under chapter 18.32 RCW, a podiatric
15 physician and surgeon licensed under chapter 18.22 RCW, or a nurse
16 licensed under chapter 18.79 RCW, the plaintiff in order to prevail
17 shall be required to prove by a preponderance of the evidence that the
18 defendant or defendants failed to exercise that degree of skill, care,
19 and learning possessed at that time by other persons in the same
20 profession, and that as a proximate result of such failure the
21 plaintiff suffered damages, but in no event shall the provisions of
22 this section apply to an action based on the failure to obtain the
23 informed consent of a patient.

24 **Sec. 13.** RCW 7.70.020 and 1995 c 323 s 3 are each amended to read
25 as follows:

26 As used in this chapter "health care provider" means either:

27 (1) A person licensed by this state to provide health care or
28 related services(~~(7)~~) including, but not limited to, (~~a licensed~~
29 ~~acupuncturist~~) an East Asian medicine practitioner, a physician,
30 osteopathic physician, dentist, nurse, optometrist, podiatric physician
31 and surgeon, chiropractor, physical therapist, psychologist,
32 pharmacist, optician, physician(~~(+s)~~) assistant, midwife, osteopathic
33 physician's assistant, nurse practitioner, or physician's trained
34 mobile intensive care paramedic, including, in the event such person is
35 deceased, his or her estate or personal representative;

1 (2) An employee or agent of a person described in part (1) above,
2 acting in the course and scope of his employment, including, in the
3 event such employee or agent is deceased, his or her estate or personal
4 representative; or

5 (3) An entity, whether or not incorporated, facility, or
6 institution employing one or more persons described in part (1) above,
7 including, but not limited to, a hospital, clinic, health maintenance
8 organization, or nursing home; or an officer, director, employee, or
9 agent thereof acting in the course and scope of his or her employment,
10 including in the event such officer, director, employee, or agent is
11 deceased, his or her estate or personal representative.

12 **Sec. 14.** RCW 18.120.020 and 2001 c 251 s 26 are each amended to
13 read as follows:

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

16 (1) "Applicant group" includes any health professional group or
17 organization, any individual, or any other interested party which
18 proposes that any health professional group not presently regulated be
19 regulated or which proposes to substantially increase the scope of
20 practice of the profession.

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

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

32 (4) "Health professions" means and includes the following health
33 and health-related licensed or regulated professions and occupations:
34 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
35 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
36 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
37 dispensing opticians under chapter 18.34 RCW; hearing instruments under

1 chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and
2 funeral directing under chapter 18.39 RCW; midwifery under chapter
3 18.50 RCW; nursing home administration under chapter 18.52 RCW;
4 optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter
5 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and
6 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine
7 under chapters 18.71 and 18.71A RCW; emergency medicine under chapter
8 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses
9 under chapter 18.79 RCW; psychologists under chapter 18.83 RCW;
10 registered nurses under chapter 18.79 RCW; occupational therapists
11 licensed under chapter 18.59 RCW; respiratory care practitioners
12 licensed under chapter 18.89 RCW; veterinarians and veterinary
13 technicians under chapter 18.92 RCW; health care assistants under
14 chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW;
15 (~~acupuncturists~~) East Asian medicine practitioners licensed under
16 chapter 18.06 RCW; persons registered under chapter 18.19 RCW; persons
17 licensed as mental health counselors, marriage and family therapists,
18 and social workers under chapter 18.225 RCW; dietitians and
19 nutritionists certified by chapter 18.138 RCW; radiologic technicians
20 under chapter 18.84 RCW; and nursing assistants registered or certified
21 under chapter 18.88A RCW.

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

26 (6) "Legislative committees of reference" means the standing
27 legislative committees designated by the respective rules committees of
28 the senate and house of representatives to consider proposed
29 legislation to regulate health professions not previously regulated.

30 (7) "License," "licensing," and "licensure" mean permission to
31 engage in a health profession which would otherwise be unlawful in the
32 state in the absence of the permission. A license is granted to those
33 individuals who meet prerequisite qualifications to perform prescribed
34 health professional tasks and for the use of a particular title.

35 (8) "Professional license" means an individual, nontransferable
36 authorization to carry on a health activity based on qualifications
37 which include: (a) Graduation from an accredited or approved program,

1 and (b) acceptable performance on a qualifying examination or series of
2 examinations.

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

6 (10) "Public member" means an individual who is not, and never was,
7 a member of the health profession being regulated or the spouse of a
8 member, or an individual who does not have and never has had a material
9 financial interest in either the rendering of the health professional
10 service being regulated or an activity directly related to the
11 profession being regulated.

12 (11) "Registration" means the formal notification which, prior to
13 rendering services, a practitioner shall submit to a state agency
14 setting forth the name and address of the practitioner; the location,
15 nature and operation of the health activity to be practiced; and, if
16 required by the regulatory entity, a description of the service to be
17 provided.

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

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

26 **Sec. 15.** RCW 43.70.110 and 2009 c 403 s 5 are each amended to read
27 as follows:

28 (1) The secretary shall charge fees to the licensee for obtaining
29 a license. Physicians regulated pursuant to chapter 18.71 RCW who
30 reside and practice in Washington and obtain or renew a retired active
31 license are exempt from such fees. After June 30, 1995, municipal
32 corporations providing emergency medical care and transportation
33 services pursuant to chapter 18.73 RCW shall be exempt from such fees,
34 provided that such other emergency services shall only be charged for
35 their pro rata share of the cost of licensure and inspection, if
36 appropriate. The secretary may waive the fees when, in the discretion

1 of the secretary, the fees would not be in the best interest of public
2 health and safety, or when the fees would be to the financial
3 disadvantage of the state.

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

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

10 (a) For registered nurses and licensed practical nurses licensed
11 under chapter 18.79 RCW, support of a central nursing resource center
12 as provided in RCW 18.79.202, until June 30, 2013;

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

16 (c) For physicians licensed under chapter 18.71 RCW, physician
17 assistants licensed under chapter 18.71A RCW, osteopathic physicians
18 licensed under chapter 18.57 RCW, osteopathic physicians' assistants
19 licensed under chapter 18.57A RCW, naturopaths licensed under chapter
20 18.36A RCW, podiatrists licensed under chapter 18.22 RCW, chiropractors
21 licensed under chapter 18.25 RCW, psychologists licensed under chapter
22 18.83 RCW, registered nurses licensed under chapter 18.79 RCW,
23 optometrists licensed under chapter 18.53 RCW, mental health counselors
24 licensed under chapter 18.225 RCW, massage therapists licensed under
25 chapter 18.108 RCW, clinical social workers licensed under chapter
26 18.225 RCW, and (~~acupuncturists~~) East Asian medicine practitioners
27 licensed under chapter 18.06 RCW, the license fees shall include up to
28 an additional twenty-five dollars to be transferred by the department
29 to the University of Washington for the purposes of RCW 43.70.112.

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

33 **Sec. 16.** RCW 18.130.040 and 2009 c 301 s 8 and 2009 c 52 s 1 are
34 each reenacted and amended to read as follows:

35 (1) This chapter applies only to the secretary and the boards and
36 commissions having jurisdiction in relation to the professions licensed

1 under the chapters specified in this section. This chapter does not
2 apply to any business or profession not licensed under the chapters
3 specified in this section.

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

6 (i) Dispensing opticians licensed and designated apprentices under
7 chapter 18.34 RCW;

8 (ii) Naturopaths licensed under chapter 18.36A RCW;

9 (iii) Midwives licensed under chapter 18.50 RCW;

10 (iv) Ocularists licensed under chapter 18.55 RCW;

11 (v) Massage operators and businesses licensed under chapter 18.108
12 RCW;

13 (vi) Dental hygienists licensed under chapter 18.29 RCW;

14 (vii) (~~Acupuncturists~~) East Asian medicine practitioners licensed
15 under chapter 18.06 RCW;

16 (viii) Radiologic technologists certified and X-ray technicians
17 registered under chapter 18.84 RCW;

18 (ix) Respiratory care practitioners licensed under chapter 18.89
19 RCW;

20 (x) Counselors, hypnotherapists, and agency affiliated counselors
21 registered and advisors and counselors certified under chapter 18.19
22 RCW;

23 (xi) Persons licensed as mental health counselors, mental health
24 counselor associates, marriage and family therapists, marriage and
25 family therapist associates, social workers, social work associates--
26 advanced, and social work associates--independent clinical under
27 chapter 18.225 RCW;

28 (xii) Persons registered as nursing pool operators under chapter
29 18.52C RCW;

30 (xiii) Nursing assistants registered or certified under chapter
31 18.88A RCW;

32 (xiv) Health care assistants certified under chapter 18.135 RCW;

33 (xv) Dietitians and nutritionists certified under chapter 18.138
34 RCW;

35 (xvi) Chemical dependency professionals and chemical dependency
36 professional trainees certified under chapter 18.205 RCW;

37 (xvii) Sex offender treatment providers and certified affiliate sex
38 offender treatment providers certified under chapter 18.155 RCW;

1 (xviii) Persons licensed and certified under chapter 18.73 RCW or
2 RCW 18.71.205;

3 (xix) Denturists licensed under chapter 18.30 RCW;

4 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

5 (xxi) Surgical technologists registered under chapter 18.215 RCW;

6 (xxii) Recreational therapists;

7 (xxiii) Animal massage practitioners certified under chapter 18.240
8 RCW;

9 (xxiv) Athletic trainers licensed under chapter 18.250 RCW;

10 (xxv) Home care aides certified under chapter 18.88B RCW; and

11 (xxvi) Speech-language pathology assistants certified under chapter
12 18.35 RCW.

13 (b) The boards and commissions having authority under this chapter
14 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 and
21 licenses and registrations issued under chapter 18.260 RCW;

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

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

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

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

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

33 (ix) The medical quality assurance commission as established in
34 chapter 18.71 RCW governing licenses and registrations issued under
35 chapters 18.71 and 18.71A RCW;

36 (x) The board of physical therapy as established in chapter 18.74
37 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 established
4 in chapter 18.79 RCW governing licenses and registrations issued under
5 that chapter;

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

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

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

14 (4) All disciplining authorities shall adopt procedures to ensure
15 substantially consistent application of this chapter, the Uniform
16 Disciplinary Act, among the disciplining authorities listed in
17 subsection (2) of this section.

18 **Sec. 17.** RCW 18.130.040 and 2009 c 301 s 8 and 2009 c 52 s 2 are
19 each reenacted and amended to read as follows:

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

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

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

29 (ii) Naturopaths licensed under chapter 18.36A RCW;

30 (iii) Midwives licensed under chapter 18.50 RCW;

31 (iv) Ocularists licensed under chapter 18.55 RCW;

32 (v) Massage operators and businesses licensed under chapter 18.108
33 RCW;

34 (vi) Dental hygienists licensed under chapter 18.29 RCW;

35 (vii) (~~Acupuncturists~~) East Asian medicine practitioners licensed
36 under chapter 18.06 RCW;

1 (viii) Radiologic technologists certified and X-ray technicians
2 registered under chapter 18.84 RCW;

3 (ix) Respiratory care practitioners licensed under chapter 18.89
4 RCW;

5 (x) Hypnotherapists and agency affiliated counselors registered and
6 advisors and counselors certified under chapter 18.19 RCW;

7 (xi) Persons licensed as mental health counselors, mental health
8 counselor associates, marriage and family therapists, marriage and
9 family therapist associates, social workers, social work associates--
10 advanced, and social work associates--independent clinical under
11 chapter 18.225 RCW;

12 (xii) Persons registered as nursing pool operators under chapter
13 18.52C RCW;

14 (xiii) Nursing assistants registered or certified under chapter
15 18.88A RCW;

16 (xiv) Health care assistants certified under chapter 18.135 RCW;

17 (xv) Dietitians and nutritionists certified under chapter 18.138
18 RCW;

19 (xvi) Chemical dependency professionals and chemical dependency
20 professional trainees certified under chapter 18.205 RCW;

21 (xvii) Sex offender treatment providers and certified affiliate sex
22 offender treatment providers certified under chapter 18.155 RCW;

23 (xviii) Persons licensed and certified under chapter 18.73 RCW or
24 RCW 18.71.205;

25 (xix) Denturists licensed under chapter 18.30 RCW;

26 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

27 (xxi) Surgical technologists registered under chapter 18.215 RCW;

28 (xxii) Recreational therapists;

29 (xxiii) Animal massage practitioners certified under chapter 18.240
30 RCW;

31 (xxiv) Athletic trainers licensed under chapter 18.250 RCW;

32 (xxv) Home care aides certified under chapter 18.88B RCW; and

33 (xxvi) Speech-language pathology assistants certified under chapter
34 18.35 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.

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

35 (4) All disciplining authorities shall adopt procedures to ensure
36 substantially consistent application of this chapter, the Uniform
37 Disciplinary Act, among the disciplining authorities listed in
38 subsection (2) of this section.

1 **Sec. 18.** RCW 18.130.040 and 2009 c 302 s 14, 2009 c 301 s 8, and
2 2009 c 52 s 2 are each reenacted and amended to read as follows:

3 (1) This chapter applies only to the secretary and the boards and
4 commissions having jurisdiction in relation to the professions licensed
5 under the chapters specified in this section. This chapter does not
6 apply to any business or profession not licensed under the chapters
7 specified in this section.

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

10 (i) Dispensing opticians licensed and designated apprentices under
11 chapter 18.34 RCW;

12 (ii) Naturopaths licensed under chapter 18.36A RCW;

13 (iii) Midwives licensed under chapter 18.50 RCW;

14 (iv) Ocularists licensed under chapter 18.55 RCW;

15 (v) Massage operators and businesses licensed under chapter 18.108
16 RCW;

17 (vi) Dental hygienists licensed under chapter 18.29 RCW;

18 (vii) (~~Acupuncturists~~) East Asian medicine practitioners licensed
19 under chapter 18.06 RCW;

20 (viii) Radiologic technologists certified and X-ray technicians
21 registered under chapter 18.84 RCW;

22 (ix) Respiratory care practitioners licensed under chapter 18.89
23 RCW;

24 (x) Hypnotherapists and agency affiliated counselors registered and
25 advisors and counselors certified under chapter 18.19 RCW;

26 (xi) Persons licensed as mental health counselors, mental health
27 counselor associates, marriage and family therapists, marriage and
28 family therapist associates, social workers, social work associates--
29 advanced, and social work associates--independent clinical under
30 chapter 18.225 RCW;

31 (xii) Persons registered as nursing pool operators under chapter
32 18.52C RCW;

33 (xiii) Nursing assistants registered or certified under chapter
34 18.88A RCW;

35 (xiv) Health care assistants certified under chapter 18.135 RCW;

36 (xv) Dietitians and nutritionists certified under chapter 18.138
37 RCW;

1 (xvi) Chemical dependency professionals and chemical dependency
2 professional trainees certified under chapter 18.205 RCW;

3 (xvii) Sex offender treatment providers and certified affiliate sex
4 offender treatment providers certified under chapter 18.155 RCW;

5 (xviii) Persons licensed and certified under chapter 18.73 RCW or
6 RCW 18.71.205;

7 (xix) Denturists licensed under chapter 18.30 RCW;

8 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

9 (xxi) Surgical technologists registered under chapter 18.215 RCW;

10 (xxii) Recreational therapists;

11 (xxiii) Animal massage practitioners certified under chapter 18.240
12 RCW;

13 (xxiv) Athletic trainers licensed under chapter 18.250 RCW;

14 (xxv) Home care aides certified under chapter 18.88B RCW;

15 (xxvi) Speech-language pathology assistants certified under chapter
16 18.35 RCW; and

17 (xxvii) Genetic counselors licensed under chapter 18.290 RCW.

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

20 (i) The podiatric medical board as established in chapter 18.22
21 RCW;

22 (ii) The chiropractic quality assurance commission as established
23 in chapter 18.25 RCW;

24 (iii) The dental quality assurance commission as established in
25 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
26 licenses and registrations issued under chapter 18.260 RCW;

27 (iv) The board of hearing and speech as established in chapter
28 18.35 RCW;

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

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

33 (vii) The board of osteopathic medicine and surgery as established
34 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
35 18.57A RCW;

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

1 (ix) The medical quality assurance commission as established in
2 chapter 18.71 RCW governing licenses and registrations issued under
3 chapters 18.71 and 18.71A RCW;

4 (x) The board of physical therapy as established in chapter 18.74
5 RCW;

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

8 (xii) The nursing care quality assurance commission as established
9 in chapter 18.79 RCW governing licenses and registrations issued under
10 that chapter;

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

13 (xiv) The veterinary board of governors as established in chapter
14 18.92 RCW.

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

19 (4) All disciplining authorities shall adopt procedures to ensure
20 substantially consistent application of this chapter, the Uniform
21 Disciplinary Act, among the disciplining authorities listed in
22 subsection (2) of this section.

23 NEW SECTION. **Sec. 19.** Section 16 of this act expires July 1,
24 2010.

25 NEW SECTION. **Sec. 20.** Section 17 of this act takes effect July 1,
26 2010.

27 NEW SECTION. **Sec. 21.** Section 17 of this act expires August 1,
28 2010.

29 NEW SECTION. **Sec. 22.** Section 18 of this act takes effect August
30 1, 2010.

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