
HOUSE BILL 2286

State of Washington 55th Legislature 1997 Regular Session

By Representatives Dyer and Cody

Read first time 04/22/97. Referred to Committee on Health Care.

1 AN ACT Relating to naturopathic physicians; amending RCW
2 18.36A.010, 18.36A.020, 18.36A.030, 18.36A.040, 18.36A.050, 18.36A.070,
3 18.06.050, 18.74.010, 18.120.020, and 43.70.470; and reenacting and
4 amending RCW 18.130.040.

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

6 **Sec. 1.** RCW 18.36A.010 and 1987 c 447 s 1 are each amended to read
7 as follows:

8 The legislature finds that it is necessary to regulate the practice
9 of ((naturopaths)) naturopathic physicians in order to protect the
10 public health, safety, and welfare. It is the legislature's intent
11 that only individuals who meet and maintain minimum standards of
12 competence and conduct may provide service to the public.

13 **Sec. 2.** RCW 18.36A.020 and 1991 c 3 s 87 are each amended to read
14 as follows:

15 Unless the context clearly requires otherwise, the definitions in
16 this section apply throughout this chapter.

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

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

3 (3) "~~((Naturopath))~~ Naturopathic physician" means an individual
4 licensed under this chapter.

5 (4) "Committee" means the Washington state naturopathic practice
6 advisory committee.

7 (5) "Educational program" means ((a)) an accredited program
8 preparing persons for the practice of ((naturopathy)) naturopathic
9 medicine.

10 (6) "Nutrition and food science" means the prevention and treatment
11 of disease or other human conditions through the use of foods, water,
12 herbs, roots, bark, or natural food elements.

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

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

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

23 (10) (~~("Medicines of mineral, animal, and botanical origin" means~~
24 ~~medicines derived from animal organs, tissues, and oils, minerals, and~~
25 ~~plants administered orally and topically, excluding legend drugs with~~
26 ~~the following exceptions: Vitamins, minerals, whole gland thyroid, and~~
27 ~~substances as exemplified in traditional botanical and herbal~~
28 ~~pharmacopoeia, and nondrug contraceptive devices excluding interuterine~~
29 ~~devices. The use of intermuscular injections are limited to vitamin~~
30 ~~B-12 preparations and combinations when clinical and/or laboratory~~
31 ~~evaluation has indicated vitamin B-12 deficiency. The use of~~
32 ~~controlled substances is prohibited.)) "Naturopathic medicine" includes
33 legend drugs, excluding controlled substances listed in Schedules I,
34 II, and III of the uniform controlled substances act, chapter 69.50
35 RCW; vitamins; minerals; botanical medicines; hormones; and other
36 physiologic substances as exemplified in standard naturopathic medical
37 texts, journals, and pharmacopeia, including nondrug contraceptive
38 devices.~~

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

4 (12) "Minor office procedures" means limited surgical care and
5 procedures incident thereto of superficial lacerations, lesions, and
6 abrasions, and the removal of foreign bodies located in superficial
7 structures, not to include the eye; treatment of chemical dependency
8 with auricular or hand therapy; injections and insertion of needles for
9 therapeutic purposes; and the use of antiseptics and topical or local
10 anesthetics in connection therewith.

11 (13) "Common diagnostic procedures" means the use of venipuncture
12 ~~((to withdraw blood))~~ consistent with naturopathic medical practice,
13 commonly used diagnostic modalities consistent with naturopathic
14 practice, ~~((health history taking,))~~ physical examination, radiography,
15 examination of body orifices excluding endoscopy beyond the rectum,
16 ~~((and))~~ laboratory medicine ~~((which obtains)),~~ and obtaining samples of
17 human tissues ((products)), ((including superficial scrapings)) but
18 excluding ~~((procedures which would require))~~ surgical ~~((incision))~~
19 excision beyond that which is authorized as minor office procedure and
20 excluding the removal of malignant lesions.

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

23 (15) "Radiography" means ordering, performing, and interpretation
24 of radiographs; it includes the ordering but not the performing or
25 interpretation of ((radiographic diagnostic studies and the taking and
26 interpretation of standard radiographs)) nuclear medicine and contrast
27 die studies. Radiography includes the ordering and interpretation of
28 ultrasonic and other nonroentgenographic imaging procedures.

29 **Sec. 3.** RCW 18.36A.030 and 1991 c 3 s 88 are each amended to read
30 as follows:

31 (1) No person may practice naturopathy or represent himself or
32 herself as a ~~((naturopath))~~ naturopathic physician without first
33 applying for and receiving a license from the secretary to practice
34 naturopathy.

35 (2) A person represents himself or herself as a ~~((naturopath))~~
36 naturopathic physician when that person adopts or uses any title or any
37 description of services that incorporates one or more of the following

1 terms or designations: Naturopath, naturopathic physician, or doctor
2 of naturopathic medicine.

3 **Sec. 4.** RCW 18.36A.040 and 1991 c 3 s 89 are each amended to read
4 as follows:

5 Naturopathic medicine or naturopathy is the practice by
6 ((~~naturopaths~~)) naturopathic physicians of the art and science of the
7 diagnosis, prevention, and treatment of disorders of the body by
8 stimulation or support, or both, of the natural processes of the human
9 body. A ((~~naturopath~~)) naturopathic physician is responsible and
10 accountable to the consumer for the quality of naturopathic care
11 rendered.

12 The practice of naturopathy includes manual manipulation
13 (mechanotherapy), the prescription, administration, dispensing, and
14 use, except for the treatment of malignancies or neoplastic disease, of
15 nutrition and food science, physical modalities, homeopathy, certain
16 medicines of mineral, animal, and botanical origin, hygiene and
17 immunization, common diagnostic procedures, and suggestion; however,
18 nothing in this chapter shall prohibit consultation and treatment of a
19 patient in concert with a practitioner licensed under chapter 18.57 or
20 18.71 RCW. No person licensed under this chapter may employ the term
21 "chiropractic" to describe any services provided by a ((~~naturopath~~))
22 naturopathic physician under this chapter.

23 **Sec. 5.** RCW 18.36A.050 and 1991 c 3 s 90 are each amended to read
24 as follows:

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

26 (1) The practice of a profession by individuals who are licensed,
27 certified, or registered under other laws of this state who are
28 performing services within their authorized scope of practice;

29 (2) The practice of naturopathic medicine by an individual employed
30 by the government of the United States while the individual is engaged
31 in the performance of duties prescribed for him or her by the laws and
32 regulations of the United States;

33 (3) The practice of naturopathic medicine by students enrolled in
34 a school approved by the secretary. The performance of services shall
35 be pursuant to a course of instruction or assignments from an
36 instructor and under the supervision of the instructor. The instructor

1 shall be a ((~~naturopath~~)) naturopathic physician licensed pursuant to
2 this chapter; or

3 (4) The practice of oriental medicine or oriental herbology, or the
4 rendering of other dietary or nutritional advice.

5 **Sec. 6.** RCW 18.36A.070 and 1991 c 3 s 92 are each amended to read
6 as follows:

7 (1) There is hereby created the Washington state naturopathic
8 advisory committee consisting of five members appointed by the
9 secretary who shall advise the secretary concerning the administration
10 of this chapter. Three members of the initial committee shall be
11 persons who would qualify for licensing under this chapter. Their
12 successors shall be ((~~naturopaths~~)) naturopathic physicians who are
13 licensed under this chapter. Two members of the committee shall be
14 individuals who are unaffiliated with the profession. For the initial
15 committee, one unaffiliated member and one ((~~naturopath~~)) naturopathic
16 physician shall serve four-year terms, one unaffiliated member and one
17 ((~~naturopath~~)) naturopathic physician shall serve three-year terms, and
18 one ((~~naturopath~~)) naturopathic physician shall serve a two-year term.
19 The term of office for committee members after the initial committee is
20 four years. Any committee member may be removed for just cause
21 including a finding of fact of unprofessional conduct, impaired
22 practice, or more than three unexcused absences. The secretary may
23 appoint a new member to fill any vacancy on the committee for the
24 remainder of the unexpired term.

25 No committee member may serve more than two consecutive terms,
26 whether full or partial.

27 (2) Committee members shall be compensated in accordance with RCW
28 43.03.240 and reimbursed for travel expenses in accordance with RCW
29 43.03.050 and 43.03.060.

30 (3) The committee may elect annually a chair and vice-chair to
31 direct the meetings of the committee. The committee shall meet at
32 least once each year, and may hold additional meetings as called by the
33 secretary or the chair.

34 **Sec. 7.** RCW 18.06.050 and 1991 c 3 s 7 are each amended to read as
35 follows:

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

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

4 (2) Proof that the candidate has:

5 (a) Successfully completed a course, approved by the secretary, of
6 didactic training in basic sciences and acupuncture over a minimum
7 period of two academic years. The training shall include such subjects
8 as anatomy, physiology, bacteriology, biochemistry, pathology, hygiene,
9 and a survey of western clinical sciences. The basic science classes
10 must be equivalent to those offered at the collegiate level. However,
11 if the applicant is a licensed chiropractor under chapter 18.25 RCW or
12 a ((~~naturopath~~)) naturopathic physician licensed under chapter 18.36A
13 RCW, the requirements of this subsection relating to basic sciences may
14 be reduced by up to one year depending upon the extent of the
15 candidate's qualifications as determined under rules adopted by the
16 secretary;

17 (b) Successfully completed a course, approved by the secretary, of
18 clinical training in acupuncture over a minimum period of one academic
19 year. The training shall include a minimum of: (i) Twenty-nine
20 quarter credits of supervised practice, consisting of at least four
21 hundred separate patient treatments involving a minimum of one hundred
22 different patients, and (ii) one hundred hours or nine quarter credits
23 of observation which shall include case presentation and discussion.

24 **Sec. 8.** RCW 18.74.010 and 1991 c 12 s 1 are each amended to read
25 as follows:

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

28 (1) "Board" means the board of physical therapy created by RCW
29 18.74.020.

30 (2) "Department" means the department of health.

31 (3) "Physical therapy" means the treatment of any bodily or mental
32 condition of any person by the use of the physical, chemical, and other
33 properties of heat, cold, air, light, water, electricity, sound,
34 massage, and therapeutic exercise, which includes posture and
35 rehabilitation procedures; the performance of tests and measurements of
36 neuromuscular function as an aid to the diagnosis or treatment of any
37 human condition; performance of treatments on the basis of test
38 findings after consultation with and periodic review by an authorized

1 health care practitioner except as provided in RCW 18.74.012;
2 supervision of selective forms of treatment by trained supportive
3 personnel; and provision of consultative services for health,
4 education, and community agencies. The use of Roentgen rays and radium
5 for diagnostic and therapeutic purposes, the use of electricity for
6 surgical purposes, including cauterization, and the use of spinal
7 manipulation or manipulative mobilization of the spine and its
8 immediate articulations, are not included under the term "physical
9 therapy" as used in this chapter.

10 (4) "Physical therapist" means a person who practices physical
11 therapy as defined in this chapter but does not include massage
12 operators as defined in RCW 18.108.010.

13 (5) "Secretary" means the secretary of health.

14 (6) Words importing the masculine gender may be applied to females.

15 (7) "Authorized health care practitioner" means and includes
16 licensed physicians, osteopathic physicians, chiropractors,
17 (~~naturopaths~~) naturopathic physicians, (~~podiatrists~~) podiatric
18 physicians and surgeons, and dentists: PROVIDED, HOWEVER, That nothing
19 herein shall be construed as altering the scope of practice of such
20 practitioners as defined in their respective licensure laws.

21 **Sec. 9.** RCW 18.120.020 and 1996 c 178 s 9 are each amended to read
22 as follows:

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

25 (1) "Applicant group" includes any health professional group or
26 organization, any individual, or any other interested party which
27 proposes that any health professional group not presently regulated be
28 regulated or which proposes to substantially increase the scope of
29 practice of the profession.

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

35 (3) "Grandfather clause" means a provision in a regulatory statute
36 applicable to practitioners actively engaged in the regulated health
37 profession prior to the effective date of the regulatory statute which
38 exempts the practitioners from meeting the prerequisite qualifications

1 set forth in the regulatory statute to perform prescribed occupational
2 tasks.

3 (4) "Health professions" means and includes the following health
4 and health-related licensed or regulated professions and occupations:
5 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
6 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
7 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
8 dispensing opticians under chapter 18.34 RCW; hearing ~~((aids))~~
9 instruments under chapter 18.35 RCW; ~~((naturopaths))~~ naturopathic
10 physicians under chapter 18.36A RCW; embalming and funeral directing
11 under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing
12 home administration under chapter 18.52 RCW; optometry under chapters
13 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW; osteopathic
14 medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy
15 under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71 and
16 18.71A RCW; emergency medicine under chapter 18.73 RCW; physical
17 therapy under chapter 18.74 RCW; practical nurses under chapter 18.79
18 RCW; psychologists under chapter 18.83 RCW; registered nurses under
19 chapter 18.79 RCW; occupational therapists licensed under chapter 18.59
20 RCW; respiratory care practitioners certified under chapter 18.89 RCW;
21 veterinarians and animal technicians under chapter 18.92 RCW; health
22 care assistants under chapter 18.135 RCW; massage practitioners under
23 chapter 18.108 RCW; acupuncturists licensed under chapter 18.06 RCW;
24 persons registered or certified under chapter 18.19 RCW; dietitians and
25 nutritionists certified by chapter 18.138 RCW; radiologic technicians
26 under chapter 18.84 RCW; and nursing assistants registered or certified
27 under chapter 18.88A RCW.

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

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

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

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

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

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

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

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

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

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

31 **Sec. 10.** RCW 18.130.040 and 1996 c 200 s 32 and 1996 c 81 s 5 are
32 each reenacted and amended to read as follows:

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

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

- 3 (i) Dispensing opticians licensed under chapter 18.34 RCW;
- 4 (ii) (~~Naturopaths~~) Naturopathic physicians licensed under chapter
5 18.36A RCW;
- 6 (iii) Midwives licensed under chapter 18.50 RCW;
- 7 (iv) Ocularists licensed under chapter 18.55 RCW;
- 8 (v) Massage operators and businesses licensed under chapter 18.108
9 RCW;
- 10 (vi) Dental hygienists licensed under chapter 18.29 RCW;
- 11 (vii) Acupuncturists licensed under chapter 18.06 RCW;
- 12 (viii) Radiologic technologists certified and X-ray technicians
13 registered under chapter 18.84 RCW;
- 14 (ix) Respiratory care practitioners certified under chapter 18.89
15 RCW;
- 16 (x) Persons registered or certified under chapter 18.19 RCW;
- 17 (xi) Persons registered as nursing pool operators under chapter
18 18.52C RCW;
- 19 (xii) Nursing assistants registered or certified under chapter
20 18.79 RCW;
- 21 (xiii) Health care assistants certified under chapter 18.135 RCW;
- 22 (xiv) Dietitians and nutritionists certified under chapter 18.138
23 RCW;
- 24 (xv) Sex offender treatment providers certified under chapter
25 18.155 RCW;
- 26 (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW
27 18.71.205;
- 28 (xvii) Persons registered as adult family home providers and
29 resident managers under RCW 18.48.020; and
- 30 (xviii) Denturists licensed under chapter 18.30 RCW.

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

- 33 (i) The podiatric medical board as established in chapter 18.22
34 RCW;
- 35 (ii) The chiropractic quality assurance commission as established
36 in chapter 18.25 RCW;
- 37 (iii) The dental quality assurance commission as established in
38 chapter 18.32 RCW;

1 (iv) The board of hearing and speech as established in chapter
2 18.35 RCW;

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

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

7 (vii) The board of osteopathic medicine and surgery as established
8 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
9 18.57A RCW;

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

12 (ix) The medical quality assurance commission as established in
13 chapter 18.71 RCW governing licenses and registrations issued under
14 chapters 18.71 and 18.71A RCW;

15 (x) The board of physical therapy as established in chapter 18.74
16 RCW;

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

19 (xii) The nursing care quality assurance commission as established
20 in chapter 18.79 RCW governing licenses issued under that chapter;

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

23 (xiv) The veterinary board of governors as established in chapter
24 18.92 RCW.

25 (3) In addition to the authority to discipline license holders, the
26 disciplining authority has the authority to grant or deny licenses
27 based on the conditions and criteria established in this chapter and
28 the chapters specified in subsection (2) of this section. This chapter
29 also governs any investigation, hearing, or proceeding relating to
30 denial of licensure or issuance of a license conditioned on the
31 applicant's compliance with an order entered pursuant to RCW 18.130.160
32 by the disciplining authority.

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

37 **Sec. 11.** RCW 43.70.470 and 1993 c 492 s 277 are each amended to
38 read as follows:

1 The department may establish by rule the conditions of
2 participation in the liability insurance program by retired primary
3 care providers at clinics utilizing retired (~~(physicians [primary care~~
4 ~~providers])~~) primary care providers for the purposes of this section
5 and RCW 43.70.460. These conditions shall include, but not be limited
6 to, the following:

7 (1) The participating primary care provider associated with the
8 clinic shall hold a valid license to practice as a physician under
9 chapter 18.71 or 18.57 RCW, a (~~(naturopath)~~) naturopathic physician
10 under chapter 18.36A RCW, a physician assistant under chapter 18.71A or
11 18.57A RCW, an advanced registered nurse practitioner under chapter
12 18.88 RCW, a dentist under chapter 18.32 RCW, or other health
13 professionals as may be deemed in short supply in the health personnel
14 resource plan under chapter 28B.125 RCW. All primary care providers
15 must be in conformity with current requirements for licensure as a
16 retired primary care provider, including continuing education
17 requirements;

18 (2) The participating primary care provider shall limit the scope
19 of practice in the clinic to primary care. Primary care shall be
20 limited to noninvasive procedures and shall not include obstetrical
21 care, or any specialized care and treatment. Noninvasive procedures
22 include injections, suturing of minor lacerations, and incisions of
23 boils or superficial abscesses. Primary dental care shall be limited
24 to diagnosis, oral hygiene, restoration, and extractions and shall not
25 include orthodontia, or other specialized care and treatment;

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

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

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

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

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

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