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SENATE BILL 6021

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State of Washington                      60th Legislature                      2007 Regular Session

By Senators Fairley and Shin; by request of Governor Gregoire

Read first time 02/14/2007.      Referred to Committee on Government Operations & Elections.

1            AN ACT Relating to the consolidation and elimination of certain  
2 boards and commissions; amending RCW 70.168.020, 18.73.030, 18.73.050,  
3 70.168.060, 18.135.030, 43.41.220, and 43.41.230; reenacting and  
4 amending RCW 18.71.205; repealing RCW 77.12.690, 28B.04.085,  
5 28B.115.050, 28A.600.130, 28B.12.040, 70.96A.070, and 18.73.040; and  
6 providing an effective date.

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

8            **Sec. 1.** RCW 70.168.020 and 2000 c 93 s 20 are each amended to read  
9 as follows:

10            (1) There is hereby created an emergency medical services and  
11 trauma care steering committee composed of representatives of  
12 individuals knowledgeable in emergency medical services and trauma  
13 care, including emergency medical providers such as physicians, nurses,  
14 hospital personnel, emergency medical technicians, paramedics,  
15 ambulance services, a member of the emergency medical services  
16 licensing and certification advisory committee, local government  
17 officials, state officials, consumers, and persons affiliated  
18 professionally with health science schools. The governor shall appoint  
19 members of the steering committee. Members shall be appointed for a

1 period of three years. The department shall provide administrative  
2 support to the committee. All appointive members of the committee, in  
3 the performance of their duties, may be entitled to receive travel  
4 expenses as provided in RCW 43.03.050 and 43.03.060. The governor may  
5 remove members from the committee who have three unexcused absences  
6 from committee meetings. The governor shall fill any vacancies of the  
7 committee in a timely manner. The terms of those members representing  
8 the same field shall not expire at the same time.

9 The committee shall elect a chair and a vice-chair whose terms of  
10 office shall be for one year each. The chair shall be ineligible for  
11 reelection after serving four consecutive terms.

12 The committee shall meet on call by the governor, the secretary, or  
13 the chair.

14 (2) The emergency medical services and trauma care steering  
15 committee shall:

16 (a) Advise the department regarding emergency medical services and  
17 trauma care needs throughout the state.

18 (b) Review the regional emergency medical services and trauma care  
19 plans and recommend changes to the department before the department  
20 adopts the plans.

21 (c) Review proposed departmental rules for emergency medical  
22 services and trauma care, including licensing and certification of  
23 emergency medical services.

24 (d) Recommend modifications in rules regarding emergency medical  
25 services and trauma care.

26 **Sec. 2.** RCW 18.71.205 and 1996 c 191 s 55 and 1996 c 178 s 6 are  
27 each reenacted and amended to read as follows:

28 (1) The secretary of the department of health, in conjunction with  
29 the advice and assistance of the (~~emergency medical services licensing~~  
30 ~~and certification advisory committee as prescribed in RCW 18.73.050,~~  
31 ~~and the~~) commission, shall prescribe:

32 (a) Practice parameters, training standards for, and levels of,  
33 physician trained emergency medical service intermediate life support  
34 technicians and paramedics;

35 (b) Minimum standards and performance requirements for the  
36 certification and recertification of physician's trained emergency

1 medical service intermediate life support technicians and paramedics;  
2 and

3 (c) Procedures for certification, recertification, and  
4 decertification of physician's trained emergency medical service  
5 intermediate life support technicians and paramedics.

6 (2) Initial certification shall be for a period established by the  
7 secretary pursuant to RCW 43.70.250 and 43.70.280.

8 (3) Recertification shall be granted upon proof of continuing  
9 satisfactory performance and education, and shall be for a period  
10 established by the secretary pursuant to RCW 43.70.250 and 43.70.280.

11 (4) As used in chapters 18.71 and 18.73 RCW, "approved medical  
12 program director" means a person who:

13 (a) Is licensed to practice medicine and surgery pursuant to  
14 chapter 18.71 RCW or osteopathic medicine and surgery pursuant to  
15 chapter 18.57 RCW; and

16 (b) Is qualified and knowledgeable in the administration and  
17 management of emergency care and services; and

18 (c) Is so certified by the department of health for a county, group  
19 of counties, or cities with populations over four hundred thousand in  
20 coordination with the recommendations of the local medical community  
21 and local emergency medical services and trauma care council.

22 (5) The uniform disciplinary act, chapter 18.130 RCW, governs  
23 uncertified practice, the issuance and denial of certificates, and the  
24 disciplining of certificate holders under this section. The secretary  
25 shall be the disciplining authority under this section. Disciplinary  
26 action shall be initiated against a person credentialed under this  
27 chapter in a manner consistent with the responsibilities and duties of  
28 the medical program director under whom such person is responsible.

29 (6) Such activities of physician's trained emergency medical  
30 service intermediate life support technicians and paramedics shall be  
31 limited to actions taken under the express written or oral order of  
32 medical program directors and shall not be construed at any time to  
33 include free standing or nondirected actions, for actions not  
34 presenting an emergency or life-threatening condition.

35 **Sec. 3.** RCW 18.73.030 and 2005 c 193 s 2 are each amended to read  
36 as follows:

37 (~~Unless a different meaning is plainly required by the context,~~

1 ~~the following words and phrases as used in this chapter shall have the~~  
2 ~~meanings indicated.)~~ The definitions in this section apply throughout  
3 this chapter unless the context clearly requires otherwise.

4 (1) "Secretary" means the secretary of the department of health.

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

6 (3) "Committee" means the emergency medical services (~~licensing~~  
7 ~~and certification advisory~~) and trauma care steering committee created  
8 in RCW 70.168.020.

9 (4) "Ambulance" means a ground or air vehicle designed and used to  
10 transport the ill and injured and to provide personnel, facilities, and  
11 equipment to treat patients before and during transportation.

12 (5) "Aid vehicle" means a vehicle used to carry aid equipment and  
13 individuals trained in first aid or emergency medical procedure.

14 (6) "Emergency medical technician" means a person who is authorized  
15 by the secretary to render emergency medical care pursuant to RCW  
16 18.73.081.

17 (7) "Ambulance service" means an organization that operates one or  
18 more ambulances.

19 (8) "Aid service" means an organization that operates one or more  
20 aid vehicles.

21 (9) "Emergency medical service" means medical treatment and care  
22 which may be rendered at the scene of any medical emergency or while  
23 transporting any patient in an ambulance to an appropriate medical  
24 facility, including ambulance transportation between medical  
25 facilities.

26 (10) "Communications system" means a radio and landline network  
27 which provides rapid public access, coordinated central dispatching of  
28 services, and coordination of personnel, equipment, and facilities in  
29 an emergency medical services and trauma care system.

30 (11) "Prehospital patient care protocols" means the written  
31 procedure adopted by the emergency medical services medical program  
32 director which direct the out-of-hospital emergency care of the  
33 emergency patient which includes the trauma care patient. These  
34 procedures shall be based upon the assessment of the patient's medical  
35 needs and what treatment will be provided for emergency conditions.  
36 The protocols shall meet or exceed statewide minimum standards  
37 developed by the department in rule as authorized in chapter 70.168  
38 RCW.

1 (12) "Patient care procedures" means written operating guidelines  
2 adopted by the regional emergency medical services and trauma care  
3 council, in consultation with the local emergency medical services and  
4 trauma care councils, emergency communication centers, and the  
5 emergency medical services medical program director, in accordance with  
6 statewide minimum standards. The patient care procedures shall  
7 identify the level of medical care personnel to be dispatched to an  
8 emergency scene, procedures for triage of patients, the level of trauma  
9 care facility to first receive the patient, and the name and location  
10 of other trauma care facilities to receive the patient should an  
11 interfacility transfer be necessary. Procedures on interfacility  
12 transfer of patients shall be consistent with the transfer procedures  
13 in chapter 70.170 RCW.

14 (13) "Emergency medical services medical program director" means a  
15 person who is an approved medical program director as defined by RCW  
16 18.71.205(4).

17 (14) "Council" means the local or regional emergency medical  
18 services and trauma care council as authorized under chapter 70.168  
19 RCW.

20 (15) "Basic life support" means noninvasive emergency medical  
21 services requiring basic medical treatment skills as defined in chapter  
22 18.73 RCW.

23 (16) "Advanced life support" means invasive emergency medical  
24 services requiring advanced medical treatment skills as defined by  
25 chapter 18.71 RCW.

26 (17) "First responder" means a person who is authorized by the  
27 secretary to render emergency medical care as defined by RCW 18.73.081.

28 (18) "Stretcher" means a cart designed to serve as a litter for the  
29 transportation of a patient in a prone or supine position as is  
30 commonly used in the ambulance industry, such as wheeled stretchers,  
31 portable stretchers, stair chairs, solid backboards, scoop stretchers,  
32 basket stretchers, or flexible stretchers. The term does not include  
33 personal mobility aids that recline at an angle or remain at a flat  
34 position, that are owned or leased for a period of at least one week by  
35 the individual using the equipment or the individual's guardian or  
36 representative, such as wheelchairs, personal gurneys, or banana carts.

1       **Sec. 4.** RCW 18.73.050 and 1990 c 269 s 7 are each amended to read  
2 as follows:

3       The (~~emergency medical services licensing and certification~~  
4 ~~advisory~~) committee shall:

5       (1) Review all administrative rules pertaining to licensing and  
6 certification of emergency medical services proposed for adoption by  
7 the department under this chapter or under RCW 18.71.205 and advise the  
8 department of its recommendations.

9       (2) Assist the department, at the department's request, to fulfill  
10 any duty or exercise any power under this chapter pertaining to  
11 emergency medical services licensing and certification.

12       **Sec. 5.** RCW 70.168.060 and 1990 c 269 s 8 are each amended to read  
13 as follows:

14       The department, in consultation with and having solicited the  
15 advice of the emergency medical services and trauma care steering  
16 committee, shall:

17       (1) Establish the following on a statewide basis:

18       (a) By September 1990, minimum standards for facility, equipment,  
19 and personnel for level I, II, III, IV, and V trauma care services;

20       (b) By September 1990, minimum standards for facility, equipment,  
21 and personnel for level I, I-pediatric, II, and III trauma-related  
22 rehabilitative services;

23       (c) By September 1990, minimum standards for facility, equipment,  
24 and personnel for level I, II, and III pediatric trauma care services;

25       (d) By September 1990, minimum standards required for verified  
26 prehospital trauma care services, including equipment and personnel;

27       (e) Personnel training requirements and programs for providers of  
28 trauma care. The department shall design programs which are accessible  
29 to rural providers including on-site training;

30       (f) Statewide emergency medical services and trauma care system  
31 objectives and priorities;

32       (g) Minimum standards for the development of facility patient care  
33 protocols and prehospital patient care protocols and patient care  
34 procedures;

35       (h) By July 1991, minimum standards for an effective emergency  
36 medical communication system;

- 1 (i) Minimum standards for an effective emergency medical services  
2 transportation system; and
- 3 (j) By July 1991, establish a program for emergency medical  
4 services and trauma care research and development;
- 5 (2) Establish statewide standards, personnel training requirements  
6 and programs, system objectives and priorities, protocols and  
7 guidelines as required in subsection (1) of this section, by utilizing  
8 those standards adopted in the report of the Washington trauma advisory  
9 committee as authorized by chapter 183, Laws of 1988. In establishing  
10 standards for level IV or V trauma care services the department may  
11 adopt similar standards adopted for services provided in rural health  
12 care facilities authorized in chapter 70.175 RCW. The department may  
13 modify standards, personnel training requirements and programs, system  
14 objectives and priorities, and guidelines in rule if the department  
15 determines that such modifications are necessary to meet federal and  
16 other state requirements or are essential to allow the department and  
17 others to establish the system or should it determine that public  
18 health considerations or efficiencies in the delivery of emergency  
19 medical services and trauma care warrant such modifications;
- 20 (3) Designate emergency medical services and trauma care planning  
21 and service regions as provided for in this chapter;
- 22 (4) By July 1, 1992, establish the minimum and maximum number of  
23 hospitals and health care facilities in the state and within each  
24 emergency medical services and trauma care planning and service region  
25 that may provide designated trauma care services based upon approved  
26 regional emergency medical services and trauma care plans;
- 27 (5) By July 1, 1991, establish the minimum and maximum number of  
28 prehospital providers in the state and within each emergency medical  
29 services and trauma care planning and service region that may provide  
30 verified trauma care services based upon approved regional emergency  
31 medical services and trauma care plans;
- 32 (6) By July 1993, begin the designation of hospitals and health  
33 care facilities to provide designated trauma care services in  
34 accordance with needs identified in the statewide emergency medical  
35 services and trauma care plan;
- 36 (7) By July 1990, adopt a format for submission of the regional  
37 plans to the department;

1 (8) By July 1991, begin the review and approval of regional  
2 emergency medical services and trauma care plans;

3 (9) By July 1992, prepare regional plans for those regions that do  
4 not submit a regional plan to the department that meets the  
5 requirements of this chapter;

6 (10) By October 1992, prepare and implement the statewide emergency  
7 medical services and trauma care system plan incorporating the regional  
8 plans;

9 (11) Coordinate the statewide emergency medical services and trauma  
10 care system to assure integration and smooth operation between the  
11 regions;

12 ~~((Facilitate coordination between the emergency medical  
13 services and trauma care steering committee and the emergency medical  
14 services licensing and certification advisory committee;~~

15 ~~(13))~~ Monitor the statewide emergency medical services and trauma  
16 care system;

17 ~~((14))~~ (13) Conduct a study of all costs, charges, expenses, and  
18 levels of reimbursement associated with providers of trauma care  
19 services, and provide its findings and any recommendations regarding  
20 adequate and equitable reimbursement to trauma care providers to the  
21 legislature by July 1, 1991;

22 ~~((15))~~ (14) Monitor the level of public and private payments made  
23 on behalf of trauma care patients to determine whether health care  
24 providers have been adequately reimbursed for the costs of care  
25 rendered such persons;

26 ~~((16))~~ (15) By July 1991, design and establish the statewide  
27 trauma care registry as authorized in RCW 70.168.090 to (a) assess the  
28 effectiveness of emergency medical services and trauma care delivery,  
29 and (b) modify standards and other system requirements to improve the  
30 provision of emergency medical services and trauma care;

31 ~~((17))~~ (16) By July 1991, develop patient outcome measures to  
32 assess the effectiveness of emergency medical services and trauma care  
33 in the system;

34 ~~((18))~~ (17) By July 1993, develop standards for regional  
35 emergency medical services and trauma care quality assurance programs  
36 required in RCW 70.168.090;

37 ~~((19))~~ (18) Administer funding allocated to the department for



1 the purpose of creating, maintaining, or enhancing the statewide  
2 emergency medical services and trauma care system; and  
3 ~~((+20+))~~ (19) By October 1990, begin coordination and development  
4 of trauma prevention and education programs.

5 **Sec. 6.** RCW 18.135.030 and 1999 c 151 s 201 are each amended to  
6 read as follows:

7 ~~(1) ((The secretary or the secretary's designee may appoint members  
8 of the health care assistant profession and other health care  
9 practitioners, as defined in RCW 18.135.020(3), to serve in an ad hoc  
10 capacity to assist in carrying out the provisions of this chapter. The  
11 members shall provide advice on matters specifically identified and  
12 requested by the secretary. The members shall be reimbursed for travel  
13 expenses under RCW 43.03.050 and 43.03.060.~~

14 ~~(+2+))~~ In addition to any other authority provided by law, the  
15 secretary shall adopt rules necessary to:

- 16 (a) Administer, implement, and enforce this chapter;
- 17 (b) Establish the minimum requirements necessary for a health care  
18 facility or health care practitioner to certify a health care assistant  
19 capable of performing the functions authorized in this chapter; and
- 20 (c) Establish minimum requirements for each and every category of  
21 health care assistant.

22 ~~((+3+))~~ (2) The rules shall be adopted after fair consideration of  
23 input from representatives of each category. These requirements shall  
24 ensure that the public health and welfare are protected and shall  
25 include, but not be limited to, the following factors:

- 26 (a) The education and occupational qualifications for the health  
27 care assistant category;
- 28 (b) The work experience for the health care assistant category;
- 29 (c) The instruction and training provided for the health care  
30 assistant category; and
- 31 (d) The types of drugs or diagnostic agents which may be  
32 administered by injection by health care assistants working in a  
33 hospital or nursing home. The rules established under this subsection  
34 shall not prohibit health care assistants working in a health care  
35 facility other than a nursing home or hospital from performing the  
36 functions authorized under this chapter.

1       **Sec. 7.** RCW 43.41.220 and 1994 sp.s. c 9 s 873 are each amended to  
2 read as follows:

3       (1) The ~~((governor))~~ joint legislative audit and review committee  
4 shall conduct a review of all of the boards and commissions identified  
5 under RCW 43.41.230 ~~((and, by January 8th of every odd numbered year,))~~  
6 over a six-year period, and submit to the legislature a report  
7 recommending which boards and commissions should be terminated or  
8 consolidated based upon the criteria set forth in subsection (3) of  
9 this section. The report must state which of the criteria ~~((were))~~ the  
10 joint legislative audit and review committee relied upon with respect  
11 to each recommendation. ~~((The governor shall submit an executive~~  
12 ~~request bill by January 8th of every odd numbered year to implement the~~  
13 ~~recommendations by expressly terminating the appropriate boards and~~  
14 ~~commissions and by providing for the transfer of duties and obligations~~  
15 ~~under this section. The governor shall accept and review with special~~  
16 ~~attention recommendations made, not later than June 1st of each even-~~  
17 ~~numbered year, by the standing committees of the legislature in~~  
18 ~~determining whether to include any board or commission in the report~~  
19 ~~and bill required by this section.))~~

20       (2) In addition to terminations and consolidations under subsection  
21 (1) of this section, the ~~((governor))~~ joint legislative audit and  
22 review committee may recommend the transfer of duties and obligations  
23 from a board or commission to another existing state entity.

24       (3) ~~((In preparing his or her report and legislation, the~~  
25 ~~governor))~~ The joint legislative audit and review committee shall make  
26 an evaluation based upon answers to the questions set forth in this  
27 subsection. The ~~((governor))~~ joint legislative audit and review  
28 committee shall give these criteria priority in the order listed.

29       (a) Has the mission of the board or commission been completed or  
30 ceased to be critical to effective state government?

31       (b) ~~((Does the work of the board or commission directly affect~~  
32 ~~public safety, welfare, or health))~~ Is the entity complying with its  
33 legislative intent?

34       (c) Can the work of the board or commission be effectively done by  
35 another state agency without adverse impact on public safety, welfare,  
36 or health?

37       (d) ~~((Will termination of the board or commission have a~~

1 ~~significant adverse impact on state revenue because of loss of federal~~  
2 ~~funds)) Is the entity meeting its performance measures?~~

3 (e) ~~Will termination ((of the board or commission save revenues, be~~  
4 ~~cost neutral, or result in greater expenditures)) or consolidation of~~  
5 ~~the board or commission result in fiscal or other efficiencies?~~

6 (f) Is the work of the board or commission being done by another  
7 board, commission, or state agency?

8 (g) Could the work of the board or commission be effectively done  
9 by a nonpublic entity?

10 (h) ~~((Will termination of the board or commission result in a~~  
11 ~~significant loss of expertise to state government?~~

12 ~~(i) Will termination of the board or commission result in~~  
13 ~~operational efficiencies that are other than fiscal in nature?~~

14 ~~(j))~~ Could the work of the board or commission be done by an ad  
15 hoc committee?

16 **Sec. 8.** RCW 43.41.230 and 1994 sp.s. c 9 s 874 are each amended to  
17 read as follows:

18 The boards and commissions to be reviewed by the ~~((governor))~~ joint  
19 legislative audit and review committee must be all entities that are  
20 required to be included in the list prepared by the office of financial  
21 management under RCW 43.88.505, other than entities established under:  
22 (1) Constitutional mandate; (2) court order or rule; (3) requirement of  
23 federal law; or (4) requirement as a condition of the state or a local  
24 government receiving federal financial assistance if, in the judgment  
25 of the ~~((governor))~~ joint legislative audit and review committee, no  
26 other state agency, board, or commission would satisfy the requirement.

27 NEW SECTION. **Sec. 9.** The following acts or parts of acts are each  
28 repealed:

29 (1) RCW 77.12.690 (Migratory waterfowl art committee--Duties--  
30 Deposit and use of funds--Audits) and 1998 c 245 s 158, 1998 c 191 s  
31 33, 1987 c 506 s 55, & 1985 c 243 s 6;

32 (2) RCW 28B.04.085 (Displaced homemaker program advisory committee)  
33 and 2004 c 275 s 32 & 1987 c 230 s 2;

34 (3) RCW 28B.115.050 (Planning committee--Criteria for selecting  
35 participants) and 2004 c 275 s 70, 1991 c 332 s 18, & 1989 1st ex.s. c  
36 9 s 719;

1 (4) RCW 28A.600.130 (Washington scholars' program--Planning  
2 committee--Composition--Duties) and 2006 c 263 s 916, 1995 1st sp.s. c  
3 5 s 1, 1990 c 33 s 500, 1985 c 370 s 33, & 1981 c 54 s 4;

4 (5) RCW 28B.12.040 (Board to develop and administer program--  
5 Agreements authorized, limitation--Work study advisory committee) and  
6 1994 c 130 s 4, 1993 c 385 s 3, 1985 c 370 s 58, & 1974 ex.s. c 177 s  
7 4;

8 (6) RCW 70.96A.070 (Citizens advisory council--Qualifications--  
9 Duties--Rules and policies) and 1994 c 231 s 2, 1989 c 270 s 9, 1973  
10 1st ex.s. c 155 s 1, & 1972 ex.s. c 122 s 7; and

11 (7) RCW 18.73.040 (Emergency medical services licensing and  
12 certification advisory committee) and 1990 c 269 s 6, 1984 c 279 s 55,  
13 1981 c 338 s 13, 1979 ex.s. c 261 s 2, 1975-'76 2nd ex.s. c 34 s 43, &  
14 1973 1st ex.s. c 208 s 4.

15 NEW SECTION. **Sec. 10.** This act takes effect July 1, 2008.

--- END ---