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**SENATE BILL 5411**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Kuderer, Honeyford, Randall, King, Wagoner, Van De Wege, Darneille, Keiser, and Saldaña

Read first time 01/21/19. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to physician assistants; amending RCW 18.71A.010,  
2 18.71A.020, 18.71A.030, 18.71A.050, 18.71A.060, 18.71A.090, 7.68.030,  
3 18.06.140, 18.57.003, 18.79.040, 18.79.060, 18.79.240, 18.79.270,  
4 18.100.050, 18.120.020, 18.130.040, 18.130.410, 18.250.010,  
5 28A.210.090, 43.70.110, 43.70.220, 43.70.442, 43.70.470, 46.19.010,  
6 46.61.506, 46.61.508, 48.42.100, 48.43.094, 48.43.115, 51.04.030,  
7 51.28.100, 69.41.030, 70.41.210, 70.54.400, 70.128.120, 70.185.090,  
8 71.24.025, 71.32.020, 71.34.020, 74.09.010, 74.42.010, 74.42.230, and  
9 82.04.050; reenacting and amending RCW 18.79.260, 18.89.020,  
10 18.360.010, 69.41.010, 69.45.010, 69.50.101, 69.51A.010, 70.180.030,  
11 and 71.05.020; adding new sections to chapter 18.71A RCW; creating a  
12 new section; repealing RCW 18.57A.010, 18.57A.020, 18.57A.023,  
13 18.57A.025, 18.57A.030, 18.57A.035, 18.57A.040, 18.57A.050,  
14 18.57A.060, 18.57A.070, 18.57A.080, 18.57A.090, 18.57A.100,  
15 18.57A.800, 18.06.180, 18.71A.035, and 18.71A.040; providing  
16 effective dates; and providing an expiration date.

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

18 NEW SECTION. **Sec. 1.** The legislature intends to modernize the  
19 practice of physician assistants in order to increase access to care,  
20 reduce barriers to employment of physician assistants, and optimize

1 the manner in which physician assistants deliver quality medical  
2 care.

3 **Sec. 2.** RCW 18.71A.010 and 1994 sp.s. c 9 s 318 are each amended  
4 to read as follows:

5 The definitions set forth in this section apply throughout this  
6 chapter.

7 (1) "Physician assistant" means a person who is licensed by the  
8 commission to practice medicine (~~(to a limited extent only under the~~  
9 ~~supervision of a)~~ according to a practice agreement with one or more  
10 participating physicians (~~(as defined in chapter 18.71 RCW)~~) and who  
11 is academically and clinically prepared to provide health care  
12 services and perform diagnostic, therapeutic, preventative, and  
13 health maintenance services.

14 (2) "Commission" means the medical quality assurance commission.

15 (3) "Participating physician" means a physician licensed under  
16 chapter 18.57 or 18.71 RCW who has entered into a practice agreement  
17 with a physician assistant under section 5 of this act.

18 (4) "Physician" means a physician licensed under chapter 18.57 or  
19 18.71 RCW.

20 (5) "Practice agreement" means an agreement entered into under  
21 section 5 of this act.

22 (6) "Practice medicine" has the meaning defined in RCW 18.71.011  
23 and also includes the practice of osteopathic medicine and surgery as  
24 defined in RCW 18.57.001.

25 (~~(4)~~) (7) "Secretary" means the secretary of health or the  
26 secretary's designee.

27 (~~(5)~~) (8) "Department" means the department of health.

28 **Sec. 3.** RCW 18.71A.020 and 2015 c 252 s 9 are each amended to  
29 read as follows:

30 (1) The commission shall adopt rules fixing the qualifications  
31 and the educational and training requirements for licensure as a  
32 physician assistant or for those enrolled in any physician assistant  
33 training program. The requirements shall include completion of an  
34 accredited physician assistant training program approved by the  
35 commission and within one year successfully take and pass an  
36 examination approved by the commission, if the examination tests  
37 subjects substantially equivalent to the curriculum of an accredited  
38 physician assistant training program. An interim permit may be

1 granted by the department of health for one year provided the  
2 applicant meets all other requirements. Physician assistants licensed  
3 by the board of medical examiners, or the medical quality assurance  
4 commission as of July 1, 1999, shall continue to be licensed.

5 (2) (a) The commission shall adopt rules governing the extent to  
6 which:

7 (i) Physician assistant students may practice medicine during  
8 training; and

9 (ii) Physician assistants may practice after successful  
10 completion of a physician assistant training course.

11 (b) Such rules shall provide:

12 (i) That the practice of a physician assistant shall be limited  
13 to the performance of those services for which he or she is trained;  
14 and

15 (ii) That each physician assistant shall practice medicine only  
16 under ~~((the supervision and control of a))~~ the terms of one or more  
17 practice agreements, each signed by one or more participating  
18 physicians licensed in this state ~~((, but such supervision and control~~  
19 ~~shall not be construed to necessarily require the personal presence~~  
20 ~~of the supervising physician or physicians at the place where~~  
21 ~~services are rendered))~~).

22 (3) Applicants for licensure shall file an application with the  
23 commission on a form prepared by the secretary with the approval of  
24 the commission, detailing the education, training, and experience of  
25 the physician assistant and such other information as the commission  
26 may require. The application shall be accompanied by a fee determined  
27 by the secretary as provided in RCW 43.70.250 and 43.70.280. A  
28 surcharge of fifty dollars per year shall be charged on each license  
29 renewal or issuance of a new license to be collected by the  
30 department and deposited into the impaired physician account for  
31 physician assistant participation in the impaired physician program.  
32 Each applicant shall furnish proof satisfactory to the commission of  
33 the following:

34 (a) That the applicant has completed an accredited physician  
35 assistant program approved by the commission and is eligible to take  
36 the examination approved by the commission;

37 (b) That the applicant is of good moral character; and

38 (c) That the applicant is physically and mentally capable of  
39 practicing medicine as a physician assistant with reasonable skill  
40 and safety. The commission may require an applicant to submit to such

1 examination or examinations as it deems necessary to determine an  
2 applicant's physical or mental capability, or both, to safely  
3 practice as a physician assistant.

4 (4) (a) The commission may approve, deny, or take other  
5 disciplinary action upon the application for license as provided in  
6 the Uniform Disciplinary Act, chapter 18.130 RCW.

7 (b) The license shall be renewed as determined under RCW  
8 43.70.250 and 43.70.280. The commission shall request licensees to  
9 submit information about their current professional practice at the  
10 time of license renewal and licensees must provide the information  
11 requested. This information may include practice setting, medical  
12 specialty, or other relevant data determined by the commission.

13 ~~((c) The commission may authorize the use of alternative  
14 supervisors who are licensed either under chapter 18.57 or 18.71  
15 RCW.))~~

16 (5) All funds in the impaired physician account shall be paid to  
17 the contract entity within sixty days of deposit.

18 **Sec. 4.** RCW 18.71A.030 and 2016 c 155 s 23 are each amended to  
19 read as follows:

20 (1) A physician assistant may practice medicine in this state  
21 ~~((only with the approval of the delegation agreement by the  
22 commission and only))~~ to the extent permitted by the ~~((commission. A  
23 physician assistant who has received a license but who has not  
24 received commission approval of the delegation agreement under RCW  
25 18.71A.040 may not))~~ practice agreement. A physician assistant shall  
26 be subject to discipline under chapter 18.130 RCW.

27 (2) Physician assistants may provide services that they are  
28 competent to perform based on their education, training, and  
29 experience and that are consistent with their ~~((commission-approved  
30 delegation))~~ practice agreement. The ~~((supervising))~~ participating  
31 physician and the physician assistant shall determine which  
32 procedures may be performed and the degree of supervision under which  
33 the procedure is performed. Physician assistants may practice in any  
34 area of medicine or surgery as long as the practice is not beyond the  
35 ~~((supervising))~~ participating physician's own scope of expertise and  
36 practice.

37 NEW SECTION. **Sec. 5.** A new section is added to chapter 18.71A  
38 RCW to read as follows:

1 (1) Prior to commencing practice, a physician assistant licensed  
2 in Washington state must enter into a practice agreement with a  
3 participating physician or group of participating physicians.

4 (a) Entering into a practice agreement is voluntary for the  
5 physician assistant and the participating physician. A physician may  
6 not be compelled to participate in a practice agreement as a  
7 condition of employment.

8 (b) Prior to entering into the practice agreement, the  
9 participating physician or his or her designee must verify the  
10 physician assistant's credentials, unless otherwise authorized by  
11 law.

12 (c) The protections of RCW 43.70.075 apply to any physician who  
13 reports to the commission acts of retaliation or reprisal for  
14 declining to sign a practice agreement.

15 (d) The practice agreement must be maintained by the physician  
16 assistant's employer or at his or her place of work.

17 (e) The commission shall develop a model practice agreement.

18 (f) The commission shall establish administrative procedures,  
19 administrative requirements, and fees as provided in RCW 43.70.250  
20 and 43.70.280.

21 (2) A practice agreement must include all of the following:

22 (a) The duties and responsibilities of the physician assistant  
23 and the participating physician. The practice agreement may describe  
24 supervision requirements, if any, for specified procedures or areas  
25 of practice. The practice agreement may only include acts, tasks, or  
26 functions that the physician assistant or participating physician is  
27 qualified to perform by education, training, or experience and that  
28 are within the scope of practice of the physician assistant and the  
29 participating physician, unless otherwise authorized by law, rule, or  
30 the commission;

31 (b) A process between the physician assistant and participating  
32 physician for communication, availability, and decision making when  
33 providing medical treatment to a patient. Communications may occur in  
34 person, electronically, by telephone, or by an alternate method;

35 (c) If there is only one participating physician, a protocol for  
36 designating an alternate physician for consultation in situations in  
37 which the participating physician is not available;

38 (d) The signature of the physician assistant and the  
39 participating physician; and

1 (e) A termination provision. A physician assistant or  
2 participating physician may terminate the practice agreement as it  
3 applies to a single participating physician without terminating the  
4 agreement with respect to the remaining participating physicians.

5 (i) Except as provided in (e)(ii) of this subsection, the  
6 physician assistant or participating physician must provide written  
7 notice at least thirty days prior to the termination.

8 (ii) The physician assistant or participating physician may  
9 terminate the practice agreement immediately due to good faith  
10 concerns regarding unprofessional conduct or failure to practice  
11 medicine while exercising reasonable skill and safety.

12 (3) A practice agreement may be amended for any reason, such as  
13 to add or remove participating physicians or to amend the duties and  
14 responsibilities of the physician assistant.

15 (4) Whenever a physician assistant is practicing in a manner  
16 inconsistent with the practice agreement, the commission may take  
17 disciplinary action under chapter 18.130 RCW.

18 (5) Whenever a participating physician is subject to disciplinary  
19 action under chapter 18.130 RCW related to the practice of a  
20 physician assistant, the case must be referred to the appropriate  
21 disciplining authority.

22 (6) A physician assistant or physician may participate in more  
23 than one practice agreement if he or she is reasonably able to  
24 fulfill the duties and responsibilities in each agreement.

25 **Sec. 6.** RCW 18.71A.050 and 1994 sp.s. c 9 s 323 are each amended  
26 to read as follows:

27 No participating physician who (~~(supervises)~~) enters into a  
28 practice agreement with a licensed physician assistant in accordance  
29 with and within the terms of any permission granted by the commission  
30 is considered as aiding and abetting an unlicensed person to practice  
31 medicine. The (~~(supervising physician and)~~) physician assistant shall  
32 retain professional and personal responsibility for any act which  
33 constitutes the practice of medicine as defined in RCW 18.71.011 or  
34 the practice of osteopathic medicine and surgery as defined in RCW  
35 18.57.001 when performed by the physician assistant.

36 **Sec. 7.** RCW 18.71A.060 and 1994 sp.s. c 9 s 324 are each amended  
37 to read as follows:

1 No health care services may be performed under this chapter in  
2 any of the following areas:

3 (1) The measurement of the powers or range of human vision, or  
4 the determination of the accommodation and refractive state of the  
5 human eye or the scope of its functions in general, or the fitting or  
6 adaptation of lenses or frames for the aid thereof.

7 (2) The prescribing or directing the use of, or using, any  
8 optical device in connection with ocular exercises, visual training,  
9 vision training, or orthoptics.

10 (3) The prescribing of contact lenses for, or the fitting or  
11 adaptation of contact lenses to, the human eye.

12 (4) Nothing in this section shall preclude the performance of  
13 routine visual screening.

14 (5) The practice of dentistry or dental hygiene as defined in  
15 chapters 18.32 and 18.29 RCW respectively. The exemptions set forth  
16 in RCW 18.32.030 (1) and (8), shall not apply to a physician  
17 assistant.

18 (6) The practice of chiropractic as defined in chapter 18.25 RCW  
19 including the adjustment or manipulation of the articulations of the  
20 spine. Nothing in this subsection prohibits a physician assistant  
21 from performing tasks within the scope of practice of a physician  
22 licensed under chapter 18.57 RCW if a participating physician in the  
23 physician assistant's practice agreement is licensed under chapter  
24 18.57 RCW.

25 (7) The practice of podiatric medicine and surgery as defined in  
26 chapter 18.22 RCW.

27 **Sec. 8.** RCW 18.71A.090 and 2007 c 264 s 3 are each amended to  
28 read as follows:

29 (1) A physician assistant may sign and attest to any  
30 certificates, cards, forms, or other required documentation that the  
31 physician assistant's (~~supervising~~) participating physician or  
32 physician group may sign, provided that it is within the physician  
33 assistant's scope of practice and is consistent with the terms of the  
34 physician assistant's practice arrangement plan as required by this  
35 chapter.

36 (2) Notwithstanding any law, rule, or medical staff bylaw  
37 provision to the contrary, a physician is not required to countersign  
38 orders written in a patient's clinical record or an official form by

1 a physician assistant with whom the physician has a practice  
2 agreement.

3 NEW SECTION. **Sec. 9.** A new section is added to chapter 18.71A  
4 RCW to read as follows:

5 (1) The commission shall conduct an education and outreach  
6 campaign to make license holders, health carriers, and the public  
7 aware of the provisions of this act.

8 (2) This section expires August 1, 2022.

9 NEW SECTION. **Sec. 10.** A new section is added to chapter 18.71A  
10 RCW to read as follows:

11 (1) On or after the effective date of this section, no new  
12 licenses may be issued under chapter 18.57A RCW. The commission shall  
13 license physician assistants licensed under chapter 18.57A RCW prior  
14 to the effective date of this section as physician assistants under  
15 this chapter when they renew their licenses.

16 (2) The board of osteopathic medicine and surgery remains the  
17 disciplining authority under chapter 18.130 RCW for conduct occurring  
18 while a physician assistant is licensed under chapter 18.57A RCW

19 NEW SECTION. **Sec. 11.** A new section is added to chapter 18.71A  
20 RCW to read as follows:

21 The commission and the board of osteopathic medicine and surgery  
22 shall adopt any rules necessary to implement this act.

23 **Sec. 12.** RCW 7.68.030 and 2017 c 235 s 2 are each amended to  
24 read as follows:

25 (1) It shall be the duty of the director to establish and  
26 administer a program of benefits to innocent victims of criminal acts  
27 within the terms and limitations of this chapter. The director may  
28 apply for and, subject to appropriation, expend federal funds under  
29 Public Law 98-473 and any other federal program providing financial  
30 assistance to state crime victim compensation programs. The federal  
31 funds shall be deposited in the state general fund and may be  
32 expended only for purposes authorized by applicable federal law.

33 (2) The director shall:

34 (a) Establish and adopt rules governing the administration of  
35 this chapter in accordance with chapter 34.05 RCW;



1 (b) Regulate the proof of accident and extent thereof, the proof  
2 of death, and the proof of relationship and the extent of dependency;

3 (c) Supervise the medical, surgical, and hospital treatment to  
4 the intent that it may be in all cases efficient and up to the  
5 recognized standard of modern surgery;

6 (d) Issue proper receipts for moneys received and certificates  
7 for benefits accrued or accruing;

8 (e) Designate a medical director who is licensed under chapter  
9 18.57 or 18.71 RCW;

10 (f) Supervise the providing of prompt and efficient care and  
11 treatment, including care provided by physician assistants governed  
12 by the provisions of chapter(~~s—18.57A—and~~) 18.71A RCW, acting under  
13 a (~~supervising~~) participating physician, including chiropractic  
14 care, and including care provided by licensed advanced registered  
15 nurse practitioners, to victims at the least cost consistent with  
16 promptness and efficiency, without discrimination or favoritism, and  
17 with as great uniformity as the various and diverse surrounding  
18 circumstances and locations of industries will permit and to that end  
19 shall, from time to time, establish and adopt and supervise the  
20 administration of printed forms, electronic communications, rules,  
21 regulations, and practices for the furnishing of such care and  
22 treatment. The medical coverage decisions of the department do not  
23 constitute a "rule" as used in RCW 34.05.010(16), nor are such  
24 decisions subject to the rule-making provisions of chapter 34.05 RCW  
25 except that criteria for establishing medical coverage decisions  
26 shall be adopted by rule. The department may recommend to a victim  
27 particular health care services and providers where specialized  
28 treatment is indicated or where cost-effective payment levels or  
29 rates are obtained by the department, and the department may enter  
30 into contracts for goods and services including, but not limited to,  
31 durable medical equipment so long as statewide access to quality  
32 service is maintained for injured victims;

33 (g) In consultation with interested persons, establish and, in  
34 his or her discretion, periodically change as may be necessary, and  
35 make available a fee schedule of the maximum charges to be made by  
36 any physician, surgeon, chiropractor, hospital, druggist, licensed  
37 advanced registered nurse practitioner, and physician assistants as  
38 defined in chapter(~~s—18.57A—and~~) 18.71A RCW, acting under a  
39 (~~supervising~~) participating physician or other agency or person  
40 rendering services to victims. The department shall coordinate with

1 other state purchasers of health care services to establish as much  
2 consistency and uniformity in billing and coding practices as  
3 possible, taking into account the unique requirements and differences  
4 between programs. No service covered under this title, including  
5 services provided to victims, whether aliens or other victims, who  
6 are not residing in the United States at the time of receiving the  
7 services, shall be charged or paid at a rate or rates exceeding those  
8 specified in such fee schedule, and no contract providing for greater  
9 fees shall be valid as to the excess. The establishment of such a  
10 schedule, exclusive of conversion factors, does not constitute  
11 "agency action" as used in RCW 34.05.010(3), nor does such a fee  
12 schedule constitute a "rule" as used in RCW 34.05.010(16). Payments  
13 for providers' services under the fee schedule established pursuant  
14 to this subsection (2) may not be less than payments provided for  
15 comparable services under the workers' compensation program under  
16 Title 51 RCW, provided:

17 (i) If the department, using caseload estimates, projects a  
18 deficit in funding for the program by July 15th for the following  
19 fiscal year, the director shall notify the governor and the  
20 appropriate committees of the legislature and request funding  
21 sufficient to continue payments to not less than payments provided  
22 for comparable services under the workers' compensation program. If  
23 sufficient funding is not provided to continue payments to not less  
24 than payments provided for comparable services under the workers'  
25 compensation program, the director shall reduce the payments under  
26 the fee schedule for the following fiscal year based on caseload  
27 estimates and available funding, except payments may not be reduced  
28 to less than seventy percent of payments for comparable services  
29 under the workers' compensation program;

30 (ii) If an unforeseeable catastrophic event results in  
31 insufficient funding to continue payments to not less than payments  
32 provided for comparable services under the workers' compensation  
33 program, the director shall reduce the payments under the fee  
34 schedule to not less than seventy percent of payments provided for  
35 comparable services under the workers' compensation program, provided  
36 that the reduction may not be more than necessary to fund benefits  
37 under the program; and

38 (iii) Once sufficient funding is provided or otherwise available,  
39 the director shall increase the payments under the fee schedule to

1 not less than payments provided for comparable services under the  
2 workers' compensation program;

3 (h) Make a record of the commencement of every disability and the  
4 termination thereof and, when bills are rendered for the care and  
5 treatment of injured victims, shall approve and pay those which  
6 conform to the adopted rules, regulations, established fee schedules,  
7 and practices of the director and may reject any bill or item thereof  
8 incurred in violation of the principles laid down in this section or  
9 the rules, regulations, or the established fee schedules and rules  
10 and regulations adopted under it.

11 (3) The director and his or her authorized assistants:

12 (a) Have power to issue subpoenas to enforce the attendance and  
13 testimony of witnesses and the production and examination of books,  
14 papers, photographs, tapes, and records before the department in  
15 connection with any claim made to the department or any billing  
16 submitted to the department. The superior court has the power to  
17 enforce any such subpoena by proper proceedings;

18 (b) (i) May apply for and obtain a superior court order approving  
19 and authorizing a subpoena in advance of its issuance. The  
20 application may be made in the county where the subpoenaed person  
21 resides or is found, or the county where the subpoenaed records or  
22 documents are located, or in Thurston county. The application must  
23 (A) state that an order is sought pursuant to this subsection; (B)  
24 adequately specify the records, documents, or testimony; and (C)  
25 declare under oath that an investigation is being conducted for a  
26 lawfully authorized purpose related to an investigation within the  
27 department's authority and that the subpoenaed documents or testimony  
28 are reasonably related to an investigation within the department's  
29 authority.

30 (ii) Where the application under this subsection (3) (b) is made  
31 to the satisfaction of the court, the court must issue an order  
32 approving the subpoena. An order under this subsection constitutes  
33 authority of law for the agency to subpoena the records or testimony.

34 (iii) The director and his or her authorized assistants may seek  
35 approval and a court may issue an order under this subsection without  
36 prior notice to any person, including the person to whom the subpoena  
37 is directed and the person who is the subject of an investigation.

38 (4) In all hearings, actions, or proceedings before the  
39 department, any physician or licensed advanced registered nurse  
40 practitioner having theretofore examined or treated the claimant may

1 be required to testify fully regarding such examination or treatment,  
2 and shall not be exempt from so testifying by reason of the relation  
3 of the physician or licensed advanced registered nurse practitioner  
4 to the patient.

5 **Sec. 13.** RCW 18.06.140 and 2015 c 60 s 2 are each amended to  
6 read as follows:

7 (1) When a person licensed under this chapter sees patients with  
8 potentially serious disorders such as cardiac conditions, acute  
9 abdominal symptoms, and such other conditions, the practitioner shall  
10 immediately request a consultation or recent written diagnosis from a  
11 primary health care provider licensed under chapter 18.71, 18.57,  
12 (~~18.57A,~~) 18.36A, or 18.71A RCW or RCW 18.79.050. In the event that  
13 the patient with the disorder refuses to authorize such consultation  
14 or provide a recent diagnosis from such primary health care provider,  
15 East Asian medical treatments, including acupuncture, may only be  
16 continued after the patient signs a written waiver acknowledging the  
17 risks associated with the failure to pursue treatment from a primary  
18 health care provider. The waiver must also include: (a) An  
19 explanation of an East Asian medicine practitioner's scope of  
20 practice, including the services and techniques East Asian medicine  
21 practitioners are authorized to provide and (b) a statement that the  
22 services and techniques that an East Asian medicine practitioner is  
23 authorized to provide will not resolve the patient's underlying  
24 potentially serious disorder. The requirements of the waiver shall be  
25 established by the secretary in rule.

26 (2) In an emergency, a person licensed under this chapter shall:  
27 (a) Initiate the emergency medical system by calling 911; (b) request  
28 an ambulance; and (c) provide patient support until emergency  
29 response arrives.

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

31 **Sec. 14.** RCW 18.57.003 and 2017 c 101 s 1 are each amended to  
32 read as follows:

33 There is hereby created an agency of the state of Washington,  
34 consisting of eleven individuals appointed by the governor to be  
35 known as the Washington state board of osteopathic medicine and  
36 surgery.

37 On expiration of the term of any member, the governor shall  
38 appoint for a period of five years a qualified individual to take the

1 place of such member. Each member shall hold office until the  
2 expiration of the term for which such member is appointed or until a  
3 successor shall have been appointed and shall have qualified. Initial  
4 appointments shall be made and vacancies in the membership of the  
5 board shall be filled for the unexpired term by appointment by the  
6 governor.

7 Each member of the board shall be a citizen of the United States  
8 and must be an actual resident of this state. Two members must be  
9 consumers who have neither a financial nor a fiduciary relationship  
10 to a health care delivery system, (~~one member must have been in  
11 active practice as a licensed osteopathic physician assistant in this  
12 state for at least five years immediately preceding appointment,~~)  
13 and every other member must have been in active practice as a  
14 licensed osteopathic physician and surgeon in this state for at least  
15 five years immediately preceding appointment.

16 The board shall elect a chairperson, a secretary, and a vice  
17 chairperson from its members. Meetings of the board shall be held at  
18 least four times a year and at such place as the board shall  
19 determine and at such other times and places as the board deems  
20 necessary.

21 An affirmative vote of a simple majority of the members present  
22 at a meeting or hearing shall be required for the board to take any  
23 official action. The board may not take any action without a quorum  
24 of the board members present. A simple majority of the board members  
25 currently serving constitutes a quorum of the board.

26 Each member of the board shall be compensated in accordance with  
27 RCW 43.03.265 and shall be reimbursed for travel expenses in  
28 accordance with RCW 43.03.050 and 43.03.060. The board is a class  
29 five group for purposes of chapter 43.03 RCW.

30 Any member of the board may be removed by the governor for  
31 neglect of duty, misconduct, malfeasance or misfeasance in office, or  
32 upon written request of two-thirds of the physicians licensed under  
33 this chapter and in active practice in this state.

34 **Sec. 15.** RCW 18.79.040 and 2012 c 13 s 1 are each amended to  
35 read as follows:

36 (1) "Registered nursing practice" means the performance of acts  
37 requiring substantial specialized knowledge, judgment, and skill  
38 based on the principles of the biological, physiological, behavioral,  
39 and sociological sciences in either:

1 (a) The observation, assessment, diagnosis, care or counsel, and  
2 health teaching of individuals with illnesses, injuries, or  
3 disabilities, or in the maintenance of health or prevention of  
4 illness of others;

5 (b) The performance of such additional acts requiring education  
6 and training and that are recognized by the medical and nursing  
7 professions as proper and recognized by the commission to be  
8 performed by registered nurses licensed under this chapter and that  
9 are authorized by the commission through its rules;

10 (c) The administration, supervision, delegation, and evaluation  
11 of nursing practice. However, nothing in this subsection affects the  
12 authority of a hospital, hospital district, in-home service agency,  
13 community-based care setting, medical clinic, or office, concerning  
14 its administration and supervision;

15 (d) The teaching of nursing;

16 (e) The executing of medical regimen as prescribed by a licensed  
17 physician and surgeon, dentist, osteopathic physician and surgeon,  
18 podiatric physician and surgeon, physician assistant, (~~osteopathic~~  
19 ~~physician assistant,~~) or advanced registered nurse practitioner, or  
20 as directed by a licensed midwife within his or her scope of  
21 practice.

22 (2) Nothing in this section prohibits a person from practicing a  
23 profession for which a license has been issued under the laws of this  
24 state or specifically authorized by any other law of the state of  
25 Washington.

26 (3) This section does not prohibit (a) the nursing care of the  
27 sick, without compensation, by an unlicensed person who does not hold  
28 himself or herself out to be a registered nurse, (b) the practice of  
29 licensed practical nursing by a licensed practical nurse, or (c) the  
30 practice of a nursing assistant, providing delegated nursing tasks  
31 under chapter 18.88A RCW.

32 **Sec. 16.** RCW 18.79.060 and 2012 c 13 s 2 are each amended to  
33 read as follows:

34 "Licensed practical nursing practice" means the performance of  
35 services requiring the knowledge, skill, and judgment necessary for  
36 carrying out selected aspects of the designated nursing regimen under  
37 the direction and supervision of a licensed physician and surgeon,  
38 dentist, osteopathic physician and surgeon, physician assistant,

1 (~~osteopathic physician assistant,~~) podiatric physician and surgeon,  
2 advanced registered nurse practitioner, registered nurse, or midwife.

3 Nothing in this section prohibits a person from practicing a  
4 profession for which a license has been issued under the laws of this  
5 state or specifically authorized by any other law of the state of  
6 Washington.

7 This section does not prohibit the nursing care of the sick,  
8 without compensation, by an unlicensed person who does not hold  
9 himself or herself out to be a licensed practical nurse.

10 **Sec. 17.** RCW 18.79.240 and 2005 c 28 s 1 are each amended to  
11 read as follows:

12 (1) In the context of the definition of registered nursing  
13 practice and advanced registered nursing practice, this chapter shall  
14 not be construed as:

15 (a) Prohibiting the incidental care of the sick by domestic  
16 servants or persons primarily employed as housekeepers, so long as  
17 they do not practice registered nursing within the meaning of this  
18 chapter;

19 (b) Preventing a person from the domestic administration of  
20 family remedies or the furnishing of nursing assistance in case of  
21 emergency;

22 (c) Prohibiting the practice of nursing by students enrolled in  
23 approved schools as may be incidental to their course of study or  
24 prohibiting the students from working as nursing technicians;

25 (d) Prohibiting auxiliary services provided by persons carrying  
26 out duties necessary for the support of nursing services, including  
27 those duties that involve minor nursing services for persons  
28 performed in hospitals, nursing homes, or elsewhere under the  
29 direction of licensed physicians or the supervision of licensed  
30 registered nurses;

31 (e) Prohibiting the practice of nursing in this state by a  
32 legally qualified nurse of another state or territory whose  
33 engagement requires him or her to accompany and care for a patient  
34 temporarily residing in this state during the period of one such  
35 engagement, not to exceed six months in length, if the person does  
36 not represent or hold himself or herself out as a registered nurse  
37 licensed to practice in this state;

38 (f) Prohibiting nursing or care of the sick, with or without  
39 compensation, when done in connection with the practice of the

1 religious tenets of a church by adherents of the church so long as  
2 they do not engage in the practice of nursing as defined in this  
3 chapter;

4 (g) Prohibiting the practice of a legally qualified nurse of  
5 another state who is employed by the United States government or a  
6 bureau, division, or agency thereof, while in the discharge of his or  
7 her official duties;

8 (h) Permitting the measurement of the powers or range of human  
9 vision, or the determination of the accommodation and refractive  
10 state of the human eye or the scope of its functions in general, or  
11 the fitting or adaptation of lenses for the aid thereof;

12 (i) Permitting the prescribing or directing the use of, or using,  
13 an optical device in connection with ocular exercises, visual  
14 training, vision training, or orthoptics;

15 (j) Permitting the prescribing of contact lenses for, or the  
16 fitting and adaptation of contact lenses to, the human eye;

17 (k) Prohibiting the performance of routine visual screening;

18 (l) Permitting the practice of dentistry or dental hygiene as  
19 defined in chapters 18.32 and 18.29 RCW, respectively;

20 (m) Permitting the practice of chiropractic as defined in chapter  
21 18.25 RCW including the adjustment or manipulation of the  
22 articulation of the spine;

23 (n) Permitting the practice of podiatric medicine and surgery as  
24 defined in chapter 18.22 RCW;

25 (o) Permitting the performance of major surgery, except such  
26 minor surgery as the commission may have specifically authorized by  
27 rule adopted in accordance with chapter 34.05 RCW;

28 (p) Permitting the prescribing of controlled substances as  
29 defined in Schedule I of the Uniform Controlled Substances Act,  
30 chapter 69.50 RCW;

31 (q) Prohibiting the determination and pronouncement of death;

32 (r) Prohibiting advanced registered nurse practitioners, approved  
33 by the commission as certified registered nurse anesthetists from  
34 selecting, ordering, or administering controlled substances as  
35 defined in Schedules II through IV of the Uniform Controlled  
36 Substances Act, chapter 69.50 RCW, consistent with their commission-  
37 recognized scope of practice; subject to facility-specific protocols,  
38 and subject to a request for certified registered nurse anesthetist  
39 anesthesia services issued by a physician licensed under chapter  
40 18.71 RCW, an osteopathic physician and surgeon licensed under



1 chapter 18.57 RCW, a dentist licensed under chapter 18.32 RCW, or a  
2 podiatric physician and surgeon licensed under chapter 18.22 RCW; the  
3 authority to select, order, or administer Schedule II through IV  
4 controlled substances being limited to those drugs that are to be  
5 directly administered to patients who require anesthesia for  
6 diagnostic, operative, obstetrical, or therapeutic procedures in a  
7 hospital, clinic, ambulatory surgical facility, or the office of a  
8 practitioner licensed under chapter 18.71, 18.22, 18.36, 18.36A,  
9 18.57, (~~18.57A,~~) or 18.32 RCW; "select" meaning the decision-making  
10 process of choosing a drug, dosage, route, and time of  
11 administration; and "order" meaning the process of directing licensed  
12 individuals pursuant to their statutory authority to directly  
13 administer a drug or to dispense, deliver, or distribute a drug for  
14 the purpose of direct administration to a patient, under instructions  
15 of the certified registered nurse anesthetist. "Protocol" means a  
16 statement regarding practice and documentation concerning such items  
17 as categories of patients, categories of medications, or categories  
18 of procedures rather than detailed case-specific formulas for the  
19 practice of nurse anesthesia;

20 (s) Prohibiting advanced registered nurse practitioners from  
21 ordering or prescribing controlled substances as defined in Schedules  
22 II through IV of the Uniform Controlled Substances Act, chapter 69.50  
23 RCW, if and to the extent that doing so is permitted by their scope  
24 of practice.

25 (2) In the context of the definition of licensed practical  
26 nursing practice, this chapter shall not be construed as:

27 (a) Prohibiting the incidental care of the sick by domestic  
28 servants or persons primarily employed as housekeepers, so long as  
29 they do not practice practical nursing within the meaning of this  
30 chapter;

31 (b) Preventing a person from the domestic administration of  
32 family remedies or the furnishing of nursing assistance in case of  
33 emergency;

34 (c) Prohibiting the practice of practical nursing by students  
35 enrolled in approved schools as may be incidental to their course of  
36 study or prohibiting the students from working as nursing assistants;

37 (d) Prohibiting auxiliary services provided by persons carrying  
38 out duties necessary for the support of nursing services, including  
39 those duties that involve minor nursing services for persons  
40 performed in hospitals, nursing homes, or elsewhere under the

1 direction of licensed physicians or the supervision of licensed  
2 registered nurses;

3 (e) Prohibiting or preventing the practice of nursing in this  
4 state by a legally qualified nurse of another state or territory  
5 whose engagement requires him or her to accompany and care for a  
6 patient temporarily residing in this state during the period of one  
7 such engagement, not to exceed six months in length, if the person  
8 does not represent or hold himself or herself out as a licensed  
9 practical nurse licensed to practice in this state;

10 (f) Prohibiting nursing or care of the sick, with or without  
11 compensation, when done in connection with the practice of the  
12 religious tenets of a church by adherents of the church so long as  
13 they do not engage in licensed practical nurse practice as defined in  
14 this chapter;

15 (g) Prohibiting the practice of a legally qualified nurse of  
16 another state who is employed by the United States government or any  
17 bureau, division, or agency thereof, while in the discharge of his or  
18 her official duties.

19 **Sec. 18.** RCW 18.79.260 and 2012 c 164 s 407, 2012 c 13 s 3, and  
20 2012 c 10 s 37 are each reenacted and amended to read as follows:

21 (1) A registered nurse under his or her license may perform for  
22 compensation nursing care, as that term is usually understood, to  
23 individuals with illnesses, injuries, or disabilities.

24 (2) A registered nurse may, at or under the general direction of  
25 a licensed physician and surgeon, dentist, osteopathic physician and  
26 surgeon, naturopathic physician, optometrist, podiatric physician and  
27 surgeon, physician assistant, (~~osteopathic physician assistant,~~)  
28 advanced registered nurse practitioner, or midwife acting within the  
29 scope of his or her license, administer medications, treatments,  
30 tests, and inoculations, whether or not the severing or penetrating  
31 of tissues is involved and whether or not a degree of independent  
32 judgment and skill is required. Such direction must be for acts which  
33 are within the scope of registered nursing practice.

34 (3) A registered nurse may delegate tasks of nursing care to  
35 other individuals where the registered nurse determines that it is in  
36 the best interest of the patient.

37 (a) The delegating nurse shall:

38 (i) Determine the competency of the individual to perform the  
39 tasks;

1 (ii) Evaluate the appropriateness of the delegation;  
2 (iii) Supervise the actions of the person performing the  
3 delegated task; and  
4 (iv) Delegate only those tasks that are within the registered  
5 nurse's scope of practice.

6 (b) A registered nurse, working for a home health or hospice  
7 agency regulated under chapter 70.127 RCW, may delegate the  
8 application, instillation, or insertion of medications to a  
9 registered or certified nursing assistant under a plan of care.

10 (c) Except as authorized in (b) or (e) of this subsection, a  
11 registered nurse may not delegate the administration of medications.  
12 Except as authorized in (e) of this subsection, a registered nurse  
13 may not delegate acts requiring substantial skill, and may not  
14 delegate piercing or severing of tissues. Acts that require nursing  
15 judgment shall not be delegated.

16 (d) No person may coerce a nurse into compromising patient safety  
17 by requiring the nurse to delegate if the nurse determines that it is  
18 inappropriate to do so. Nurses shall not be subject to any employer  
19 reprisal or disciplinary action by the nursing care quality assurance  
20 commission for refusing to delegate tasks or refusing to provide the  
21 required training for delegation if the nurse determines delegation  
22 may compromise patient safety.

23 (e) For delegation in community-based care settings or in-home  
24 care settings, a registered nurse may delegate nursing care tasks  
25 only to registered or certified nursing assistants or home care aides  
26 certified under chapter 18.88B RCW. Simple care tasks such as blood  
27 pressure monitoring, personal care service, diabetic insulin device  
28 set up, verbal verification of insulin dosage for sight-impaired  
29 individuals, or other tasks as defined by the nursing care quality  
30 assurance commission are exempted from this requirement.

31 (i) "Community-based care settings" includes: Community  
32 residential programs for people with developmental disabilities,  
33 certified by the department of social and health services under  
34 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128  
35 RCW; and assisted living facilities licensed under chapter 18.20 RCW.  
36 Community-based care settings do not include acute care or skilled  
37 nursing facilities.

38 (ii) "In-home care settings" include an individual's place of  
39 temporary or permanent residence, but does not include acute care or

1 skilled nursing facilities, and does not include community-based care  
2 settings as defined in (e)(i) of this subsection.

3 (iii) Delegation of nursing care tasks in community-based care  
4 settings and in-home care settings is only allowed for individuals  
5 who have a stable and predictable condition. "Stable and predictable  
6 condition" means a situation in which the individual's clinical and  
7 behavioral status is known and does not require the frequent presence  
8 and evaluation of a registered nurse.

9 (iv) The determination of the appropriateness of delegation of a  
10 nursing task is at the discretion of the registered nurse. Other than  
11 delegation of the administration of insulin by injection for the  
12 purpose of caring for individuals with diabetes, the administration  
13 of medications by injection, sterile procedures, and central line  
14 maintenance may never be delegated.

15 (v) When delegating insulin injections under this section, the  
16 registered nurse delegator must instruct the individual regarding  
17 proper injection procedures and the use of insulin, demonstrate  
18 proper injection procedures, and must supervise and evaluate the  
19 individual performing the delegated task weekly during the first four  
20 weeks of delegation of insulin injections. If the registered nurse  
21 delegator determines that the individual is competent to perform the  
22 injection properly and safely, supervision and evaluation shall occur  
23 at least every ninety days thereafter.

24 (vi)(A) The registered nurse shall verify that the nursing  
25 assistant or home care aide, as the case may be, has completed the  
26 required core nurse delegation training required in chapter 18.88A or  
27 18.88B RCW prior to authorizing delegation.

28 (B) Before commencing any specific nursing tasks authorized to be  
29 delegated in this section, a home care aide must be certified  
30 pursuant to chapter 18.88B RCW and must comply with RCW 18.88B.070.

31 (vii) The nurse is accountable for his or her own individual  
32 actions in the delegation process. Nurses acting within the protocols  
33 of their delegation authority are immune from liability for any  
34 action performed in the course of their delegation duties.

35 (viii) Nursing task delegation protocols are not intended to  
36 regulate the settings in which delegation may occur, but are intended  
37 to ensure that nursing care services have a consistent standard of  
38 practice upon which the public and the profession may rely, and to  
39 safeguard the authority of the nurse to make independent professional  
40 decisions regarding the delegation of a task.

1 (f) The nursing care quality assurance commission may adopt rules  
2 to implement this section.

3 (4) Only a person licensed as a registered nurse may instruct  
4 nurses in technical subjects pertaining to nursing.

5 (5) Only a person licensed as a registered nurse may hold herself  
6 or himself out to the public or designate herself or himself as a  
7 registered nurse.

8 **Sec. 19.** RCW 18.79.270 and 2012 c 13 s 4 are each amended to  
9 read as follows:

10 A licensed practical nurse under his or her license may perform  
11 nursing care, as that term is usually understood, of the ill,  
12 injured, or infirm, and in the course thereof may, under the  
13 direction of a licensed physician and surgeon, osteopathic physician  
14 and surgeon, dentist, naturopathic physician, podiatric physician and  
15 surgeon, physician assistant, (~~osteopathic physician assistant,~~)  
16 advanced registered nurse practitioner, or midwife acting under the  
17 scope of his or her license, or at the direction and under the  
18 supervision of a registered nurse, administer drugs, medications,  
19 treatments, tests, injections, and inoculations, whether or not the  
20 piercing of tissues is involved and whether or not a degree of  
21 independent judgment and skill is required, when selected to do so by  
22 one of the licensed practitioners designated in this section, or by a  
23 registered nurse who need not be physically present; if the order  
24 given is reduced to writing within a reasonable time and made a part  
25 of the patient's record. Such direction must be for acts within the  
26 scope of licensed practical nurse practice.

27 **Sec. 20.** RCW 18.89.020 and 2011 c 235 s 1 are each reenacted and  
28 amended to read as follows:

29 Unless the context clearly requires otherwise, the definitions in  
30 this section apply throughout this chapter.

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

32 (2) "Health care practitioner" means:

33 (a) A physician licensed under chapter 18.71 RCW;

34 (b) An osteopathic physician or surgeon licensed under chapter  
35 18.57 RCW; or

36 (c) Acting within the scope of their respective licensure, a  
37 podiatric physician and surgeon licensed under chapter 18.22 RCW, an  
38 advanced registered nurse practitioner licensed under chapter 18.79

1 RCW, a naturopath licensed under chapter 18.36A RCW, or a physician  
2 assistant licensed under chapter 18.71A RCW (~~(, or an osteopathic~~  
3 ~~physician assistant licensed under chapter 18.57A RCW)~~).

4 (3) "Respiratory care practitioner" means an individual licensed  
5 under this chapter.

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

8 **Sec. 21.** RCW 18.100.050 and 2001 c 251 s 29 are each amended to  
9 read as follows:

10 (1) An individual or group of individuals duly licensed or  
11 otherwise legally authorized to render the same professional services  
12 within this state may organize and become a shareholder or  
13 shareholders of a professional corporation for pecuniary profit under  
14 the provisions of Title 23B RCW for the purpose of rendering  
15 professional service. One or more of the legally authorized  
16 individuals shall be the incorporators of the professional  
17 corporation.

18 (2) Notwithstanding any other provision of this chapter,  
19 registered architects and registered engineers may own stock in and  
20 render their individual professional services through one  
21 professional service corporation.

22 (3) Licensed health care professionals, providing services to  
23 enrolled participants either directly or through arrangements with a  
24 health maintenance organization registered under chapter 48.46 RCW or  
25 federally qualified health maintenance organization, may own stock in  
26 and render their individual professional services through one  
27 professional service corporation.

28 (4) Professionals may organize a nonprofit nonstock corporation  
29 under this chapter and chapter 24.03 RCW to provide professional  
30 services, and the provisions of this chapter relating to stock and  
31 referring to Title 23B RCW shall not apply to any such corporation.

32 (5)(a) Notwithstanding any other provision of this chapter,  
33 health care professionals who are licensed or certified pursuant to  
34 chapters 18.06, 18.225, 18.22, 18.25, 18.29, 18.34, 18.35, 18.36A,  
35 18.50, 18.53, 18.55, 18.57, (~~(18.57A,)~~) 18.64, 18.71, 18.71A, 18.79,  
36 18.83, 18.89, 18.108, and 18.138 RCW may own stock in and render  
37 their individual professional services through one professional  
38 service corporation and are to be considered, for the purpose of  
39 forming a professional service corporation, as rendering the "same

1 specific professional services" or "same professional services" or  
2 similar terms.

3 (b) Notwithstanding any other provision of this chapter, health  
4 care professionals who are regulated under chapters 18.59 and 18.74  
5 RCW may own stock in and render their individual professional  
6 services through one professional service corporation formed for the  
7 sole purpose of providing professional services within their  
8 respective scope of practice.

9 (c) Formation of a professional service corporation under this  
10 subsection does not restrict the application of the uniform  
11 disciplinary act under chapter 18.130 RCW, or applicable health care  
12 professional statutes under Title 18 RCW, including but not limited  
13 to restrictions on persons practicing a health profession without  
14 being appropriately credentialed and persons practicing beyond the  
15 scope of their credential.

16 **Sec. 22.** RCW 18.120.020 and 2017 c 336 s 19 are each amended to  
17 read as follows:

18 The definitions in this section apply throughout this chapter  
19 unless the context clearly requires otherwise.

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

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

31 (3) "Grandfather clause" means a provision in a regulatory  
32 statute applicable to practitioners actively engaged in the regulated  
33 health profession prior to the effective date of the regulatory  
34 statute which exempts the practitioners from meeting the prerequisite  
35 qualifications set forth in the regulatory statute to perform  
36 prescribed occupational tasks.

37 (4) "Health professions" means and includes the following health  
38 and health-related licensed or regulated professions and occupations:  
39 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic

1 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;  
2 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;  
3 dental anesthesia assistants under chapter 18.350 RCW; dispensing  
4 opticians under chapter 18.34 RCW; hearing instruments under chapter  
5 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and  
6 funeral directing under chapter 18.39 RCW; midwifery under chapter  
7 18.50 RCW; nursing home administration under chapter 18.52 RCW;  
8 optometry under chapters 18.53 and 18.54 RCW; ocularists under  
9 chapter 18.55 RCW; osteopathic medicine and surgery under  
10 chapter((s)) 18.57 ((and ~~18.57A~~)) RCW; pharmacy under chapters 18.64  
11 and 18.64A RCW; medicine under chapters 18.71 and 18.71A RCW;  
12 emergency medicine under chapter 18.73 RCW; physical therapy under  
13 chapter 18.74 RCW; practical nurses under chapter 18.79 RCW;  
14 psychologists under chapter 18.83 RCW; registered nurses under  
15 chapter 18.79 RCW; occupational therapists licensed under chapter  
16 18.59 RCW; respiratory care practitioners licensed under chapter  
17 18.89 RCW; veterinarians and veterinary technicians under chapter  
18 18.92 RCW; massage therapists under chapter 18.108 RCW; East Asian  
19 medicine practitioners licensed under chapter 18.06 RCW; persons  
20 registered under chapter 18.19 RCW; persons licensed as mental health  
21 counselors, marriage and family therapists, and social workers under  
22 chapter 18.225 RCW; dietitians and nutritionists certified by chapter  
23 18.138 RCW; radiologic technicians under chapter 18.84 RCW; nursing  
24 assistants registered or certified under chapter 18.88A RCW;  
25 reflexologists certified under chapter 18.108 RCW; medical  
26 assistants-certified, medical assistants-hemodialysis technician,  
27 medical assistants-phlebotomist, forensic phlebotomist, and medical  
28 assistants-registered certified and registered under chapter 18.360  
29 RCW; and licensed behavior analysts, licensed assistant behavior  
30 analysts, and certified behavior technicians under chapter 18.380  
31 RCW.

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

36 (6) "Legislative committees of reference" means the standing  
37 legislative committees designated by the respective rules committees  
38 of the senate and house of representatives to consider proposed  
39 legislation to regulate health professions not previously regulated.



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

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

10 (9) "Professional license" means an individual, nontransferable  
11 authorization to carry on a health activity based on qualifications  
12 which include: (a) Graduation from an accredited or approved program,  
13 and (b) acceptable performance on a qualifying examination or series  
14 of examinations.

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

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

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

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

35 **Sec. 23.** RCW 18.130.040 and 2017 c 336 s 18 are each amended to  
36 read as follows:

37 (1) This chapter applies only to the secretary and the boards and  
38 commissions having jurisdiction in relation to the professions  
39 licensed under the chapters specified in this section. This chapter

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

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

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

7 (ii) Midwives licensed under chapter 18.50 RCW;

8 (iii) Ocularists licensed under chapter 18.55 RCW;

9 (iv) Massage therapists and businesses licensed under chapter  
10 18.108 RCW;

11 (v) Dental hygienists licensed under chapter 18.29 RCW;

12 (vi) East Asian medicine practitioners licensed under chapter  
13 18.06 RCW;

14 (vii) Radiologic technologists certified and X-ray technicians  
15 registered under chapter 18.84 RCW;

16 (viii) Respiratory care practitioners licensed under chapter  
17 18.89 RCW;

18 (ix) Hypnotherapists and agency affiliated counselors registered  
19 and advisors and counselors certified under chapter 18.19 RCW;

20 (x) Persons licensed as mental health counselors, mental health  
21 counselor associates, marriage and family therapists, marriage and  
22 family therapist associates, social workers, social work associates—  
23 advanced, and social work associates—independent clinical under  
24 chapter 18.225 RCW;

25 (xi) Persons registered as nursing pool operators under chapter  
26 18.52C RCW;

27 (xii) Nursing assistants registered or certified or medication  
28 assistants endorsed under chapter 18.88A RCW;

29 (xiii) Dietitians and nutritionists certified under chapter  
30 18.138 RCW;

31 (xiv) Chemical dependency professionals and chemical dependency  
32 professional trainees certified under chapter 18.205 RCW;

33 (xv) Sex offender treatment providers and certified affiliate sex  
34 offender treatment providers certified under chapter 18.155 RCW;

35 (xvi) Persons licensed and certified under chapter 18.73 RCW or  
36 RCW 18.71.205;

37 (xvii) Orthotists and prosthetists licensed under chapter 18.200  
38 RCW;

39 (xviii) Surgical technologists registered under chapter 18.215  
40 RCW;

1 (xix) Recreational therapists under chapter 18.230 RCW;  
2 (xx) Animal massage therapists certified under chapter 18.240  
3 RCW;  
4 (xxi) Athletic trainers licensed under chapter 18.250 RCW;  
5 (xxii) Home care aides certified under chapter 18.88B RCW;  
6 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;  
7 (xxiv) Reflexologists certified under chapter 18.108 RCW;  
8 (xxv) Medical assistants-certified, medical assistants-  
9 hemodialysis technician, medical assistants-phlebotomist, forensic  
10 phlebotomist, and medical assistants-registered certified and  
11 registered under chapter 18.360 RCW; and  
12 (xxvi) Behavior analysts, assistant behavior analysts, and  
13 behavior technicians under chapter 18.380 RCW.  
14 (b) The boards and commissions having authority under this  
15 chapter are as follows:  
16 (i) The podiatric medical board as established in chapter 18.22  
17 RCW;  
18 (ii) The chiropractic quality assurance commission as established  
19 in chapter 18.25 RCW;  
20 (iii) The dental quality assurance commission as established in  
21 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,  
22 licenses and registrations issued under chapter 18.260 RCW, and  
23 certifications issued under chapter 18.350 RCW;  
24 (iv) The board of hearing and speech as established in chapter  
25 18.35 RCW;  
26 (v) The board of examiners for nursing home administrators as  
27 established in chapter 18.52 RCW;  
28 (vi) The optometry board as established in chapter 18.54 RCW  
29 governing licenses issued under chapter 18.53 RCW;  
30 (vii) The board of osteopathic medicine and surgery as  
31 established in chapter 18.57 RCW governing licenses issued under  
32 chapter((s)) 18.57 ((and 18.57A)) RCW;  
33 (viii) The pharmacy quality assurance commission as established  
34 in chapter 18.64 RCW governing licenses issued under chapters 18.64  
35 and 18.64A RCW;  
36 (ix) The medical quality assurance commission as established in  
37 chapter 18.71 RCW governing licenses and registrations issued under  
38 chapters 18.71 and 18.71A RCW;  
39 (x) The board of physical therapy as established in chapter 18.74  
40 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  
4 established in chapter 18.79 RCW governing licenses and registrations  
5 issued under that chapter;

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

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

10 (xv) The board of naturopathy established in chapter 18.36A RCW;  
11 and

12 (xvi) The board of denturists established in chapter 18.30 RCW.

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

17 (4) All disciplining authorities shall adopt procedures to ensure  
18 substantially consistent application of this chapter, the uniform  
19 disciplinary act, among the disciplining authorities listed in  
20 subsection (2) of this section.

21 **Sec. 24.** RCW 18.130.410 and 2017 c 336 s 9 are each amended to  
22 read as follows:

23 It is not professional misconduct for a physician licensed under  
24 chapter 18.71 RCW; osteopathic physician licensed under chapter 18.57  
25 RCW; registered nurse, licensed practical nurse, or advanced  
26 registered nurse practitioner licensed under chapter 18.79 RCW;  
27 physician assistant licensed under chapter 18.71A RCW; (~~osteopathic~~  
28 ~~physician assistant licensed under chapter 18.57A RCW;~~) advanced  
29 emergency medical technician or paramedic certified under chapter  
30 18.71 RCW; or medical assistant-certified, medical assistant-  
31 phlebotomist, or forensic phlebotomist certified under chapter 18.360  
32 RCW, or person holding another credential under Title 18 RCW whose  
33 scope of practice includes performing venous blood draws, or  
34 hospital, or duly licensed clinical laboratory employing or utilizing  
35 services of such licensed or certified health care provider, to  
36 collect a blood sample without a person's consent when the physician  
37 licensed under chapter 18.71 RCW; osteopathic physician licensed  
38 under chapter 18.57 RCW; registered nurse, licensed practical nurse,  
39 or advanced registered nurse practitioner licensed under chapter

1 18.79 RCW; physician assistant licensed under chapter 18.71A RCW;  
2 (~~osteopathic physician assistant licensed under chapter 18.57A~~  
3 ~~RCW;~~) advanced emergency medical technician or paramedic certified  
4 under chapter 18.71 RCW; or medical assistant-certified, medical  
5 assistant-phlebotomist, or forensic phlebotomist certified under  
6 chapter 18.360 RCW, or person holding another credential under Title  
7 18 RCW whose scope of practice includes performing venous blood  
8 draws, or hospital, or duly licensed clinical laboratory employing or  
9 utilizing services of such licensed or certified health care provider  
10 withdrawing blood was directed by a law enforcement officer to do so  
11 for the purpose of a blood test under the provisions of a search  
12 warrant or exigent circumstances: PROVIDED, That nothing in this  
13 section shall relieve a physician licensed under chapter 18.71 RCW;  
14 osteopathic physician licensed under chapter 18.57 RCW; registered  
15 nurse, licensed practical nurse, or advanced registered nurse  
16 practitioner licensed under chapter 18.79 RCW; physician assistant  
17 licensed under chapter 18.71A RCW; (~~osteopathic physician assistant~~  
18 ~~licensed under chapter 18.57A RCW;~~) advanced emergency medical  
19 technician or paramedic certified under chapter 18.71 RCW; or medical  
20 assistant-certified, medical assistant-phlebotomist, or forensic  
21 phlebotomist certified under chapter 18.360 RCW, or person holding  
22 another credential under Title 18 RCW whose scope of practice  
23 includes performing venous blood draws, or hospital, or duly licensed  
24 clinical laboratory employing or utilizing services of such licensed  
25 or certified health care provider withdrawing blood from professional  
26 discipline arising from the use of improper procedures or from  
27 failing to exercise the required standard of care.

28 **Sec. 25.** RCW 18.250.010 and 2016 c 41 s 22 are each amended to  
29 read as follows:

30 The definitions in this section apply throughout this chapter  
31 unless the context clearly requires otherwise.

32 (1) "Athlete" means a person who participates in exercise,  
33 recreation, sport, or games requiring physical strength,  
34 range-of-motion, flexibility, body awareness and control, speed,  
35 stamina, or agility, and the exercise, recreation, sports, or games  
36 are of a type conducted in association with an educational  
37 institution or professional, amateur, or recreational sports club or  
38 organization.

1 (2) "Athletic injury" means an injury or condition sustained by  
2 an athlete that affects the person's participation or performance in  
3 exercise, recreation, sport, or games and the injury or condition is  
4 within the professional preparation and education of an athletic  
5 trainer.

6 (3) "Athletic trainer" means a person who is licensed under this  
7 chapter. An athletic trainer can practice athletic training through  
8 the consultation, referral, or guidelines of a licensed health care  
9 provider working within their scope of practice.

10 (4) (a) "Athletic training" means the application of the following  
11 principles and methods as provided by a licensed athletic trainer:

12 (i) Risk management and prevention of athletic injuries through  
13 preactivity screening and evaluation, educational programs, physical  
14 conditioning and reconditioning programs, application of commercial  
15 products, use of protective equipment, promotion of healthy  
16 behaviors, and reduction of environmental risks;

17 (ii) Recognition, evaluation, and assessment of athletic injuries  
18 by obtaining a history of the athletic injury, inspection and  
19 palpation of the injured part and associated structures, and  
20 performance of specific testing techniques related to stability and  
21 function to determine the extent of an injury;

22 (iii) Immediate care of athletic injuries, including emergency  
23 medical situations through the application of first-aid and emergency  
24 procedures and techniques for nonlife-threatening or life-threatening  
25 athletic injuries;

26 (iv) Treatment, rehabilitation, and reconditioning of athletic  
27 injuries through the application of physical agents and modalities,  
28 therapeutic activities and exercise, standard reassessment techniques  
29 and procedures, commercial products, and educational programs, in  
30 accordance with guidelines established with a licensed health care  
31 provider as provided in RCW 18.250.070;

32 (v) Treatment, rehabilitation, and reconditioning of work-related  
33 injuries through the application of physical agents and modalities,  
34 therapeutic activities and exercise, standard reassessment techniques  
35 and procedures, commercial products, and educational programs, under  
36 the direct supervision of and in accordance with a plan of care for  
37 an individual worker established by a provider authorized to provide  
38 physical medicine and rehabilitation services for injured workers;  
39 and

1 (vi) Referral of an athlete to an appropriately licensed health  
2 care provider if the athletic injury requires further definitive care  
3 or the injury or condition is outside an athletic trainer's scope of  
4 practice, in accordance with RCW 18.250.070.

5 (b) "Athletic training" does not include:

6 (i) The use of spinal adjustment or manipulative mobilization of  
7 the spine and its immediate articulations;

8 (ii) Orthotic or prosthetic services with the exception of  
9 evaluation, measurement, fitting, and adjustment of temporary,  
10 prefabricated or direct-formed orthosis as defined in chapter 18.200  
11 RCW;

12 (iii) The practice of occupational therapy as defined in chapter  
13 18.59 RCW;

14 (iv) The practice of East Asian medicine as defined in chapter  
15 18.06 RCW;

16 (v) Any medical diagnosis; and

17 (vi) Prescribing legend drugs or controlled substances, or  
18 surgery.

19 (5) "Committee" means the athletic training advisory committee.

20 (6) "Department" means the department of health.

21 (7) "Licensed health care provider" means a physician, physician  
22 assistant, osteopathic physician, (~~osteopathic physician~~  
23 ~~assistant,~~) advanced registered nurse practitioner, naturopath,  
24 physical therapist, chiropractor, dentist, massage therapist,  
25 acupuncturist, occupational therapist, or podiatric physician and  
26 surgeon.

27 (8) "Secretary" means the secretary of health or the secretary's  
28 designee.

29 **Sec. 26.** RCW 18.360.010 and 2017 c 336 s 14 are each reenacted  
30 and amended to read as follows:

31 The definitions in this section apply throughout this chapter  
32 unless the context clearly requires otherwise.

33 (1) "Administer" means the retrieval of medication, and its  
34 application to a patient, as authorized in RCW 18.360.050.

35 (2) "Delegation" means direct authorization granted by a licensed  
36 health care practitioner to a medical assistant to perform the  
37 functions authorized in this chapter which fall within the scope of  
38 practice of the health care provider and the training and experience  
39 of the medical assistant.

- 1 (3) "Department" means the department of health.
- 2 (4) "Forensic phlebotomist" means a police officer, law  
3 enforcement officer, or employee of a correctional facility or  
4 detention facility, who is certified under this chapter and meets any  
5 additional training and proficiency standards of his or her employer  
6 to collect a venous blood sample for forensic testing pursuant to a  
7 search warrant, a waiver of the warrant requirement, or exigent  
8 circumstances.
- 9 (5) "Health care practitioner" means:
- 10 (a) A physician licensed under chapter 18.71 RCW;
- 11 (b) An osteopathic physician and surgeon licensed under chapter  
12 18.57 RCW; or
- 13 (c) Acting within the scope of their respective licensure, a  
14 podiatric physician and surgeon licensed under chapter 18.22 RCW, a  
15 registered nurse or advanced registered nurse practitioner licensed  
16 under chapter 18.79 RCW, a naturopath licensed under chapter 18.36A  
17 RCW, a physician assistant licensed under chapter 18.71A RCW, (~~an~~  
18 ~~osteopathic physician assistant licensed under chapter 18.57A RCW,~~)  
19 or an optometrist licensed under chapter 18.53 RCW.
- 20 (6) "Medical assistant-certified" means a person certified under  
21 RCW 18.360.040 who assists a health care practitioner with patient  
22 care, executes administrative and clinical procedures, and performs  
23 functions as provided in RCW 18.360.050 under the supervision of the  
24 health care practitioner.
- 25 (7) "Medical assistant-hemodialysis technician" means a person  
26 certified under RCW 18.360.040 who performs hemodialysis and other  
27 functions pursuant to RCW 18.360.050 under the supervision of a  
28 health care practitioner.
- 29 (8) "Medical assistant-phlebotomist" means a person certified  
30 under RCW 18.360.040 who performs capillary, venous, and arterial  
31 invasive procedures for blood withdrawal and other functions pursuant  
32 to RCW 18.360.050 under the supervision of a health care  
33 practitioner.
- 34 (9) "Medical assistant-registered" means a person registered  
35 under RCW 18.360.040 who, pursuant to an endorsement by a health care  
36 practitioner, clinic, or group practice, assists a health care  
37 practitioner with patient care, executes administrative and clinical  
38 procedures, and performs functions as provided in RCW 18.360.050  
39 under the supervision of the health care practitioner.
- 40 (10) "Secretary" means the secretary of the department of health.



1 (11) "Supervision" means supervision of procedures permitted  
2 pursuant to this chapter by a health care practitioner who is  
3 physically present and is immediately available in the facility. The  
4 health care practitioner does not need to be present during  
5 procedures to withdraw blood, but must be immediately available.

6 **Sec. 27.** RCW 28A.210.090 and 2011 c 299 s 1 are each amended to  
7 read as follows:

8 (1) Any child shall be exempt in whole or in part from the  
9 immunization measures required by RCW 28A.210.060 through 28A.210.170  
10 upon the presentation of any one or more of the certifications  
11 required by this section, on a form prescribed by the department of  
12 health:

13 (a) A written certification signed by a health care practitioner  
14 that a particular vaccine required by rule of the state board of  
15 health is, in his or her judgment, not advisable for the child:  
16 PROVIDED, That when it is determined that this particular vaccine is  
17 no longer contraindicated, the child will be required to have the  
18 vaccine;

19 (b) A written certification signed by any parent or legal  
20 guardian of the child or any adult in loco parentis to the child that  
21 the religious beliefs of the signator are contrary to the required  
22 immunization measures; or

23 (c) A written certification signed by any parent or legal  
24 guardian of the child or any adult in loco parentis to the child that  
25 the signator has either a philosophical or personal objection to the  
26 immunization of the child.

27 (2)(a) The form presented on or after July 22, 2011, must include  
28 a statement to be signed by a health care practitioner stating that  
29 he or she provided the signator with information about the benefits  
30 and risks of immunization to the child. The form may be signed by a  
31 health care practitioner at any time prior to the enrollment of the  
32 child in a school or licensed day care. Photocopies of the signed  
33 form or a letter from the health care practitioner referencing the  
34 child's name shall be accepted in lieu of the original form.

35 (b) A health care practitioner who, in good faith, signs the  
36 statement provided for in (a) of this subsection is immune from civil  
37 liability for providing the signature.

38 (c) Any parent or legal guardian of the child or any adult in  
39 loco parentis to the child who exempts the child due to religious

1 beliefs pursuant to subsection (1)(b) of this section is not required  
2 to have the form provided for in (a) of this subsection signed by a  
3 health care practitioner if the parent or legal guardian demonstrates  
4 membership in a religious body or a church in which the religious  
5 beliefs or teachings of the church preclude a health care  
6 practitioner from providing medical treatment to the child.

7 (3) For purposes of this section, "health care practitioner"  
8 means a physician licensed under chapter 18.71 or 18.57 RCW, a  
9 naturopath licensed under chapter 18.36A RCW, a physician assistant  
10 licensed under chapter 18.71A (~~or 18.57A~~) RCW, or an advanced  
11 registered nurse practitioner licensed under chapter 18.79 RCW.

12 **Sec. 28.** RCW 43.70.110 and 2015 c 77 s 1 are each amended to  
13 read as follows:

14 (1) The secretary shall charge fees to the licensee for obtaining  
15 a license. Physicians regulated pursuant to chapter 18.71 RCW who  
16 reside and practice in Washington and obtain or renew a retired  
17 active license are exempt from such fees. After June 30, 1995,  
18 municipal corporations providing emergency medical care and  
19 transportation services pursuant to chapter 18.73 RCW shall be exempt  
20 from such fees, provided that such other emergency services shall  
21 only be charged for their pro rata share of the cost of licensure and  
22 inspection, if appropriate. The secretary may waive the fees when, in  
23 the discretion of the secretary, the fees would not be in the best  
24 interest of public health and safety, or when the fees would be to  
25 the financial disadvantage of the state.

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

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

32 (a) For registered nurses and licensed practical nurses licensed  
33 under chapter 18.79 RCW, support of a central nursing resource center  
34 as provided in RCW 18.79.202;

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

38 (c) For physicians licensed under chapter 18.71 RCW, physician  
39 assistants licensed under chapter 18.71A RCW, osteopathic physicians

1 licensed under chapter 18.57 RCW, (~~osteopathic physicians and~~  
2 ~~assistants licensed under chapter 18.57A RCW,~~) naturopaths licensed  
3 under chapter 18.36A RCW, podiatrists licensed under chapter 18.22  
4 RCW, chiropractors licensed under chapter 18.25 RCW, psychologists  
5 licensed under chapter 18.83 RCW, registered nurses and licensed  
6 practical nurses licensed under chapter 18.79 RCW, optometrists  
7 licensed under chapter 18.53 RCW, mental health counselors licensed  
8 under chapter 18.225 RCW, massage therapists licensed under chapter  
9 18.108 RCW, advanced social workers licensed under chapter 18.225  
10 RCW, independent clinical social workers and independent clinical  
11 social worker associates licensed under chapter 18.225 RCW, midwives  
12 licensed under chapter 18.50 RCW, marriage and family therapists and  
13 marriage and family therapist associates licensed under chapter  
14 18.225 RCW, occupational therapists and occupational therapy  
15 assistants licensed under chapter 18.59 RCW, dietitians and  
16 nutritionists certified under chapter 18.138 RCW, speech-language  
17 pathologists licensed under chapter 18.35 RCW, and East Asian  
18 medicine practitioners licensed under chapter 18.06 RCW, the license  
19 fees shall include up to an additional twenty-five dollars to be  
20 transferred by the department to the University of Washington for the  
21 purposes of RCW 43.70.112.

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

25 **Sec. 29.** RCW 43.70.220 and 1994 sp.s. c 9 s 727 are each amended  
26 to read as follows:

27 The powers and duties of the department of licensing and the  
28 director of licensing under the following statutes are hereby  
29 transferred to the department of health and the secretary of health:  
30 Chapters 18.06, 18.19, 18.22, 18.25, 18.29, 18.32, 18.34, 18.35,  
31 18.36A, 18.50, 18.52, 18.52C, 18.53, 18.54, 18.55, 18.57, (~~18.57A,~~)  
32 18.59, 18.71, 18.71A, 18.74, 18.83, 18.84, 18.79, 18.89, 18.92,  
33 18.108, (~~18.135,~~) and 18.138 RCW. More specifically, the health  
34 professions regulatory programs and services presently administered  
35 by the department of licensing are hereby transferred to the  
36 department of health.

37 **Sec. 30.** RCW 43.70.442 and 2017 c 262 s 4 are each amended to  
38 read as follows:

1 (1)(a) Each of the following professionals certified or licensed  
2 under Title 18 RCW shall, at least once every six years, complete  
3 training in suicide assessment, treatment, and management that is  
4 approved, in rule, by the relevant disciplining authority:

5 (i) An adviser or counselor certified under chapter 18.19 RCW;

6 (ii) A chemical dependency professional licensed under chapter  
7 18.205 RCW;

8 (iii) A marriage and family therapist licensed under chapter  
9 18.225 RCW;

10 (iv) A mental health counselor licensed under chapter 18.225 RCW;

11 (v) An occupational therapy practitioner licensed under chapter  
12 18.59 RCW;

13 (vi) A psychologist licensed under chapter 18.83 RCW;

14 (vii) An advanced social worker or independent clinical social  
15 worker licensed under chapter 18.225 RCW; and

16 (viii) A social worker associate—advanced or social worker  
17 associate—independent clinical licensed under chapter 18.225 RCW.

18 (b) The requirements in (a) of this subsection apply to a person  
19 holding a retired active license for one of the professions in (a) of  
20 this subsection.

21 (c) The training required by this subsection must be at least six  
22 hours in length, unless a disciplining authority has determined,  
23 under subsection (10)(b) of this section, that training that includes  
24 only screening and referral elements is appropriate for the  
25 profession in question, in which case the training must be at least  
26 three hours in length.

27 (d) Beginning July 1, 2017, the training required by this  
28 subsection must be on the model list developed under subsection (6)  
29 of this section. Nothing in this subsection (1)(d) affects the  
30 validity of training completed prior to July 1, 2017.

31 (2)(a) Except as provided in (b) of this subsection, a  
32 professional listed in subsection (1)(a) of this section must  
33 complete the first training required by this section by the end of  
34 the first full continuing education reporting period after January 1,  
35 2014, or during the first full continuing education reporting period  
36 after initial licensure or certification, whichever occurs later.

37 (b) A professional listed in subsection (1)(a) of this section  
38 applying for initial licensure may delay completion of the first  
39 training required by this section for six years after initial  
40 licensure if he or she can demonstrate successful completion of the

1 training required in subsection (1) of this section no more than six  
2 years prior to the application for initial licensure.

3 (3) The hours spent completing training in suicide assessment,  
4 treatment, and management under this section count toward meeting any  
5 applicable continuing education or continuing competency requirements  
6 for each profession.

7 (4)(a) A disciplining authority may, by rule, specify minimum  
8 training and experience that is sufficient to exempt an individual  
9 professional from the training requirements in subsections (1) and  
10 (5) of this section. Nothing in this subsection (4)(a) allows a  
11 disciplining authority to provide blanket exemptions to broad  
12 categories or specialties within a profession.

13 (b) A disciplining authority may exempt a professional from the  
14 training requirements of subsections (1) and (5) of this section if  
15 the professional has only brief or limited patient contact.

16 (5)(a) Each of the following professionals credentialed under  
17 Title 18 RCW shall complete a one-time training in suicide  
18 assessment, treatment, and management that is approved by the  
19 relevant disciplining authority:

20 (i) A chiropractor licensed under chapter 18.25 RCW;

21 (ii) A naturopath licensed under chapter 18.36A RCW;

22 (iii) A licensed practical nurse, registered nurse, or advanced  
23 registered nurse practitioner, other than a certified registered  
24 nurse anesthetist, licensed under chapter 18.79 RCW;

25 (iv) An osteopathic physician and surgeon licensed under chapter  
26 18.57 RCW, other than a holder of a postgraduate osteopathic medicine  
27 and surgery license issued under RCW 18.57.035;

28 ~~(v) ((An osteopathic physician assistant licensed under chapter  
29 18.57A RCW;~~

30 ~~(vi))~~ (vi) A physical therapist or physical therapist assistant  
31 licensed under chapter 18.74 RCW;

32 ~~((vii))~~ (vi) A physician licensed under chapter 18.71 RCW,  
33 other than a resident holding a limited license issued under RCW  
34 18.71.095(3);

35 ~~((viii))~~ (vii) A physician assistant licensed under chapter  
36 18.71A RCW;

37 ~~((ix))~~ (viii) A pharmacist licensed under chapter 18.64 RCW;

38 ~~((x))~~ (ix) A dentist licensed under chapter 18.32 RCW;

39 ~~((xi))~~ (x) A dental hygienist licensed under chapter 18.29 RCW;

40 and

1       (~~(xi)~~) (xi) A person holding a retired active license for one  
2 of the professions listed in (a)(i) through (~~(xi)~~) (x) of this  
3 subsection.

4       (b)(i) A professional listed in (a)(i) through (~~(viii)~~) (vii)  
5 of this subsection or a person holding a retired active license for  
6 one of the professions listed in (a)(i) through (~~(viii)~~) (vii) of  
7 this subsection must complete the one-time training by the end of the  
8 first full continuing education reporting period after January 1,  
9 2016, or during the first full continuing education reporting period  
10 after initial licensure, whichever is later. Training completed  
11 between June 12, 2014, and January 1, 2016, that meets the  
12 requirements of this section, other than the timing requirements of  
13 this subsection (5)(b), must be accepted by the disciplining  
14 authority as meeting the one-time training requirement of this  
15 subsection (5).

16       (ii) A licensed pharmacist or a person holding a retired active  
17 pharmacist license must complete the one-time training by the end of  
18 the first full continuing education reporting period after January 1,  
19 2017, or during the first full continuing education reporting period  
20 after initial licensure, whichever is later.

21       (iii) A licensed dentist, a licensed dental hygienist, or a  
22 person holding a retired active license as a dentist shall complete  
23 the one-time training by the end of the full continuing education  
24 reporting period after August 1, 2020, or during the first full  
25 continuing education reporting period after initial licensure,  
26 whichever is later. Training completed between July 23, 2017, and  
27 August 1, 2020, that meets the requirements of this section, other  
28 than the timing requirements of this subsection (5)(b)(iii), must be  
29 accepted by the disciplining authority as meeting the one-time  
30 training requirement of this subsection (5).

31       (c) The training required by this subsection must be at least six  
32 hours in length, unless a disciplining authority has determined,  
33 under subsection (10)(b) of this section, that training that includes  
34 only screening and referral elements is appropriate for the  
35 profession in question, in which case the training must be at least  
36 three hours in length.

37       (d) Beginning July 1, 2017, the training required by this  
38 subsection must be on the model list developed under subsection (6)  
39 of this section. Nothing in this subsection (5)(d) affects the  
40 validity of training completed prior to July 1, 2017.

1 (6) (a) The secretary and the disciplining authorities shall work  
2 collaboratively to develop a model list of training programs in  
3 suicide assessment, treatment, and management.

4 (b) The secretary and the disciplining authorities shall update  
5 the list at least once every two years.

6 (c) By June 30, 2016, the department shall adopt rules  
7 establishing minimum standards for the training programs included on  
8 the model list. The minimum standards must require that six-hour  
9 trainings include content specific to veterans and the assessment of  
10 issues related to imminent harm via lethal means or self-injurious  
11 behaviors and that three-hour trainings for pharmacists or dentists  
12 include content related to the assessment of issues related to  
13 imminent harm via lethal means. When adopting the rules required  
14 under this subsection (6) (c), the department shall:

15 (i) Consult with the affected disciplining authorities, public  
16 and private institutions of higher education, educators, experts in  
17 suicide assessment, treatment, and management, the Washington  
18 department of veterans affairs, and affected professional  
19 associations; and

20 (ii) Consider standards related to the best practices registry of  
21 the American foundation for suicide prevention and the suicide  
22 prevention resource center.

23 (d) Beginning January 1, 2017:

24 (i) The model list must include only trainings that meet the  
25 minimum standards established in the rules adopted under (c) of this  
26 subsection and any three-hour trainings that met the requirements of  
27 this section on or before July 24, 2015;

28 (ii) The model list must include six-hour trainings in suicide  
29 assessment, treatment, and management, and three-hour trainings that  
30 include only screening and referral elements; and

31 (iii) A person or entity providing the training required in this  
32 section may petition the department for inclusion on the model list.  
33 The department shall add the training to the list only if the  
34 department determines that the training meets the minimum standards  
35 established in the rules adopted under (c) of this subsection.

36 (7) The department shall provide the health profession training  
37 standards created in this section to the professional educator  
38 standards board as a model in meeting the requirements of RCW  
39 28A.410.226 and provide technical assistance, as requested, in the  
40 review and evaluation of educator training programs. The educator

1 training programs approved by the professional educator standards  
2 board may be included in the department's model list.

3 (8) Nothing in this section may be interpreted to expand or limit  
4 the scope of practice of any profession regulated under chapter  
5 18.130 RCW.

6 (9) The secretary and the disciplining authorities affected by  
7 this section shall adopt any rules necessary to implement this  
8 section.

9 (10) For purposes of this section:

10 (a) "Disciplining authority" has the same meaning as in RCW  
11 18.130.020.

12 (b) "Training in suicide assessment, treatment, and management"  
13 means empirically supported training approved by the appropriate  
14 disciplining authority that contains the following elements: Suicide  
15 assessment, including screening and referral, suicide treatment, and  
16 suicide management. However, the disciplining authority may approve  
17 training that includes only screening and referral elements if  
18 appropriate for the profession in question based on the profession's  
19 scope of practice. The board of occupational therapy may also approve  
20 training that includes only screening and referral elements if  
21 appropriate for occupational therapy practitioners based on practice  
22 setting.

23 (11) A state or local government employee is exempt from the  
24 requirements of this section if he or she receives a total of at  
25 least six hours of training in suicide assessment, treatment, and  
26 management from his or her employer every six years. For purposes of  
27 this subsection, the training may be provided in one six-hour block  
28 or may be spread among shorter training sessions at the employer's  
29 discretion.

30 (12) An employee of a community mental health agency licensed  
31 under chapter 71.24 RCW or a chemical dependency program certified  
32 under chapter (~~70.96A~~) 71.24 RCW is exempt from the requirements of  
33 this section if he or she receives a total of at least six hours of  
34 training in suicide assessment, treatment, and management from his or  
35 her employer every six years. For purposes of this subsection, the  
36 training may be provided in one six-hour block or may be spread among  
37 shorter training sessions at the employer's discretion.

38 **Sec. 31.** RCW 43.70.470 and 2005 c 156 s 2 are each amended to  
39 read as follows:



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

6 (1) The participating health care provider associated with the  
7 clinic shall hold a valid license to practice as a physician under  
8 chapter 18.71 or 18.57 RCW, a naturopath under chapter 18.36A RCW, a  
9 physician assistant under chapter 18.71A (~~or 18.57A~~) RCW, an  
10 advanced registered nurse practitioner under chapter 18.79 RCW, a  
11 dentist under chapter 18.32 RCW, or other health professionals as may  
12 be deemed in short supply by the department. All health care  
13 providers must be in conformity with current requirements for  
14 licensure, including continuing education requirements;

15 (2) Health care shall be limited to noninvasive procedures and  
16 shall not include obstetrical care. Noninvasive procedures include  
17 injections, suturing of minor lacerations, and incisions of boils or  
18 superficial abscesses. Primary dental care shall be limited to  
19 diagnosis, oral hygiene, restoration, and extractions and shall not  
20 include orthodontia, or other specialized care and treatment;

21 (3) The provision of liability insurance coverage shall not  
22 extend to acts outside the scope of rendering health care services  
23 pursuant to this section and RCW 43.70.460;

24 (4) The participating health care provider shall limit the  
25 provision of health care services to primarily low-income persons  
26 provided that clinics may, but are not required to, provide means  
27 tests for eligibility as a condition for obtaining health care  
28 services;

29 (5) The participating health care provider shall not accept  
30 compensation for providing health care services from patients served  
31 pursuant to this section and RCW 43.70.460, nor from clinics serving  
32 these patients. "Compensation" shall mean any remuneration of value  
33 to the participating health care provider for services provided by  
34 the health care provider, but shall not be construed to include any  
35 nominal copayments charged by the clinic, nor reimbursement of  
36 related expenses of a participating health care provider authorized  
37 by the clinic in advance of being incurred; and

38 (6) The use of mediation or arbitration for resolving questions  
39 of potential liability may be used, however any mediation or  
40 arbitration agreement format shall be expressed in terms clear enough

1 for a person with a sixth grade level of education to understand, and  
2 on a form no longer than one page in length.

3 **Sec. 32.** RCW 46.19.010 and 2017 c 112 s 1 are each amended to  
4 read as follows:

5 (1) A natural person who has a disability that meets one of the  
6 following criteria may apply for special parking privileges:

7 (a) Cannot walk two hundred feet without stopping to rest;

8 (b) Is severely limited in ability to walk due to arthritic,  
9 neurological, or orthopedic condition;

10 (c) Has such a severe disability that the person cannot walk  
11 without the use of or assistance from a brace, cane, another person,  
12 prosthetic device, wheelchair, or other assistive device;

13 (d) Uses portable oxygen;

14 (e) Is restricted by lung disease to an extent that forced  
15 expiratory respiratory volume, when measured by spirometry, is less  
16 than one liter per second or the arterial oxygen tension is less than  
17 sixty mm/hg on room air at rest;

18 (f) Impairment by cardiovascular disease or cardiac condition to  
19 the extent that the person's functional limitations are classified as  
20 class III or IV under standards accepted by the American heart  
21 association;

22 (g) Has a disability resulting from an acute sensitivity to  
23 automobile emissions that limits or impairs the ability to walk. The  
24 personal physician, advanced registered nurse practitioner, or  
25 physician assistant of the applicant shall document that the  
26 disability is comparable in severity to the others listed in this  
27 subsection;

28 (h) Has limited mobility and has no vision or whose vision with  
29 corrective lenses is so limited that the person requires alternative  
30 methods or skills to do efficiently those things that are ordinarily  
31 done with sight by persons with normal vision;

32 (i) Has an eye condition of a progressive nature that may lead to  
33 blindness; or

34 (j) Is restricted by a form of porphyria to the extent that the  
35 applicant would significantly benefit from a decrease in exposure to  
36 light.

37 (2) The disability must be determined by either:

38 (a) A licensed physician;

1 (b) An advanced registered nurse practitioner licensed under  
2 chapter 18.79 RCW; or

3 (c) A physician assistant licensed under chapter 18.71A (~~or~~  
4 ~~18.57A~~) RCW.

5 (3) A health care practitioner listed under subsection (2) of  
6 this section who is authorizing a parking permit for purposes of this  
7 chapter must provide a signed written authorization: On a  
8 prescription pad or paper, as defined in RCW 18.64.500; on office  
9 letterhead; or by electronic means, as described by the director in  
10 rule.

11 (4) The application for special parking privileges for persons  
12 with disabilities must contain:

13 (a) The following statement immediately below the physician's,  
14 advanced registered nurse practitioner's, or physician assistant's  
15 signature: "A parking permit for a person with disabilities may be  
16 issued only for a medical necessity that severely affects mobility or  
17 involves acute sensitivity to light (RCW 46.19.010). An applicant or  
18 health care practitioner who knowingly provides false information on  
19 this application is guilty of a gross misdemeanor. The penalty is up  
20 to three hundred sixty-four days in jail and a fine of up to \$5,000  
21 or both. In addition, the health care practitioner may be subject to  
22 sanctions under chapter 18.130 RCW, the Uniform Disciplinary Act";  
23 and

24 (b) Other information as required by the department.

25 (5) A natural person who has a disability described in subsection  
26 (1) of this section and is expected to improve within twelve months  
27 may be issued a temporary placard for a period not to exceed twelve  
28 months. If the disability exists after twelve months, a new temporary  
29 placard must be issued upon receipt of a new application with  
30 certification from the person's physician as prescribed in  
31 subsections (3) and (4) of this section. Special license plates for  
32 persons with disabilities may not be issued to a person with a  
33 temporary disability.

34 (6) A natural person who qualifies for special parking privileges  
35 under this section must receive an identification card showing the  
36 name and date of birth of the person to whom the parking privilege  
37 has been issued and the serial number of the placard.

38 (7) A natural person who qualifies for permanent special parking  
39 privileges under this section may receive one of the following:

40 (a) Up to two parking placards;

1 (b) One set of special license plates for persons with  
2 disabilities if the person with the disability is the registered  
3 owner of the vehicle on which the license plates will be displayed;

4 (c) One parking placard and one set of special license plates for  
5 persons with disabilities if the person with the disability is the  
6 registered owner of the vehicle on which the license plates will be  
7 displayed; or

8 (d) One special parking year tab for persons with disabilities  
9 and one parking placard.

10 (8) Parking placards and identification cards described in this  
11 section must be issued free of charge.

12 (9) The parking placard and identification card must be  
13 immediately returned to the department upon the placard holder's  
14 death.

15 **Sec. 33.** RCW 46.61.506 and 2017 c 336 s 7 are each amended to  
16 read as follows:

17 (1) Upon the trial of any civil or criminal action or proceeding  
18 arising out of acts alleged to have been committed by any person  
19 while driving or in actual physical control of a vehicle while under  
20 the influence of intoxicating liquor or any drug, if the person's  
21 alcohol concentration is less than 0.08 or the person's THC  
22 concentration is less than 5.00, it is evidence that may be  
23 considered with other competent evidence in determining whether the  
24 person was under the influence of intoxicating liquor or any drug.

25 (2) (a) The breath analysis of the person's alcohol concentration  
26 shall be based upon grams of alcohol per two hundred ten liters of  
27 breath.

28 (b) The blood analysis of the person's THC concentration shall be  
29 based upon nanograms per milliliter of whole blood.

30 (c) The foregoing provisions of this section shall not be  
31 construed as limiting the introduction of any other competent  
32 evidence bearing upon the question whether the person was under the  
33 influence of intoxicating liquor or any drug.

34 (3) Analysis of the person's blood or breath to be considered  
35 valid under the provisions of this section or RCW 46.61.502 or  
36 46.61.504 shall have been performed according to methods approved by  
37 the state toxicologist and by an individual possessing a valid permit  
38 issued by the state toxicologist for this purpose. The state  
39 toxicologist is directed to approve satisfactory techniques or

1 methods, to supervise the examination of individuals to ascertain  
2 their qualifications and competence to conduct such analyses, and to  
3 issue permits which shall be subject to termination or revocation at  
4 the discretion of the state toxicologist.

5 (4) (a) A breath test performed by any instrument approved by the  
6 state toxicologist shall be admissible at trial or in an  
7 administrative proceeding if the prosecution or department produces  
8 prima facie evidence of the following:

9 (i) The person who performed the test was authorized to perform  
10 such test by the state toxicologist;

11 (ii) The person being tested did not vomit or have anything to  
12 eat, drink, or smoke for at least fifteen minutes prior to  
13 administration of the test;

14 (iii) The person being tested did not have any foreign  
15 substances, not to include dental work or piercings, fixed or  
16 removable, in his or her mouth at the beginning of the fifteen-minute  
17 observation period;

18 (iv) Prior to the start of the test, the temperature of any  
19 liquid simulator solution utilized as an external standard, as  
20 measured by a thermometer approved of by the state toxicologist was  
21 thirty-four degrees centigrade plus or minus 0.3 degrees centigrade;

22 (v) The internal standard test resulted in the message  
23 "verified";

24 (vi) The two breath samples agree to within plus or minus ten  
25 percent of their mean to be determined by the method approved by the  
26 state toxicologist;

27 (vii) The result of the test of the liquid simulator solution  
28 external standard or dry gas external standard result did lie  
29 between .072 to .088 inclusive; and

30 (viii) All blank tests gave results of .000.

31 (b) For purposes of this section, "prima facie evidence" is  
32 evidence of sufficient circumstances that would support a logical and  
33 reasonable inference of the facts sought to be proved. In assessing  
34 whether there is sufficient evidence of the foundational facts, the  
35 court or administrative tribunal is to assume the truth of the  
36 prosecution's or department's evidence and all reasonable inferences  
37 from it in a light most favorable to the prosecution or department.

38 (c) Nothing in this section shall be deemed to prevent the  
39 subject of the test from challenging the reliability or accuracy of  
40 the test, the reliability or functioning of the instrument, or any

1 maintenance procedures. Such challenges, however, shall not preclude  
2 the admissibility of the test once the prosecution or department has  
3 made a prima facie showing of the requirements contained in (a) of  
4 this subsection. Instead, such challenges may be considered by the  
5 trier of fact in determining what weight to give to the test result.

6 (5) When a blood test is administered under the provisions of RCW  
7 46.20.308, the withdrawal of blood for the purpose of determining its  
8 alcohol or drug content may be performed only by a physician licensed  
9 under chapter 18.71 RCW; an osteopathic physician licensed under  
10 chapter 18.57 RCW; a registered nurse, licensed practical nurse, or  
11 advanced registered nurse practitioner licensed under chapter 18.79  
12 RCW; a physician assistant licensed under chapter 18.71A RCW; (~~an~~  
13 ~~osteopathic physician assistant licensed under chapter 18.57A RCW;~~)  
14 an advanced emergency medical technician or paramedic certified under  
15 chapter 18.71 RCW; or a medical assistant-certified or medical  
16 assistant-phlebotomist certified under chapter 18.360 RCW, a person  
17 holding another credential under Title 18 RCW whose scope of practice  
18 includes performing venous blood draws, or a forensic phlebotomist  
19 certified under chapter 18.360 RCW. When the blood test is performed  
20 outside the state of Washington, the withdrawal of blood for the  
21 purpose of determining its alcohol or drug content may be performed  
22 by any person who is authorized by the out-of-state jurisdiction to  
23 perform venous blood draws. Proof of qualification to draw blood may  
24 be established through the department of health's provider credential  
25 search. This limitation shall not apply to the taking of breath  
26 specimens.

27 (6) When a venous blood sample is performed by a forensic  
28 phlebotomist certified under chapter 18.360 RCW, it must be done  
29 under the following conditions:

30 (a) If taken at the scene, it must be performed in an ambulance  
31 or aid service vehicle licensed by the department of health under  
32 chapter 18.73 RCW.

33 (b) The collection of blood samples must not interfere with the  
34 provision of essential medical care.

35 (c) The blood sample must be collected using sterile equipment  
36 and the skin area of puncture must be thoroughly cleansed and  
37 disinfected.

38 (d) The person whose blood is collected must be seated, reclined,  
39 or lying down when the blood is collected.

1 (7) The person tested may have a licensed or certified health  
2 care provider listed in subsection (5) of this section, or a  
3 qualified technician, chemist, or other qualified person of his or  
4 her own choosing administer one or more tests in addition to any  
5 administered at the direction of a law enforcement officer. The test  
6 will be admissible if the person establishes the general  
7 acceptability of the testing technique or method. The failure or  
8 inability to obtain an additional test by a person shall not preclude  
9 the admission of evidence relating to the test or tests taken at the  
10 direction of a law enforcement officer.

11 (8) Upon the request of the person who shall submit to a test or  
12 tests at the request of a law enforcement officer, full information  
13 concerning the test or tests shall be made available to him or her or  
14 his or her attorney.

15 **Sec. 34.** RCW 46.61.508 and 2017 c 336 s 8 are each amended to  
16 read as follows:

17 No physician licensed under chapter 18.71 RCW; osteopathic  
18 physician licensed under chapter 18.57 RCW; registered nurse,  
19 licensed practical nurse, or advanced registered nurse practitioner  
20 licensed under chapter 18.79 RCW; physician assistant licensed under  
21 chapter 18.71A RCW; (~~osteopathic physician assistant licensed under~~  
22 ~~chapter 18.57A RCW;~~) advanced emergency medical technician or  
23 paramedic certified under chapter 18.71 RCW; or medical assistant-  
24 certified or medical assistant-phlebotomist certified under chapter  
25 18.360 RCW, person holding another credential under Title 18 RCW  
26 whose scope of practice includes performing venous blood draws, or  
27 forensic phlebotomist certified under chapter 18.360 RCW, or  
28 hospital, or duly licensed clinical laboratory employing or utilizing  
29 services of such licensed or certified health care provider, shall  
30 incur any civil or criminal liability as a result of the act of  
31 withdrawing blood from any person when directed by a law enforcement  
32 officer to do so for the purpose of a blood test under the provisions  
33 of a search warrant, a waiver of the search warrant requirement,  
34 exigent circumstances, or any other authority of law: PROVIDED, That  
35 nothing in this section shall relieve such licensed or certified  
36 health care provider, hospital or duly licensed clinical laboratory,  
37 or forensic phlebotomist from civil liability arising from the use of  
38 improper procedures or failing to exercise the required standard of  
39 care.

1       **Sec. 35.** RCW 48.42.100 and 2000 c 7 s 1 are each amended to read  
2 as follows:

3       (1) For purposes of this section, health care carriers includes  
4 disability insurers regulated under chapter 48.20 or 48.21 RCW,  
5 health care services contractors regulated under chapter 48.44 RCW,  
6 health maintenance organizations regulated under chapter 48.46 RCW,  
7 plans operating under the health care authority under chapter 41.05  
8 RCW, the state health insurance pool operating under chapter 48.41  
9 RCW, and insuring entities regulated under chapter 48.43 RCW.

10       (2) For purposes of this section and consistent with their lawful  
11 scopes of practice, types of health care practitioners that provide  
12 women's health care services shall include, but need not be limited  
13 by a health care carrier to, the following: Any generally recognized  
14 medical specialty of practitioners licensed under chapter 18.57 or  
15 18.71 RCW who provides women's health care services; practitioners  
16 licensed under chapter(~~s 18.57A and~~) 18.71A RCW when providing  
17 women's health care services; midwives licensed under chapter 18.50  
18 RCW; and advanced registered nurse practitioner specialists in  
19 women's health and midwifery under chapter 18.79 RCW.

20       (3) For purposes of this section, women's health care services  
21 shall include, but need not be limited by a health care carrier to,  
22 the following: Maternity care; reproductive health services;  
23 gynecological care; general examination; and preventive care as  
24 medically appropriate and medically appropriate follow-up visits for  
25 the services listed in this subsection.

26       (4) Health care carriers shall ensure that enrolled female  
27 patients have direct access to timely and appropriate covered women's  
28 health care services from the type of health care practitioner of  
29 their choice in accordance with subsection (5) of this section.

30       (5)(a) Health care carrier policies, plans, and programs written,  
31 amended, or renewed after July 23, 1995, shall provide women patients  
32 with direct access to the type of health care practitioner of their  
33 choice for appropriate covered women's health care services without  
34 the necessity of prior referral from another type of health care  
35 practitioner.

36       (b) Health care carriers may comply with this section by  
37 including all the types of health care practitioners listed in this  
38 section for women's health care services for women patients.

39       (c) Nothing in this section shall prevent health care carriers  
40 from restricting women patients to seeing only health care



1 practitioners who have signed participating provider agreements with  
2 the health care carrier.

3 **Sec. 36.** RCW 48.43.094 and 2015 c 237 s 1 are each amended to  
4 read as follows:

5 (1) For health plans issued or renewed on or after January 1,  
6 2017:

7 (a) Benefits shall not be denied for any health care service  
8 performed by a pharmacist licensed under chapter 18.64 RCW if:

9 (i) The service performed was within the lawful scope of such  
10 person's license;

11 (ii) The plan would have provided benefits if the service had  
12 been performed by a physician licensed under chapter 18.71 or 18.57  
13 RCW, an advanced registered nurse practitioner licensed under chapter  
14 18.79 RCW, or a physician's assistant licensed under chapter 18.71A  
15 (~~or 18.57A~~) RCW; and

16 (iii) The pharmacist is included in the plan's network of  
17 participating providers; and

18 (b) The health plan must include an adequate number of  
19 pharmacists in its network of participating medical providers.

20 (2) The participation of pharmacies in the plan network's drug  
21 benefit does not satisfy the requirement that plans include  
22 pharmacists in their networks of participating medical providers.

23 (3) For health benefit plans issued or renewed on or after  
24 January 1, 2016, but before January 1, 2017, health plans that  
25 delegate credentialing agreements to contracted health care  
26 facilities must accept credentialing for pharmacists employed or  
27 contracted by those facilities. Health plans must reimburse  
28 facilities for covered services provided by network pharmacists  
29 within the pharmacists' scope of practice per negotiations with the  
30 facility.

31 (4) This section does not supersede the requirements of RCW  
32 48.43.045.

33 **Sec. 37.** RCW 48.43.115 and 2003 c 248 s 14 are each amended to  
34 read as follows:

35 (1) The legislature recognizes the role of health care providers  
36 as the appropriate authority to determine and establish the delivery  
37 of quality health care services to maternity patients and their newly  
38 born children. It is the intent of the legislature to recognize

1 patient preference and the clinical sovereignty of providers as they  
2 make determinations regarding services provided and the length of  
3 time individual patients may need to remain in a health care facility  
4 after giving birth. It is not the intent of the legislature to  
5 diminish a carrier's ability to utilize managed care strategies but  
6 to ensure the clinical judgment of the provider is not undermined by  
7 restrictive carrier contracts or utilization review criteria that  
8 fail to recognize individual postpartum needs.

9 (2) Unless otherwise specifically provided, the following  
10 definitions apply throughout this section:

11 (a) "Attending provider" means a provider who: Has clinical  
12 hospital privileges consistent with RCW 70.43.020; is included in a  
13 provider network of the carrier that is providing coverage; and is a  
14 physician licensed under chapter 18.57 or 18.71 RCW, a certified  
15 nurse midwife licensed under chapter 18.79 RCW, a midwife licensed  
16 under chapter 18.50 RCW, a physician's assistant licensed under  
17 chapter ((~~18.57A or~~) 18.71A RCW, or an advanced registered nurse  
18 practitioner licensed under chapter 18.79 RCW.

19 (b) "Health carrier" or "carrier" means disability insurers  
20 regulated under chapter 48.20 or 48.21 RCW, health care services  
21 contractors regulated under chapter 48.44 RCW, health maintenance  
22 organizations regulated under chapter 48.46 RCW, plans operating  
23 under the health care authority under chapter 41.05 RCW, the state  
24 health insurance pool operating under chapter 48.41 RCW, and insuring  
25 entities regulated under this chapter.

26 (3)(a) Every health carrier that provides coverage for maternity  
27 services must permit the attending provider, in consultation with the  
28 mother, to make decisions on the length of inpatient stay, rather  
29 than making such decisions through contracts or agreements between  
30 providers, hospitals, and insurers. These decisions must be based on  
31 accepted medical practice.

32 (b) Covered eligible services may not be denied for inpatient,  
33 postdelivery care to a mother and her newly born child after a  
34 vaginal delivery or a cesarean section delivery for such care as  
35 ordered by the attending provider in consultation with the mother.

36 (c) At the time of discharge, determination of the type and  
37 location of follow-up care must be made by the attending provider in  
38 consultation with the mother rather than by contract or agreement  
39 between the hospital and the insurer. These decisions must be based  
40 on accepted medical practice.

1 (d) Covered eligible services may not be denied for follow-up  
2 care, including in-person care, as ordered by the attending provider  
3 in consultation with the mother. Coverage for providers of follow-up  
4 services must include, but need not be limited to, attending  
5 providers as defined in this section, home health agencies licensed  
6 under chapter 70.127 RCW, and registered nurses licensed under  
7 chapter 18.79 RCW.

8 (e) This section does not require attending providers to  
9 authorize care they believe to be medically unnecessary.

10 (f) Coverage for the newly born child must be no less than the  
11 coverage of the child's mother for no less than three weeks, even if  
12 there are separate hospital admissions.

13 (4) A carrier that provides coverage for maternity services may  
14 not deselect, terminate the services of, require additional  
15 documentation from, require additional utilization review of, reduce  
16 payments to, or otherwise provide financial disincentives to any  
17 attending provider or health care facility solely as a result of the  
18 attending provider or health care facility ordering care consistent  
19 with this section. This section does not prevent any insurer from  
20 reimbursing an attending provider or health care facility on a  
21 capitated, case rate, or other financial incentive basis.

22 (5) Every carrier that provides coverage for maternity services  
23 must provide notice to policyholders regarding the coverage required  
24 under this section. The notice must be in writing and must be  
25 transmitted at the earliest of the next mailing to the policyholder,  
26 the yearly summary of benefits sent to the policyholder, or January 1  
27 of the year following June 6, 1996.

28 (6) This section does not establish a standard of medical care.

29 (7) This section applies to coverage for maternity services under  
30 a contract issued or renewed by a health carrier after June 6, 1996,  
31 and applies to plans operating under the health care authority under  
32 chapter 41.05 RCW beginning January 1, 1998.

33 **Sec. 38.** RCW 51.04.030 and 2011 c 290 s 1 are each amended to  
34 read as follows:

35 (1) The director shall supervise the providing of prompt and  
36 efficient care and treatment, including care provided by physician  
37 assistants governed by the provisions of chapter ~~((s 18.57A and))~~  
38 18.71A RCW, acting under a ~~((supervising))~~ participating physician,  
39 including chiropractic care, and including care provided by licensed

1 advanced registered nurse practitioners, to workers injured during  
2 the course of their employment at the least cost consistent with  
3 promptness and efficiency, without discrimination or favoritism, and  
4 with as great uniformity as the various and diverse surrounding  
5 circumstances and locations of industries will permit and to that end  
6 shall, from time to time, establish and adopt and supervise the  
7 administration of printed forms, rules, regulations, and practices  
8 for the furnishing of such care and treatment: PROVIDED, That the  
9 medical coverage decisions of the department do not constitute a  
10 "rule" as used in RCW 34.05.010(16), nor are such decisions subject  
11 to the rule-making provisions of chapter 34.05 RCW except that  
12 criteria for establishing medical coverage decisions shall be adopted  
13 by rule after consultation with the workers' compensation advisory  
14 committee established in RCW 51.04.110: PROVIDED FURTHER, That the  
15 department may recommend to an injured worker particular health care  
16 services and providers where specialized treatment is indicated or  
17 where cost effective payment levels or rates are obtained by the  
18 department: AND PROVIDED FURTHER, That the department may enter into  
19 contracts for goods and services including, but not limited to,  
20 durable medical equipment so long as statewide access to quality  
21 service is maintained for injured workers.

22 (2) The director shall, in consultation with interested persons,  
23 establish and, in his or her discretion, periodically change as may  
24 be necessary, and make available a fee schedule of the maximum  
25 charges to be made by any physician, surgeon, chiropractor, hospital,  
26 druggist, licensed advanced registered nurse practitioner,  
27 physicians' assistants as defined in chapter (~~s 18.57A and~~) 18.71A  
28 RCW, acting under a (~~supervising~~) participating physician or other  
29 agency or person rendering services to injured workers. The  
30 department shall coordinate with other state purchasers of health  
31 care services to establish as much consistency and uniformity in  
32 billing and coding practices as possible, taking into account the  
33 unique requirements and differences between programs. No service  
34 covered under this title, including services provided to injured  
35 workers, whether aliens or other injured workers, who are not  
36 residing in the United States at the time of receiving the services,  
37 shall be charged or paid at a rate or rates exceeding those specified  
38 in such fee schedule, and no contract providing for greater fees  
39 shall be valid as to the excess. The establishment of such a  
40 schedule, exclusive of conversion factors, does not constitute

1 "agency action" as used in RCW 34.05.010(3), nor does such a fee  
2 schedule and its associated billing or payment instructions and  
3 policies constitute a "rule" as used in RCW 34.05.010(16).

4 (3) The director or self-insurer, as the case may be, shall make  
5 a record of the commencement of every disability and the termination  
6 thereof and, when bills are rendered for the care and treatment of  
7 injured workers, shall approve and pay those which conform to the  
8 adopted rules, regulations, established fee schedules, and practices  
9 of the director and may reject any bill or item thereof incurred in  
10 violation of the principles laid down in this section or the rules,  
11 regulations, or the established fee schedules and rules and  
12 regulations adopted under it.

13 **Sec. 39.** RCW 51.28.100 and 2007 c 263 s 1 are each amended to  
14 read as follows:

15 The department shall accept the signature of a physician  
16 assistant on any certificate, card, form, or other documentation  
17 required by the department that the physician assistant's  
18 (~~supervising~~) participating physician or physicians may sign,  
19 provided that it is within the physician assistant's scope of  
20 practice, and is consistent with the terms of the physician  
21 assistant's practice (~~arrangement plan~~) agreement as required by  
22 chapter(~~s 18.57A and~~) 18.71A RCW. Consistent with the terms of this  
23 section, the authority of a physician assistant to sign such  
24 certificates, cards, forms, or other documentation includes, but is  
25 not limited to, the execution of the certificate required in RCW  
26 51.28.020. A physician assistant may not rate a worker's permanent  
27 partial disability under RCW 51.32.055.

28 **Sec. 40.** RCW 69.41.010 and 2016 c 148 s 10 and 2016 c 97 s 2 are  
29 each reenacted and amended to read as follows:

30 As used in this chapter, the following terms have the meanings  
31 indicated unless the context clearly requires otherwise:

32 (1) "Administer" means the direct application of a legend drug  
33 whether by injection, inhalation, ingestion, or any other means, to  
34 the body of a patient or research subject by:

35 (a) A practitioner; or

36 (b) The patient or research subject at the direction of the  
37 practitioner.

38 (2) "Commission" means the pharmacy quality assurance commission.

1 (3) "Community-based care settings" include: Community  
2 residential programs for persons with developmental disabilities,  
3 certified by the department of social and health services under  
4 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128  
5 RCW; and assisted living facilities licensed under chapter 18.20 RCW.  
6 Community-based care settings do not include acute care or skilled  
7 nursing facilities.

8 (4) "Deliver" or "delivery" means the actual, constructive, or  
9 attempted transfer from one person to another of a legend drug,  
10 whether or not there is an agency relationship.

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

12 (6) "Dispense" means the interpretation of a prescription or  
13 order for a legend drug and, pursuant to that prescription or order,  
14 the proper selection, measuring, compounding, labeling, or packaging  
15 necessary to prepare that prescription or order for delivery.

16 (7) "Dispenser" means a practitioner who dispenses.

17 (8) "Distribute" means to deliver other than by administering or  
18 dispensing a legend drug.

19 (9) "Distributor" means a person who distributes.

20 (10) "Drug" means:

21 (a) Substances recognized as drugs in the official United States  
22 pharmacopoeia, official homeopathic pharmacopoeia of the United  
23 States, or official national formulary, or any supplement to any of  
24 them;

25 (b) Substances intended for use in the diagnosis, cure,  
26 mitigation, treatment, or prevention of disease in human beings or  
27 animals;

28 (c) Substances (other than food, minerals or vitamins) intended  
29 to affect the structure or any function of the body of human beings  
30 or animals; and

31 (d) Substances intended for use as a component of any article  
32 specified in (a), (b), or (c) of this subsection. It does not include  
33 devices or their components, parts, or accessories.

34 (11) "Electronic communication of prescription information" means  
35 the transmission of a prescription or refill authorization for a drug  
36 of a practitioner using computer systems. The term does not include a  
37 prescription or refill authorization transmitted verbally by  
38 telephone nor a facsimile manually signed by the practitioner.

39 (12) "In-home care settings" include an individual's place of  
40 temporary and permanent residence, but does not include acute care or

1 skilled nursing facilities, and does not include community-based care  
2 settings.

3 (13) "Legend drugs" means any drugs which are required by state  
4 law or regulation of the pharmacy quality assurance commission to be  
5 dispensed on prescription only or are restricted to use by  
6 practitioners only.

7 (14) "Legible prescription" means a prescription or medication  
8 order issued by a practitioner that is capable of being read and  
9 understood by the pharmacist filling the prescription or the nurse or  
10 other practitioner implementing the medication order. A prescription  
11 must be hand printed, typewritten, or electronically generated.

12 (15) "Medication assistance" means assistance rendered by a  
13 nonpractitioner to an individual residing in a community-based care  
14 setting or in-home care setting to facilitate the individual's self-  
15 administration of a legend drug or controlled substance. It includes  
16 reminding or coaching the individual, handing the medication  
17 container to the individual, opening the individual's medication  
18 container, using an enabler, or placing the medication in the  
19 individual's hand, and such other means of medication assistance as  
20 defined by rule adopted by the department. A nonpractitioner may help  
21 in the preparation of legend drugs or controlled substances for self-  
22 administration where a practitioner has determined and communicated  
23 orally or by written direction that such medication preparation  
24 assistance is necessary and appropriate. Medication assistance shall  
25 not include assistance with intravenous medications or injectable  
26 medications, except prefilled insulin syringes.

27 (16) "Person" means individual, corporation, government or  
28 governmental subdivision or agency, business trust, estate, trust,  
29 partnership or association, or any other legal entity.

30 (17) "Practitioner" means:

31 (a) A physician under chapter 18.71 RCW, an osteopathic physician  
32 or an osteopathic physician and surgeon under chapter 18.57 RCW, a  
33 dentist under chapter 18.32 RCW, a podiatric physician and surgeon  
34 under chapter 18.22 RCW, an East Asian medicine practitioner to the  
35 extent authorized under chapter 18.06 RCW and the rules adopted under  
36 RCW 18.06.010(1)(j), a veterinarian under chapter 18.92 RCW, a  
37 registered nurse, advanced registered nurse practitioner, or licensed  
38 practical nurse under chapter 18.79 RCW, an optometrist under chapter  
39 18.53 RCW who is certified by the optometry board under RCW  
40 18.53.010, (~~(an osteopathic physician assistant under chapter 18.57A~~

1 ~~RCW,~~) a physician assistant under chapter 18.71A RCW, a naturopath  
2 licensed under chapter 18.36A RCW, a pharmacist under chapter 18.64  
3 RCW, or, when acting under the required supervision of a dentist  
4 licensed under chapter 18.32 RCW, a dental hygienist licensed under  
5 chapter 18.29 RCW;

6 (b) A pharmacy, hospital, or other institution licensed,  
7 registered, or otherwise permitted to distribute, dispense, conduct  
8 research with respect to, or to administer a legend drug in the  
9 course of professional practice or research in this state; and

10 (c) A physician licensed to practice medicine and surgery or a  
11 physician licensed to practice osteopathic medicine and surgery in  
12 any state, or province of Canada, which shares a common border with  
13 the state of Washington.

14 (18) "Secretary" means the secretary of health or the secretary's  
15 designee.

16 **Sec. 41.** RCW 69.41.030 and 2018 c 196 s 22 are each amended to  
17 read as follows:

18 (1) It shall be unlawful for any person to sell, deliver, or  
19 possess any legend drug except upon the order or prescription of a  
20 physician under chapter 18.71 RCW, an osteopathic physician and  
21 surgeon under chapter 18.57 RCW, an optometrist licensed under  
22 chapter 18.53 RCW who is certified by the optometry board under RCW  
23 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician  
24 and surgeon under chapter 18.22 RCW, a veterinarian under chapter  
25 18.92 RCW, a commissioned medical or dental officer in the United  
26 States armed forces or public health service in the discharge of his  
27 or her official duties, a duly licensed physician or dentist employed  
28 by the veterans administration in the discharge of his or her  
29 official duties, a registered nurse or advanced registered nurse  
30 practitioner under chapter 18.79 RCW when authorized by the nursing  
31 care quality assurance commission, a pharmacist licensed under  
32 chapter 18.64 RCW to the extent permitted by drug therapy guidelines  
33 or protocols established under RCW 18.64.011 and authorized by the  
34 commission and approved by a practitioner authorized to prescribe  
35 drugs, (~~(an osteopathic physician assistant under chapter 18.57A RCW  
36 when authorized by the board of osteopathic medicine and surgery,~~) a  
37 physician assistant under chapter 18.71A RCW when authorized by the  
38 medical quality assurance commission, or any of the following  
39 professionals in any province of Canada that shares a common border



1 with the state of Washington or in any state of the United States: A  
2 physician licensed to practice medicine and surgery or a physician  
3 licensed to practice osteopathic medicine and surgery, a dentist  
4 licensed to practice dentistry, a podiatric physician and surgeon  
5 licensed to practice podiatric medicine and surgery, a licensed  
6 advanced registered nurse practitioner, a licensed physician  
7 assistant, a licensed osteopathic physician assistant, or a  
8 veterinarian licensed to practice veterinary medicine: PROVIDED,  
9 HOWEVER, That the above provisions shall not apply to sale, delivery,  
10 or possession by drug wholesalers or drug manufacturers, or their  
11 agents or employees, or to any practitioner acting within the scope  
12 of his or her license, or to a common or contract carrier or  
13 warehouse operator, or any employee thereof, whose possession of any  
14 legend drug is in the usual course of business or employment:  
15 PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW  
16 shall prevent a family planning clinic that is under contract with  
17 the health care authority from selling, delivering, possessing, and  
18 dispensing commercially prepackaged oral contraceptives prescribed by  
19 authorized, licensed health care practitioners: PROVIDED FURTHER,  
20 That nothing in this chapter prohibits possession or delivery of  
21 legend drugs by an authorized collector or other person participating  
22 in the operation of a drug take-back program authorized in chapter  
23 69.48 RCW.

24 (2) (a) A violation of this section involving the sale, delivery,  
25 or possession with intent to sell or deliver is a class B felony  
26 punishable according to chapter 9A.20 RCW.

27 (b) A violation of this section involving possession is a  
28 misdemeanor.

29 **Sec. 42.** RCW 69.45.010 and 2013 c 19 s 81 are each reenacted and  
30 amended to read as follows:

31 The definitions in this section apply throughout this chapter.

32 (1) "Commission" means the pharmacy quality assurance commission.

33 (2) "Controlled substance" means a drug, substance, or immediate  
34 precursor of such drug or substance, so designated under or pursuant  
35 to chapter 69.50 RCW, the uniform controlled substances act.

36 (3) "Deliver" or "delivery" means the actual, constructive, or  
37 attempted transfer from one person to another of a drug or device,  
38 whether or not there is an agency relationship.

39 (4) "Department" means the department of health.

1 (5) "Dispense" means the interpretation of a prescription or  
2 order for a drug, biological, or device and, pursuant to that  
3 prescription or order, the proper selection, measuring, compounding,  
4 labeling, or packaging necessary to prepare that prescription or  
5 order for delivery.

6 (6) "Distribute" means to deliver, other than by administering or  
7 dispensing, a legend drug.

8 (7) "Drug samples" means any federal food and drug administration  
9 approved controlled substance, legend drug, or products requiring  
10 prescriptions in this state, which is distributed at no charge to a  
11 practitioner by a manufacturer or a manufacturer's representative,  
12 exclusive of drugs under clinical investigations approved by the  
13 federal food and drug administration.

14 (8) "Legend drug" means any drug that is required by state law or  
15 by regulations of the commission to be dispensed on prescription only  
16 or is restricted to use by practitioners only.

17 (9) "Manufacturer" means a person or other entity engaged in the  
18 manufacture or distribution of drugs or devices, but does not include  
19 a manufacturer's representative.

20 (10) "Manufacturer's representative" means an agent or employee  
21 of a drug manufacturer who is authorized by the drug manufacturer to  
22 possess drug samples for the purpose of distribution in this state to  
23 appropriately authorized health care practitioners.

24 (11) "Person" means any individual, corporation, government or  
25 governmental subdivision or agency, business trust, estate, trust,  
26 partnership, association, or any other legal entity.

27 (12) "Practitioner" means a physician under chapter 18.71 RCW, an  
28 osteopathic physician or an osteopathic physician and surgeon under  
29 chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric  
30 physician and surgeon under chapter 18.22 RCW, a veterinarian under  
31 chapter 18.92 RCW, a pharmacist under chapter 18.64 RCW, a  
32 commissioned medical or dental officer in the United States armed  
33 forces or the public health service in the discharge of his or her  
34 official duties, a duly licensed physician or dentist employed by the  
35 veterans administration in the discharge of his or her official  
36 duties, a registered nurse or advanced registered nurse practitioner  
37 under chapter 18.79 RCW when authorized to prescribe by the nursing  
38 care quality assurance commission, (~~(an osteopathic physician  
39 assistant under chapter 18.57A RCW when authorized by the board of  
40 osteopathic medicine and surgery,~~) or a physician assistant under

1 chapter 18.71A RCW when authorized by the medical quality assurance  
2 commission.

3 (13) "Reasonable cause" means a state of facts found to exist  
4 that would warrant a reasonably intelligent and prudent person to  
5 believe that a person has violated state or federal drug laws or  
6 regulations.

7 (14) "Secretary" means the secretary of health or the secretary's  
8 designee.

9 **Sec. 43.** RCW 69.50.101 and 2018 c 132 s 2 are each reenacted and  
10 amended to read as follows:

11 The definitions in this section apply throughout this chapter  
12 unless the context clearly requires otherwise.

13 (a) "Administer" means to apply a controlled substance, whether  
14 by injection, inhalation, ingestion, or any other means, directly to  
15 the body of a patient or research subject by:

16 (1) a practitioner authorized to prescribe (or, by the  
17 practitioner's authorized agent); or

18 (2) the patient or research subject at the direction and in the  
19 presence of the practitioner.

20 (b) "Agent" means an authorized person who acts on behalf of or  
21 at the direction of a manufacturer, distributor, or dispenser. It  
22 does not include a common or contract carrier, public  
23 warehouseperson, or employee of the carrier or warehouseperson.

24 (c) "CBD concentration" has the meaning provided in RCW  
25 69.51A.010.

26 (d) "CBD product" means any product containing or consisting of  
27 cannabidiol.

28 (e) "Commission" means the pharmacy quality assurance commission.

29 (f) "Controlled substance" means a drug, substance, or immediate  
30 precursor included in Schedules I through V as set forth in federal  
31 or state laws, or federal or commission rules, but does not include  
32 industrial hemp as defined in RCW 15.120.010.

33 (g) (1) "Controlled substance analog" means a substance the  
34 chemical structure of which is substantially similar to the chemical  
35 structure of a controlled substance in Schedule I or II and:

36 (i) that has a stimulant, depressant, or hallucinogenic effect on  
37 the central nervous system substantially similar to the stimulant,  
38 depressant, or hallucinogenic effect on the central nervous system of  
39 a controlled substance included in Schedule I or II; or

1 (ii) with respect to a particular individual, that the individual  
2 represents or intends to have a stimulant, depressant, or  
3 hallucinogenic effect on the central nervous system substantially  
4 similar to the stimulant, depressant, or hallucinogenic effect on the  
5 central nervous system of a controlled substance included in Schedule  
6 I or II.

7 (2) The term does not include:

8 (i) a controlled substance;

9 (ii) a substance for which there is an approved new drug  
10 application;

11 (iii) a substance with respect to which an exemption is in effect  
12 for investigational use by a particular person under Section 505 of  
13 the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or  
14 chapter 69.77 RCW to the extent conduct with respect to the substance  
15 is pursuant to the exemption; or

16 (iv) any substance to the extent not intended for human  
17 consumption before an exemption takes effect with respect to the  
18 substance.

19 (h) "Deliver" or "delivery" means the actual or constructive  
20 transfer from one person to another of a substance, whether or not  
21 there is an agency relationship.

22 (i) "Department" means the department of health.

23 (j) "Designated provider" has the meaning provided in RCW  
24 69.51A.010.

25 (k) "Dispense" means the interpretation of a prescription or  
26 order for a controlled substance and, pursuant to that prescription  
27 or order, the proper selection, measuring, compounding, labeling, or  
28 packaging necessary to prepare that prescription or order for  
29 delivery.

30 (l) "Dispenser" means a practitioner who dispenses.

31 (m) "Distribute" means to deliver other than by administering or  
32 dispensing a controlled substance.

33 (n) "Distributor" means a person who distributes.

34 (o) "Drug" means (1) a controlled substance recognized as a drug  
35 in the official United States pharmacopoeia/national formulary or the  
36 official homeopathic pharmacopoeia of the United States, or any  
37 supplement to them; (2) controlled substances intended for use in the  
38 diagnosis, cure, mitigation, treatment, or prevention of disease in  
39 individuals or animals; (3) controlled substances (other than food)  
40 intended to affect the structure or any function of the body of

1 individuals or animals; and (4) controlled substances intended for  
2 use as a component of any article specified in (1), (2), or (3) of  
3 this subsection. The term does not include devices or their  
4 components, parts, or accessories.

5 (p) "Drug enforcement administration" means the drug enforcement  
6 administration in the United States Department of Justice, or its  
7 successor agency.

8 (q) "Electronic communication of prescription information" means  
9 the transmission of a prescription or refill authorization for a drug  
10 of a practitioner using computer systems. The term does not include a  
11 prescription or refill authorization verbally transmitted by  
12 telephone nor a facsimile manually signed by the practitioner.

13 (r) "Immature plant or clone" means a plant or clone that has no  
14 flowers, is less than twelve inches in height, and is less than  
15 twelve inches in diameter.

16 (s) "Immediate precursor" means a substance:

17 (1) that the commission has found to be and by rule designates as  
18 being the principal compound commonly used, or produced primarily for  
19 use, in the manufacture of a controlled substance;

20 (2) that is an immediate chemical intermediary used or likely to  
21 be used in the manufacture of a controlled substance; and

22 (3) the control of which is necessary to prevent, curtail, or  
23 limit the manufacture of the controlled substance.

24 (t) "Isomer" means an optical isomer, but in subsection (ff)(5)  
25 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),  
26 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and  
27 (42), and 69.50.210(c) the term includes any positional isomer; and  
28 in RCW 69.50.204(a) (35), 69.50.204(c), and 69.50.208(a) the term  
29 includes any positional or geometric isomer.

30 (u) "Lot" means a definite quantity of marijuana, marijuana  
31 concentrates, useable marijuana, or marijuana-infused product  
32 identified by a lot number, every portion or package of which is  
33 uniform within recognized tolerances for the factors that appear in  
34 the labeling.

35 (v) "Lot number" must identify the licensee by business or trade  
36 name and Washington state unified business identifier number, and the  
37 date of harvest or processing for each lot of marijuana, marijuana  
38 concentrates, useable marijuana, or marijuana-infused product.

39 (w) "Manufacture" means the production, preparation, propagation,  
40 compounding, conversion, or processing of a controlled substance,

1 either directly or indirectly or by extraction from substances of  
2 natural origin, or independently by means of chemical synthesis, or  
3 by a combination of extraction and chemical synthesis, and includes  
4 any packaging or repackaging of the substance or labeling or  
5 relabeling of its container. The term does not include the  
6 preparation, compounding, packaging, repackaging, labeling, or  
7 relabeling of a controlled substance:

8 (1) by a practitioner as an incident to the practitioner's  
9 administering or dispensing of a controlled substance in the course  
10 of the practitioner's professional practice; or

11 (2) by a practitioner, or by the practitioner's authorized agent  
12 under the practitioner's supervision, for the purpose of, or as an  
13 incident to, research, teaching, or chemical analysis and not for  
14 sale.

15 (x) "Marijuana" or "marihuana" means all parts of the plant  
16 *Cannabis*, whether growing or not, with a THC concentration greater  
17 than 0.3 percent on a dry weight basis; the seeds thereof; the resin  
18 extracted from any part of the plant; and every compound,  
19 manufacture, salt, derivative, mixture, or preparation of the plant,  
20 its seeds or resin. The term does not include:

21 (1) The mature stalks of the plant, fiber produced from the  
22 stalks, oil or cake made from the seeds of the plant, any other  
23 compound, manufacture, salt, derivative, mixture, or preparation of  
24 the mature stalks (except the resin extracted therefrom), fiber, oil,  
25 or cake, or the sterilized seed of the plant which is incapable of  
26 germination; or

27 (2) Industrial hemp as defined in RCW 15.120.010.

28 (y) "Marijuana concentrates" means products consisting wholly or  
29 in part of the resin extracted from any part of the plant *Cannabis*  
30 and having a THC concentration greater than ten percent.

31 (z) "Marijuana processor" means a person licensed by the state  
32 liquor and cannabis board to process marijuana into marijuana  
33 concentrates, useable marijuana, and marijuana-infused products,  
34 package and label marijuana concentrates, useable marijuana, and  
35 marijuana-infused products for sale in retail outlets, and sell  
36 marijuana concentrates, useable marijuana, and marijuana-infused  
37 products at wholesale to marijuana retailers.

38 (aa) "Marijuana producer" means a person licensed by the state  
39 liquor and cannabis board to produce and sell marijuana at wholesale  
40 to marijuana processors and other marijuana producers.

1 (bb) "Marijuana products" means useable marijuana, marijuana  
2 concentrates, and marijuana-infused products as defined in this  
3 section.

4 (cc) "Marijuana researcher" means a person licensed by the state  
5 liquor and cannabis board to produce, process, and possess marijuana  
6 for the purposes of conducting research on marijuana and marijuana-  
7 derived drug products.

8 (dd) "Marijuana retailer" means a person licensed by the state  
9 liquor and cannabis board to sell marijuana concentrates, useable  
10 marijuana, and marijuana-infused products in a retail outlet.

11 (ee) "Marijuana-infused products" means products that contain  
12 marijuana or marijuana extracts, are intended for human use, are  
13 derived from marijuana as defined in subsection (x) of this section,  
14 and have a THC concentration no greater than ten percent. The term  
15 "marijuana-infused products" does not include either useable  
16 marijuana or marijuana concentrates.

17 (ff) "Narcotic drug" means any of the following, whether produced  
18 directly or indirectly by extraction from substances of vegetable  
19 origin, or independently by means of chemical synthesis, or by a  
20 combination of extraction and chemical synthesis:

21 (1) Opium, opium derivative, and any derivative of opium or opium  
22 derivative, including their salts, isomers, and salts of isomers,  
23 whenever the existence of the salts, isomers, and salts of isomers is  
24 possible within the specific chemical designation. The term does not  
25 include the isoquinoline alkaloids of opium.

26 (2) Synthetic opiate and any derivative of synthetic opiate,  
27 including their isomers, esters, ethers, salts, and salts of isomers,  
28 esters, and ethers, whenever the existence of the isomers, esters,  
29 ethers, and salts is possible within the specific chemical  
30 designation.

31 (3) Poppy straw and concentrate of poppy straw.

32 (4) Coca leaves, except coca leaves and extracts of coca leaves  
33 from which cocaine, ecgonine, and derivatives or ecgonine or their  
34 salts have been removed.

35 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

36 (6) Cocaine base.

37 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer  
38 thereof.

39 (8) Any compound, mixture, or preparation containing any quantity  
40 of any substance referred to in subparagraphs (1) through (7).

1 (gg) "Opiate" means any substance having an addiction-forming or  
2 addiction-sustaining liability similar to morphine or being capable  
3 of conversion into a drug having addiction-forming or addiction-  
4 sustaining liability. The term includes opium, substances derived  
5 from opium (opium derivatives), and synthetic opiates. The term does  
6 not include, unless specifically designated as controlled under RCW  
7 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan  
8 and its salts (dextromethorphan). The term includes the racemic and  
9 levorotatory forms of dextromethorphan.

10 (hh) "Opium poppy" means the plant of the species *Papaver*  
11 *somniferum* L., except its seeds.

12 (ii) "Person" means individual, corporation, business trust,  
13 estate, trust, partnership, association, joint venture, government,  
14 governmental subdivision or agency, or any other legal or commercial  
15 entity.

16 (jj) "Plant" has the meaning provided in RCW 69.51A.010.

17 (kk) "Poppy straw" means all parts, except the seeds, of the  
18 opium poppy, after mowing.

19 (ll) "Practitioner" means:

20 (1) A physician under chapter 18.71 RCW; a physician assistant  
21 under chapter 18.71A RCW; an osteopathic physician and surgeon under  
22 chapter 18.57 RCW; (~~an osteopathic physician assistant under chapter~~  
23 ~~18.57A RCW who is licensed under RCW 18.57A.020 subject to any~~  
24 ~~limitations in RCW 18.57A.040;~~) an optometrist licensed under  
25 chapter 18.53 RCW who is certified by the optometry board under RCW  
26 18.53.010 subject to any limitations in RCW 18.53.010; a dentist  
27 under chapter 18.32 RCW; a podiatric physician and surgeon under  
28 chapter 18.22 RCW; a veterinarian under chapter 18.92 RCW; a  
29 registered nurse, advanced registered nurse practitioner, or licensed  
30 practical nurse under chapter 18.79 RCW; a naturopathic physician  
31 under chapter 18.36A RCW who is licensed under RCW 18.36A.030 subject  
32 to any limitations in RCW 18.36A.040; a pharmacist under chapter  
33 18.64 RCW or a scientific investigator under this chapter, licensed,  
34 registered or otherwise permitted insofar as is consistent with those  
35 licensing laws to distribute, dispense, conduct research with respect  
36 to or administer a controlled substance in the course of their  
37 professional practice or research in this state.

38 (2) A pharmacy, hospital or other institution licensed,  
39 registered, or otherwise permitted to distribute, dispense, conduct



1 research with respect to or to administer a controlled substance in  
2 the course of professional practice or research in this state.

3 (3) A physician licensed to practice medicine and surgery, a  
4 physician licensed to practice osteopathic medicine and surgery, a  
5 dentist licensed to practice dentistry, a podiatric physician and  
6 surgeon licensed to practice podiatric medicine and surgery, a  
7 licensed physician assistant or a licensed osteopathic physician  
8 assistant specifically approved to prescribe controlled substances by  
9 his or her state's medical quality assurance commission or equivalent  
10 and his or her supervising or participating physician, an advanced  
11 registered nurse practitioner licensed to prescribe controlled  
12 substances, or a veterinarian licensed to practice veterinary  
13 medicine in any state of the United States.

14 (mm) "Prescription" means an order for controlled substances  
15 issued by a practitioner duly authorized by law or rule in the state  
16 of Washington to prescribe controlled substances within the scope of  
17 his or her professional practice for a legitimate medical purpose.

18 (nn) "Production" includes the manufacturing, planting,  
19 cultivating, growing, or harvesting of a controlled substance.

20 (oo) "Qualifying patient" has the meaning provided in RCW  
21 69.51A.010.

22 (pp) "Recognition card" has the meaning provided in RCW  
23 69.51A.010.

24 (qq) "Retail outlet" means a location licensed by the state  
25 liquor and cannabis board for the retail sale of marijuana  
26 concentrates, useable marijuana, and marijuana-infused products.

27 (rr) "Secretary" means the secretary of health or the secretary's  
28 designee.

29 (ss) "State," unless the context otherwise requires, means a  
30 state of the United States, the District of Columbia, the  
31 Commonwealth of Puerto Rico, or a territory or insular possession  
32 subject to the jurisdiction of the United States.

33 (tt) "THC concentration" means percent of delta-9  
34 tetrahydrocannabinol content per dry weight of any part of the plant  
35 *Cannabis*, or per volume or weight of marijuana product, or the  
36 combined percent of delta-9 tetrahydrocannabinol and  
37 tetrahydrocannabinolic acid in any part of the plant *Cannabis*  
38 regardless of moisture content.

39 (uu) "Ultimate user" means an individual who lawfully possesses a  
40 controlled substance for the individual's own use or for the use of a

1 member of the individual's household or for administering to an  
2 animal owned by the individual or by a member of the individual's  
3 household.

4 (vv) "Useable marijuana" means dried marijuana flowers. The term  
5 "useable marijuana" does not include either marijuana-infused  
6 products or marijuana concentrates.

7 **Sec. 44.** RCW 69.51A.010 and 2015 c 70 s 17 are each reenacted  
8 and amended to read as follows:

9 The definitions in this section apply throughout this chapter  
10 unless the context clearly requires otherwise.

11 (1)(a) Until July 1, 2016, "authorization" means:

12 (i) A statement signed and dated by a qualifying patient's health  
13 care professional written on tamper-resistant paper, which states  
14 that, in the health care professional's professional opinion, the  
15 patient may benefit from the medical use of marijuana; and

16 (ii) Proof of identity such as a Washington state driver's  
17 license or identicard, as defined in RCW 46.20.035.

18 (b) Beginning July 1, 2016, "authorization" means a form  
19 developed by the department that is completed and signed by a  
20 qualifying patient's health care professional and printed on tamper-  
21 resistant paper.

22 (c) An authorization is not a prescription as defined in RCW  
23 69.50.101.

24 (2) "CBD concentration" means the percent of cannabidiol content  
25 per dry weight of any part of the plant *Cannabis*, or per volume or  
26 weight of marijuana product.

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

28 (4) "Designated provider" means a person who is twenty-one years  
29 of age or older and:

30 (a)(i) Is the parent or guardian of a qualifying patient who is  
31 under the age of eighteen and beginning July 1, 2016, holds a  
32 recognition card; or

33 (ii) Has been designated in writing by a qualifying patient to  
34 serve as the designated provider for that patient;

35 (b)(i) Has an authorization from the qualifying patient's health  
36 care professional; or

37 (ii) Beginning July 1, 2016:

- 1 (A) Has been entered into the medical marijuana authorization  
2 database as being the designated provider to a qualifying patient;  
3 and
- 4 (B) Has been provided a recognition card;
- 5 (c) Is prohibited from consuming marijuana obtained for the  
6 personal, medical use of the qualifying patient for whom the  
7 individual is acting as designated provider;
- 8 (d) Provides marijuana to only the qualifying patient that has  
9 designated him or her;
- 10 (e) Is in compliance with the terms and conditions of this  
11 chapter; and
- 12 (f) Is the designated provider to only one patient at any one  
13 time.
- 14 (5) "Health care professional," for purposes of this chapter  
15 only, means a physician licensed under chapter 18.71 RCW, a physician  
16 assistant licensed under chapter 18.71A RCW, an osteopathic physician  
17 licensed under chapter 18.57 RCW, (~~(an osteopathic physicians'  
18 assistant licensed under chapter 18.57A RCW,)~~) a naturopath licensed  
19 under chapter 18.36A RCW, or an advanced registered nurse  
20 practitioner licensed under chapter 18.79 RCW.
- 21 (6) "Housing unit" means a house, an apartment, a mobile home, a  
22 group of rooms, or a single room that is occupied as separate living  
23 quarters, in which the occupants live and eat separately from any  
24 other persons in the building, and which have direct access from the  
25 outside of the building or through a common hall.
- 26 (7) "Low THC, high CBD" means products determined by the  
27 department to have a low THC, high CBD ratio under RCW 69.50.375. Low  
28 THC, high CBD products must be inhalable, ingestible, or absorbable.
- 29 (8) "Marijuana" has the meaning provided in RCW 69.50.101.
- 30 (9) "Marijuana concentrates" has the meaning provided in RCW  
31 69.50.101.
- 32 (10) "Marijuana processor" has the meaning provided in RCW  
33 69.50.101.
- 34 (11) "Marijuana producer" has the meaning provided in RCW  
35 69.50.101.
- 36 (12) "Marijuana retailer" has the meaning provided in RCW  
37 69.50.101.
- 38 (13) "Marijuana retailer with a medical marijuana endorsement"  
39 means a marijuana retailer that has been issued a medical marijuana

1 endorsement by the state liquor and cannabis board pursuant to RCW  
2 69.50.375.

3 (14) "Marijuana-infused products" has the meaning provided in RCW  
4 69.50.101.

5 (15) "Medical marijuana authorization database" means the secure  
6 and confidential database established in RCW 69.51A.230.

7 (16) "Medical use of marijuana" means the manufacture,  
8 production, possession, transportation, delivery, ingestion,  
9 application, or administration of marijuana for the exclusive benefit  
10 of a qualifying patient in the treatment of his or her terminal or  
11 debilitating medical condition.

12 (17) "Plant" means a marijuana plant having at least three  
13 distinguishable and distinct leaves, each leaf being at least three  
14 centimeters in diameter, and a readily observable root formation  
15 consisting of at least two separate and distinct roots, each being at  
16 least two centimeters in length. Multiple stalks emanating from the  
17 same root ball or root system is considered part of the same single  
18 plant.

19 (18) "Public place" has the meaning provided in RCW 70.160.020.

20 (19) "Qualifying patient" means a person who:

21 (a) (i) Is a patient of a health care professional;

22 (ii) Has been diagnosed by that health care professional as  
23 having a terminal or debilitating medical condition;

24 (iii) Is a resident of the state of Washington at the time of  
25 such diagnosis;

26 (iv) Has been advised by that health care professional about the  
27 risks and benefits of the medical use of marijuana;

28 (v) Has been advised by that health care professional that they  
29 may benefit from the medical use of marijuana;

30 (vi) (A) Has an authorization from his or her health care  
31 professional; or

32 (B) Beginning July 1, 2016, has been entered into the medical  
33 marijuana authorization database and has been provided a recognition  
34 card; and

35 (vii) Is otherwise in compliance with the terms and conditions  
36 established in this chapter.

37 (b) "Qualifying patient" does not include a person who is  
38 actively being supervised for a criminal conviction by a corrections  
39 agency or department that has determined that the terms of this

1 chapter are inconsistent with and contrary to his or her supervision  
2 and all related processes and procedures related to that supervision.

3 (20) "Recognition card" means a card issued to qualifying  
4 patients and designated providers by a marijuana retailer with a  
5 medical marijuana endorsement that has entered them into the medical  
6 marijuana authorization database.

7 (21) "Retail outlet" has the meaning provided in RCW 69.50.101.

8 (22) "Secretary" means the secretary of the department of health.

9 (23) "Tamper-resistant paper" means paper that meets one or more  
10 of the following industry-recognized features:

11 (a) One or more features designed to prevent copying of the  
12 paper;

13 (b) One or more features designed to prevent the erasure or  
14 modification of information on the paper; or

15 (c) One or more features designed to prevent the use of  
16 counterfeit authorization.

17 (24) "Terminal or debilitating medical condition" means a  
18 condition severe enough to significantly interfere with the patient's  
19 activities of daily living and ability to function, which can be  
20 objectively assessed and evaluated and limited to the following:

21 (a) Cancer, human immunodeficiency virus (HIV), multiple  
22 sclerosis, epilepsy or other seizure disorder, or spasticity  
23 disorders;

24 (b) Intractable pain, limited for the purpose of this chapter to  
25 mean pain unrelieved by standard medical treatments and medications;

26 (c) Glaucoma, either acute or chronic, limited for the purpose of  
27 this chapter to mean increased intraocular pressure unrelieved by  
28 standard treatments and medications;

29 (d) Crohn's disease with debilitating symptoms unrelieved by  
30 standard treatments or medications;

31 (e) Hepatitis C with debilitating nausea or intractable pain  
32 unrelieved by standard treatments or medications;

33 (f) Diseases, including anorexia, which result in nausea,  
34 vomiting, wasting, appetite loss, cramping, seizures, muscle spasms,  
35 or spasticity, when these symptoms are unrelieved by standard  
36 treatments or medications;

37 (g) Posttraumatic stress disorder; or

38 (h) Traumatic brain injury.

39 (25) "THC concentration" has the meaning provided in RCW  
40 69.50.101.

1 (26) "Useable marijuana" has the meaning provided in RCW  
2 69.50.101.

3 **Sec. 45.** RCW 70.41.210 and 2008 c 134 s 14 are each amended to  
4 read as follows:

5 (1) The chief administrator or executive officer of a hospital  
6 shall report to the department when the practice of a health care  
7 practitioner as defined in subsection (2) of this section is  
8 restricted, suspended, limited, or terminated based upon a  
9 conviction, determination, or finding by the hospital that the health  
10 care practitioner has committed an action defined as unprofessional  
11 conduct under RCW 18.130.180. The chief administrator or executive  
12 officer shall also report any voluntary restriction or termination of  
13 the practice of a health care practitioner as defined in subsection  
14 (2) of this section while the practitioner is under investigation or  
15 the subject of a proceeding by the hospital regarding unprofessional  
16 conduct, or in return for the hospital not conducting such an  
17 investigation or proceeding or not taking action. The department will  
18 forward the report to the appropriate disciplining authority.

19 (2) The reporting requirements apply to the following health care  
20 practitioners: Pharmacists as defined in chapter 18.64 RCW; advanced  
21 registered nurse practitioners as defined in chapter 18.79 RCW;  
22 dentists as defined in chapter 18.32 RCW; naturopaths as defined in  
23 chapter 18.36A RCW; optometrists as defined in chapter 18.53 RCW;  
24 osteopathic physicians and surgeons as defined in chapter 18.57 RCW;  
25 (~~osteopathic physicians' assistants as defined in chapter 18.57A~~  
26 ~~RCW~~;) physicians as defined in chapter 18.71 RCW; physician  
27 assistants as defined in chapter 18.71A RCW; podiatric physicians and  
28 surgeons as defined in chapter 18.22 RCW; and psychologists as  
29 defined in chapter 18.83 RCW.

30 (3) Reports made under subsection (1) of this section shall be  
31 made within fifteen days of the date: (a) A conviction,  
32 determination, or finding is made by the hospital that the health  
33 care practitioner has committed an action defined as unprofessional  
34 conduct under RCW 18.130.180; or (b) the voluntary restriction or  
35 termination of the practice of a health care practitioner, including  
36 his or her voluntary resignation, while under investigation or the  
37 subject of proceedings regarding unprofessional conduct under RCW  
38 18.130.180 is accepted by the hospital.

1 (4) Failure of a hospital to comply with this section is  
2 punishable by a civil penalty not to exceed five hundred dollars.

3 (5) A hospital, its chief administrator, or its executive officer  
4 who files a report under this section is immune from suit, whether  
5 direct or derivative, in any civil action related to the filing or  
6 contents of the report, unless the conviction, determination, or  
7 finding on which the report and its content are based is proven to  
8 not have been made in good faith. The prevailing party in any action  
9 brought alleging the conviction, determination, finding, or report  
10 was not made in good faith, shall be entitled to recover the costs of  
11 litigation, including reasonable attorneys' fees.

12 (6) The department shall forward reports made under subsection  
13 (1) of this section to the appropriate disciplining authority  
14 designated under Title 18 RCW within fifteen days of the date the  
15 report is received by the department. The department shall notify a  
16 hospital that has made a report under subsection (1) of this section  
17 of the results of the disciplining authority's case disposition  
18 decision within fifteen days after the case disposition. Case  
19 disposition is the decision whether to issue a statement of charges,  
20 take informal action, or close the complaint without action against a  
21 practitioner. In its biennial report to the legislature under RCW  
22 18.130.310, the department shall specifically identify the case  
23 dispositions of reports made by hospitals under subsection (1) of  
24 this section.

25 (7) The department shall not increase hospital license fees to  
26 carry out this section before July 1, 2008.

27 **Sec. 46.** RCW 70.54.400 and 2009 c 438 s 1 are each amended to  
28 read as follows:

29 (1) For purposes of this section:

30 (a) "Customer" means an individual who is lawfully on the  
31 premises of a retail establishment.

32 (b) "Eligible medical condition" means:

33 (i) Crohn's disease, ulcerative colitis, or any other  
34 inflammatory bowel disease;

35 (ii) Irritable bowel syndrome;

36 (iii) Any condition requiring use of an ostomy device; or

37 (iv) Any permanent or temporary medical condition that requires  
38 immediate access to a restroom.

1 (c) "Employee restroom" means a restroom intended for employees  
2 only in a retail facility and not intended for customers.

3 (d) "Health care provider" means an advanced registered nurse  
4 practitioner licensed under chapter 18.79 RCW, an osteopathic  
5 physician or surgeon licensed under chapter 18.57 RCW, (~~an~~  
6 ~~osteopathic physicians assistant licensed under chapter 18.57A RCW,~~)  
7 a physician or surgeon licensed under chapter 18.71 RCW, or a  
8 physician assistant licensed under chapter 18.71A RCW.

9 (e) "Retail establishment" means a place of business open to the  
10 general public for the sale of goods or services. Retail  
11 establishment does not include any structure such as a filling  
12 station, service station, or restaurant of eight hundred square feet  
13 or less that has an employee restroom located within that structure.

14 (2) A retail establishment that has an employee restroom must  
15 allow a customer with an eligible medical condition to use that  
16 employee restroom during normal business hours if:

17 (a) The customer requesting the use of the employee restroom  
18 provides in writing either:

19 (i) A signed statement by the customer's health care provider on  
20 a form that has been prepared by the department of health under  
21 subsection (4) of this section; or

22 (ii) An identification card that is issued by a nonprofit  
23 organization whose purpose includes serving individuals who suffer  
24 from an eligible medical condition; and

25 (b) One of the following conditions are met:

26 (i) The employee restroom is reasonably safe and is not located  
27 in an area where providing access would create an obvious health or  
28 safety risk to the customer; or

29 (ii) Allowing the customer to access the restroom facility does  
30 not pose a security risk to the retail establishment or its  
31 employees.

32 (3) A retail establishment that has an employee restroom must  
33 allow a customer to use that employee restroom during normal business  
34 hours if:

35 (a) (i) Three or more employees of the retail establishment are  
36 working at the time the customer requests use of the employee  
37 restroom; and

38 (ii) The retail establishment does not normally make a restroom  
39 available to the public; and



1 (b)(i) The employee restroom is reasonably safe and is not  
2 located in an area where providing access would create an obvious  
3 health or safety risk to the customer; or

4 (ii) Allowing the customer to access the employee restroom does  
5 not pose a security risk to the retail establishment or its  
6 employees.

7 (4) The department of health shall develop a standard electronic  
8 form that may be signed by a health care provider as evidence of the  
9 existence of an eligible medical condition as required by subsection  
10 (2) of this section. The form shall include a brief description of a  
11 customer's rights under this section and shall be made available for  
12 a customer or his or her health care provider to access by computer.  
13 Nothing in this section requires the department to distribute printed  
14 versions of the form.

15 (5) Fraudulent use of a form as evidence of the existence of an  
16 eligible medical condition is a misdemeanor punishable under RCW  
17 9A.20.010.

18 (6) For a first violation of this section, the city or county  
19 attorney shall issue a warning letter to the owner or operator of the  
20 retail establishment, and to any employee of a retail establishment  
21 who denies access to an employee restroom in violation of this  
22 section, informing the owner or operator of the establishment and  
23 employee of the requirements of this section. A retail establishment  
24 or an employee of a retail establishment that violates this section  
25 after receiving a warning letter is guilty of a class 2 civil  
26 infraction under chapter 7.80 RCW.

27 (7) A retail establishment is not required to make any physical  
28 changes to an employee restroom under this section and may require  
29 that an employee accompany a customer or a customer with an eligible  
30 medical condition to the employee restroom.

31 (8) A retail establishment or an employee of a retail  
32 establishment is not civilly liable for any act or omission in  
33 allowing a customer or a customer with an eligible medical condition  
34 to use an employee restroom if the act or omission meets all of the  
35 following:

36 (a) It is not willful or grossly negligent;

37 (b) It occurs in an area of the retail establishment that is not  
38 accessible to the public; and

39 (c) It results in an injury to or death of the customer or the  
40 customer with an eligible medical condition or any individual other

1 than an employee accompanying the customer or the customer with an  
2 eligible medical condition.

3 **Sec. 47.** RCW 70.128.120 and 2015 c 66 s 2 are each amended to  
4 read as follows:

5 Each adult family home provider, applicant, and each resident  
6 manager shall have the following minimum qualifications, except that  
7 only applicants are required to meet the provisions of subsections  
8 (10) and (11) of this section:

9 (1) Twenty-one years of age or older;

10 (2) For those applying after September 1, 2001, to be licensed as  
11 providers, and for resident managers whose employment begins after  
12 September 1, 2001, a United States high school diploma or high school  
13 equivalency certificate as provided in RCW 28B.50.536 or any English  
14 or translated government documentation of the following:

15 (a) Successful completion of government-approved public or  
16 private school education in a foreign country that includes an annual  
17 average of one thousand hours of instruction over twelve years or no  
18 less than twelve thousand hours of instruction;

19 (b) A foreign college, foreign university, or United States  
20 community college two-year diploma;

21 (c) Admission to, or completion of coursework at, a foreign  
22 university or college for which credit was granted;

23 (d) Admission to, or completion of coursework at, a United States  
24 college or university for which credits were awarded;

25 (e) Admission to, or completion of postgraduate coursework at, a  
26 United States college or university for which credits were awarded;  
27 or

28 (f) Successful passage of the United States board examination for  
29 registered nursing, or any professional medical occupation for which  
30 college or university education preparation was required;

31 (3) Good moral and responsible character and reputation;

32 (4) Literacy and the ability to communicate in the English  
33 language;

34 (5) Management and administrative ability to carry out the  
35 requirements of this chapter;

36 (6) Satisfactory completion of department-approved basic training  
37 and continuing education training as required by RCW 74.39A.074, and  
38 in rules adopted by the department;

1 (7) Satisfactory completion of department-approved, or  
2 equivalent, special care training before a provider may provide  
3 special care services to a resident;

4 (8) Not been convicted of any crime that is disqualifying under  
5 RCW 43.43.830 or 43.43.842, or department rules adopted under this  
6 chapter, or been found to have abused, neglected, exploited, or  
7 abandoned a minor or vulnerable adult as specified in RCW  
8 74.39A.056(2);

9 (9) For those applying to be licensed as providers, and for  
10 resident managers whose employment begins after August 24, 2011, at  
11 least one thousand hours in the previous sixty months of successful,  
12 direct caregiving experience obtained after age eighteen to  
13 vulnerable adults in a licensed or contracted setting prior to  
14 operating or managing an adult family home. The applicant or resident  
15 manager must have credible evidence of the successful, direct  
16 caregiving experience or, currently hold one of the following  
17 professional licenses: Physician licensed under chapter 18.71 RCW;  
18 osteopathic physician licensed under chapter 18.57 RCW; (~~osteopathic~~  
19 ~~physician assistant licensed under chapter 18.57A RCW;~~) physician  
20 assistant licensed under chapter 18.71A RCW; registered nurse,  
21 advanced registered nurse practitioner, or licensed practical nurse  
22 licensed under chapter 18.79 RCW;

23 (10) For applicants, proof of financial solvency, as defined in  
24 rule; and

25 (11) Applicants must successfully complete an adult family home  
26 administration and business planning class, prior to being granted a  
27 license. The class must be a minimum of forty-eight hours of  
28 classroom time and approved by the department. The department shall  
29 promote and prioritize bilingual capabilities within available  
30 resources and when materials are available for this purpose. Under  
31 exceptional circumstances, such as the sudden and unexpected death of  
32 a provider, the department may consider granting a license to an  
33 applicant who has not completed the class but who meets all other  
34 requirements. If the department decides to grant the license due to  
35 exceptional circumstances, the applicant must have enrolled in or  
36 completed the class within four months of licensure.

37 **Sec. 48.** RCW 70.180.030 and 1994 sp.s. c 9 s 746 and 1994 c 103  
38 s 2 are each reenacted and amended to read as follows:

1 (1) The department, in cooperation with the University of  
2 Washington school of medicine, the state's registered nursing  
3 programs, the state's pharmacy programs, and other appropriate public  
4 and private agencies and associations, shall develop and keep current  
5 a register of physicians, physician assistants, pharmacists, and  
6 advanced registered nurse practitioners who are available to practice  
7 on a short-term basis in rural communities of the state. The  
8 department shall list only individuals who have a valid license to  
9 practice. The register shall be compiled and made available to all  
10 rural hospitals, public health departments and districts, rural  
11 pharmacies, and other appropriate public and private agencies and  
12 associations.

13 (2) Eligible health care professionals are those licensed under  
14 chapters 18.57, (~~(18.57A,)~~) 18.64, 18.71, and 18.71A RCW and advanced  
15 registered nurse practitioners licensed under chapter 18.79 RCW.

16 (3) Participating sites may:

17 (a) Receive reimbursement for substitute provider travel to and  
18 from the rural community and for lodging at a rate determined under  
19 RCW 43.03.050 and 43.03.060; and

20 (b) Receive reimbursement for the cost of malpractice insurance  
21 if the services provided are not covered by the substitute provider's  
22 or local provider's existing medical malpractice insurance.  
23 Reimbursement for malpractice insurance shall only be made available  
24 to sites that incur additional costs for substitute provider  
25 coverage.

26 (4) The department may require rural communities to participate  
27 in health professional recruitment programs as a condition for  
28 providing a temporary substitute health care professional if the  
29 community does not have adequate permanent health care personnel. To  
30 the extent deemed appropriate and subject to funding, the department  
31 may also require communities to participate in other programs or  
32 projects, such as the rural health system project authorized in  
33 chapter 70.175 RCW, that are designed to assist communities to  
34 reorganize the delivery of rural health care services.

35 (5) A participating site may receive reimbursement for substitute  
36 provider assistance as provided for in subsection (3) of this section  
37 for up to ninety days during any twelve-month period. The department  
38 may modify or waive this limitation should it determine that the  
39 health and safety of the community warrants a waiver or modification.

40 (6) Participating sites shall:

1 (a) Be responsible for all salary expenses for the temporary  
2 substitute provider.

3 (b) Provide the temporary substitute provider with referral and  
4 backup coverage information.

5 **Sec. 49.** RCW 70.185.090 and 1993 c 492 s 274 are each amended to  
6 read as follows:

7 (1) The department may develop a mechanism for underserved rural  
8 or urban communities to contract with education and training programs  
9 for student positions above the full time equivalent lids. The goal  
10 of this program is to provide additional capacity, educating students  
11 who will practice in underserved communities.

12 (2) Eligible education and training programs are those programs  
13 approved by the department that lead to eligibility for a credential  
14 as a credentialed health care professional. Eligible professions are  
15 those licensed under chapters 18.36A, 18.57, (~~(18.57A,)~~) 18.71, and  
16 18.71A RCW and advanced registered nurse practitioners and certified  
17 nurse midwives licensed under chapter 18.88 RCW, and may include  
18 other providers identified as needed in the health personnel resource  
19 plan.

20 (3) Students participating in the community contracted  
21 educational positions shall meet all applicable educational program  
22 requirements and provide assurances, acceptable to the community,  
23 that they will practice in the sponsoring community following  
24 completion of education and necessary licensure.

25 (4) Participants in the program incur an obligation to repay any  
26 contracted funds with interest set by state law, unless they serve at  
27 least three years in the sponsoring community.

28 (5) The department may provide funds to communities for use in  
29 contracting.

30 **Sec. 50.** RCW 71.05.020 and 2018 c 305 s 1, 2018 c 291 s 1, and  
31 2018 c 201 s 3001 are each reenacted and amended to read as follows:

32 The definitions in this section apply throughout this chapter  
33 unless the context clearly requires otherwise.

34 (1) "Admission" or "admit" means a decision by a physician,  
35 physician assistant, or psychiatric advanced registered nurse  
36 practitioner that a person should be examined or treated as a patient  
37 in a hospital;

1 (2) "Alcoholism" means a disease, characterized by a dependency  
2 on alcoholic beverages, loss of control over the amount and  
3 circumstances of use, symptoms of tolerance, physiological or  
4 psychological withdrawal, or both, if use is reduced or discontinued,  
5 and impairment of health or disruption of social or economic  
6 functioning;

7 (3) "Antipsychotic medications" means that class of drugs  
8 primarily used to treat serious manifestations of mental illness  
9 associated with thought disorders, which includes, but is not limited  
10 to atypical antipsychotic medications;

11 (4) "Approved substance use disorder treatment program" means a  
12 program for persons with a substance use disorder provided by a  
13 treatment program certified by the department as meeting standards  
14 adopted under chapter 71.24 RCW;

15 (5) "Attending staff" means any person on the staff of a public  
16 or private agency having responsibility for the care and treatment of  
17 a patient;

18 (6) "Authority" means the Washington state health care authority;

19 (7) "Chemical dependency" means:

20 (a) Alcoholism;

21 (b) Drug addiction; or

22 (c) Dependence on alcohol and one or more psychoactive chemicals,  
23 as the context requires;

24 (8) "Chemical dependency professional" means a person certified  
25 as a chemical dependency professional by the department under chapter  
26 18.205 RCW;

27 (9) "Commitment" means the determination by a court that a person  
28 should be detained for a period of either evaluation or treatment, or  
29 both, in an inpatient or a less restrictive setting;

30 (10) "Conditional release" means a revocable modification of a  
31 commitment, which may be revoked upon violation of any of its terms;

32 (11) "Crisis stabilization unit" means a short-term facility or a  
33 portion of a facility licensed or certified by the department under  
34 RCW 71.24.035, such as an evaluation and treatment facility or a  
35 hospital, which has been designed to assess, diagnose, and treat  
36 individuals experiencing an acute crisis without the use of long-term  
37 hospitalization;

38 (12) "Custody" means involuntary detention under the provisions  
39 of this chapter or chapter 10.77 RCW, uninterrupted by any period of

1 unconditional release from commitment from a facility providing  
2 involuntary care and treatment;

3 (13) "Department" means the department of health;

4 (14) "Designated crisis responder" means a mental health  
5 professional appointed by the county, an entity appointed by the  
6 county, or the behavioral health organization to perform the duties  
7 specified in this chapter;

8 (15) "Detention" or "detain" means the lawful confinement of a  
9 person, under the provisions of this chapter;

10 (16) "Developmental disabilities professional" means a person who  
11 has specialized training and three years of experience in directly  
12 treating or working with persons with developmental disabilities and  
13 is a psychiatrist, physician assistant working with a ((~~supervising~~))  
14 participating psychiatrist, psychologist, psychiatric advanced  
15 registered nurse practitioner, or social worker, and such other  
16 developmental disabilities professionals as may be defined by rules  
17 adopted by the secretary of the department of social and health  
18 services;

19 (17) "Developmental disability" means that condition defined in  
20 RCW 71A.10.020(5);

21 (18) "Director" means the director of the authority;

22 (19) "Discharge" means the termination of hospital medical  
23 authority. The commitment may remain in place, be terminated, or be  
24 amended by court order;

25 (20) "Drug addiction" means a disease, characterized by a  
26 dependency on psychoactive chemicals, loss of control over the amount  
27 and circumstances of use, symptoms of tolerance, physiological or  
28 psychological withdrawal, or both, if use is reduced or discontinued,  
29 and impairment of health or disruption of social or economic  
30 functioning;

31 (21) "Evaluation and treatment facility" means any facility which  
32 can provide directly, or by direct arrangement with other public or  
33 private agencies, emergency evaluation and treatment, outpatient  
34 care, and timely and appropriate inpatient care to persons suffering  
35 from a mental disorder, and which is licensed or certified as such by  
36 the department. The authority may certify single beds as temporary  
37 evaluation and treatment beds under RCW 71.05.745. A physically  
38 separate and separately operated portion of a state hospital may be  
39 designated as an evaluation and treatment facility. A facility which  
40 is part of, or operated by, the department of social and health

1 services or any federal agency will not require certification. No  
2 correctional institution or facility, or jail, shall be an evaluation  
3 and treatment facility within the meaning of this chapter;

4 (22) "Gravely disabled" means a condition in which a person, as a  
5 result of a mental disorder, or as a result of the use of alcohol or  
6 other psychoactive chemicals: (a) Is in danger of serious physical  
7 harm resulting from a failure to provide for his or her essential  
8 human needs of health or safety; or (b) manifests severe  
9 deterioration in routine functioning evidenced by repeated and  
10 escalating loss of cognitive or volitional control over his or her  
11 actions and is not receiving such care as is essential for his or her  
12 health or safety;

13 (23) "Habilitative services" means those services provided by  
14 program personnel to assist persons in acquiring and maintaining life  
15 skills and in raising their levels of physical, mental, social, and  
16 vocational functioning. Habilitative services include education,  
17 training for employment, and therapy. The habilitative process shall  
18 be undertaken with recognition of the risk to the public safety  
19 presented by the person being assisted as manifested by prior charged  
20 criminal conduct;

21 (24) "Hearing" means any proceeding conducted in open court. For  
22 purposes of this chapter, at any hearing the petitioner, the  
23 respondent, the witnesses, and the presiding judicial officer may be  
24 present and participate either in person or by video, as determined  
25 by the court. The term "video" as used herein shall include any  
26 functional equivalent. At any hearing conducted by video, the  
27 technology used must permit the judicial officer, counsel, all  
28 parties, and the witnesses to be able to see, hear, and speak, when  
29 authorized, during the hearing; to allow attorneys to use exhibits or  
30 other materials during the hearing; and to allow respondent's counsel  
31 to be in the same location as the respondent unless otherwise  
32 requested by the respondent or the respondent's counsel. Witnesses in  
33 a proceeding may also appear in court through other means, including  
34 telephonically, pursuant to the requirements of superior court civil  
35 rule 43. Notwithstanding the foregoing, the court, upon its own  
36 motion or upon a motion for good cause by any party, may require all  
37 parties and witnesses to participate in the hearing in person rather  
38 than by video. In ruling on any such motion, the court may allow in-  
39 person or video testimony; and the court may consider, among other  
40 things, whether the respondent's alleged mental illness affects the



1 respondent's ability to perceive or participate in the proceeding by  
2 video;

3 (25) "History of one or more violent acts" refers to the period  
4 of time ten years prior to the filing of a petition under this  
5 chapter, excluding any time spent, but not any violent acts  
6 committed, in a mental health facility, a long-term alcoholism or  
7 drug treatment facility, or in confinement as a result of a criminal  
8 conviction;

9 (26) "Imminent" means the state or condition of being likely to  
10 occur at any moment or near at hand, rather than distant or remote;

11 (27) "Individualized service plan" means a plan prepared by a  
12 developmental disabilities professional with other professionals as a  
13 team, for a person with developmental disabilities, which shall  
14 state:

15 (a) The nature of the person's specific problems, prior charged  
16 criminal behavior, and habilitation needs;

17 (b) The conditions and strategies necessary to achieve the  
18 purposes of habilitation;

19 (c) The intermediate and long-range goals of the habilitation  
20 program, with a projected timetable for the attainment;

21 (d) The rationale for using this plan of habilitation to achieve  
22 those intermediate and long-range goals;

23 (e) The staff responsible for carrying out the plan;

24 (f) Where relevant in light of past criminal behavior and due  
25 consideration for public safety, the criteria for proposed movement  
26 to less-restrictive settings, criteria for proposed eventual  
27 discharge or release, and a projected possible date for discharge or  
28 release; and

29 (g) The type of residence immediately anticipated for the person  
30 and possible future types of residences;

31 (28) "Information related to mental health services" means all  
32 information and records compiled, obtained, or maintained in the  
33 course of providing services to either voluntary or involuntary  
34 recipients of services by a mental health service provider. This may  
35 include documents of legal proceedings under this chapter or chapter  
36 71.34 or 10.77 RCW, or somatic health care information;

37 (29) "Intoxicated person" means a person whose mental or physical  
38 functioning is substantially impaired as a result of the use of  
39 alcohol or other psychoactive chemicals;

1 (30) "In need of assisted outpatient behavioral health treatment"  
2 means that a person, as a result of a mental disorder or substance  
3 use disorder: (a) Has been committed by a court to detention for  
4 involuntary behavioral health treatment during the preceding thirty-  
5 six months; (b) is unlikely to voluntarily participate in outpatient  
6 treatment without an order for less restrictive alternative  
7 treatment, based on a history of nonadherence with treatment or in  
8 view of the person's current behavior; (c) is likely to benefit from  
9 less restrictive alternative treatment; and (d) requires less  
10 restrictive alternative treatment to prevent a relapse,  
11 decompensation, or deterioration that is likely to result in the  
12 person presenting a likelihood of serious harm or the person becoming  
13 gravely disabled within a reasonably short period of time;

14 (31) "Judicial commitment" means a commitment by a court pursuant  
15 to the provisions of this chapter;

16 (32) "Legal counsel" means attorneys and staff employed by county  
17 prosecutor offices or the state attorney general acting in their  
18 capacity as legal representatives of public mental health and  
19 substance use disorder service providers under RCW 71.05.130;

20 (33) "Less restrictive alternative treatment" means a program of  
21 individualized treatment in a less restrictive setting than inpatient  
22 treatment that includes the services described in RCW 71.05.585;

23 (34) "Licensed physician" means a person licensed to practice  
24 medicine or osteopathic medicine and surgery in the state of  
25 Washington;

26 (35) "Likelihood of serious harm" means:

27 (a) A substantial risk that: (i) Physical harm will be inflicted  
28 by a person upon his or her own person, as evidenced by threats or  
29 attempts to commit suicide or inflict physical harm on oneself; (ii)  
30 physical harm will be inflicted by a person upon another, as  
31 evidenced by behavior which has caused such harm or which places  
32 another person or persons in reasonable fear of sustaining such harm;  
33 or (iii) physical harm will be inflicted by a person upon the  
34 property of others, as evidenced by behavior which has caused  
35 substantial loss or damage to the property of others; or

36 (b) The person has threatened the physical safety of another and  
37 has a history of one or more violent acts;

38 (36) "Medical clearance" means a physician or other health care  
39 provider has determined that a person is medically stable and ready  
40 for referral to the designated crisis responder;

1 (37) "Mental disorder" means any organic, mental, or emotional  
2 impairment which has substantial adverse effects on a person's  
3 cognitive or volitional functions;

4 (38) "Mental health professional" means a psychiatrist,  
5 psychologist, physician assistant working with a ((~~supervising~~)  
6 participating psychiatrist, psychiatric advanced registered nurse  
7 practitioner, psychiatric nurse, or social worker, and such other  
8 mental health professionals as may be defined by rules adopted by the  
9 secretary pursuant to the provisions of this chapter;

10 (39) "Mental health service provider" means a public or private  
11 agency that provides mental health services to persons with mental  
12 disorders or substance use disorders as defined under this section  
13 and receives funding from public sources. This includes, but is not  
14 limited to, hospitals licensed under chapter 70.41 RCW, evaluation  
15 and treatment facilities as defined in this section, community mental  
16 health service delivery systems or behavioral health programs as  
17 defined in RCW 71.24.025, facilities conducting competency  
18 evaluations and restoration under chapter 10.77 RCW, approved  
19 substance use disorder treatment programs as defined in this section,  
20 secure detoxification facilities as defined in this section, and  
21 correctional facilities operated by state and local governments;

22 (40) "Peace officer" means a law enforcement official of a public  
23 agency or governmental unit, and includes persons specifically given  
24 peace officer powers by any state law, local ordinance, or judicial  
25 order of appointment;

26 (41) "Physician assistant" means a person licensed as a physician  
27 assistant under chapter ((~~18.57A or~~) 18.71A RCW;

28 (42) "Private agency" means any person, partnership, corporation,  
29 or association that is not a public agency, whether or not financed  
30 in whole or in part by public funds, which constitutes an evaluation  
31 and treatment facility or private institution, or hospital, or  
32 approved substance use disorder treatment program, which is conducted  
33 for, or includes a department or ward conducted for, the care and  
34 treatment of persons with mental illness, substance use disorders, or  
35 both mental illness and substance use disorders;

36 (43) "Professional person" means a mental health professional,  
37 chemical dependency professional, or designated crisis responder and  
38 shall also mean a physician, physician assistant, psychiatric  
39 advanced registered nurse practitioner, registered nurse, and such

1 others as may be defined by rules adopted by the secretary pursuant  
2 to the provisions of this chapter;

3 (44) "Psychiatric advanced registered nurse practitioner" means a  
4 person who is licensed as an advanced registered nurse practitioner  
5 pursuant to chapter 18.79 RCW; and who is board certified in advanced  
6 practice psychiatric and mental health nursing;

7 (45) "Psychiatrist" means a person having a license as a  
8 physician and surgeon in this state who has in addition completed  
9 three years of graduate training in psychiatry in a program approved  
10 by the American medical association or the American osteopathic  
11 association and is certified or eligible to be certified by the  
12 American board of psychiatry and neurology;

13 (46) "Psychologist" means a person who has been licensed as a  
14 psychologist pursuant to chapter 18.83 RCW;

15 (47) "Public agency" means any evaluation and treatment facility  
16 or institution, secure detoxification facility, approved substance  
17 use disorder treatment program, or hospital which is conducted for,  
18 or includes a department or ward conducted for, the care and  
19 treatment of persons with mental illness, substance use disorders, or  
20 both mental illness and substance use disorders, if the agency is  
21 operated directly by federal, state, county, or municipal government,  
22 or a combination of such governments;

23 (48) "Release" means legal termination of the commitment under  
24 the provisions of this chapter;

25 (49) "Resource management services" has the meaning given in  
26 chapter 71.24 RCW;

27 (50) "Secretary" means the secretary of the department of health,  
28 or his or her designee;

29 (51) "Secure detoxification facility" means a facility operated  
30 by either a public or private agency or by the program of an agency  
31 that:

32 (a) Provides for intoxicated persons:

33 (i) Evaluation and assessment, provided by certified chemical  
34 dependency professionals;

35 (ii) Acute or subacute detoxification services; and

36 (iii) Discharge assistance provided by certified chemical  
37 dependency professionals, including facilitating transitions to  
38 appropriate voluntary or involuntary inpatient services or to less  
39 restrictive alternatives as appropriate for the individual;

1 (b) Includes security measures sufficient to protect the  
2 patients, staff, and community; and

3 (c) Is licensed or certified as such by the department of health;

4 (52) "Serious violent offense" has the same meaning as provided  
5 in RCW 9.94A.030;

6 (53) "Social worker" means a person with a master's or further  
7 advanced degree from a social work educational program accredited and  
8 approved as provided in RCW 18.320.010;

9 (54) "Substance use disorder" means a cluster of cognitive,  
10 behavioral, and physiological symptoms indicating that an individual  
11 continues using the substance despite significant substance-related  
12 problems. The diagnosis of a substance use disorder is based on a  
13 pathological pattern of behaviors related to the use of the  
14 substances;

15 (55) "Therapeutic court personnel" means the staff of a mental  
16 health court or other therapeutic court which has jurisdiction over  
17 defendants who are dually diagnosed with mental disorders, including  
18 court personnel, probation officers, a court monitor, prosecuting  
19 attorney, or defense counsel acting within the scope of therapeutic  
20 court duties;

21 (56) "Treatment records" include registration and all other  
22 records concerning persons who are receiving or who at any time have  
23 received services for mental illness, which are maintained by the  
24 department of social and health services, the department, the  
25 authority, behavioral health organizations and their staffs, and by  
26 treatment facilities. Treatment records include mental health  
27 information contained in a medical bill including but not limited to  
28 mental health drugs, a mental health diagnosis, provider name, and  
29 dates of service stemming from a medical service. Treatment records  
30 do not include notes or records maintained for personal use by a  
31 person providing treatment services for the department of social and  
32 health services, the department, the authority, behavioral health  
33 organizations, or a treatment facility if the notes or records are  
34 not available to others;

35 (57) "Triage facility" means a short-term facility or a portion  
36 of a facility licensed or certified by the department under RCW  
37 71.24.035, which is designed as a facility to assess and stabilize an  
38 individual or determine the need for involuntary commitment of an  
39 individual, and must meet department residential treatment facility

1 standards. A triage facility may be structured as a voluntary or  
2 involuntary placement facility;

3 (58) "Violent act" means behavior that resulted in homicide,  
4 attempted suicide, nonfatal injuries, or substantial damage to  
5 property.

6 **Sec. 51.** RCW 71.24.025 and 2018 c 201 s 4002 are each amended to  
7 read as follows:

8 Unless the context clearly requires otherwise, the definitions in  
9 this section apply throughout this chapter.

10 (1) "Acutely mentally ill" means a condition which is limited to  
11 a short-term severe crisis episode of:

12 (a) A mental disorder as defined in RCW 71.05.020 or, in the case  
13 of a child, as defined in RCW 71.34.020;

14 (b) Being gravely disabled as defined in RCW 71.05.020 or, in the  
15 case of a child, a gravely disabled minor as defined in RCW  
16 71.34.020; or

17 (c) Presenting a likelihood of serious harm as defined in RCW  
18 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

19 (2) "Alcoholism" means a disease, characterized by a dependency  
20 on alcoholic beverages, loss of control over the amount and  
21 circumstances of use, symptoms of tolerance, physiological or  
22 psychological withdrawal, or both, if use is reduced or discontinued,  
23 and impairment of health or disruption of social or economic  
24 functioning.

25 (3) "Approved substance use disorder treatment program" means a  
26 program for persons with a substance use disorder provided by a  
27 treatment program licensed or certified by the department as meeting  
28 standards adopted under this chapter.

29 (4) "Authority" means the Washington state health care authority.

30 (5) "Available resources" means funds appropriated for the  
31 purpose of providing community mental health programs, federal funds,  
32 except those provided according to Title XIX of the Social Security  
33 Act, and state funds appropriated under this chapter or chapter 71.05  
34 RCW by the legislature during any biennium for the purpose of  
35 providing residential services, resource management services,  
36 community support services, and other mental health services. This  
37 does not include funds appropriated for the purpose of operating and  
38 administering the state psychiatric hospitals.

1 (6) "Behavioral health organization" means any county authority  
2 or group of county authorities or other entity recognized by the  
3 director in contract in a defined region.

4 (7) "Behavioral health program" means all expenditures, services,  
5 activities, or programs, including reasonable administration and  
6 overhead, designed and conducted to prevent or treat chemical  
7 dependency and mental illness.

8 (8) "Behavioral health services" means mental health services as  
9 described in this chapter and chapter 71.36 RCW and substance use  
10 disorder treatment services as described in this chapter.

11 (9) "Child" means a person under the age of eighteen years.

12 (10) "Chronically mentally ill adult" or "adult who is  
13 chronically mentally ill" means an adult who has a mental disorder  
14 and meets at least one of the following criteria:

15 (a) Has undergone two or more episodes of hospital care for a  
16 mental disorder within the preceding two years; or

17 (b) Has experienced a continuous psychiatric hospitalization or  
18 residential treatment exceeding six months' duration within the  
19 preceding year; or

20 (c) Has been unable to engage in any substantial gainful activity  
21 by reason of any mental disorder which has lasted for a continuous  
22 period of not less than twelve months. "Substantial gainful activity"  
23 shall be defined by the authority by rule consistent with Public Law  
24 92-603, as amended.

25 (11) "Clubhouse" means a community-based program that provides  
26 rehabilitation services and is licensed or certified by the  
27 department.

28 (12) "Community mental health service delivery system" means  
29 public, private, or tribal agencies that provide services  
30 specifically to persons with mental disorders as defined under RCW  
31 71.05.020 and receive funding from public sources.

32 (13) "Community support services" means services authorized,  
33 planned, and coordinated through resource management services  
34 including, at a minimum, assessment, diagnosis, emergency crisis  
35 intervention available twenty-four hours, seven days a week,  
36 prescreening determinations for persons who are mentally ill being  
37 considered for placement in nursing homes as required by federal law,  
38 screening for patients being considered for admission to residential  
39 services, diagnosis and treatment for children who are acutely  
40 mentally ill or severely emotionally disturbed discovered under

1 screening through the federal Title XIX early and periodic screening,  
2 diagnosis, and treatment program, investigation, legal, and other  
3 nonresidential services under chapter 71.05 RCW, case management  
4 services, psychiatric treatment including medication supervision,  
5 counseling, psychotherapy, assuring transfer of relevant patient  
6 information between service providers, recovery services, and other  
7 services determined by behavioral health organizations.

8 (14) "Consensus-based" means a program or practice that has  
9 general support among treatment providers and experts, based on  
10 experience or professional literature, and may have anecdotal or case  
11 study support, or that is agreed but not possible to perform studies  
12 with random assignment and controlled groups.

13 (15) "County authority" means the board of county commissioners,  
14 county council, or county executive having authority to establish a  
15 community mental health program, or two or more of the county  
16 authorities specified in this subsection which have entered into an  
17 agreement to provide a community mental health program.

18 (16) "Department" means the department of health.

19 (17) "Designated crisis responder" means a mental health  
20 professional designated by the county or other authority authorized  
21 in rule to perform the duties specified in this chapter.

22 (18) "Director" means the director of the authority.

23 (19) "Drug addiction" means a disease characterized by a  
24 dependency on psychoactive chemicals, loss of control over the amount  
25 and circumstances of use, symptoms of tolerance, physiological or  
26 psychological withdrawal, or both, if use is reduced or discontinued,  
27 and impairment of health or disruption of social or economic  
28 functioning.

29 (20) "Early adopter" means a regional service area for which all  
30 of the county authorities have requested that the authority purchase  
31 medical and behavioral health services through a managed care health  
32 system as defined under RCW 71.24.380(6).

33 (21) "Emerging best practice" or "promising practice" means a  
34 program or practice that, based on statistical analyses or a well  
35 established theory of change, shows potential for meeting the  
36 evidence-based or research-based criteria, which may include the use  
37 of a program that is evidence-based for outcomes other than those  
38 listed in subsection (22) of this section.

39 (22) "Evidence-based" means a program or practice that has been  
40 tested in heterogeneous or intended populations with multiple



1 randomized, or statistically controlled evaluations, or both; or one  
2 large multiple site randomized, or statistically controlled  
3 evaluation, or both, where the weight of the evidence from a systemic  
4 review demonstrates sustained improvements in at least one outcome.  
5 "Evidence-based" also means a program or practice that can be  
6 implemented with a set of procedures to allow successful replication  
7 in Washington and, when possible, is determined to be cost-  
8 beneficial.

9 (23) "Licensed physician" means a person licensed to practice  
10 medicine or osteopathic medicine and surgery in the state of  
11 Washington.

12 (24) "Licensed or certified service provider" means an entity  
13 licensed or certified according to this chapter or chapter 71.05 RCW  
14 or an entity deemed to meet state minimum standards as a result of  
15 accreditation by a recognized behavioral health accrediting body  
16 recognized and having a current agreement with the department, or  
17 tribal attestation that meets state minimum standards, or persons  
18 licensed under chapter 18.57, (~~18.57A,~~) 18.71, 18.71A, 18.83, or  
19 18.79 RCW, as it applies to registered nurses and advanced registered  
20 nurse practitioners.

21 (25) "Long-term inpatient care" means inpatient services for  
22 persons committed for, or voluntarily receiving intensive treatment  
23 for, periods of ninety days or greater under chapter 71.05 RCW.  
24 "Long-term inpatient care" as used in this chapter does not include:  
25 (a) Services for individuals committed under chapter 71.05 RCW who  
26 are receiving services pursuant to a conditional release or a court-  
27 ordered less restrictive alternative to detention; or (b) services  
28 for individuals voluntarily receiving less restrictive alternative  
29 treatment on the grounds of the state hospital.

30 (26) "Mental health services" means all services provided by  
31 behavioral health organizations and other services provided by the  
32 state for persons who are mentally ill.

33 (27) Mental health "treatment records" include registration and  
34 all other records concerning persons who are receiving or who at any  
35 time have received services for mental illness, which are maintained  
36 by the department of social and health services or the authority, by  
37 behavioral health organizations and their staffs, or by treatment  
38 facilities. "Treatment records" do not include notes or records  
39 maintained for personal use by a person providing treatment services  
40 for the department of social and health services, behavioral health

1 organizations, or a treatment facility if the notes or records are  
2 not available to others.

3 (28) "Mentally ill persons," "persons who are mentally ill," and  
4 "the mentally ill" mean persons and conditions defined in subsections  
5 (1), (10), (36), and (37) of this section.

6 (29) "Recovery" means the process in which people are able to  
7 live, work, learn, and participate fully in their communities.

8 (30) "Registration records" include all the records of the  
9 department of social and health services, the authority, behavioral  
10 health organizations, treatment facilities, and other persons  
11 providing services for the department of social and health services,  
12 the authority, county departments, or facilities which identify  
13 persons who are receiving or who at any time have received services  
14 for mental illness.

15 (31) "Research-based" means a program or practice that has been  
16 tested with a single randomized, or statistically controlled  
17 evaluation, or both, demonstrating sustained desirable outcomes; or  
18 where the weight of the evidence from a systemic review supports  
19 sustained outcomes as described in subsection (22) of this section  
20 but does not meet the full criteria for evidence-based.

21 (32) "Residential services" means a complete range of residences  
22 and supports authorized by resource management services and which may  
23 involve a facility, a distinct part thereof, or services which  
24 support community living, for persons who are acutely mentally ill,  
25 adults who are chronically mentally ill, children who are severely  
26 emotionally disturbed, or adults who are seriously disturbed and  
27 determined by the behavioral health organization to be at risk of  
28 becoming acutely or chronically mentally ill. The services shall  
29 include at least evaluation and treatment services as defined in  
30 chapter 71.05 RCW, acute crisis respite care, long-term adaptive and  
31 rehabilitative care, and supervised and supported living services,  
32 and shall also include any residential services developed to service  
33 persons who are mentally ill in nursing homes, residential treatment  
34 facilities, assisted living facilities, and adult family homes, and  
35 may include outpatient services provided as an element in a package  
36 of services in a supported housing model. Residential services for  
37 children in out-of-home placements related to their mental disorder  
38 shall not include the costs of food and shelter, except for  
39 children's long-term residential facilities existing prior to January  
40 1, 1991.

1 (33) "Resilience" means the personal and community qualities that  
2 enable individuals to rebound from adversity, trauma, tragedy,  
3 threats, or other stresses, and to live productive lives.

4 (34) "Resource management services" mean the planning,  
5 coordination, and authorization of residential services and community  
6 support services administered pursuant to an individual service plan  
7 for: (a) Adults and children who are acutely mentally ill; (b) adults  
8 who are chronically mentally ill; (c) children who are severely  
9 emotionally disturbed; or (d) adults who are seriously disturbed and  
10 determined solely by a behavioral health organization to be at risk  
11 of becoming acutely or chronically mentally ill. Such planning,  
12 coordination, and authorization shall include mental health screening  
13 for children eligible under the federal Title XIX early and periodic  
14 screening, diagnosis, and treatment program. Resource management  
15 services include seven day a week, twenty-four hour a day  
16 availability of information regarding enrollment of adults and  
17 children who are mentally ill in services and their individual  
18 service plan to designated crisis responders, evaluation and  
19 treatment facilities, and others as determined by the behavioral  
20 health organization.

21 (35) "Secretary" means the secretary of the department of health.

22 (36) "Seriously disturbed person" means a person who:

23 (a) Is gravely disabled or presents a likelihood of serious harm  
24 to himself or herself or others, or to the property of others, as a  
25 result of a mental disorder as defined in chapter 71.05 RCW;

26 (b) Has been on conditional release status, or under a less  
27 restrictive alternative order, at some time during the preceding two  
28 years from an evaluation and treatment facility or a state mental  
29 health hospital;

30 (c) Has a mental disorder which causes major impairment in  
31 several areas of daily living;

32 (d) Exhibits suicidal preoccupation or attempts; or

33 (e) Is a child diagnosed by a mental health professional, as  
34 defined in chapter 71.34 RCW, as experiencing a mental disorder which  
35 is clearly interfering with the child's functioning in family or  
36 school or with peers or is clearly interfering with the child's  
37 personality development and learning.

38 (37) "Severely emotionally disturbed child" or "child who is  
39 severely emotionally disturbed" means a child who has been determined  
40 by the behavioral health organization to be experiencing a mental

1 disorder as defined in chapter 71.34 RCW, including those mental  
2 disorders that result in a behavioral or conduct disorder, that is  
3 clearly interfering with the child's functioning in family or school  
4 or with peers and who meets at least one of the following criteria:

5 (a) Has undergone inpatient treatment or placement outside of the  
6 home related to a mental disorder within the last two years;

7 (b) Has undergone involuntary treatment under chapter 71.34 RCW  
8 within the last two years;

9 (c) Is currently served by at least one of the following child-  
10 serving systems: Juvenile justice, child-protection/welfare, special  
11 education, or developmental disabilities;

12 (d) Is at risk of escalating maladjustment due to:

13 (i) Chronic family dysfunction involving a caretaker who is  
14 mentally ill or inadequate;

15 (ii) Changes in custodial adult;

16 (iii) Going to, residing in, or returning from any placement  
17 outside of the home, for example, psychiatric hospital, short-term  
18 inpatient, residential treatment, group or foster home, or a  
19 correctional facility;

20 (iv) Subject to repeated physical abuse or neglect;

21 (v) Drug or alcohol abuse; or

22 (vi) Homelessness.

23 (38) "State minimum standards" means minimum requirements  
24 established by rules adopted and necessary to implement this chapter  
25 by:

26 (a) The authority for:

27 (i) Delivery of mental health and substance use disorder  
28 services; and

29 (ii) Community support services and resource management services;

30 (b) The department of health for:

31 (i) Licensed or certified service providers for the provision of  
32 mental health and substance use disorder services; and

33 (ii) Residential services.

34 (39) "Substance use disorder" means a cluster of cognitive,  
35 behavioral, and physiological symptoms indicating that an individual  
36 continues using the substance despite significant substance-related  
37 problems. The diagnosis of a substance use disorder is based on a  
38 pathological pattern of behaviors related to the use of the  
39 substances.

1 (40) "Tribal authority," for the purposes of this section and RCW  
2 71.24.300 only, means: The federally recognized Indian tribes and the  
3 major Indian organizations recognized by the director insofar as  
4 these organizations do not have a financial relationship with any  
5 behavioral health organization that would present a conflict of  
6 interest.

7 **Sec. 52.** RCW 71.32.020 and 2016 c 209 s 407 are each amended to  
8 read as follows:

9 The definitions in this section apply throughout this chapter  
10 unless the context clearly requires otherwise.

11 (1) "Adult" means any individual who has attained the age of  
12 majority or is an emancipated minor.

13 (2) "Agent" has the same meaning as an attorney-in-fact or agent  
14 as provided in chapter 11.125 RCW.

15 (3) "Capacity" means that an adult has not been found to be  
16 incapacitated pursuant to this chapter or RCW 11.88.010(1)(e).

17 (4) "Court" means a superior court under chapter 2.08 RCW.

18 (5) "Health care facility" means a hospital, as defined in RCW  
19 70.41.020; an institution, as defined in RCW 71.12.455; a state  
20 hospital, as defined in RCW 72.23.010; a nursing home, as defined in  
21 RCW 18.51.010; or a clinic that is part of a community mental health  
22 service delivery system, as defined in RCW 71.24.025.

23 (6) "Health care provider" means an osteopathic physician (~~(or~~  
24 ~~osteopathic physician's assistant)~~) licensed under chapter 18.57 (~~(or~~  
25 ~~18.57A)~~) RCW, a physician or physician's assistant licensed under  
26 chapter 18.71 or 18.71A RCW, or an advanced registered nurse  
27 practitioner licensed under RCW 18.79.050.

28 (7) "Incapacitated" means an adult who: (a) Is unable to  
29 understand the nature, character, and anticipated results of proposed  
30 treatment or alternatives; understand the recognized serious possible  
31 risks, complications, and anticipated benefits in treatments and  
32 alternatives, including nontreatment; or communicate his or her  
33 understanding or treatment decisions; or (b) has been found to be  
34 incompetent pursuant to RCW 11.88.010(1)(e).

35 (8) "Informed consent" means consent that is given after the  
36 person: (a) Is provided with a description of the nature, character,  
37 and anticipated results of proposed treatments and alternatives, and  
38 the recognized serious possible risks, complications, and anticipated  
39 benefits in the treatments and alternatives, including nontreatment,

1 in language that the person can reasonably be expected to understand;  
2 or (b) elects not to be given the information included in (a) of this  
3 subsection.

4 (9) "Long-term care facility" has the same meaning as defined in  
5 RCW 43.190.020.

6 (10) "Mental disorder" means any organic, mental, or emotional  
7 impairment which has substantial adverse effects on an individual's  
8 cognitive or volitional functions.

9 (11) "Mental health advance directive" or "directive" means a  
10 written document in which the principal makes a declaration of  
11 instructions or preferences or appoints an agent to make decisions on  
12 behalf of the principal regarding the principal's mental health  
13 treatment, or both, and that is consistent with the provisions of  
14 this chapter.

15 (12) "Mental health professional" means a psychiatrist,  
16 psychologist, psychiatric nurse, or social worker, and such other  
17 mental health professionals as may be defined by rules adopted by the  
18 secretary pursuant to the provisions of chapter 71.05 RCW.

19 (13) "Principal" means an adult who has executed a mental health  
20 advance directive.

21 (14) "Professional person" means a mental health professional and  
22 shall also mean a physician, registered nurse, and such others as may  
23 be defined by rules adopted by the secretary pursuant to the  
24 provisions of chapter 71.05 RCW.

25 (15) "Social worker" means a person with a master's or further  
26 advanced degree from a social work educational program accredited and  
27 approved as provided in RCW 18.320.010.

28 **Sec. 53.** RCW 71.34.020 and 2018 c 201 s 5002 are each amended to  
29 read as follows:

30 Unless the context clearly requires otherwise, the definitions in  
31 this section apply throughout this chapter.

32 (1) "Alcoholism" means a disease, characterized by a dependency  
33 on alcoholic beverages, loss of control over the amount and  
34 circumstances of use, symptoms of tolerance, physiological or  
35 psychological withdrawal, or both, if use is reduced or discontinued,  
36 and impairment of health or disruption of social or economic  
37 functioning.

38 (2) "Approved substance use disorder treatment program" means a  
39 program for minors with substance use disorders provided by a

1 treatment program licensed or certified by the department of health  
2 as meeting standards adopted under chapter 71.24 RCW.

3 (3) "Authority" means the Washington state health care authority.

4 (4) "Chemical dependency" means:

5 (a) Alcoholism;

6 (b) Drug addiction; or

7 (c) Dependence on alcohol and one or more other psychoactive  
8 chemicals, as the context requires.

9 (5) "Chemical dependency professional" means a person certified  
10 as a chemical dependency professional by the department of health  
11 under chapter 18.205 RCW.

12 (6) "Child psychiatrist" means a person having a license as a  
13 physician and surgeon in this state, who has had graduate training in  
14 child psychiatry in a program approved by the American Medical  
15 Association or the American Osteopathic Association, and who is board  
16 eligible or board certified in child psychiatry.

17 (7) "Children's mental health specialist" means:

18 (a) A mental health professional who has completed a minimum of  
19 one hundred actual hours, not quarter or semester hours, of  
20 specialized training devoted to the study of child development and  
21 the treatment of children; and

22 (b) A mental health professional who has the equivalent of one  
23 year of full-time experience in the treatment of children under the  
24 supervision of a children's mental health specialist.

25 (8) "Commitment" means a determination by a judge or court  
26 commissioner, made after a commitment hearing, that the minor is in  
27 need of inpatient diagnosis, evaluation, or treatment or that the  
28 minor is in need of less restrictive alternative treatment.

29 (9) "Department" means the department of social and health  
30 services.

31 (10) "Designated crisis responder" means a person designated by a  
32 behavioral health organization to perform the duties specified in  
33 this chapter.

34 (11) "Director" means the director of the authority.

35 (12) "Drug addiction" means a disease, characterized by a  
36 dependency on psychoactive chemicals, loss of control over the amount  
37 and circumstances of use, symptoms of tolerance, physiological or  
38 psychological withdrawal, or both, if use is reduced or discontinued,  
39 and impairment of health or disruption of social or economic  
40 functioning.

1 (13) "Evaluation and treatment facility" means a public or  
2 private facility or unit that is licensed or certified by the  
3 department of health to provide emergency, inpatient, residential, or  
4 outpatient mental health evaluation and treatment services for  
5 minors. A physically separate and separately-operated portion of a  
6 state hospital may be designated as an evaluation and treatment  
7 facility for minors. A facility which is part of or operated by the  
8 state or federal agency does not require licensure or certification.  
9 No correctional institution or facility, juvenile court detention  
10 facility, or jail may be an evaluation and treatment facility within  
11 the meaning of this chapter.

12 (14) "Evaluation and treatment program" means the total system of  
13 services and facilities coordinated and approved by a county or  
14 combination of counties for the evaluation and treatment of minors  
15 under this chapter.

16 (15) "Gravely disabled minor" means a minor who, as a result of a  
17 mental disorder, or as a result of the use of alcohol or other  
18 psychoactive chemicals, is in danger of serious physical harm  
19 resulting from a failure to provide for his or her essential human  
20 needs of health or safety, or manifests severe deterioration in  
21 routine functioning evidenced by repeated and escalating loss of  
22 cognitive or volitional control over his or her actions and is not  
23 receiving such care as is essential for his or her health or safety.

24 (16) "Inpatient treatment" means twenty-four-hour-per-day mental  
25 health care provided within a general hospital, psychiatric hospital,  
26 residential treatment facility licensed or certified by the  
27 department of health as an evaluation and treatment facility for  
28 minors, secure detoxification facility for minors, or approved  
29 substance use disorder treatment program for minors.

30 (17) "Intoxicated minor" means a minor whose mental or physical  
31 functioning is substantially impaired as a result of the use of  
32 alcohol or other psychoactive chemicals.

33 (18) "Less restrictive alternative" or "less restrictive setting"  
34 means outpatient treatment provided to a minor who is not residing in  
35 a facility providing inpatient treatment as defined in this chapter.

36 (19) "Likelihood of serious harm" means either: (a) A substantial  
37 risk that physical harm will be inflicted by an individual upon his  
38 or her own person, as evidenced by threats or attempts to commit  
39 suicide or inflict physical harm on oneself; (b) a substantial risk  
40 that physical harm will be inflicted by an individual upon another,



1 as evidenced by behavior which has caused such harm or which places  
2 another person or persons in reasonable fear of sustaining such harm;  
3 or (c) a substantial risk that physical harm will be inflicted by an  
4 individual upon the property of others, as evidenced by behavior  
5 which has caused substantial loss or damage to the property of  
6 others.

7 (20) "Medical necessity" for inpatient care means a requested  
8 service which is reasonably calculated to: (a) Diagnose, correct,  
9 cure, or alleviate a mental disorder or substance use disorder; or  
10 (b) prevent the progression of a substance use disorder that  
11 endangers life or causes suffering and pain, or results in illness or  
12 infirmity or threatens to cause or aggravate a handicap, or causes  
13 physical deformity or malfunction, and there is no adequate less  
14 restrictive alternative available.

15 (21) "Mental disorder" means any organic, mental, or emotional  
16 impairment that has substantial adverse effects on an individual's  
17 cognitive or volitional functions. The presence of alcohol abuse,  
18 drug abuse, juvenile criminal history, antisocial behavior, or  
19 intellectual disabilities alone is insufficient to justify a finding  
20 of "mental disorder" within the meaning of this section.

21 (22) "Mental health professional" means a psychiatrist,  
22 psychiatric advanced registered nurse practitioner, physician  
23 assistant working with a (~~supervising~~) participating psychiatrist,  
24 psychologist, psychiatric nurse, or social worker, and such other  
25 mental health professionals as may be defined by rules adopted by the  
26 secretary of the department of health under this chapter.

27 (23) "Minor" means any person under the age of eighteen years.

28 (24) "Outpatient treatment" means any of the nonresidential  
29 services mandated under chapter 71.24 RCW and provided by licensed or  
30 certified service providers as identified by RCW 71.24.025.

31 (25) "Parent" means:

32 (a) A biological or adoptive parent who has legal custody of the  
33 child, including either parent if custody is shared under a joint  
34 custody agreement; or

35 (b) A person or agency judicially appointed as legal guardian or  
36 custodian of the child.

37 (26) "Private agency" means any person, partnership, corporation,  
38 or association that is not a public agency, whether or not financed  
39 in whole or in part by public funds, that constitutes an evaluation  
40 and treatment facility or private institution, or hospital, or

1 approved substance use disorder treatment program, that is conducted  
2 for, or includes a distinct unit, floor, or ward conducted for, the  
3 care and treatment of persons with mental illness, substance use  
4 disorders, or both mental illness and substance use disorders.

5 (27) "Physician assistant" means a person licensed as a physician  
6 assistant under chapter (~~(18.57A-01)~~) 18.71A RCW.

7 (28) "Professional person in charge" or "professional person"  
8 means a physician, other mental health professional, or other person  
9 empowered by an evaluation and treatment facility, secure  
10 detoxification facility, or approved substance use disorder treatment  
11 program with authority to make admission and discharge decisions on  
12 behalf of that facility.

13 (29) "Psychiatric nurse" means a registered nurse who has  
14 experience in the direct treatment of persons who have a mental  
15 illness or who are emotionally disturbed, such experience gained  
16 under the supervision of a mental health professional.

17 (30) "Psychiatrist" means a person having a license as a  
18 physician in this state who has completed residency training in  
19 psychiatry in a program approved by the American Medical Association  
20 or the American Osteopathic Association, and is board eligible or  
21 board certified in psychiatry.

22 (31) "Psychologist" means a person licensed as a psychologist  
23 under chapter 18.83 RCW.

24 (32) "Public agency" means any evaluation and treatment facility  
25 or institution, or hospital, or approved substance use disorder  
26 treatment program that is conducted for, or includes a distinct unit,  
27 floor, or ward conducted for, the care and treatment of persons with  
28 mental illness, substance use disorders, or both mental illness and  
29 substance use disorders if the agency is operated directly by  
30 federal, state, county, or municipal government, or a combination of  
31 such governments.

32 (33) "Responsible other" means the minor, the minor's parent or  
33 estate, or any other person legally responsible for support of the  
34 minor.

35 (34) "Secretary" means the secretary of the department or  
36 secretary's designee.

37 (35) "Secure detoxification facility" means a facility operated  
38 by either a public or private agency or by the program of an agency  
39 that:

40 (a) Provides for intoxicated minors:

1 (i) Evaluation and assessment, provided by certified chemical  
2 dependency professionals;

3 (ii) Acute or subacute detoxification services; and

4 (iii) Discharge assistance provided by certified chemical  
5 dependency professionals, including facilitating transitions to  
6 appropriate voluntary or involuntary inpatient services or to less  
7 restrictive alternatives as appropriate for the minor;

8 (b) Includes security measures sufficient to protect the  
9 patients, staff, and community; and

10 (c) Is licensed or certified as such by the department of health.

11 (36) "Social worker" means a person with a master's or further  
12 advanced degree from a social work educational program accredited and  
13 approved as provided in RCW 18.320.010.

14 (37) "Start of initial detention" means the time of arrival of  
15 the minor at the first evaluation and treatment facility, secure  
16 detoxification facility, or approved substance use disorder treatment  
17 program offering inpatient treatment if the minor is being  
18 involuntarily detained at the time. With regard to voluntary  
19 patients, "start of initial detention" means the time at which the  
20 minor gives notice of intent to leave under the provisions of this  
21 chapter.

22 (38) "Substance use disorder" means a cluster of cognitive,  
23 behavioral, and physiological symptoms indicating that an individual  
24 continues using the substance despite significant substance-related  
25 problems. The diagnosis of a substance use disorder is based on a  
26 pathological pattern of behaviors related to the use of the  
27 substances.

28 **Sec. 54.** RCW 74.09.010 and 2017 c 226 s 5 are each amended to  
29 read as follows:

30 The definitions in this section apply throughout this chapter  
31 unless the context clearly requires otherwise.

32 (1) "Authority" means the Washington state health care authority.

33 (2) "Bidirectional integration" means integrating behavioral  
34 health services into primary care settings and integrating primary  
35 care services into behavioral health settings.

36 (3) "Children's health program" means the health care services  
37 program provided to children under eighteen years of age and in  
38 households with incomes at or below the federal poverty level as  
39 annually defined by the federal department of health and human

1 services as adjusted for family size, and who are not otherwise  
2 eligible for medical assistance or the limited casualty program for  
3 the medically needy.

4 (4) "Chronic care management" means the health care management  
5 within a health home of persons identified with, or at high risk for,  
6 one or more chronic conditions. Effective chronic care management:

7 (a) Actively assists patients to acquire self-care skills to  
8 improve functioning and health outcomes, and slow the progression of  
9 disease or disability;

10 (b) Employs evidence-based clinical practices;

11 (c) Coordinates care across health care settings and providers,  
12 including tracking referrals;

13 (d) Provides ready access to behavioral health services that are,  
14 to the extent possible, integrated with primary care; and

15 (e) Uses appropriate community resources to support individual  
16 patients and families in managing chronic conditions.

17 (5) "Chronic condition" means a prolonged condition and includes,  
18 but is not limited to:

19 (a) A mental health condition;

20 (b) A substance use disorder;

21 (c) Asthma;

22 (d) Diabetes;

23 (e) Heart disease; and

24 (f) Being overweight, as evidenced by a body mass index over  
25 twenty-five.

26 (6) "County" means the board of county commissioners, county  
27 council, county executive, or tribal jurisdiction, or its designee.

28 (7) "Department" means the department of social and health  
29 services.

30 (8) "Department of health" means the Washington state department  
31 of health created pursuant to RCW 43.70.020.

32 (9) "Director" means the director of the Washington state health  
33 care authority.

34 (10) "Full benefit dual eligible beneficiary" means an individual  
35 who, for any month: Has coverage for the month under a medicare  
36 prescription drug plan or medicare advantage plan with part D  
37 coverage; and is determined eligible by the state for full medicaid  
38 benefits for the month under any eligibility category in the state's  
39 medicaid plan or a section 1115 demonstration waiver that provides  
40 pharmacy benefits.

1           (11) "Health home" or "primary care health home" means  
2 coordinated health care provided by a licensed primary care provider  
3 coordinating all medical care services, and a multidisciplinary  
4 health care team comprised of clinical and nonclinical staff. The  
5 term "coordinating all medical care services" shall not be construed  
6 to require prior authorization by a primary care provider in order  
7 for a patient to receive treatment for covered services by an  
8 optometrist licensed under chapter 18.53 RCW. Primary care health  
9 home services shall include those services defined as health home  
10 services in 42 U.S.C. Sec. 1396w-4 and, in addition, may include, but  
11 are not limited to:

12           (a) Comprehensive care management including, but not limited to,  
13 chronic care treatment and management;

14           (b) Extended hours of service;

15           (c) Multiple ways for patients to communicate with the team,  
16 including electronically and by phone;

17           (d) Education of patients on self-care, prevention, and health  
18 promotion, including the use of patient decision aids;

19           (e) Coordinating and assuring smooth transitions and follow-up  
20 from inpatient to other settings;

21           (f) Individual and family support including authorized  
22 representatives;

23           (g) The use of information technology to link services, track  
24 tests, generate patient registries, and provide clinical data; and

25           (h) Ongoing performance reporting and quality improvement.

26           (12) "Internal management" means the administration of medical  
27 assistance, medical care services, the children's health program, and  
28 the limited casualty program.

29           (13) "Limited casualty program" means the medical care program  
30 provided to medically needy persons as defined under Title XIX of the  
31 federal social security act, and to medically indigent persons who  
32 are without income or resources sufficient to secure necessary  
33 medical services.

34           (14) "Medical assistance" means the federal aid medical care  
35 program provided to categorically needy persons as defined under  
36 Title XIX of the federal social security act.

37           (15) "Medical care services" means the limited scope of care  
38 financed by state funds and provided to persons who are not eligible  
39 for medicaid under RCW 74.09.510 and who are eligible for the aged,  
40 blind, or disabled assistance program authorized in RCW 74.62.030 or

1 the essential needs and housing support program pursuant to RCW  
2 74.04.805.

3 (16) "Multidisciplinary health care team" means an  
4 interdisciplinary team of health professionals which may include, but  
5 is not limited to, medical specialists, nurses, pharmacists,  
6 nutritionists, dieticians, social workers, behavioral and mental  
7 health providers including substance use disorder prevention and  
8 treatment providers, doctors of chiropractic, physical therapists,  
9 licensed complementary and alternative medicine practitioners, home  
10 care and other long-term care providers, and physicians' assistants.

11 (17) "Nursing home" means nursing home as defined in RCW  
12 18.51.010.

13 (18) "Poverty" means the federal poverty level determined  
14 annually by the United States department of health and human  
15 services, or successor agency.

16 (19) "Primary care behavioral health" means a health care  
17 integration model in which behavioral health care is colocated,  
18 collaborative, and integrated within a primary care setting.

19 (20) "Primary care provider" means a general practice physician,  
20 family practitioner, internist, pediatrician, osteopathic physician,  
21 naturopath, physician assistant, (~~osteopathic physician assistant,~~)  
22 and advanced registered nurse practitioner licensed under Title 18  
23 RCW.

24 (21) "Secretary" means the secretary of social and health  
25 services.

26 (22) "Whole-person care in behavioral health" means a health care  
27 integration model in which primary care services are integrated into  
28 a behavioral health setting either through colocation or community-  
29 based care management.

30 **Sec. 55.** RCW 74.42.010 and 2017 c 200 s 2 are each amended to  
31 read as follows:

32 Unless the context clearly requires otherwise, the definitions in  
33 this section apply throughout this chapter.

34 (1) "Department" means the department of social and health  
35 services and the department's employees.

36 (2) "Direct care staff" means the staffing domain identified and  
37 defined in the center for medicare and medicaid service's five-star  
38 quality rating system and as reported through the center for medicare  
39 and medicaid service's payroll-based journal.

- 1 (3) "Facility" refers to a nursing home as defined in RCW  
2 18.51.010.
- 3 (4) "Geriatric behavioral health worker" means a person who has  
4 received specialized training devoted to mental illness and treatment  
5 of older adults.
- 6 (5) "Licensed practical nurse" means a person licensed to  
7 practice practical nursing under chapter 18.79 RCW.
- 8 (6) "Medicaid" means Title XIX of the Social Security Act enacted  
9 by the social security amendments of 1965 (42 U.S.C. Sec. 1396; 79  
10 Stat. 343), as amended.
- 11 (7) "Nurse practitioner" means a person licensed to practice  
12 advanced registered nursing under chapter 18.79 RCW.
- 13 (8) "Nursing care" means that care provided by a registered  
14 nurse, an advanced registered nurse practitioner, a licensed  
15 practical nurse, or a nursing assistant in the regular performance of  
16 their duties.
- 17 (9) "Physician" means a person practicing pursuant to chapter  
18 18.57 or 18.71 RCW, including, but not limited to, a physician  
19 employed by the facility as provided in chapter 18.51 RCW.
- 20 (10) "Physician assistant" means a person practicing pursuant to  
21 chapter (~~(18.57A or)~~) 18.71A RCW.
- 22 (11) "Qualified therapist" means:
- 23 (a) An activities specialist who has specialized education,  
24 training, or experience specified by the department.
- 25 (b) An audiologist who is eligible for a certificate of clinical  
26 competence in audiology or who has the equivalent education and  
27 clinical experience.
- 28 (c) A mental health professional as defined in chapter 71.05 RCW.
- 29 (d) An intellectual disabilities professional who is a qualified  
30 therapist or a therapist approved by the department and has  
31 specialized training or one year experience in treating or working  
32 with persons with intellectual or developmental disabilities.
- 33 (e) An occupational therapist who is a graduate of a program in  
34 occupational therapy or who has equivalent education or training.
- 35 (f) A physical therapist as defined in chapter 18.74 RCW.
- 36 (g) A social worker as defined in RCW 18.320.010(2).
- 37 (h) A speech pathologist who is eligible for a certificate of  
38 clinical competence in speech pathology or who has equivalent  
39 education and clinical experience.

1 (12) "Registered nurse" means a person licensed to practice  
2 registered nursing under chapter 18.79 RCW.

3 (13) "Resident" means an individual residing in a nursing home,  
4 as defined in RCW 18.51.010.

5 **Sec. 56.** RCW 74.42.230 and 2016 c 148 s 9 are each amended to  
6 read as follows:

7 (1) The resident's attending or staff physician or authorized  
8 practitioner approved by the attending physician shall order all  
9 medications for the resident. The order may be oral or written and  
10 shall continue in effect until discontinued by a physician or other  
11 authorized prescriber, unless the order is specifically limited by  
12 time. An "authorized practitioner," as used in this section, is a  
13 registered nurse under chapter 18.79 RCW when authorized by the  
14 nursing care quality assurance commission, (~~an osteopathic physician  
15 assistant under chapter 18.57A RCW when authorized by the committee  
16 of osteopathic examiners,~~) a physician assistant under chapter  
17 18.71A RCW when authorized by the medical quality assurance  
18 commission, or a pharmacist under chapter 18.64 RCW when authorized  
19 by the pharmacy quality assurance commission.

20 (2) An oral order shall be given only to a licensed nurse,  
21 pharmacist, or another physician. The oral order shall be recorded  
22 and physically or electronically signed immediately by the person  
23 receiving the order. The attending physician shall sign the record of  
24 the oral order in a manner consistent with good medical practice.

25 (3) A licensed nurse, pharmacist, or another physician receiving  
26 and recording an oral order may, if so authorized by the physician or  
27 authorized practitioner, communicate that order to a pharmacy on  
28 behalf of the physician or authorized practitioner. The order may be  
29 communicated verbally by telephone, by facsimile manually signed by  
30 the person receiving the order pursuant to subsection (2) of this  
31 section, or by electronic transmission pursuant to RCW 69.41.055. The  
32 communication of a resident's order to a pharmacy by a licensed  
33 nurse, pharmacist, or another physician acting at the prescriber's  
34 direction has the same force and effect as if communicated directly  
35 by the delegating physician or authorized practitioner. Nothing in  
36 this provision limits the authority of a licensed nurse, pharmacist,  
37 or physician to delegate to an authorized agent, including but not  
38 limited to delegation of operation of a facsimile machine by



1 credentialed facility staff, to the extent consistent with his or her  
2 professional license.

3 **Sec. 57.** RCW 82.04.050 and 2017 3rd sp.s. c 37 s 1201 are each  
4 amended to read as follows:

5 (1)(a) "Sale at retail" or "retail sale" means every sale of  
6 tangible personal property (including articles produced, fabricated,  
7 or imprinted) to all persons irrespective of the nature of their  
8 business and including, among others, without limiting the scope  
9 hereof, persons who install, repair, clean, alter, improve,  
10 construct, or decorate real or personal property of or for consumers  
11 other than a sale to a person who:

12 (i) Purchases for the purpose of resale as tangible personal  
13 property in the regular course of business without intervening use by  
14 such person, but a purchase for the purpose of resale by a regional  
15 transit authority under RCW 81.112.300 is not a sale for resale; or

16 (ii) Installs, repairs, cleans, alters, imprints, improves,  
17 constructs, or decorates real or personal property of or for  
18 consumers, if such tangible personal property becomes an ingredient  
19 or component of such real or personal property without intervening  
20 use by such person; or

21 (iii) Purchases for the purpose of consuming the property  
22 purchased in producing for sale as a new article of tangible personal  
23 property or substance, of which such property becomes an ingredient  
24 or component or is a chemical used in processing, when the primary  
25 purpose of such chemical is to create a chemical reaction directly  
26 through contact with an ingredient of a new article being produced  
27 for sale; or

28 (iv) Purchases for the purpose of consuming the property  
29 purchased in producing ferrosilicon which is subsequently used in  
30 producing magnesium for sale, if the primary purpose of such property  
31 is to create a chemical reaction directly through contact with an  
32 ingredient of ferrosilicon; or

33 (v) Purchases for the purpose of providing the property to  
34 consumers as part of competitive telephone service, as defined in RCW  
35 82.04.065; or

36 (vi) Purchases for the purpose of satisfying the person's  
37 obligations under an extended warranty as defined in subsection (7)  
38 of this section, if such tangible personal property replaces or

1 becomes an ingredient or component of property covered by the  
2 extended warranty without intervening use by such person.

3 (b) The term includes every sale of tangible personal property  
4 that is used or consumed or to be used or consumed in the performance  
5 of any activity defined as a "sale at retail" or "retail sale" even  
6 though such property is resold or used as provided in (a)(i) through  
7 (vi) of this subsection following such use.

8 (c) The term also means every sale of tangible personal property  
9 to persons engaged in any business that is taxable under RCW  
10 82.04.280(1) (a), (b), and (g), 82.04.290, and 82.04.2908.

11 (2) The term "sale at retail" or "retail sale" includes the sale  
12 of or charge made for tangible personal property consumed and/or for  
13 labor and services rendered in respect to the following:

14 (a) The installing, repairing, cleaning, altering, imprinting, or  
15 improving of tangible personal property of or for consumers,  
16 including charges made for the mere use of facilities in respect  
17 thereto, but excluding charges made for the use of self-service  
18 laundry facilities, and also excluding sales of laundry service to  
19 nonprofit health care facilities, and excluding services rendered in  
20 respect to live animals, birds and insects;

21 (b) The constructing, repairing, decorating, or improving of new  
22 or existing buildings or other structures under, upon, or above real  
23 property of or for consumers, including the installing or attaching  
24 of any article of tangible personal property therein or thereto,  
25 whether or not such personal property becomes a part of the realty by  
26 virtue of installation, and also includes the sale of services or  
27 charges made for the clearing of land and the moving of earth  
28 excepting the mere leveling of land used in commercial farming or  
29 agriculture;

30 (c) The constructing, repairing, or improving of any structure  
31 upon, above, or under any real property owned by an owner who conveys  
32 the property by title, possession, or any other means to the person  
33 performing such construction, repair, or improvement for the purpose  
34 of performing such construction, repair, or improvement and the  
35 property is then reconveyed by title, possession, or any other means  
36 to the original owner;

37 (d) The cleaning, fumigating, razing, or moving of existing  
38 buildings or structures, but does not include the charge made for  
39 janitorial services; and for purposes of this section the term  
40 "janitorial services" means those cleaning and caretaking services

1 ordinarily performed by commercial janitor service businesses  
2 including, but not limited to, wall and window washing, floor  
3 cleaning and waxing, and the cleaning in place of rugs, drapes and  
4 upholstery. The term "janitorial services" does not include painting,  
5 papering, repairing, furnace or septic tank cleaning, snow removal or  
6 sandblasting;

7 (e) Automobile towing and similar automotive transportation  
8 services, but not in respect to those required to report and pay  
9 taxes under chapter 82.16 RCW;

10 (f) The furnishing of lodging and all other services by a hotel,  
11 rooming house, tourist court, motel, trailer camp, and the granting  
12 of any similar license to use real property, as distinguished from  
13 the renting or leasing of real property, and it is presumed that the  
14 occupancy of real property for a continuous period of one month or  
15 more constitutes a rental or lease of real property and not a mere  
16 license to use or enjoy the same. For the purposes of this  
17 subsection, it is presumed that the sale of and charge made for the  
18 furnishing of lodging for a continuous period of one month or more to  
19 a person is a rental or lease of real property and not a mere license  
20 to enjoy the same;

21 (g) The installing, repairing, altering, or improving of digital  
22 goods for consumers;

23 (h) Persons taxable under (a), (b), (c), (d), (e), (f), and (g)  
24 of this subsection when such sales or charges are for property, labor  
25 and services which are used or consumed in whole or in part by such  
26 persons in the performance of any activity defined as a "sale at  
27 retail" or "retail sale" even though such property, labor and  
28 services may be resold after such use or consumption. Nothing  
29 contained in this subsection may be construed to modify subsection  
30 (1) of this section and nothing contained in subsection (1) of this  
31 section may be construed to modify this subsection.

32 (3) The term "sale at retail" or "retail sale" includes the sale  
33 of or charge made for personal, business, or professional services  
34 including amounts designated as interest, rents, fees, admission, and  
35 other service emoluments however designated, received by persons  
36 engaging in the following business activities:

37 (a) Abstract, title insurance, and escrow services;

38 (b) Credit bureau services;

39 (c) Automobile parking and storage garage services;

1 (d) Landscape maintenance and horticultural services but  
2 excluding (i) horticultural services provided to farmers and (ii)  
3 pruning, trimming, repairing, removing, and clearing of trees and  
4 brush near electric transmission or distribution lines or equipment,  
5 if performed by or at the direction of an electric utility;

6 (e) Service charges associated with tickets to professional  
7 sporting events;

8 (f) The following personal services: Tanning salon services,  
9 tattoo parlor services, steam bath services, turkish bath services,  
10 escort services, and dating services; and

11 (g) (i) Operating an athletic or fitness facility, including all  
12 charges for the use of such a facility or for any associated services  
13 and amenities, except as provided in (g) (ii) of this subsection.

14 (ii) Notwithstanding anything to the contrary in (g) (i) of this  
15 subsection (3), the term "sale at retail" and "retail sale" under  
16 this subsection does not include:

17 (A) Separately stated charges for the use of an athletic or  
18 fitness facility where such use is primarily for a purpose other than  
19 engaging in or receiving instruction in a physical fitness activity;

20 (B) Separately stated charges for the use of a discrete portion  
21 of an athletic or fitness facility, other than a pool, where such  
22 discrete portion of the facility does not by itself meet the  
23 definition of "athletic or fitness facility" in this subsection;

24 (C) Separately stated charges for services, such as advertising,  
25 massage, nutritional consulting, and body composition testing, that  
26 do not require the customer to engage in physical fitness activities  
27 to receive the service. The exclusion in this subsection  
28 (3) (g) (ii) (C) does not apply to personal training services and  
29 instruction in a physical fitness activity;

30 (D) Separately stated charges for physical therapy provided by a  
31 physical therapist, as those terms are defined in RCW 18.74.010, or  
32 occupational therapy provided by an occupational therapy  
33 practitioner, as those terms are defined in RCW 18.59.020, when  
34 performed pursuant to a referral from an authorized health care  
35 practitioner or in consultation with an authorized health care  
36 practitioner. For the purposes of this subsection (3) (g) (ii) (D), an  
37 authorized health care practitioner means a health care practitioner  
38 licensed under chapter 18.83, 18.25, 18.36A, 18.57, (~~18.57A,~~)  
39 18.71, or 18.71A RCW;

1 (E) Rent or association fees charged by a landlord or residential  
2 association to a tenant or residential owner with access to an  
3 athletic or fitness facility maintained by the landlord or  
4 residential association, unless the rent or fee varies depending on  
5 whether the tenant or owner has access to the facility;

6 (F) Services provided in the regular course of employment by an  
7 employee with access to an athletic or fitness facility maintained by  
8 the employer for use without charge by its employees or their family  
9 members;

10 (G) The provision of access to an athletic or fitness facility by  
11 an educational institution to its students and staff. However,  
12 charges made by an educational institution to its alumni or other  
13 members of the public for the use of any of the educational  
14 institution's athletic or fitness facilities are a retail sale under  
15 this subsection (3)(g). For purposes of this subsection  
16 (3)(g)(ii)(G), "educational institution" has the same meaning as in  
17 RCW 82.04.170;

18 (H) Yoga, chi gong, or martial arts classes, training, or events  
19 held at a community center, park, school gymnasium, college or  
20 university, hospital or other medical facility, private residence, or  
21 any other facility that is not operated within and as part of an  
22 athletic or fitness facility.

23 (iii) Nothing in (g)(ii) of this subsection (3) may be construed  
24 to affect the taxation of sales made by the operator of an athletic  
25 or fitness facility, where such sales are defined as a retail sale  
26 under any provision of this section other than this subsection (3).

27 (iv) For the purposes of this subsection (3)(g), the following  
28 definitions apply:

29 (A) "Athletic or fitness facility" means an indoor or outdoor  
30 facility or portion of a facility that is primarily used for:  
31 Exercise classes; strength and conditioning programs; personal  
32 training services; tennis, racquetball, handball, squash, or  
33 pickleball; or other activities requiring the use of exercise or  
34 strength training equipment, such as treadmills, elliptical machines,  
35 stair climbers, stationary cycles, rowing machines, pilates  
36 equipment, balls, climbing ropes, jump ropes, and weightlifting  
37 equipment.

38 (B) "Martial arts" means any of the various systems of training  
39 for physical combat or self-defense. "Martial arts" includes, but is  
40 not limited to, karate, kung fu, tae kwon do, Krav Maga, boxing,

1 kickboxing, jujitsu, shootfighting, wrestling, aikido, judo, hapkido,  
2 Kendo, tai chi, and mixed martial arts.

3 (C) "Physical fitness activities" means activities that involve  
4 physical exertion for the purpose of improving or maintaining the  
5 general fitness, strength, flexibility, conditioning, or health of  
6 the participant. "Physical fitness activities" includes participating  
7 in yoga, chi gong, or martial arts.

8 (4) (a) The term also includes the renting or leasing of tangible  
9 personal property to consumers.

10 (b) The term does not include the renting or leasing of tangible  
11 personal property where the lease or rental is for the purpose of  
12 sublease or subrent.

13 (5) The term also includes the providing of "competitive  
14 telephone service," "telecommunications service," or "ancillary  
15 services," as those terms are defined in RCW 82.04.065, to consumers.

16 (6) (a) The term also includes the sale of prewritten computer  
17 software to a consumer, regardless of the method of delivery to the  
18 end user. For purposes of (a) and (b) of this subsection, the sale of  
19 prewritten computer software includes the sale of or charge made for  
20 a key or an enabling or activation code, where the key or code is  
21 required to activate prewritten computer software and put the  
22 software into use. There is no separate sale of the key or code from  
23 the prewritten computer software, regardless of how the sale may be  
24 characterized by the vendor or by the purchaser.

25 (b) The term "retail sale" does not include the sale of or charge  
26 made for:

27 (i) Custom software; or

28 (ii) The customization of prewritten computer software.

29 (c) (i) The term also includes the charge made to consumers for  
30 the right to access and use prewritten computer software, where  
31 possession of the software is maintained by the seller or a third  
32 party, regardless of whether the charge for the service is on a per  
33 use, per user, per license, subscription, or some other basis.

34 (ii) (A) The service described in (c) (i) of this subsection (6)  
35 includes the right to access and use prewritten computer software to  
36 perform data processing.

37 (B) For purposes of this subsection (6) (c) (ii), "data processing"  
38 means the systematic performance of operations on data to extract the  
39 required information in an appropriate form or to convert the data to  
40 usable information. Data processing includes check processing, image

1 processing, form processing, survey processing, payroll processing,  
2 claim processing, and similar activities.

3 (7) The term also includes the sale of or charge made for an  
4 extended warranty to a consumer. For purposes of this subsection,  
5 "extended warranty" means an agreement for a specified duration to  
6 perform the replacement or repair of tangible personal property at no  
7 additional charge or a reduced charge for tangible personal property,  
8 labor, or both, or to provide indemnification for the replacement or  
9 repair of tangible personal property, based on the occurrence of  
10 specified events. The term "extended warranty" does not include an  
11 agreement, otherwise meeting the definition of extended warranty in  
12 this subsection, if no separate charge is made for the agreement and  
13 the value of the agreement is included in the sales price of the  
14 tangible personal property covered by the agreement. For purposes of  
15 this subsection, "sales price" has the same meaning as in RCW  
16 82.08.010.

17 (8) (a) The term also includes the following sales to consumers of  
18 digital goods, digital codes, and digital automated services:

19 (i) Sales in which the seller has granted the purchaser the right  
20 of permanent use;

21 (ii) Sales in which the seller has granted the purchaser a right  
22 of use that is less than permanent;

23 (iii) Sales in which the purchaser is not obligated to make  
24 continued payment as a condition of the sale; and

25 (iv) Sales in which the purchaser is obligated to make continued  
26 payment as a condition of the sale.

27 (b) A retail sale of digital goods, digital codes, or digital  
28 automated services under this subsection (8) includes any services  
29 provided by the seller exclusively in connection with the digital  
30 goods, digital codes, or digital automated services, whether or not a  
31 separate charge is made for such services.

32 (c) For purposes of this subsection, "permanent" means perpetual  
33 or for an indefinite or unspecified length of time. A right of  
34 permanent use is presumed to have been granted unless the agreement  
35 between the seller and the purchaser specifies or the circumstances  
36 surrounding the transaction suggest or indicate that the right to use  
37 terminates on the occurrence of a condition subsequent.

38 (9) The term also includes the charge made for providing tangible  
39 personal property along with an operator for a fixed or indeterminate  
40 period of time. A consideration of this is that the operator is

1 necessary for the tangible personal property to perform as designed.  
2 For the purpose of this subsection (9), an operator must do more than  
3 maintain, inspect, or set up the tangible personal property.

4 (10) The term does not include the sale of or charge made for  
5 labor and services rendered in respect to the building, repairing, or  
6 improving of any street, place, road, highway, easement, right-of-  
7 way, mass public transportation terminal or parking facility, bridge,  
8 tunnel, or trestle which is owned by a municipal corporation or  
9 political subdivision of the state or by the United States and which  
10 is used or to be used primarily for foot or vehicular traffic  
11 including mass transportation vehicles of any kind.

12 (11) The term also does not include sales of chemical sprays or  
13 washes to persons for the purpose of postharvest treatment of fruit  
14 for the prevention of scald, fungus, mold, or decay, nor does it  
15 include sales of feed, seed, seedlings, fertilizer, agents for  
16 enhanced pollination including insects such as bees, and spray  
17 materials to: (a) Persons who participate in the federal conservation  
18 reserve program, the environmental quality incentives program, the  
19 wetlands reserve program, and the wildlife habitat incentives  
20 program, or their successors administered by the United States  
21 department of agriculture; (b) farmers for the purpose of producing  
22 for sale any agricultural product; (c) farmers for the purpose of  
23 providing bee pollination services; and (d) farmers acting under  
24 cooperative habitat development or access contracts with an  
25 organization exempt from federal income tax under 26 U.S.C. Sec.  
26 501(c)(3) of the federal internal revenue code or the Washington  
27 state department of fish and wildlife to produce or improve wildlife  
28 habitat on land that the farmer owns or leases.

29 (12) The term does not include the sale of or charge made for  
30 labor and services rendered in respect to the constructing,  
31 repairing, decorating, or improving of new or existing buildings or  
32 other structures under, upon, or above real property of or for the  
33 United States, any instrumentality thereof, or a county or city  
34 housing authority created pursuant to chapter 35.82 RCW, including  
35 the installing, or attaching of any article of tangible personal  
36 property therein or thereto, whether or not such personal property  
37 becomes a part of the realty by virtue of installation. Nor does the  
38 term include the sale of services or charges made for the clearing of  
39 land and the moving of earth of or for the United States, any  
40 instrumentality thereof, or a county or city housing authority. Nor



1 does the term include the sale of services or charges made for  
2 cleaning up for the United States, or its instrumentalities,  
3 radioactive waste and other by-products of weapons production and  
4 nuclear research and development.

5 (13) The term does not include the sale of or charge made for  
6 labor, services, or tangible personal property pursuant to agreements  
7 providing maintenance services for bus, rail, or rail fixed guideway  
8 equipment when a regional transit authority is the recipient of the  
9 labor, services, or tangible personal property, and a transit agency,  
10 as defined in RCW 81.104.015, performs the labor or services.

11 (14) The term does not include the sale for resale of any service  
12 described in this section if the sale would otherwise constitute a  
13 "sale at retail" and "retail sale" under this section.

14 (15)(a) The term "sale at retail" or "retail sale" includes  
15 amounts charged, however labeled, to consumers to engage in any of  
16 the activities listed in this subsection (15)(a), including the  
17 furnishing of any associated equipment or, except as otherwise  
18 provided in this subsection, providing instruction in such  
19 activities, where such charges are not otherwise defined as a "sale  
20 at retail" or "retail sale" in this section:

21 (i)(A) Golf, including any variant in which either golf balls or  
22 golf clubs are used, such as miniature golf, hitting golf balls at a  
23 driving range, and golf simulators, and including fees charged by a  
24 golf course to a player for using his or her own cart. However,  
25 charges for golf instruction are not a retail sale, provided that if  
26 the instruction involves the use of a golfing facility that would  
27 otherwise require the payment of a fee, such as green fees or driving  
28 range fees, such fees, including the applicable retail sales tax,  
29 must be separately identified and charged by the golfing facility  
30 operator to the instructor or the person receiving the instruction.

31 (B) Notwithstanding (a)(i)(A) of this subsection (15) and except  
32 as otherwise provided in this subsection (15)(a)(i)(B), the term  
33 "sale at retail" or "retail sale" does not include amounts charged to  
34 participate in, or conduct, a golf tournament or other competitive  
35 event. However, amounts paid by event participants to the golf  
36 facility operator are retail sales under this subsection (15)(a)(i).  
37 Likewise, amounts paid by the event organizer to the golf facility  
38 are retail sales under this subsection (15)(a)(i), if such amounts  
39 vary based on the number of event participants;

1 (ii) Ballooning, hang gliding, indoor or outdoor sky diving,  
2 paragliding, parasailing, and similar activities;

3 (iii) Air hockey, billiards, pool, foosball, darts, shuffleboard,  
4 ping pong, and similar games;

5 (iv) Access to amusement park, theme park, and water park  
6 facilities, including but not limited to charges for admission and  
7 locker or cabana rentals. Discrete charges for rides or other  
8 attractions or entertainment that are in addition to the charge for  
9 admission are not a retail sale under this subsection (15)(a)(iv).  
10 For the purposes of this subsection, an amusement park or theme park  
11 is a location that provides permanently affixed amusement rides,  
12 games, and other entertainment, but does not include parks or zoos  
13 for which the primary purpose is the exhibition of wildlife, or  
14 fairs, carnivals, and festivals as defined in (b)(i) of this  
15 subsection;

16 (v) Batting cage activities;

17 (vi) Bowling, but not including competitive events, except that  
18 amounts paid by the event participants to the bowling alley operator  
19 are retail sales under this subsection (15)(a)(vi). Likewise, amounts  
20 paid by the event organizer to the operator of the bowling alley are  
21 retail sales under this subsection (15)(a)(vi), if such amounts vary  
22 based on the number of event participants;

23 (vii) Climbing on artificial climbing structures, whether indoors  
24 or outdoors;

25 (viii) Day trips for sightseeing purposes;

26 (ix) Bungee jumping, zip lining, and riding inside a ball,  
27 whether inflatable or otherwise;

28 (x) Horseback riding offered to the public, where the seller  
29 furnishes the horse to the buyer and providing instruction is not the  
30 primary focus of the activity, including guided rides, but not  
31 including therapeutic horseback riding provided by an instructor  
32 certified by a nonprofit organization that offers national or  
33 international certification for therapeutic riding instructors;

34 (xi) Fishing, including providing access to private fishing areas  
35 and charter or guided fishing, except that fishing contests and  
36 license fees imposed by a government entity are not a retail sale  
37 under this subsection;

38 (xii) Guided hunting and hunting at game farms and shooting  
39 preserves, except that hunting contests and license fees imposed by a  
40 government entity are not a retail sale under this subsection;

1 (xiii) Swimming, but only in respect to (A) recreational or  
2 fitness swimming that is open to the public, such as open swim, lap  
3 swimming, and special events like kids night out and pool parties  
4 during open swim time, and (B) pool parties for private events, such  
5 as birthdays, family gatherings, and employee outings. Fees for  
6 swimming lessons, to participate in swim meets and other  
7 competitions, or to join a swim team, club, or aquatic facility are  
8 not retail sales under this subsection (15)(a)(xiii);

9 (xiv) Go-karting, bumper cars, and other motorized activities  
10 where the seller provides the vehicle and the premises where the  
11 buyer will operate the vehicle;

12 (xv) Indoor or outdoor playground activities, such as inflatable  
13 bounce structures and other inflatables; mazes; trampolines; slides;  
14 ball pits; games of tag, including laser tag and soft-dart tag; and  
15 human gyroscope rides, regardless of whether such activities occur at  
16 the seller's place of business, but not including playground  
17 activities provided for children by a licensed child day care center  
18 or licensed family day care provider as those terms are defined in  
19 RCW (~~(43.215.010)~~) 43.216.010;

20 (xvi) Shooting sports and activities, such as target shooting,  
21 skeet, trap, sporting clays, "5" stand, and archery, but only in  
22 respect to discrete charges to members of the public to engage in  
23 these activities, but not including fees to enter a competitive  
24 event, instruction that is entirely or predominately classroom based,  
25 or to join or renew a membership at a club, range, or other facility;

26 (xvii) Paintball and airsoft activities;

27 (xviii) Skating, including ice skating, roller skating, and  
28 inline skating, but only in respect to discrete charges to members of  
29 the public to engage in skating activities, but not including skating  
30 lessons, competitive events, team activities, or fees to join or  
31 renew a membership at a skating facility, club, or other  
32 organization;

33 (xix) Nonmotorized snow sports and activities, such as downhill  
34 and cross-country skiing, snowboarding, ski jumping, sledding, snow  
35 tubing, snowshoeing, and similar snow sports and activities, whether  
36 engaged in outdoors or in an indoor facility with or without snow,  
37 but only in respect to discrete charges to the public for the use of  
38 land or facilities to engage in nonmotorized snow sports and  
39 activities, such as fees, however labeled, for the use of ski lifts  
40 and tows and daily or season passes for access to trails or other

1 areas where nonmotorized snow sports and activities are conducted.  
2 However, fees for the following are not retail sales under this  
3 subsection (15)(a)(xix): (A) Instructional lessons; (B) permits  
4 issued by a governmental entity to park a vehicle on or access public  
5 lands; and (C) permits or leases granted by an owner of private  
6 timberland for recreational access to areas used primarily for  
7 growing and harvesting timber; and

8 (xx) Scuba diving; snorkeling; river rafting; surfing;  
9 kiteboarding; flyboarding; water slides; inflatables, such as water  
10 pillows, water trampolines, and water rollers; and similar water  
11 sports and activities.

12 (b) Notwithstanding anything to the contrary in this subsection  
13 (15), the term "sale at retail" or "retail sale" does not include  
14 charges:

15 (i) Made for admission to, and rides or attractions at, fairs,  
16 carnivals, and festivals. For the purposes of this subsection, fairs,  
17 carnivals, and festivals are events that do not exceed twenty-one  
18 days and a majority of the amusement rides, if any, are not affixed  
19 to real property;

20 (ii) Made by an educational institution to its students and staff  
21 for activities defined as retail sales by (a)(i) through (xx) of this  
22 subsection. However, charges made by an educational institution to  
23 its alumni or other members of the general public for these  
24 activities are a retail sale under this subsection (15). For purposes  
25 of this subsection (15)(b)(ii), "educational institution" has the  
26 same meaning as in RCW 82.04.170;

27 (iii) Made by a vocational school for commercial diver training  
28 that is licensed by the workforce training and education coordinating  
29 board under chapter 28C.10 RCW; or

30 (iv) Made for day camps offered by a nonprofit organization or  
31 state or local governmental entity that provide youth not older than  
32 age eighteen, or that are focused on providing individuals with  
33 disabilities or mental illness, the opportunity to participate in a  
34 variety of supervised activities.

35 NEW SECTION. **Sec. 58.** The following acts or parts of acts are  
36 each repealed:

37 (1) RCW 18.57A.010 (Definitions) and 1979 c 117 s 17 & 1971 ex.s.  
38 c 30 s 7;

1 (2) RCW 18.57A.020 (Rules fixing qualifications and restricting  
2 practice—Interim permit—Applications—Discipline—Information about  
3 current professional practice) and 2016 c 42 s 2, 2015 c 252 s 11,  
4 1999 c 127 s 2, 1998 c 132 s 13, 1996 c 191 s 39, 1993 c 28 s 1, 1992  
5 c 28 s 1, & 1971 ex.s. c 30 s 8;

6 (3) RCW 18.57A.023 (Practice requirements—Military training and  
7 experience) and 2011 c 32 s 4;

8 (4) RCW 18.57A.025 (Application of uniform disciplinary act) and  
9 1986 c 259 s 93;

10 (5) RCW 18.57A.030 (Limitations on practice—Scope of practice)  
11 and 2016 c 155 s 24, 2013 c 203 s 3, 1993 c 28 s 2, 1986 c 259 s 95,  
12 & 1971 ex.s. c 30 s 9;

13 (6) RCW 18.57A.035 (Limitation on practice—Remote sites) and 2013  
14 c 203 s 1;

15 (7) RCW 18.57A.040 (Practice arrangements) and 2013 c 203 s 4,  
16 1993 c 28 s 3, & 1991 c 3 s 152;

17 (8) RCW 18.57A.050 (Osteopathic physician's liability,  
18 responsibility) and 1993 c 28 s 4, 1986 c 259 s 97, & 1971 ex.s. c 30  
19 s 11;

20 (9) RCW 18.57A.060 (Limitations on health care services) and 2000  
21 c 171 s 21, 1973 c 77 s 20, & 1971 ex.s. c 30 s 12;

22 (10) RCW 18.57A.070 (Physician assistant acupuncturist—Licensure)  
23 and 2000 c 93 s 41 & 1977 ex.s. c 233 s 1;

24 (11) RCW 18.57A.080 (Signing and attesting to required  
25 documentation) and 2013 c 203 s 5 & 2007 c 264 s 2;

26 (12) RCW 18.57A.090 (Pain management rules—Repeal—Adoption of  
27 new rules) and 2010 c 209 s 4;

28 (13) RCW 18.57A.100 (Down syndrome—Parent information) and 2016 c  
29 70 s 4; and

30 (14) RCW 18.57A.800 (Opioid drug prescribing rules—Adoption) and  
31 2017 c 297 s 5.

32 NEW SECTION. **Sec. 59.** The following acts or parts of acts are  
33 each repealed:

34 (1) RCW 18.06.180 (Application of chapter to previously  
35 registered acupuncture assistants) and 1991 c 3 s 17 & 1985 c 326 s  
36 18;

37 (2) RCW 18.71A.035 (Limitation on practice—Remote sites) and 2013  
38 c 203 s 2; and

1           (3) RCW 18.71A.040 (Commission approval required—Application—Fee  
2 —Discipline) and 2013 c 203 s 7.

3           NEW SECTION.   **Sec. 60.**   Sections 1 through 10, 58, and 59 of this  
4 act take effect August 1, 2020.

5           NEW SECTION.   **Sec. 61.**   Sections 12 through 57 of this act take  
6 effect August 1, 2021.

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