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**SENATE BILL 5562**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Randall, Darneille, Keiser, Lias, Nguyen, and Wilson, C.; by request of Department of Health

Read first time 01/24/19. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to modernizing the control of certain  
2 communicable diseases; amending RCW 70.24.015, 70.24.017, 70.24.024,  
3 70.24.080, 70.24.110, 70.24.120, 70.24.130, 70.24.220, 70.24.290,  
4 70.24.325, 70.24.340, 70.24.360, 70.24.370, 9A.36.011, 18.35.040,  
5 49.44.180, 49.60.172, 70.02.220, 43.150.050, and 74.39.005; adding  
6 new sections to chapter 70.24 RCW; repealing RCW 70.24.095,  
7 70.24.100, 70.24.107, 70.24.125, 70.24.140, 70.24.200, 70.24.210,  
8 70.24.240, 70.24.250, 70.24.260, 70.24.270, 70.24.280, 70.24.300,  
9 70.24.310, 70.24.320, 70.24.350, 70.24.380, 70.24.400, and 70.24.410;  
10 and prescribing penalties.

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

12 **Sec. 1.** RCW 70.24.015 and 1988 c 206 s 901 are each amended to  
13 read as follows:

14 The legislature declares that sexually transmitted diseases and  
15 blood-borne pathogens constitute a serious and sometimes fatal threat  
16 to the public and individual health and welfare of the people of the  
17 state. The legislature finds that the incidence of sexually  
18 transmitted diseases and blood-borne pathogens is rising at an  
19 alarming rate and that these diseases result in significant social,  
20 health, and economic costs, including infant and maternal mortality,  
21 temporary and lifelong disability, and premature death. The

1 legislature further finds that sexually transmitted diseases and  
2 blood-borne pathogens, by their nature, involve sensitive issues of  
3 privacy, and it is the intent of the legislature that all programs  
4 designed to deal with these diseases afford patients privacy,  
5 confidentiality, and dignity. The legislature also finds that medical  
6 knowledge and information about sexually transmitted diseases and  
7 blood-borne pathogens are rapidly changing. It is therefore the  
8 intent of the legislature to provide a program that is sufficiently  
9 flexible to meet emerging needs, deals efficiently and effectively  
10 with reducing the incidence of sexually transmitted diseases and  
11 blood-borne pathogens, and provides patients with a secure knowledge  
12 that information they provide will remain private and confidential.

13 **Sec. 2.** RCW 70.24.017 and 2001 c 319 s 4 are each amended to  
14 read as follows:

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

17 (1) (~~("Acquired immunodeficiency syndrome" or "AIDS" means the~~  
18 ~~clinical syndrome of HIV-related illness as defined by the board of~~  
19 ~~health by rule.)~~) "Blood-borne pathogen" means a pathogenic  
20 microorganism that is present in human blood and can cause disease in  
21 humans. "Blood-borne pathogen" includes hepatitis B virus, hepatitis  
22 C virus, and human immunodeficiency virus, as well as any other  
23 pathogen specified by the board in rule.

24 (2) "Board" means the state board of health.

25 (3) "Department" means the department of health, or any successor  
26 department with jurisdiction over public health matters.

27 (4) "Health care provider" means any person who is a member of a  
28 profession under RCW 18.130.040 or other person providing medical,  
29 nursing, psychological, or other health care services regulated by  
30 the department of health.

31 (5) "Health care facility" means a hospital, nursing home,  
32 neuropsychiatric or mental health facility, home health agency,  
33 hospice, child care agency, group care facility, family foster home,  
34 clinic, blood bank, blood center, sperm bank, laboratory, or other  
35 social service or health care institution regulated or operated by  
36 the department of health.

37 (6) (~~("HIV-related condition" means any medical condition~~  
38 ~~resulting from infection with HIV including, but not limited to,~~

1 ~~seropositivity for HIV.)~~ "Health order" means an order issued under  
2 RCW 70.24.024 or 70.24.340.

3 (7) "Human immunodeficiency virus" or "HIV" means all HIV and  
4 HIV-related viruses which damage the cellular branch of the human  
5 immune or neurological systems and leave the ~~((infected))~~ person  
6 immunodeficient or neurologically impaired.

7 (8) "Test for a sexually transmitted disease" means a test  
8 approved by the board by rule.

9 (9) "Legal guardian" means a person appointed by a court to  
10 assume legal authority for another who has been found incompetent or,  
11 in the case of a minor, a person who has legal custody of the child.

12 (10) ~~"Local ((public)) health officer" ((means the officer~~  
13 ~~directing the county health department or his or her designee who has~~  
14 ~~been given the responsibility and authority to protect the health of~~  
15 ~~the public within his or her jurisdiction))~~ has the same meaning as  
16 in chapter 70.05 RCW.

17 (11) "Medical treatment" includes treatment for curable diseases  
18 and treatment that causes a person to be unable to transmit a disease  
19 to others, based upon generally accepted standards of medical and  
20 public health science, as specified by the board in rule.

21 (12) "Person" includes any natural person, partnership,  
22 association, joint venture, trust, public or private corporation, or  
23 health facility.

24 ~~((12) "Release of test results" means a written authorization~~  
25 ~~for disclosure of any sexually transmitted disease test result which~~  
26 ~~is signed, dated, and which specifies to whom disclosure is~~  
27 ~~authorized and the time period during which the release is to be~~  
28 ~~effective.))~~

29 (13) "Sexually transmitted disease" means a bacterial, viral,  
30 fungal, or parasitic disease, determined by the board by rule to be  
31 sexually transmitted, to be a threat to the public health and  
32 welfare, and to be a disease for which a legitimate public interest  
33 will be served by providing for regulation and treatment. The board  
34 shall designate chancroid, gonorrhea, granuloma inguinale,  
35 lymphogranuloma venereum, genital herpes simplex, chlamydia,  
36 nongonococcal urethritis (NGU), trachomitis, genital human papilloma  
37 virus infection, syphilis, ~~((acquired immunodeficiency syndrome~~  
38 ~~(AIDS),))~~ and human immunodeficiency virus (HIV) infection as  
39 sexually transmitted diseases, and shall consider the recommendations  
40 and classifications of the centers for disease control and other

1 nationally recognized medical authorities in designating other  
2 diseases as sexually transmitted.

3 (14) "State ((public)) health officer" means the secretary of  
4 health or an officer appointed by the secretary.

5 **Sec. 3.** RCW 70.24.024 and 1988 c 206 s 909 are each amended to  
6 read as follows:

7 (1) Subject to the provisions of this chapter, the state and  
8 local ((public)) health officers or their authorized representatives  
9 may examine and counsel ((or cause to be examined and counseled))  
10 persons reasonably believed to be infected with or to have been  
11 exposed to a sexually transmitted disease.

12 (2) ~~((Orders or restrictive measures directed to persons with a  
13 sexually transmitted disease shall be used as the last resort when  
14 other measures to protect the public health have failed, including  
15 reasonable efforts, which shall be documented, to obtain the  
16 voluntary cooperation of the person who may be subject to such an  
17 order. The orders and measures shall be applied serially with the  
18 least intrusive measures used first. The burden of proof shall be on  
19 the state or local public health officer to show that specified  
20 grounds exist for the issuance of the orders or restrictive measures  
21 and that the terms and conditions imposed are no more restrictive  
22 than necessary to protect the public health.~~

23 ~~(3) When the state or local public health officer within his or  
24 her respective jurisdiction knows or has reason to believe, because  
25 of direct medical knowledge or reliable testimony of others in a  
26 position to have direct knowledge of a person's behavior, that a  
27 person has a sexually transmitted disease and is engaging in  
28 specified conduct, as determined by the board by rule based upon  
29 generally accepted standards of medical and public health science,  
30 that endangers the public health, he or she shall conduct an  
31 investigation in accordance with procedures prescribed by the board  
32 to evaluate the specific facts alleged, if any, and the reliability  
33 and credibility of the person or persons providing such information  
34 and, if satisfied that the allegations are true, he or she may issue  
35 an order according to the following priority to:~~

36 ~~(a) Order a person to)~~ (a) The state or a local health officer  
37 may conduct an investigation when:

1 (i) He or she knows or has reason to believe that a person in his  
2 or her jurisdiction has a sexually transmitted disease and is  
3 engaging in specified behavior that endangers the public health; and

4 (ii) The basis for the health officer's investigation is the  
5 officer's direct medical knowledge or reliable testimony of another  
6 who is in a position to have direct knowledge of the person's  
7 behavior.

8 (b) In conducting the investigation, the health officer shall  
9 evaluate the allegations, as well as the reliability and credibility  
10 of any person or persons who provided information related to the  
11 specified behavior that endangers the public health.

12 (3) The state or local health officer shall document measures  
13 taken to protect the public health, including reasonable efforts to  
14 obtain the person's voluntary cooperation, if the health officer  
15 determines upon conclusion of the investigation that the allegations  
16 are true and that the person continues to engage in behavior that  
17 endangers the public health.

18 (4) (a) If the measures taken under subsection (3) of this section  
19 fail to protect the public health, the state or local health officer  
20 may issue a health order requiring the person to:

21 (i) Submit to a medical examination or testing, ((seek)) receive  
22 counseling, or ((obtain)) receive medical treatment ((for curable  
23 diseases)), or any combination of these((, within a period of time  
24 determined by the public health officer, not to exceed fourteen days.

25 ~~(b) Order a person to~~)). If ordering a person to receive medical  
26 treatment, the health officer must provide the person with at least  
27 one additional appropriate option to choose from in the health order;  
28 or

29 (ii) Immediately cease and desist from specified ((conduct  
30 which)) behavior that endangers the public health ((of others)) by  
31 imposing such restrictions upon the person as are necessary to  
32 prevent the specified ((conduct)) behavior that endangers the public  
33 health ((of others only if the public health officer has determined  
34 that clear and convincing evidence exists to believe that such person  
35 has been ordered to report for counseling as provided in (a) of this  
36 subsection and continues to demonstrate behavior which endangers the  
37 health of others)).

38 (b) Any restriction shall be in writing, setting forth the name  
39 of the person to be restricted ((and)), the initial period of time((,   
40 not to exceed three months,)) during which the health order shall

1 remain effective, the terms of the restrictions, and such other  
2 conditions as may be necessary to protect the public health.  
3 Restrictions shall be imposed in the least-restrictive manner  
4 necessary to protect the public health. The period of time during  
5 which the health order is effective must be reasonably related to the  
6 purpose of the restriction or restrictions contained in the order, up  
7 to a maximum period of twelve months.

8 ~~((4))~~ (5)(a) Upon the issuance of ~~((any))~~ a health order ~~((by~~  
9 ~~the state or local public health officer or an authorized~~  
10 ~~representative))~~ pursuant to subsection ~~((3))~~ (4) of this section  
11 ~~((or RCW 70.24.340(4), such public)),~~ the state or local health  
12 officer shall give written notice promptly, personally, and  
13 confidentially to the person who is the subject of the order stating  
14 the grounds and provisions of the order, including the factual bases  
15 therefor, the evidence relied upon for proof of infection and  
16 dangerous behavior, and the likelihood of repetition of such  
17 behaviors in the absence of such an order~~((, and notifying))~~. The  
18 written notice must inform the person who is the subject of the order  
19 that, if he or she contests the order, he or she may file an appeal  
20 and appear at a judicial hearing on the enforceability of the order,  
21 to be held in superior court. ~~((He or she may have an attorney appear~~  
22 ~~on his or her behalf in the hearing at public expense, if~~  
23 ~~necessary.))~~ The hearing shall be held within seventy-two hours of  
24 receipt of the notice, unless the person subject to the order agrees  
25 to comply. If the person contests the order, no invasive medical  
26 procedures shall be carried out prior to a hearing being held  
27 pursuant to this subsection. ~~((If the person does not contest the~~  
28 ~~order within seventy-two hours of receiving it, and the person does~~  
29 ~~not comply with the order within the time period specified for~~  
30 ~~compliance with the order, the state or local public health officer~~  
31 ~~may request a warrant be issued by the superior court to insure~~  
32 ~~appearance at the hearing. The hearing shall be within seventy-two~~  
33 ~~hours of the expiration date of the time specified for compliance~~  
34 ~~with the original order.))~~

35 (b) The health officer may apply to the superior court for a  
36 court order requiring the person to comply with the health order if  
37 the person fails to comply with the health order within the time  
38 period specified.

39 (c) At a hearing held pursuant to (a) or (b) of this subsection  
40 (5), the person subject to the health order may have an attorney

1 appear on his or her behalf at public expense, if necessary. The  
2 burden of proof shall be on the ((public)) health officer to show by  
3 clear and convincing evidence that the specified grounds exist for  
4 the issuance of the order and for the need for compliance and that  
5 the terms and conditions imposed therein are no more restrictive than  
6 necessary to protect the public health. Upon conclusion of the  
7 hearing, the court shall issue appropriate orders affirming,  
8 modifying, or dismissing the health order.

9 ((~~(b)~~)) (d) If the superior court dismisses the health order ((~~of~~  
10 ~~the public health officer~~)), the fact that the order was issued shall  
11 be expunged from the records of the department or local department of  
12 health.

13 ((~~(5)~~ Any hearing conducted pursuant to this section shall be  
14 closed and confidential unless a public hearing is requested by the  
15 person who is the subject of the order, in which case the hearing  
16 will be conducted in open court. Unless in open hearing, any  
17 transcripts or records relating thereto shall also be confidential  
18 and may be sealed by the order of the court.))

19 NEW SECTION. Sec. 4. A new section is added to chapter 70.24  
20 RCW to read as follows:

21 A person who violates or fails to comply with a health order  
22 issued under RCW 70.24.024 is guilty of a gross misdemeanor  
23 punishable by confinement until the order has been complied with or  
24 terminated, up to a maximum period of three hundred sixty-four days.  
25 In lieu of confinement, the court may place the defendant on  
26 probation upon condition that the defendant comply with the health  
27 order, up to the length of the health order. If the defendant is  
28 placed on probation and subsequently violates or fails to comply with  
29 the health order, the court shall revoke the probation and reinstate  
30 the original sentence of confinement.

31 NEW SECTION. Sec. 5. A new section is added to chapter 70.24  
32 RCW to read as follows:

33 (1) It is unlawful for a person who knows that he or she has a  
34 sexually transmitted disease of special public health significance to  
35 have sexual intercourse if:

36 (a) The person has been counseled by a health care provider or  
37 public health professional regarding the risk of transmitting the  
38 disease to others;

1 (b) If sexual intercourse was consensual, the partner or partners  
2 exposed to the disease did not know that the person had the disease;  
3 and

4 (c) Transmission of the disease occurred.

5 (2) The person is presumed to have transmitted the disease to a  
6 partner if the partner is diagnosed with the disease after having  
7 sexual intercourse with the person.

8 (3) It is a defense to a prosecution under this section if the  
9 person took or attempted to take practical means to prevent  
10 transmission of the disease.

11 (4) (a) Except as provided in (b) of this subsection, violation of  
12 this section is a misdemeanor punishable as provided in RCW  
13 9A.20.021.

14 (b) Violation of this section is a gross misdemeanor punishable  
15 as provided in RCW 9A.20.021 if the person knowingly misrepresented  
16 his or her infection status to the partner.

17 (c) Violation of this section does not require registration under  
18 RCW 9A.44.130.

19 (5) For purposes of this section, the following terms have the  
20 following meanings:

21 (a) "Practical means to prevent transmission" means good faith  
22 employment of an activity, behavior, method, or device that is  
23 scientifically demonstrated to measurably reduce the risk of  
24 transmitting a sexually transmitted disease, including but not  
25 limited to: The use of a condom, barrier protection, or other  
26 prophylactic device; or good faith participation in a treatment  
27 regimen prescribed by a health care provider or public health  
28 professional.

29 (b) "Sexual intercourse" has its ordinary meaning and occurs upon  
30 any penetration, however slight, of the vagina or anus of one person  
31 by the sexual organs of another whether such persons are of the same  
32 or another sex.

33 (c) "Sexually transmitted disease of special public health  
34 significance" means human immunodeficiency virus and any other  
35 disease determined by the board by rule, based on generally accepted  
36 standards of medical and public health science.

37 **Sec. 6.** RCW 70.24.080 and 1988 c 206 s 911 are each amended to  
38 read as follows:



1 Except as provided in sections 4 and 5 of this act, any person  
2 who shall violate any of the provisions of this chapter or any lawful  
3 rule adopted by the board pursuant to the authority herein granted,  
4 or who shall fail or refuse to obey any lawful order issued by any  
5 state, county or municipal (~~(public)~~) health officer, pursuant to the  
6 authority granted in this chapter, shall be deemed guilty of a gross  
7 misdemeanor punishable as provided under RCW 9A.20.021.

8 **Sec. 7.** RCW 70.24.110 and 1988 c 206 s 912 are each amended to  
9 read as follows:

10 A minor fourteen years of age or older who may have come in  
11 contact with any sexually transmitted disease or suspected sexually  
12 transmitted disease may give consent to the furnishing of hospital,  
13 medical, and surgical care related to the diagnosis or treatment of  
14 such disease; and, treatment to avoid HIV infection. Such consent  
15 shall not be subject to disaffirmance because of minority. The  
16 consent of the parent, parents, or legal guardian of such minor shall  
17 not be necessary to authorize hospital, medical, and surgical care  
18 related to such disease, and such parent, parents, or legal guardian  
19 shall not be liable for payment for any care rendered pursuant to  
20 this section.

21 **Sec. 8.** RCW 70.24.120 and 1991 c 3 s 324 are each amended to  
22 read as follows:

23 (~~(Sexually transmitted)~~) (1) Disease case investigators, upon  
24 specific authorization from a physician or by a physician's standing  
25 order, are hereby authorized to (~~(perform)~~) gather specimens,  
26 including through performance of venipuncture or (~~(skin)~~) fingerstick  
27 puncture (~~(on)~~), from a person for the sole purpose of (~~(withdrawing~~  
28 blood)) obtaining specimens for use in (~~(sexually transmitted disease~~  
29 tests)) testing for sexually transmitted diseases, blood-borne  
30 pathogens, and other infections as defined by the board by rule.

31 (~~(The term "sexually transmitted")~~) (2) For the purposes of this  
32 section:

33 (a) "Disease case investigator" (~~(shall)~~) means only those  
34 persons who:

35 (~~(+1)~~) (i) Are employed by public health authorities; and  
36 (~~(+2)~~) (ii) Have been trained by a physician in proper  
37 procedures to be employed when withdrawing specimens, including

1 blood, in accordance with training requirements established by the  
2 department of health; and

3 ~~((3))~~ (iii) Possess a statement signed by the instructing  
4 physician that the training required by (a)(ii) of this subsection  
5 ~~((2) of this section)~~ has been successfully completed.

6 ~~((The term))~~ (b) "Physician" means any person licensed under the  
7 provisions of chapters 18.57 or 18.71 RCW.

8 **Sec. 9.** RCW 70.24.130 and 1991 c 3 s 325 are each amended to  
9 read as follows:

10 (1) The board shall adopt such rules as are necessary to  
11 implement and enforce this chapter ~~((Rules may also be adopted by  
12 the department of health for the purposes of this chapter. The rules  
13 may include))~~, including, but not limited to, rules:

14 (a) Establishing procedures for taking appropriate action, in  
15 addition to any other penalty under this chapter, with regard to  
16 health care facilities or health care providers ~~((which))~~ that  
17 violate this chapter or the rules adopted under this chapter ~~((The  
18 rules shall prescribe))~~;

19 (b) Prescribing stringent safeguards to protect the  
20 confidentiality of the persons and records subject to this chapter,  
21 consistent with chapter 70.02 RCW;

22 (c) Establishing reporting requirements for sexually transmitted  
23 diseases;

24 (d) Establishing procedures for investigations under RCW  
25 70.24.024;

26 (e) Specifying, for purposes of RCW 70.24.024, behavior that  
27 endangers the public health, based upon generally accepted standards  
28 of medical and public health science;

29 (f) Defining, for the purposes of RCW 70.24.120, specimens that  
30 can be obtained and tests that can be administered for sexually  
31 transmitted diseases, blood-borne pathogens, and other infections as  
32 defined by the board by rule;

33 (g) Determining, for purposes of RCW 70.24.340, categories of  
34 employment that are at risk of substantial exposure to a blood-borne  
35 pathogen; and

36 (h) Defining, for purposes of RCW 70.24.340, 70.24.360, and  
37 70.24.370, what constitutes an exposure that presents a possible risk  
38 of transmission of a blood-borne pathogen.

1       (2) In addition to any rules adopted by the board, the department  
2 may adopt any rules necessary to implement and enforce this chapter.

3       (3) The procedures set forth in chapter 34.05 RCW apply to the  
4 administration of this chapter, except that in case of conflict  
5 between chapter 34.05 RCW and this chapter, the provisions of this  
6 chapter shall control.

7       **Sec. 10.** RCW 70.24.220 and 1988 c 206 s 401 are each amended to  
8 read as follows:

9       The legislature finds that the public schools provide a unique  
10 and appropriate setting for educating young people about the  
11 pathology and prevention of ~~((acquired immunodeficiency syndrome~~  
12 ~~-AIDS))~~ sexually transmitted diseases. The legislature recognizes  
13 that schools and communities vary throughout the state and that  
14 locally elected school directors should have a significant role in  
15 establishing a program of ~~((AIDS))~~ sexually transmitted disease  
16 education in their districts, consistent with RCW 28A.230.020 and  
17 28A.300.475.

18       **Sec. 11.** RCW 70.24.290 and 1988 c 206 s 606 are each amended to  
19 read as follows:

20       The superintendent of public instruction shall adopt rules that  
21 require appropriate education and training, to be included as part of  
22 their present continuing education requirements, for public school  
23 employees on the prevention, transmission, and treatment of ~~((AIDS))~~  
24 blood-borne pathogens. The superintendent of public instruction shall  
25 ~~((work with the office on AIDS under RCW 70.24.250 to))~~ develop the  
26 educational and training material necessary for school employees.

27       **Sec. 12.** RCW 70.24.325 and 1989 c 387 s 1 are each amended to  
28 read as follows:

29       (1) This section shall apply to ~~((counseling and))~~ consent for  
30 ~~((HIV))~~ blood-borne pathogen testing administered as part of an  
31 application for coverage authorized under Title 48 RCW.

32       (2) Persons subject to regulation under Title 48 RCW who are  
33 requesting an insured, a subscriber, or a potential insured or  
34 subscriber to furnish the results of ~~((an HIV))~~ a blood-borne  
35 pathogen test for underwriting purposes as a condition for obtaining  
36 or renewing coverage under an insurance contract, health care service  
37 contract, or health maintenance organization agreement shall:

1 (a) Provide written information to the individual prior to being  
2 tested which explains(~~(~~  
3 ~~(i) What an HIV test is;~~  
4 ~~(ii) Behaviors that place a person at risk for HIV infection;~~  
5 ~~(iii))~~ which blood-borne pathogen test is being administered;  
6 and that the purpose of ((HIV)) blood-borne pathogen testing in this  
7 setting is to determine eligibility for coverage(~~(~~  
8 ~~(iv) The potential risks of HIV testing; and~~  
9 ~~(v) Where to obtain HIV pretest counseling))~~).

10 (b) Obtain informed specific written consent for ~~((an HIV test))~~  
11 the blood-borne pathogen test or tests. The written informed consent  
12 shall include(~~(~~  
13 ~~(i))~~ an explanation of the confidential treatment of the test  
14 results which limits access to the results to persons involved in  
15 handling or determining applications for coverage or claims of the  
16 applicant or claimant ((and to those persons designated under  
17 ~~(c)(iii) of this subsection; and~~  
18 ~~(ii) Requirements under (c)(iii) of this subsection))~~).

19 (c) Establish procedures to inform an applicant of the following:  
20 (i) ~~((That post-test counseling, as specified under WAC~~  
21 ~~248-100-209(4), is required if an HIV test is positive or~~  
22 ~~indeterminate;~~  
23 ~~(ii) That post-test counseling occurs at the time a positive or~~  
24 ~~indeterminate HIV test result is given to the tested individual;~~  
25 ~~(iii))~~ That the applicant may designate a health care provider  
26 or health care agency to whom the insurer, the health care service  
27 contractor, or health maintenance organization will provide  
28 ~~((positive or indeterminate))~~ test results indicative of infection  
29 with a blood-borne pathogen for interpretation ~~((and post-test~~  
30 ~~counseling. When an applicant does not identify a designated health~~  
31 ~~care provider or health care agency and the applicant's test results~~  
32 ~~are either positive or indeterminate, the insurer, the health care~~  
33 ~~service contractor, or health maintenance organization shall provide~~  
34 ~~the test results to the local health department for interpretation~~  
35 ~~and post-test counseling))~~; and  
36 ~~((iv))~~ (ii) That ((positive or indeterminate HIV)) test results  
37 ~~((shall not))~~ indicative of infection with a blood-borne pathogen  
38 will be sent directly to the applicant.

1       **Sec. 13.** RCW 70.24.340 and 2011 c 232 s 2 are each amended to  
2 read as follows:

3       ~~((1) Local health departments authorized under this chapter~~  
4 ~~shall conduct or cause to be conducted pretest counseling, HIV~~  
5 ~~testing, and posttest counseling of all persons:~~

6       ~~(a) Convicted of a sexual offense under chapter 9A.44 RCW;~~

7       ~~(b) Convicted of prostitution or offenses relating to~~  
8 ~~prostitution under chapter 9A.88 RCW; or~~

9       ~~(c) Convicted of drug offenses under chapter 69.50 RCW if the~~  
10 ~~court determines at the time of conviction that the related drug~~  
11 ~~offense is one associated with the use of hypodermic needles.~~

12       ~~(2) Such testing shall be conducted as soon as possible after~~  
13 ~~sentencing and shall be so ordered by the sentencing judge.~~

14       ~~(3) This section applies only to offenses committed after March~~  
15 ~~23, 1988.~~

16       (4)) A law enforcement officer, firefighter, health care  
17 provider, health care facility staff person, department of  
18 corrections' staff person, jail staff person, or person employed in  
19 other categories of employment determined by the board in rule to be  
20 at risk of ~~((substantial))~~ exposure ~~((to HIV))~~ that presents a  
21 possible risk of transmission of a blood-borne pathogen, who has  
22 experienced ~~((a-substantial))~~ an exposure to another person's bodily  
23 fluids in the course of his or her employment, may request a state or  
24 local ~~((public))~~ health officer to order ~~((pretest counseling, HIV~~  
25 ~~testing, and posttest counseling))~~ blood-borne pathogen testing for  
26 the person whose bodily fluids he or she has been exposed to. ~~((A~~  
27 ~~person eligible to request a state or local health official to order~~  
28 ~~HIV testing under this chapter and board rule may also request a~~  
29 ~~state or local health officer to order testing for other blood-borne~~  
30 ~~pathogens.))~~ If the state or local ~~((public))~~ health officer refuses  
31 to order ~~((counseling and))~~ testing under this ~~((sub))~~section, the  
32 person who made the request may petition the superior court for a  
33 hearing to determine whether an order shall be issued. The hearing on  
34 the petition shall be held within seventy-two hours of filing the  
35 petition, exclusive of Saturdays, Sundays, and holidays. The standard  
36 of review to determine whether the ~~((public))~~ state or local health  
37 officer shall be required to issue the order is whether  
38 ~~((substantial))~~ an exposure occurred and whether that exposure  
39 presents a possible risk of transmission of ~~((the HIV virus as~~  
40 ~~defined by the board by rule))~~ a blood-borne pathogen. Upon

1 conclusion of the hearing, the court shall issue the appropriate  
2 order(~~(, which may require additional testing for other blood-borne~~  
3 ~~pathogens)~~).

4 The person who is subject to the state or local (~~(public)~~) health  
5 officer's order to receive (~~(counseling and)~~) testing shall be given  
6 written notice of the order promptly, personally, and confidentially,  
7 stating the grounds and provisions of the order, including the  
8 factual basis therefor. If the person who is subject to the order  
9 refuses to comply, the state or local (~~(public)~~) health officer may  
10 petition the superior court for a hearing. The hearing on the  
11 petition shall be held within seventy-two hours of filing the  
12 petition, exclusive of Saturdays, Sundays, and holidays. The standard  
13 of review for the order is whether (~~(substantial)~~) an exposure  
14 occurred and whether that exposure presents a possible risk of  
15 transmission of (~~(the HIV virus as defined by the board by rule)~~) a  
16 blood-borne pathogen. Upon conclusion of the hearing, the court shall  
17 issue the appropriate order.

18 The state or local (~~(public)~~) health officer shall perform  
19 (~~(counseling and)~~) testing under this (~~(sub)~~)section if he or she  
20 finds that the exposure (~~(was substantial and)~~) presents a possible  
21 risk (~~(as defined by the board of health by rule)~~) of transmission of  
22 a blood-borne pathogen or if he or she is ordered to do so by a  
23 court.

24 The (~~(counseling and)~~) testing required under this (~~(sub)~~)section  
25 shall be completed as soon as possible after the substantial exposure  
26 or after an order is issued by a court, but shall begin not later  
27 than seventy-two hours after the (~~(substantial)~~) exposure or an order  
28 is issued by the court.

29 **Sec. 14.** RCW 70.24.360 and 1988 c 206 s 706 are each amended to  
30 read as follows:

31 Jail administrators, with the approval of the local (~~(public)~~)  
32 health officer, may order (~~(pretest counseling, HIV testing, and~~  
33 ~~posttest counseling for persons)~~) blood-borne pathogen testing for a  
34 person detained in the jail if the local (~~(public)~~) health officer  
35 determines that (~~(actual or threatened)~~) the detainee's behavior  
36 (~~(presents a possible risk to)~~) exposed the staff, general public, or  
37 other persons, and that exposure presents a possible risk of  
38 transmitting a blood-borne pathogen. (~~(Approval of the local public~~  
39 ~~health officer shall be based on RCW 70.24.024(3) and may be~~

1 ~~contested through RCW 70.24.024(4). The administrator shall~~  
2 ~~establish, pursuant to RCW 70.48.071, a procedure to document the~~  
3 ~~possible risk which is the basis for the HIV testing. "Possible~~  
4 ~~risk," as used in this section, shall be defined by the board in~~  
5 ~~rule.)~~ Documentation of the behavior (~~, or threat thereof,~~) shall  
6 be reviewed with the person to (~~try to assure~~) ensure that the  
7 person understands the basis for testing.

8 **Sec. 15.** RCW 70.24.370 and 1988 c 206 s 707 are each amended to  
9 read as follows:

10 (1) (~~Department of corrections facility administrators may order~~  
11 ~~pretest counseling, HIV testing, and posttest counseling for inmates~~  
12 ~~if the secretary of corrections or the secretary's designee~~  
13 ~~determines that actual or threatened~~) The chief medical officer of  
14 the department of corrections may order blood-borne pathogen testing  
15 for an inmate if the chief medical officer or his or her designee  
16 determines that the inmate's behavior ((presents a possible risk to))  
17 exposed the staff, general public, or other inmates, and that  
18 exposure presents a possible risk of transmitting a blood-borne  
19 pathogen. The department of corrections shall establish a procedure  
20 to document the exposure that presents a possible risk of  
21 transmitting a blood-borne pathogen which is the basis for the  
22 ((HIV)) testing. (~~"Possible risk," as used in this section, shall be~~  
23 ~~defined by the department of corrections after consultation with the~~  
24 ~~board. Possible risk, as used in the documentation of the behavior,~~  
25 ~~or threat thereof, shall be reviewed with the inmate.)~~) The chief  
26 medical officer, or his or her designee, shall review the exposure  
27 that presents a possible risk of transmitting a blood-borne pathogen  
28 in the documentation of the behavior with the inmate to ensure that  
29 he or she understands the basis for the testing.

30 (2) (~~Department of corrections administrators and~~  
31 ~~superintendents who are authorized to make decisions about testing~~  
32 ~~and dissemination of test information shall, at least annually,~~  
33 ~~participate in training seminars on public health considerations~~  
34 ~~conducted by the assistant secretary for public health or her or his~~  
35 ~~designee.~~

36 ~~(3)~~) Administrative hearing requirements set forth in chapter  
37 34.05 RCW do not apply to the procedure developed by the department  
38 of corrections pursuant to this section. This section shall not be

1 construed as requiring any hearing process except as may be required  
2 under existing federal constitutional law.

3 ~~((4) RCW 70.24.340 does not apply to the department of  
4 corrections or to inmates in its custody or subject to its  
5 jurisdiction.))~~

6 **Sec. 16.** RCW 9A.36.011 and 1997 c 196 s 1 are each amended to  
7 read as follows:

8 (1) A person is guilty of assault in the first degree if he or  
9 she, with intent to inflict great bodily harm:

10 (a) Assaults another with a firearm or any deadly weapon or by  
11 any force or means likely to produce great bodily harm or death; or

12 (b) Administers, exposes, or transmits to or causes to be taken  
13 by another, poison(~~(, the human immunodeficiency virus as defined in  
14 chapter 70.24 RCW,)~~) or any other destructive or noxious substance;  
15 or

16 (c) Assaults another and inflicts great bodily harm.

17 (2) Assault in the first degree is a class A felony.

18 **Sec. 17.** RCW 18.35.040 and 2014 c 189 s 4 are each amended to  
19 read as follows:

20 (1) An applicant for licensure as a hearing aid specialist must  
21 have the following minimum qualifications and shall pay a fee  
22 determined by the secretary as provided in RCW 43.70.250. An  
23 applicant shall be issued a license under the provisions of this  
24 chapter if the applicant has not committed unprofessional conduct as  
25 specified by chapter 18.130 RCW, and:

26 (a)(i) Satisfactorily completes the hearing aid specialist  
27 examination required by this chapter; and

28 (ii) Satisfactorily completes:

29 (A) A minimum of a two-year degree program in hearing aid  
30 specialist instruction. The program must be approved by the board;

31 (B) A two-year or four-year degree in a field of study approved  
32 by the board from an accredited institution, a nine-month  
33 board-approved certificate program offered by a board-approved  
34 hearing aid specialist program, and the practical examination  
35 approved by the board. The practical examination must be given at  
36 least quarterly, as determined by the board. The department may hire  
37 licensed industry experts approved by the board to proctor the  
38 examination; or



1 (b) Holds a current, unsuspended, unrevoked license from another  
2 jurisdiction if the standards for licensing in such other  
3 jurisdiction are substantially equivalent to those prevailing in this  
4 state as provided in (a) of this subsection; or

5 (c)(i) Holds a current, unsuspended, unrevoked license from  
6 another jurisdiction, has been actively practicing as a licensed  
7 hearing aid specialist in another jurisdiction for at least forty-  
8 eight of the last sixty months, and submits proof of completion of  
9 advance certification from either the international hearing society  
10 or the national board for certification in hearing instrument  
11 sciences; and

12 (ii) Satisfactorily completes the hearing aid specialist  
13 examination required by this chapter or a substantially equivalent  
14 examination approved by the board.

15 The applicant must present proof of qualifications to the board  
16 in the manner and on forms prescribed by the secretary (~~and proof of  
17 completion of a minimum of four clock hours of AIDS education and  
18 training pursuant to rules adopted by the board~~).

19 (2)(a) An applicant for licensure as a speech-language  
20 pathologist or audiologist must have the following minimum  
21 qualifications:

22 (i) Has not committed unprofessional conduct as specified by the  
23 uniform disciplinary act;

24 (ii) Has a master's degree or the equivalent, or a doctorate  
25 degree or the equivalent, from a program at a board-approved  
26 institution of higher learning, which includes completion of a  
27 supervised clinical practicum experience as defined by rules adopted  
28 by the board; and

29 (iii) Has completed postgraduate professional work experience  
30 approved by the board.

31 (b) All qualified applicants must satisfactorily complete the  
32 speech-language pathology or audiology examinations required by this  
33 chapter.

34 (c) The applicant must present proof of qualifications to the  
35 board in the manner and on forms prescribed by the secretary (~~and  
36 proof of completion of a minimum of four clock hours of AIDS  
37 education and training pursuant to rules adopted by the board~~).

38 (3) An applicant for certification as a speech-language pathology  
39 assistant shall pay a fee determined by the secretary as provided in  
40 RCW 43.70.250 and must have the following minimum qualifications:

1 (a) An associate of arts or sciences degree, or a certificate of  
2 proficiency, from a speech-language pathology assistant program from  
3 an institution of higher education that is approved by the board, as  
4 is evidenced by the following:

5 (i) Transcripts showing forty-five quarter hours or thirty  
6 semester hours of speech-language pathology coursework; and

7 (ii) Transcripts showing forty-five quarter hours or thirty  
8 semester hours of general education credit; or

9 (b) A bachelor of arts or bachelor of sciences degree, as  
10 evidenced by transcripts, from a speech, language, and hearing  
11 program from an institution of higher education that is approved by  
12 the board.

13 **Sec. 18.** RCW 49.44.180 and 2004 c 12 s 1 are each amended to  
14 read as follows:

15 It shall be unlawful for any person, firm, corporation, or the  
16 state of Washington, its political subdivisions, or municipal  
17 corporations to require, directly or indirectly, that any employee or  
18 prospective employee submit genetic information or submit to  
19 screening for genetic information as a condition of employment or  
20 continued employment.

21 "Genetic information" for purposes of this chapter, is  
22 information about inherited characteristics that can be derived from  
23 a DNA-based or other laboratory test, family history, or medical  
24 examination. "Genetic information" for purposes of this chapter, does  
25 not include: (1) Routine physical measurements, including chemical,  
26 blood, and urine analysis, unless conducted purposefully to diagnose  
27 genetic or inherited characteristics; and (2) results from tests for  
28 abuse of alcohol or drugs (~~(, or for the presence of HIV)~~).

29 **Sec. 19.** RCW 49.60.172 and 2003 c 273 s 2 are each amended to  
30 read as follows:

31 (1) No person may require an individual to take an HIV (~~(test, as~~  
32 ~~defined in chapter 70.24 RCW,)~~) or hepatitis C test, as a condition  
33 of hiring, promotion, or continued employment unless the absence of  
34 HIV or hepatitis C infection is a bona fide occupational  
35 qualification for the job in question.

36 (2) No person may discharge or fail or refuse to hire any  
37 individual, or segregate or classify any individual in any way which  
38 would deprive or tend to deprive that individual of employment

1 opportunities or adversely affect his or her status as an employee,  
2 or otherwise discriminate against any individual with respect to  
3 compensation, terms, conditions, or privileges of employment on the  
4 basis of the results of an HIV test or hepatitis C test unless the  
5 absence of HIV or hepatitis C infection is a bona fide occupational  
6 qualification of the job in question.

7 (3) The absence of HIV or hepatitis C infection as a bona fide  
8 occupational qualification exists when performance of a particular  
9 job can be shown to present a significant risk, as defined by the  
10 board of health by rule, of transmitting HIV or hepatitis C infection  
11 to other persons, and there exists no means of eliminating the risk  
12 by restructuring the job.

13 (4) For the purpose of this chapter, any person who is actually  
14 infected with HIV or hepatitis C, but is not disabled as a result of  
15 the infection, shall not be eligible for any benefits under the  
16 affirmative action provisions of chapter 49.74 RCW solely on the  
17 basis of such infection.

18 (5) Employers are immune from civil action for damages arising  
19 out of transmission of HIV or hepatitis C to employees or to members  
20 of the public unless such transmission occurs as a result of the  
21 employer's gross negligence.

22 **Sec. 20.** RCW 70.02.220 and 2017 3rd sp.s. c 6 s 332 are each  
23 amended to read as follows:

24 (1) No person may disclose or be compelled to disclose the  
25 identity of any person who has investigated, considered, or requested  
26 a test or treatment for a sexually transmitted disease, except as  
27 authorized by this section, RCW 70.02.210, or chapter 70.24 RCW.

28 (2) No person may disclose or be compelled to disclose  
29 information and records related to sexually transmitted diseases,  
30 except as authorized by this section, RCW 70.02.210, 70.02.205, or  
31 chapter 70.24 RCW. A person may disclose information related to  
32 sexually transmitted diseases about a patient without the patient's  
33 authorization, to the extent a recipient needs to know the  
34 information, if the disclosure is to:

35 (a) The subject of the test or the subject's legal representative  
36 for health care decisions in accordance with RCW 7.70.065, with the  
37 exception of such a representative of a minor fourteen years of age  
38 or over and otherwise competent;

1 (b) The state (~~public~~) health officer as defined in RCW  
2 70.24.017, a local (~~public~~) health officer, or the centers for  
3 disease control of the United States public health service in  
4 accordance with reporting requirements for a diagnosed case of a  
5 sexually transmitted disease;

6 (c) A health facility or health care provider that procures,  
7 processes, distributes, or uses: (i) A human body part, tissue, or  
8 blood from a deceased person with respect to medical information  
9 regarding that person; (ii) semen, including that was provided prior  
10 to March 23, 1988, for the purpose of artificial insemination; or  
11 (iii) blood specimens;

12 (d) Any state or local (~~public~~) health officer conducting an  
13 investigation pursuant to RCW 70.24.024, so long as the record was  
14 obtained by means of court-ordered (~~HIV~~) testing pursuant to RCW  
15 70.24.340 or 70.24.024;

16 (e) A person allowed access to the record by a court order  
17 granted after application showing good cause therefor. In assessing  
18 good cause, the court shall weigh the public interest and the need  
19 for disclosure against the injury to the patient, to the physician-  
20 patient relationship, and to the treatment services. Upon the  
21 granting of the order, the court, in determining the extent to which  
22 any disclosure of all or any part of the record of any such test is  
23 necessary, shall impose appropriate safeguards against unauthorized  
24 disclosure. An order authorizing disclosure must: (i) Limit  
25 disclosure to those parts of the patient's record deemed essential to  
26 fulfill the objective for which the order was granted; (ii) limit  
27 disclosure to those persons whose need for information is the basis  
28 for the order; and (iii) include any other appropriate measures to  
29 keep disclosure to a minimum for the protection of the patient, the  
30 physician-patient relationship, and the treatment services;

31 (f) Persons who, because of their behavioral interaction with the  
32 infected individual, have been placed at risk for acquisition of a  
33 sexually transmitted disease, as provided in RCW 70.24.022, if the  
34 health officer or authorized representative believes that the exposed  
35 person was unaware that a risk of disease exposure existed and that  
36 the disclosure of the identity of the infected person is necessary;

37 (g) A law enforcement officer, firefighter, health care provider,  
38 health care facility staff person, department of correction's staff  
39 person, jail staff person, or other persons as defined by the board  
40 of health in rule pursuant to RCW 70.24.340(~~(+4)~~), who has requested

1 a test of a person whose bodily fluids he or she has been  
2 substantially exposed to, pursuant to RCW 70.24.340(~~((4))~~), if a  
3 state or local (~~(public)~~) health officer performs the test;

4 (h) Claims management personnel employed by or associated with an  
5 insurer, health care service contractor, health maintenance  
6 organization, self-funded health plan, state administered health care  
7 claims payer, or any other payer of health care claims where such  
8 disclosure is to be used solely for the prompt and accurate  
9 evaluation and payment of medical or related claims. Information  
10 released under this subsection must be confidential and may not be  
11 released or available to persons who are not involved in handling or  
12 determining medical claims payment; and

13 (i) A department of children, youth, and families worker, a  
14 child-placing agency worker, or a guardian ad litem who is  
15 responsible for making or reviewing placement or case-planning  
16 decisions or recommendations to the court regarding a child, who is  
17 less than fourteen years of age, has a sexually transmitted disease,  
18 and is in the custody of the department of children, youth, and  
19 families or a licensed child-placing agency. This information may  
20 also be received by a person responsible for providing residential  
21 care for such a child when the department of social and health  
22 services, the department of children, youth, and families, or a  
23 licensed child-placing agency determines that it is necessary for the  
24 provision of child care services.

25 (3) No person to whom the results of a test for a sexually  
26 transmitted disease have been disclosed pursuant to subsection (2) of  
27 this section may disclose the test results to another person except  
28 as authorized by that subsection.

29 (4) The release of sexually transmitted disease information  
30 regarding an offender or detained person, except as provided in  
31 subsection (2)(d) of this section, is governed as follows:

32 (a) The sexually transmitted disease status of a department of  
33 corrections offender who has had a mandatory test conducted pursuant  
34 to RCW 70.24.340(~~((1))~~), 70.24.360, or 70.24.370 must be made  
35 available by department of corrections health care providers and  
36 local (~~(public)~~) health officers to the department of corrections  
37 health care administrator or infection control coordinator of the  
38 facility in which the offender is housed. The information made  
39 available to the health care administrator or the infection control  
40 coordinator under this subsection (4)(a) may be used only for disease

1 prevention or control and for protection of the safety and security  
2 of the staff, offenders, and the public. The information may be  
3 submitted to transporting officers and receiving facilities,  
4 including facilities that are not under the department of  
5 corrections' jurisdiction according to the provisions of (d) and (e)  
6 of this subsection.

7 (b) The sexually transmitted disease status of a person detained  
8 in a jail who has had a mandatory test conducted pursuant to RCW  
9 70.24.340(~~((1))~~), 70.24.360, or 70.24.370 must be made available by  
10 the local (~~(public)~~) health officer to a jail health care  
11 administrator or infection control coordinator. The information made  
12 available to a health care administrator under this subsection (4)(b)  
13 may be used only for disease prevention or control and for protection  
14 of the safety and security of the staff, offenders, detainees, and  
15 the public. The information may be submitted to transporting officers  
16 and receiving facilities according to the provisions of (d) and (e)  
17 of this subsection.

18 (c) Information regarding the sexually transmitted disease status  
19 of an offender or detained person is confidential and may be  
20 disclosed by a correctional health care administrator or infection  
21 control coordinator or local jail health care administrator or  
22 infection control coordinator only as necessary for disease  
23 prevention or control and for protection of the safety and security  
24 of the staff, offenders, and the public. Unauthorized disclosure of  
25 this information to any person may result in disciplinary action, in  
26 addition to the penalties prescribed in RCW 70.24.080 or any other  
27 penalties as may be prescribed by law.

28 (d) Notwithstanding the limitations on disclosure contained in  
29 (a), (b), and (c) of this subsection, whenever any member of a jail  
30 staff or department of corrections staff has been substantially  
31 exposed to the bodily fluids of an offender or detained person, then  
32 the results of any tests conducted pursuant to RCW 70.24.340(~~((1))~~),  
33 70.24.360, or 70.24.370, must be immediately disclosed to the staff  
34 person in accordance with the Washington Administrative Code rules  
35 governing employees' occupational exposure to blood-borne pathogens.  
36 Disclosure must be accompanied by appropriate counseling for the  
37 staff member, including information regarding follow-up testing and  
38 treatment. Disclosure must also include notice that subsequent  
39 disclosure of the information in violation of this chapter or use of  
40 the information to harass or discriminate against the offender or

1 detainee may result in disciplinary action, in addition to the  
2 penalties prescribed in RCW 70.24.080, and imposition of other  
3 penalties prescribed by law.

4 (e) The staff member must also be informed whether the offender  
5 or detained person had any other communicable disease, as defined in  
6 RCW 72.09.251(3), when the staff person was substantially exposed to  
7 the offender's or detainee's bodily fluids.

8 (f) The test results of voluntary and anonymous (~~(HIV)~~) testing  
9 (~~(or HIV-related condition)~~) for a blood-borne pathogen, as defined  
10 in RCW 70.24.017, may not be disclosed to a staff person except as  
11 provided in this section and RCW 70.02.050(1)(d) and  
12 70.24.340(~~((4))~~). A health care administrator or infection control  
13 coordinator may provide the staff member with information about how  
14 to obtain the offender's or detainee's test results under this  
15 section and RCW 70.02.050(1)(d) and 70.24.340(~~((4))~~).

16 (5) The requirements of this section do not apply to the  
17 customary methods utilized for the exchange of medical information  
18 among health care providers in order to provide health care services  
19 to the patient, nor do they apply within health care facilities where  
20 there is a need for access to confidential medical information to  
21 fulfill professional duties.

22 (6) Upon request of the victim, disclosure of test results under  
23 this section to victims of sexual offenses under chapter 9A.44 RCW  
24 must be made if the result is negative or positive. The county  
25 prosecuting attorney shall notify the victim of the right to such  
26 disclosure. The disclosure must be accompanied by appropriate  
27 counseling, including information regarding follow-up testing.

28 (7) A person, including a health care facility or health care  
29 provider, shall disclose the identity of any person who has  
30 investigated, considered, or requested a test or treatment for a  
31 sexually transmitted disease and information and records related to  
32 sexually transmitted diseases to federal, state, or local public  
33 health authorities, to the extent the health care provider is  
34 required by law to report health care information; when needed to  
35 determine compliance with state or federal certification or  
36 registration rules or laws; or when needed to protect the public  
37 health. Any health care information obtained under this subsection is  
38 exempt from public inspection and copying pursuant to chapter 42.56  
39 RCW.

1       **Sec. 21.** RCW 43.150.050 and 1992 c 66 s 5 are each amended to  
2 read as follows:

3       The center, working in cooperation with individuals, local  
4 groups, and organizations throughout the state, may undertake any  
5 program or activity for which funds are available which furthers the  
6 goals of this chapter. These programs and activities may include, but  
7 are not limited to:

8       (1) Providing information about programs, activities, and  
9 resources of value to volunteers and to organizations operating or  
10 planning volunteer or citizen service programs;

11       (2) Sponsoring recognition events for outstanding individuals and  
12 organizations;

13       (3) Facilitating the involvement of business, industry,  
14 government, and labor in community service and betterment;

15       (4) Organizing, or assisting in the organization of, training  
16 workshops and conferences;

17       (5) Publishing schedules of significant events, lists of  
18 published materials, accounts of successful programs and programming  
19 techniques, and other information concerning the field of  
20 volunteerism and citizen service, and distributing this information  
21 broadly;

22       (6) Reviewing the laws and rules of the state of Washington, and  
23 proposed changes therein, to determine their impact on the success of  
24 volunteer activities and programs, and recommending such changes as  
25 seem appropriate to ensure the achievement of the goals of this  
26 chapter;

27       (7) Seeking funding sources for enhancing, promoting, and  
28 supporting the ethic of service and facilitating or providing  
29 information to those organizations and agencies which may benefit;

30       (8) Providing information about agencies and individuals who are  
31 working to prevent the spread of the human immunodeficiency virus, as  
32 defined in chapter 70.24 RCW, and to agencies and individuals who are  
33 working to provide health and social services to persons living with  
34 (~~acquired immunodeficiency syndrome~~) the human immunodeficiency  
35 virus, as defined in chapter 70.24 RCW.

36       **Sec. 22.** RCW 74.39.005 and 1995 1st sp.s. c 18 s 10 are each  
37 amended to read as follows:

38       The purpose of this chapter is to:



- 1 (1) Establish a balanced range of health, social, and supportive  
2 services that deliver long-term care services to (~~chronically,~~  
3 ~~functionally disabled~~) persons with chronic functional disabilities  
4 of all ages;
- 5 (2) Ensure that functional ability shall be the determining  
6 factor in defining long-term care service needs and that these needs  
7 will be determined by a uniform system for comprehensively assessing  
8 functional disability;
- 9 (3) Ensure that services are provided in the most independent  
10 living situation consistent with individual needs;
- 11 (4) Ensure that long-term care service options shall be developed  
12 and made available that enable (~~functionally disabled~~) persons with  
13 functional disabilities to continue to live in their homes or other  
14 community residential facilities while in the care of their families  
15 or other volunteer support persons;
- 16 (5) Ensure that long-term care services are coordinated in a way  
17 that minimizes administrative cost, eliminates unnecessarily complex  
18 organization, minimizes program and service duplication, and  
19 maximizes the use of financial resources in directly meeting the  
20 needs of persons with functional limitations;
- 21 (6) Develop a systematic plan for the coordination, planning,  
22 budgeting, and administration of long-term care services now  
23 fragmented between the division of developmental disabilities,  
24 division of mental health, aging and adult services administration,  
25 division of children and family services, division of vocational  
26 rehabilitation, (~~office on AIDS,~~) division of health, (~~and~~)  
27 bureau of alcohol and substance abuse, and the department of health;
- 28 (7) Encourage the development of a statewide long-term care case  
29 management system that effectively coordinates the plan of care and  
30 services provided to eligible clients;
- 31 (8) Ensure that individuals and organizations affected by or  
32 interested in long-term care programs have an opportunity to  
33 participate in identification of needs and priorities, policy  
34 development, planning, and development, implementation, and  
35 monitoring of state supported long-term care programs;
- 36 (9) Support educational institutions in Washington state to  
37 assist in the procurement of federal support for expanded research  
38 and training in long-term care; and
- 39 (10) Facilitate the development of a coordinated system of long-  
40 term care education that is clearly articulated between all levels of

1 higher education and reflective of both in-home care needs and  
2 institutional care needs of (~~functionally disabled~~) persons with  
3 functional disabilities.

4 NEW SECTION. **Sec. 23.** The following acts or parts of acts are  
5 each repealed:

6 (1) RCW 70.24.095 (Pregnant women—Drug treatment program  
7 participants—AIDS counseling) and 1988 c 206 s 705;

8 (2) RCW 70.24.100 (Syphilis laboratory tests) and 1991 c 3 s 323,  
9 1979 c 141 s 95, & 1939 c 165 s 2;

10 (3) RCW 70.24.107 (Rule-making authority—1997 c 345) and 1999 c  
11 372 s 14 & 1997 c 345 s 6;

12 (4) RCW 70.24.125 (Reporting requirements for sexually  
13 transmitted diseases—Rules) and 1988 c 206 s 905;

14 (5) RCW 70.24.140 (Certain infected persons—Sexual intercourse  
15 unlawful without notification) and 1988 c 206 s 917;

16 (6) RCW 70.24.200 (Information for the general public on sexually  
17 transmitted diseases—Emphasis) and 1988 c 206 s 201;

18 (7) RCW 70.24.210 (Information for children on sexually  
19 transmitted diseases—Emphasis) and 1988 c 206 s 202;

20 (8) RCW 70.24.240 (Clearinghouse for AIDS educational materials)  
21 and 1988 c 206 s 601;

22 (9) RCW 70.24.250 (Office on AIDS—Repository and clearinghouse  
23 for AIDS education and training material—University of Washington  
24 duties) and 1988 c 206 s 602;

25 (10) RCW 70.24.260 (Emergency medical personnel—Rules for AIDS  
26 education and training) and 1988 c 206 s 603;

27 (11) RCW 70.24.270 (Health professionals—Rules for AIDS education  
28 and training) and 1988 c 206 s 604;

29 (12) RCW 70.24.280 (Pharmacy quality assurance commission—Rules  
30 for AIDS education and training) and 2013 c 19 s 122 & 1988 c 206 s  
31 605;

32 (13) RCW 70.24.300 (State and local government employees—  
33 Determination of substantial likelihood of exposure—Rules for AIDS  
34 education and training) and 1993 c 281 s 60 & 1988 c 206 s 607;

35 (14) RCW 70.24.310 (Health care facility employees—Rules for AIDS  
36 education and training) and 1988 c 206 s 608;

37 (15) RCW 70.24.320 (Counseling and testing—AIDS and HIV—  
38 Definitions) and 1988 c 206 s 701;

1 (16) RCW 70.24.350 (Prostitution and drug offenses—Voluntary  
2 testing and counseling) and 1988 c 206 s 704;

3 (17) RCW 70.24.380 (Board of health—Rules for counseling and  
4 testing) and 1988 c 206 s 709;

5 (18) RCW 70.24.400 (Funding for office on AIDS—Center for AIDS  
6 education—Department's duties for awarding grants) and 2010 1st sp.s.  
7 c 3 s 1, 1998 c 245 s 126, 1991 c 3 s 327, & 1988 c 206 s 801; and

8 (19) RCW 70.24.410 (AIDS advisory committee—Duties, review of  
9 insurance problems—Termination) and 1991 c 3 s 328 & 1988 c 206 s  
10 803.

11 NEW SECTION. **Sec. 24.** If any provision of this act or its  
12 application to any person or circumstance is held invalid, the  
13 remainder of the act or the application of the provision to other  
14 persons or circumstances is not affected.

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