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**SUBSTITUTE HOUSE BILL 1369**

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**State of Washington**

**64th Legislature**

**2015 Regular Session**

**By** House Health Care & Wellness (originally sponsored by Representatives Riccelli, Schmick, Robinson, Parker, Holy, Haler, Tharinger, Cody, and Ormsby)

1 AN ACT Relating to enabling student volunteers to provide health  
2 care services; amending RCW 18.57.040, 18.71.030, and 18.79.240;  
3 adding a new section to chapter 18.64 RCW; adding a new section to  
4 chapter 18.57 RCW; adding a new section to chapter 18.71 RCW; and  
5 adding a new section to chapter 18.79 RCW.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.64  
8 RCW to read as follows:

9 (1) This chapter does not prohibit a student from practicing  
10 pharmacy if:

11 (a) The student is enrolled in a college or school of pharmacy  
12 accredited by the commission and is registered as a pharmacy intern  
13 under RCW 18.64.080;

14 (b) The student performs services without compensation or the  
15 expectation of compensation as part of a volunteer activity;

16 (c) The student is under the direct supervision and control of a  
17 pharmacist licensed under this chapter, a physician licensed under  
18 chapter 18.71 RCW, an osteopathic physician and surgeon licensed  
19 under chapter 18.57 RCW, or a registered nurse or advanced registered  
20 nurse practitioner licensed under chapter 18.79 RCW;

1 (d) The services the student performs are within the scope of  
2 practice of: (i) A pharmacist licensed under this chapter; and (ii)  
3 the person supervising the student;

4 (e) The student, supervisor, and organization for which the  
5 student is volunteering enter into a written agreement defining the  
6 time frame for the volunteer activity and the specific tasks the  
7 student is permitted to perform; and

8 (f) The college or school in which the student is enrolled  
9 verifies in writing that the student has demonstrated competency  
10 through his or her education and training to perform the tasks  
11 defined in the written agreement.

12 (2) The commission may adopt rules to implement the requirements  
13 of this section.

14 **Sec. 2.** RCW 18.57.040 and 1991 c 160 s 5 are each amended to  
15 read as follows:

16 Nothing in this chapter shall be construed to prohibit:

17 (1) Service in the case of emergency;

18 (2) The domestic administration of family remedies;

19 (3) The practice of midwifery as permitted under chapter 18.50  
20 RCW;

21 (4) The practice of osteopathic medicine and surgery by any  
22 commissioned medical officer in the United States government or  
23 military service or by any osteopathic physician and surgeon employed  
24 by a federal agency, in the discharge of his or her official duties;

25 (5) Practice by a dentist licensed under chapter 18.32 RCW when  
26 engaged exclusively in the practice of dentistry;

27 (6) Practice by any osteopathic physician and surgeon from any  
28 other state or territory in which he or she resides: PROVIDED, That  
29 such practitioner shall not open an office or appoint a place of  
30 meeting patients or receive calls within the limits of this state;

31 (7) Practice by a person who is a student enrolled in an  
32 accredited school of osteopathic medicine and surgery approved by the  
33 board(~~(- PROVIDED, That)~~) if:

34 (a) The performance of such services ((be)) is only pursuant to a  
35 course of instruction or assignments from his or her instructor or  
36 school, and such services are performed only under the supervision of  
37 a person licensed pursuant to this chapter or chapter 18.71 RCW; or

38 (b)(i) Such services are performed without compensation or  
39 expectation of compensation as part of a volunteer activity;

1        (ii) The student is under the direct supervision and control of a  
2 pharmacist licensed under chapter 18.64 RCW, a physician licensed  
3 under chapter 18.71 RCW, an osteopathic physician and surgeon  
4 licensed under chapter 18.57 RCW, or a registered nurse or advanced  
5 registered nurse practitioner licensed under chapter 18.79 RCW;

6        (iii) The services the student performs are within the scope of  
7 practice of: (A) An osteopathic physician and surgeon licensed under  
8 this chapter; and (B) the person supervising the student;

9        (iv) The student, supervisor, and organization for which the  
10 student is volunteering enter into a written agreement defining the  
11 time frame for the volunteer activity and the specific tasks the  
12 student is permitted to perform; and

13        (v) The school in which the student is enrolled verifies in  
14 writing that the student has demonstrated competency through his or  
15 her education and training to perform the tasks defined in the  
16 written agreement;

17        (8) Practice by an osteopathic physician and surgeon serving a  
18 period of clinical postgraduate medical training in a postgraduate  
19 program approved by the board: PROVIDED, That the performance of such  
20 services be only pursuant to a course of instruction in said program,  
21 and said services are performed only under the supervision and  
22 control of a person licensed pursuant to this chapter or chapter  
23 18.71 RCW; or

24        (9) Practice by a person who is enrolled in a physician assistant  
25 program approved by the board who is performing such services only  
26 pursuant to a course of instruction in said program: PROVIDED, That  
27 such services are performed only under the supervision and control of  
28 a person licensed pursuant to this chapter or chapter 18.71 RCW.

29        This chapter shall not be construed to apply in any manner to any  
30 other system or method of treating the sick or afflicted or to apply  
31 to or interfere in any way with the practice of religion or any kind  
32 of treatment by prayer.

33        NEW SECTION. Sec. 3. A new section is added to chapter 18.57  
34 RCW to read as follows:

35        The board may adopt rules to implement the requirements of RCW  
36 18.57.040(7).

37        **Sec. 4.** RCW 18.71.030 and 1996 c 178 s 4 are each amended to  
38 read as follows:

1 Nothing in this chapter shall be construed to apply to or  
2 interfere in any way with the practice of religion or any kind of  
3 treatment by prayer; nor shall anything in this chapter be construed  
4 to prohibit:

5 (1) The furnishing of medical assistance in cases of emergency  
6 requiring immediate attention;

7 (2) The domestic administration of family remedies;

8 (3) The administration of oral medication of any nature to  
9 students by public school district employees or private elementary or  
10 secondary school employees as provided for in chapter 28A.210 RCW;

11 (4) The practice of dentistry, osteopathic medicine and surgery,  
12 nursing, chiropractic, podiatric medicine and surgery, optometry,  
13 naturopathy, or any other healing art licensed under the methods or  
14 means permitted by such license;

15 (5) The practice of medicine in this state by any commissioned  
16 medical officer serving in the armed forces of the United States or  
17 public health service or any medical officer on duty with the United  
18 States veterans administration while such medical officer is engaged  
19 in the performance of the duties prescribed for him or her by the  
20 laws and regulations of the United States;

21 (6) The practice of medicine by any practitioner licensed by  
22 another state or territory in which he or she resides, provided that  
23 such practitioner shall not open an office or appoint a place of  
24 meeting patients or receiving calls within this state;

25 (7) The practice of medicine by a person who is a regular student  
26 in a school of medicine approved and accredited by the commission(~~(~~  
27 ~~however~~)) if:

28 (a) The performance of such services ((be)) is only pursuant to a  
29 regular course of instruction or assignments from his or her  
30 instructor((~~τ~~)); or ((that))

31 (b) Such services are performed only under the supervision and  
32 control of a person licensed pursuant to this chapter; or

33 (c)(i) Such services are performed without compensation or  
34 expectation of compensation as part of a volunteer activity;

35 (ii) The student is under the direct supervision and control of a  
36 pharmacist licensed under chapter 18.64 RCW, an osteopathic physician  
37 and surgeon licensed under chapter 18.57 RCW, or a registered nurse  
38 or advanced registered nurse practitioner licensed under chapter  
39 18.79 RCW;

1       (iii) The services the student performs are within the scope of  
2 practice of: (A) A physician licensed under this chapter; and (B) the  
3 person supervising the student;

4       (iv) The student, supervisor, and organization for which the  
5 student is volunteering enter into a written agreement defining the  
6 time frame for the volunteer activity and the specific tasks the  
7 student is permitted to perform; and

8       (v) The school in which the student is enrolled verifies in  
9 writing that the student has demonstrated competency through his or  
10 her education and training to perform the tasks defined in the  
11 written agreement;

12       (8) The practice of medicine by a person serving a period of  
13 postgraduate medical training in a program of clinical medical  
14 training sponsored by a college or university in this state or by a  
15 hospital accredited in this state, however, the performance of such  
16 services shall be only pursuant to his or her duties as a trainee;

17       (9) The practice of medicine by a person who is regularly  
18 enrolled in a physician assistant program approved by the commission,  
19 however, the performance of such services shall be only pursuant to a  
20 regular course of instruction in said program and such services are  
21 performed only under the supervision and control of a person licensed  
22 pursuant to this chapter;

23       (10) The practice of medicine by a licensed physician assistant  
24 which practice is performed under the supervision and control of a  
25 physician licensed pursuant to this chapter;

26       (11) The practice of medicine, in any part of this state which  
27 shares a common border with Canada and which is surrounded on three  
28 sides by water, by a physician licensed to practice medicine and  
29 surgery in Canada or any province or territory thereof;

30       (12) The administration of nondental anesthesia by a dentist who  
31 has completed a residency in anesthesiology at a school of medicine  
32 approved by the commission, however, a dentist allowed to administer  
33 nondental anesthesia shall do so only under authorization of the  
34 patient's attending surgeon, obstetrician, or psychiatrist, and the  
35 commission has jurisdiction to discipline a dentist practicing under  
36 this exemption and enjoin or suspend such dentist from the practice  
37 of nondental anesthesia according to this chapter and chapter 18.130  
38 RCW;

39       (13) Emergency lifesaving service rendered by a physician's  
40 trained emergency medical service intermediate life support

1 technician and paramedic, as defined in RCW 18.71.200, if the  
2 emergency lifesaving service is rendered under the responsible  
3 supervision and control of a licensed physician;

4 (14) The provision of clean, intermittent bladder catheterization  
5 for students by public school district employees or private school  
6 employees as provided for in RCW 18.79.290 and 28A.210.280.

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

9 The commission may adopt rules to implement the requirements of  
10 RCW 18.71.030(7).

11 **Sec. 6.** RCW 18.79.240 and 2005 c 28 s 1 are each amended to read  
12 as follows:

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

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

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

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

26 (d) Prohibiting the practice of registered nursing or advanced  
27 registered nursing by a student enrolled in an approved school if:

28 (i) The student performs services without compensation or  
29 expectation of compensation as part of a volunteer activity;

30 (ii) The student is under the direct supervision and control of a  
31 registered nurse or advanced registered nurse practitioner licensed  
32 under this chapter, a pharmacist licensed under chapter 18.64 RCW, an  
33 osteopathic physician and surgeon licensed under chapter 18.57 RCW,  
34 or a physician licensed under chapter 18.71 RCW;

35 (iii) The services the student performs are within the scope of  
36 practice of: (A) The nursing profession for which the student is  
37 receiving training; and (B) the person supervising the student;

1        (iv) The student, supervisor, and organization for which the  
2 student is volunteering enter into a written agreement defining the  
3 time frame for the volunteer activity and the specific tasks the  
4 student is permitted to perform; and

5        (v) The school in which the student is enrolled verifies in  
6 writing that the student has demonstrated competency through his or  
7 her education and training to perform the tasks defined in the  
8 written agreement;

9        (e) Prohibiting auxiliary services provided by persons carrying  
10 out duties necessary for the support of nursing services, including  
11 those duties that involve minor nursing services for persons  
12 performed in hospitals, nursing homes, or elsewhere under the  
13 direction of licensed physicians or the supervision of licensed  
14 registered nurses;

15        ~~((e))~~ (f) Prohibiting the practice of nursing in this state by  
16 a legally qualified nurse of another state or territory whose  
17 engagement requires him or her to accompany and care for a patient  
18 temporarily residing in this state during the period of one such  
19 engagement, not to exceed six months in length, if the person does  
20 not represent or hold himself or herself out as a registered nurse  
21 licensed to practice in this state;

22        ~~((f))~~ (g) Prohibiting nursing or care of the sick, with or  
23 without compensation, when done in connection with the practice of  
24 the religious tenets of a church by adherents of the church so long  
25 as they do not engage in the practice of nursing as defined in this  
26 chapter;

27        ~~((g))~~ (h) Prohibiting the practice of a legally qualified nurse  
28 of another state who is employed by the United States government or a  
29 bureau, division, or agency thereof, while in the discharge of his or  
30 her official duties;

31        ~~((h))~~ (i) Permitting the measurement of the powers or range of  
32 human vision, or the determination of the accommodation and  
33 refractive state of the human eye or the scope of its functions in  
34 general, or the fitting or adaptation of lenses for the aid thereof;

35        ~~((i))~~ (j) Permitting the prescribing or directing the use of,  
36 or using, an optical device in connection with ocular exercises,  
37 visual training, vision training, or orthoptics;

38        ~~((j))~~ (k) Permitting the prescribing of contact lenses for, or  
39 the fitting and adaptation of contact lenses to, the human eye;

1       ~~((k))~~ (l) Prohibiting the performance of routine visual  
2 screening;

3       ~~((l))~~ (m) Permitting the practice of dentistry or dental  
4 hygiene as defined in chapters 18.32 and 18.29 RCW, respectively;

5       ~~((m))~~ (n) Permitting the practice of chiropractic as defined in  
6 chapter 18.25 RCW including the adjustment or manipulation of the  
7 articulation of the spine;

8       ~~((n))~~ (o) Permitting the practice of podiatric medicine and  
9 surgery as defined in chapter 18.22 RCW;

10       ~~((o))~~ (p) Permitting the performance of major surgery, except  
11 such minor surgery as the commission may have specifically authorized  
12 by rule adopted in accordance with chapter 34.05 RCW;

13       ~~((p))~~ (q) Permitting the prescribing of controlled substances  
14 as defined in Schedule I of the Uniform Controlled Substances Act,  
15 chapter 69.50 RCW;

16       ~~((q))~~ (r) Prohibiting the determination and pronouncement of  
17 death;

18       ~~((r))~~ (s) Prohibiting advanced registered nurse practitioners,  
19 approved by the commission as certified registered nurse anesthetists  
20 from selecting, ordering, or administering controlled substances as  
21 defined in Schedules II through IV of the Uniform Controlled  
22 Substances Act, chapter 69.50 RCW, consistent with their commission-  
23 recognized scope of practice; subject to facility-specific protocols,  
24 and subject to a request for certified registered nurse anesthetist  
25 anesthesia services issued by a physician licensed under chapter  
26 18.71 RCW, an osteopathic physician and surgeon licensed under  
27 chapter 18.57 RCW, a dentist licensed under chapter 18.32 RCW, or a  
28 podiatric physician and surgeon licensed under chapter 18.22 RCW; the  
29 authority to select, order, or administer Schedule II through IV  
30 controlled substances being limited to those drugs that are to be  
31 directly administered to patients who require anesthesia for  
32 diagnostic, operative, obstetrical, or therapeutic procedures in a  
33 hospital, clinic, ambulatory surgical facility, or the office of a  
34 practitioner licensed under chapter 18.71, 18.22, 18.36, 18.36A,  
35 18.57, 18.57A, or 18.32 RCW; "select" meaning the decision-making  
36 process of choosing a drug, dosage, route, and time of  
37 administration; and "order" meaning the process of directing licensed  
38 individuals pursuant to their statutory authority to directly  
39 administer a drug or to dispense, deliver, or distribute a drug for  
40 the purpose of direct administration to a patient, under instructions



1 of the certified registered nurse anesthetist. "Protocol" means a  
2 statement regarding practice and documentation concerning such items  
3 as categories of patients, categories of medications, or categories  
4 of procedures rather than detailed case-specific formulas for the  
5 practice of nurse anesthesia;

6 ~~((s))~~ (t) Prohibiting advanced registered nurse practitioners  
7 from ordering or prescribing controlled substances as defined in  
8 Schedules II through IV of the Uniform Controlled Substances Act,  
9 chapter 69.50 RCW, if and to the extent that doing so is permitted by  
10 their scope of practice.

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

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

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

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

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

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

36 (f) Prohibiting nursing or care of the sick, with or without  
37 compensation, when done in connection with the practice of the  
38 religious tenets of a church by adherents of the church so long as  
39 they do not engage in licensed practical nurse practice as defined in  
40 this chapter;

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

5 NEW SECTION. **Sec. 7.** A new section is added to chapter 18.79  
6 RCW to read as follows:

7 The commission may adopt rules to implement the requirements of  
8 RCW 18.79.240(1)(d).

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