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HOUSE BILL 1390

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State of Washington                      61st Legislature                      2009 Regular Session

By Representatives Campbell, Kenney, and Moeller

Read first time 01/20/09. Referred to Committee on Health Care & Wellness.

1            AN ACT Relating to modifying the name of and titles within the  
2 acupuncture profession; amending RCW 18.06.010, 18.06.020, 18.06.045,  
3 18.06.050, 18.06.080, 18.06.120, 18.06.130, 18.06.140, 18.06.190,  
4 4.24.240, 4.24.290, 7.70.020, 18.120.020, 18.130.040, and 43.70.110;  
5 adding a new section to chapter 18.06 RCW; and creating new sections.

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

7            NEW SECTION.    **Sec. 1.**    INTENT.    The legislature intends this act to  
8 recognize that acupuncturists licensed by the state of Washington are  
9 practicing a system of medicine, and that changing the name of their  
10 title to "Oriental medicine practitioners" more appropriately captures  
11 the nature and scope of their work.    It is further the intent that  
12 references in federal law to "acupuncturists" apply to persons licensed  
13 under this act as "Oriental medicine practitioners."

14            **Sec. 2.**    RCW 18.06.010 and 1995 c 323 s 4 are each amended to read  
15 as follows:

16            The following terms in this chapter shall have the meanings set  
17 forth in this section unless the context clearly indicates otherwise:

1           (1) (~~("Acupuncture")~~) "Oriental medicine" means a health care  
2 service based on an Oriental system of medical theory utilizing  
3 Oriental diagnosis and treatment to promote health and treat organic or  
4 functional disorders (~~(by treating specific acupuncture points or~~  
5 ~~meridians. Acupuncture)~~). Oriental medicine is also commonly known as  
6 acupuncture, traditional Chinese medicine, traditional Oriental  
7 medicine, or east Asian medicine. Oriental medicine includes the  
8 following (~~(techniques)~~) modalities:

9           (a) Use of acupuncture needles to stimulate acupuncture points and  
10 meridians;

11           (b) Use of electrical, mechanical, or magnetic devices to stimulate  
12 acupuncture points and meridians;

13           (c) Moxibustion;

14           (d) Acupressure;

15           (e) Cupping;

16           (f) Dermal friction technique;

17           (g) Infra-red;

18           (h) Sonopuncture;

19           (i) Laserpuncture;

20           (j) Point injection therapy (aquapuncture); and

21           (k) Dietary advice based on Oriental medical theory provided in  
22 conjunction with (~~(techniques)~~) modalities under (~~((a) through (j) of)~~)  
23 this (~~(subsection)~~) section.

24           (2) (~~("Acupuncturist")~~) "Oriental medicine practitioner" means a  
25 person licensed under this chapter.

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

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

29           **Sec. 3.** RCW 18.06.020 and 1995 c 323 s 5 are each amended to read  
30 as follows:

31           (1) No one may hold themselves out to the public as an  
32 acupuncturist or (~~(licensed acupuncturist)~~) Oriental medicine  
33 practitioner or any derivative thereof which is intended to or is  
34 likely to lead the public to believe such a person is an acupuncturist  
35 or (~~(licensed acupuncturist)~~) Oriental medicine practitioner unless  
36 licensed as provided for in this chapter.

1 (2) A person may not practice Oriental medicine, including  
2 acupuncture, if the person is not licensed under this chapter.

3 (3) No one may use any configuration of letters after their name  
4 (including Ac. or OMP) which indicates a degree or formal training in  
5 Oriental medicine, including acupuncture, unless licensed as provided  
6 for in this chapter.

7 (4) The secretary may by rule proscribe or regulate advertising and  
8 other forms of patient solicitation which are likely to mislead or  
9 deceive the public as to whether someone is licensed under this  
10 chapter. Only a person licensed as an Oriental medicine practitioner  
11 under this chapter may also refer to himself or herself as an  
12 acupuncturist.

13 (5) Any person licensed as an acupuncturist under this chapter  
14 prior to the effective date of this act must, at the date of their next  
15 license renewal date, be given the title Oriental medicine  
16 practitioner.

17 **Sec. 4.** RCW 18.06.045 and 1995 c 323 s 6 are each amended to read  
18 as follows:

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

20 (1) The practice by an individual credentialed under the laws of  
21 this state and performing services within such individual's authorized  
22 scope of practice;

23 (2) The practice by an individual employed by the government of the  
24 United States while engaged in the performance of duties prescribed by  
25 the laws of the United States;

26 (3) The practice by a person who is a regular student in an  
27 educational program approved by the secretary, and whose performance of  
28 services is pursuant to a regular course of instruction or assignments  
29 from an instructor and under the general supervision of the instructor;

30 (4) The practice of (~~acupuncture~~) Oriental medicine by any person  
31 credentialed to perform (~~acupuncture~~) Oriental medicine services in  
32 any other jurisdiction where such person is doing so in the course of  
33 regular instruction of a school of Oriental medicine, including  
34 acupuncture, approved by the secretary or in an educational seminar by  
35 a professional organization of acupuncture, provided that in the latter  
36 case, the practice is supervised directly by a person licensed under

1 this chapter or licensed under any other healing art whose scope of  
2 practice includes (~~acupuncture~~) Oriental medicine;

3 (5) The practice of Oriental medicine by any person credentialed to  
4 perform Oriental medicine, including acupuncture, in good standing in  
5 any other jurisdiction with standards equivalent with Washington state,  
6 where that person is doing so under a declared state of emergency in  
7 the course of administering emergency relief during a declared  
8 disaster, if the practice is supervised directly by a person licensed  
9 under this chapter.

10 **Sec. 5.** RCW 18.06.050 and 2004 c 262 s 2 are each amended to read  
11 as follows:

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

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

17 (2) Proof that the candidate has:

18 (a) Successfully completed a course, approved by the secretary, of  
19 didactic training in basic sciences and Oriental medicine, including  
20 acupuncture, over a minimum period of two academic years. The training  
21 shall include such subjects as anatomy, physiology, microbiology,  
22 biochemistry, pathology, hygiene, and a survey of western clinical  
23 sciences. The basic science classes must be equivalent to those  
24 offered at the collegiate level. However, if the applicant is a  
25 licensed chiropractor under chapter 18.25 RCW or a naturopath licensed  
26 under chapter 18.36A RCW, the requirements of this subsection relating  
27 to basic sciences may be reduced by up to one year depending upon the  
28 extent of the candidate's qualifications as determined under rules  
29 adopted by the secretary;

30 (b) Successfully completed five hundred hours of clinical training  
31 in acupuncture that is approved by the secretary.

32 **Sec. 6.** RCW 18.06.080 and 1995 c 323 s 7 are each amended to read  
33 as follows:

34 (1) The secretary is hereby authorized and empowered to execute the  
35 provisions of this chapter and shall offer examinations in

1 ((~~acupuncture~~)) Oriental medicine at least twice a year at such times  
2 and places as the secretary may select. The examination shall be a  
3 written examination and may include a practical examination.

4 (2) The secretary shall develop or approve a licensure examination  
5 in the subjects that the secretary determines are within the scope of  
6 and commensurate with the work performed by ((~~licensed acupuncturists~~))  
7 Oriental medicine practitioners and shall include but not necessarily  
8 be limited to anatomy, physiology, microbiology, biochemistry,  
9 pathology, hygiene, and acupuncture. All application papers shall be  
10 deposited with the secretary and there retained for at least one year,  
11 when they may be destroyed.

12 (3) If the examination is successfully passed, the secretary shall  
13 confer on such candidate the title of ((~~Licensed Acupuncturist~~))  
14 Oriental Medicine Practitioner.

15 ((~~(4) The secretary may appoint members of the profession to serve  
16 in an ad hoc advisory capacity to the secretary in carrying out this  
17 chapter. The members will serve for designated times and provide  
18 advice on matters specifically identified and requested by the  
19 secretary. The members shall be compensated in accordance with RCW  
20 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and  
21 43.03.060.~~

22 ((~~(5) The secretary, ad hoc committee members, or individuals acting  
23 in their behalf are immune from suit in a civil action based on any  
24 certification or disciplinary proceedings or other official acts  
25 performed in the course of their duties.~~))

26 **Sec. 7.** RCW 18.06.120 and 1996 c 191 s 3 are each amended to read  
27 as follows:

28 (1) Every person licensed ((~~in acupuncture~~)) under this chapter  
29 shall comply with the administrative procedures and administrative  
30 requirements for registration and renewal set by the secretary under  
31 RCW 43.70.250 and 43.70.280.

32 (2) All fees collected under this section and RCW 18.06.070 shall  
33 be credited to the health professions account as required under RCW  
34 43.70.320.

35 **Sec. 8.** RCW 18.06.130 and 2003 c 53 s 121 are each amended to read  
36 as follows:

1 (1) The secretary shall develop a form to be used by ((an  
2 ~~acupuncturist~~)) a person licensed under this chapter to inform the  
3 patient of the ((~~acupuncturist's~~)) scope of practice and qualifications  
4 of an Oriental medicine practitioner. All license holders shall bring  
5 the form to the attention of the patients in whatever manner the  
6 secretary, by rule, provides.

7 (2) A person violating this section is guilty of a misdemeanor.

8 **Sec. 9.** RCW 18.06.140 and 2003 c 53 s 122 are each amended to read  
9 as follows:

10 (1) ~~((Every licensed acupuncturist shall develop a written plan for  
11 consultation, emergency transfer, and referral to other health care  
12 practitioners operating within the scope of their authorized practices.  
13 The written plan shall be submitted with the initial application for  
14 licensure as well as annually thereafter with the license renewal fee  
15 to the department. The department may withhold licensure or renewal of  
16 licensure if the plan fails to meet the standards contained in rules  
17 adopted by the secretary.~~

18 ~~(2))~~ When ~~((the acupuncturist))~~ a person licensed under this  
19 chapter sees patients with potentially serious disorders such as  
20 cardiac conditions, acute abdominal symptoms, and such other  
21 conditions, the ~~((acupuncturist))~~ person shall immediately request a  
22 consultation or recent written diagnosis from a physician licensed  
23 under chapter 18.71 or 18.57 RCW. ~~((In the event that the patient with  
24 the disorder refuses to authorize such consultation or provide a recent  
25 diagnosis from such physician, acupuncture treatment shall not be  
26 continued.~~

27 ~~(3))~~ (2) A person violating this section is guilty of a  
28 misdemeanor.

29 **Sec. 10.** RCW 18.06.190 and 1995 c 323 s 13 are each amended to  
30 read as follows:

31 The secretary may license a person without examination if such  
32 person is credentialed as an ~~((acupuncturist))~~ Oriental medicine  
33 practitioner in another jurisdiction if, in the secretary's judgment,  
34 the requirements of that jurisdiction are equivalent to or greater than  
35 those of Washington state.

1        NEW SECTION.    **Sec. 11.**    A new section is added to chapter 18.06 RCW  
2 to read as follows:

3        **ORIENTAL MEDICINE ADVISORY COMMITTEE.**    (1) The secretary shall  
4 appoint an Oriental medicine advisory committee of five members to  
5 further the purposes of this chapter.

6        (2) Four members of the committee must be licensed under this  
7 chapter and reside in this state, must have not less than five years'  
8 experience in Oriental medicine practice, must be actively engaged in  
9 practice within two years of appointment, and must not be licensed  
10 under chapter 18.71, 18.57, 18.36A, or 18.59 RCW. The fifth member  
11 must be appointed from the public at large and must be a consumer whose  
12 occupation does not include the administration of health activities or  
13 the providing of health services and who has no material financial  
14 interest in providing health care services.

15        (3) The committee may provide advice on matters specifically  
16 identified and requested by the secretary, such as applications for  
17 licenses.

18        (4) The committee may be requested by the secretary to recommend an  
19 examination required for licensure under this chapter.

20        (5) The committee, at the request of the secretary, may recommend  
21 rules in accordance with the administrative procedure act, chapter  
22 34.05 RCW, relating to standards for appropriateness of Oriental  
23 medicine care.

24        (6) The committee must meet at least once each year to provide  
25 advice to the secretary. The committee may elect a chair and a vice-  
26 chair. A majority of the members currently serving constitute a  
27 quorum.

28        (7) Each member of the committee must be reimbursed for travel  
29 expenses as authorized in RCW 43.03.050 and 43.03.060. In addition,  
30 members of the committee must be compensated in accordance with RCW  
31 43.03.220 when engaged in the authorized business of the committee.

32        (8) The secretary, members of the committee, or individuals acting  
33 on their behalf are immune from suit in any action, civil or criminal,  
34 based on any credentialing or disciplinary proceedings or other  
35 official acts performed in the course of their duties.

36        **Sec. 12.**    RCW 4.24.240 and 1995 c 323 s 1 are each amended to read  
37 as follows:

1 (1)(a) A person licensed by this state to provide health care or  
2 related services((7)) including, but not limited to, ((a—licensed  
3 acupuncturist)) an Oriental medicine practitioner, a physician,  
4 osteopathic physician, dentist, nurse, optometrist, podiatric physician  
5 and surgeon, chiropractor, physical therapist, psychologist,  
6 pharmacist, optician, ((physician's)) physician assistant, osteopathic  
7 physician's assistant, nurse practitioner, including, in the event such  
8 person is deceased, his or her estate or personal representative;

9 (b) An employee or agent of a person described in subparagraph (a)  
10 of this subsection, acting in the course and scope of his or her  
11 employment, including, in the event such employee or agent is deceased,  
12 his or her estate or personal representative; or

13 (c) An entity, whether or not incorporated, facility, or  
14 institution employing one or more persons described in subparagraph (a)  
15 of this subsection, including, but not limited to, a hospital, clinic,  
16 health maintenance organization, or nursing home; or an officer,  
17 director, trustee, employee, or agent thereof acting in the course and  
18 scope of his or her employment, including in the event such officer,  
19 director, employee, or agent is deceased, his or her estate or personal  
20 representative;

21 shall be immune from civil action for damages arising out of the good  
22 faith performance of their duties on such committees, where such  
23 actions are being brought by or on behalf of the person who is being  
24 evaluated.

25 (2) No member, employee, staff person, or investigator of a  
26 professional review committee shall be liable in a civil action as a  
27 result of acts or omissions made in good faith on behalf of the  
28 committee; nor shall any person be so liable for filing charges with or  
29 supplying information or testimony in good faith to any professional  
30 review committee; nor shall a member, employee, staff person, or  
31 investigator of a professional society, of a professional examining or  
32 licensing board, of a professional disciplinary board, of a governing  
33 board of any institution, or of any employer of professionals be so  
34 liable for good faith acts or omissions made in full or partial  
35 reliance on recommendations or decisions of a professional review  
36 committee or examining board.





1 including, but not limited to, a hospital, clinic, health maintenance  
2 organization, or nursing home; or an officer, director, employee, or  
3 agent thereof acting in the course and scope of his or her employment,  
4 including in the event such officer, director, employee, or agent is  
5 deceased, his or her estate or personal representative.

6 **Sec. 15.** RCW 18.120.020 and 2001 c 251 s 26 are each amended to  
7 read as follows:

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

10 (1) "Applicant group" includes any health professional group or  
11 organization, any individual, or any other interested party which  
12 proposes that any health professional group not presently regulated be  
13 regulated or which proposes to substantially increase the scope of  
14 practice of the profession.

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

20 (3) "Grandfather clause" means a provision in a regulatory statute  
21 applicable to practitioners actively engaged in the regulated health  
22 profession prior to the effective date of the regulatory statute which  
23 exempts the practitioners from meeting the prerequisite qualifications  
24 set forth in the regulatory statute to perform prescribed occupational  
25 tasks.

26 (4) "Health professions" means and includes the following health  
27 and health-related licensed or regulated professions and occupations:  
28 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic  
29 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;  
30 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;  
31 dispensing opticians under chapter 18.34 RCW; hearing instruments under  
32 chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and  
33 funeral directing under chapter 18.39 RCW; midwifery under chapter  
34 18.50 RCW; nursing home administration under chapter 18.52 RCW;  
35 optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter  
36 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and  
37 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine

1 under chapters 18.71 and 18.71A RCW; emergency medicine under chapter  
2 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses  
3 under chapter 18.79 RCW; psychologists under chapter 18.83 RCW;  
4 registered nurses under chapter 18.79 RCW; occupational therapists  
5 licensed under chapter 18.59 RCW; respiratory care practitioners  
6 licensed under chapter 18.89 RCW; veterinarians and veterinary  
7 technicians under chapter 18.92 RCW; health care assistants under  
8 chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW;  
9 (~~acupuncturists~~) Oriental medicine practitioners licensed under  
10 chapter 18.06 RCW; persons registered under chapter 18.19 RCW; persons  
11 licensed as mental health counselors, marriage and family therapists,  
12 and social workers under chapter 18.225 RCW; dietitians and  
13 nutritionists certified by chapter 18.138 RCW; radiologic technicians  
14 under chapter 18.84 RCW; and nursing assistants registered or certified  
15 under chapter 18.88A RCW.

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

20 (6) "Legislative committees of reference" means the standing  
21 legislative committees designated by the respective rules committees of  
22 the senate and house of representatives to consider proposed  
23 legislation to regulate health professions not previously regulated.

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

29 (8) "Professional license" means an individual, nontransferable  
30 authorization to carry on a health activity based on qualifications  
31 which include: (a) Graduation from an accredited or approved program,  
32 and (b) acceptable performance on a qualifying examination or series of  
33 examinations.

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

37 (10) "Public member" means an individual who is not, and never was,  
38 a member of the health profession being regulated or the spouse of a

1 member, or an individual who does not have and never has had a material  
2 financial interest in either the rendering of the health professional  
3 service being regulated or an activity directly related to the  
4 profession being regulated.

5 (11) "Registration" means the formal notification which, prior to  
6 rendering services, a practitioner shall submit to a state agency  
7 setting forth the name and address of the practitioner; the location,  
8 nature and operation of the health activity to be practiced; and, if  
9 required by the regulatory entity, a description of the service to be  
10 provided.

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

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

19 **Sec. 16.** RCW 18.130.040 and 2009 c 2 s 16 (Initiative Measure No.  
20 1029) are each amended to read as follows:

21 (1) This chapter applies only to the secretary and the boards and  
22 commissions having jurisdiction in relation to the professions licensed  
23 under the chapters specified in this section. This chapter does not  
24 apply to any business or profession not licensed under the chapters  
25 specified in this section.

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

28 (i) Dispensing opticians licensed and designated apprentices under  
29 chapter 18.34 RCW;

30 (ii) Naturopaths licensed under chapter 18.36A RCW;

31 (iii) Midwives licensed under chapter 18.50 RCW;

32 (iv) Ocularists licensed under chapter 18.55 RCW;

33 (v) Massage operators and businesses licensed under chapter 18.108  
34 RCW;

35 (vi) Dental hygienists licensed under chapter 18.29 RCW;

36 (vii) (~~Acupuncturists~~) Oriental medicine practitioners licensed  
37 under chapter 18.06 RCW;

1 (viii) Radiologic technologists certified and X-ray technicians  
2 registered under chapter 18.84 RCW;

3 (ix) Respiratory care practitioners licensed under chapter 18.89  
4 RCW;

5 (x) Persons registered under chapter 18.19 RCW;

6 (xi) Persons licensed as mental health counselors, marriage and  
7 family therapists, and social workers under chapter 18.225 RCW;

8 (xii) Persons registered as nursing pool operators under chapter  
9 18.52C RCW;

10 (xiii) Nursing assistants registered or certified under chapter  
11 18.88A RCW;

12 (xiv) Health care assistants certified under chapter 18.135 RCW;

13 (xv) Dietitians and nutritionists certified under chapter 18.138  
14 RCW;

15 (xvi) Chemical dependency professionals certified under chapter  
16 18.205 RCW;

17 (xvii) Sex offender treatment providers and certified affiliate sex  
18 offender treatment providers certified under chapter 18.155 RCW;

19 (xviii) Persons licensed and certified under chapter 18.73 RCW or  
20 RCW 18.71.205;

21 (xix) Denturists licensed under chapter 18.30 RCW;

22 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

23 (xxi) Surgical technologists registered under chapter 18.215 RCW;

24 (xxii) Recreational therapists;

25 (xxiii) Animal massage practitioners certified under chapter 18.240  
26 RCW;

27 (xxiv) Athletic trainers licensed under chapter 18.250 RCW; and

28 (xxv) Home care aides certified under chapter 18.88B RCW.

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

31 (i) The podiatric medical board as established in chapter 18.22  
32 RCW;

33 (ii) The chiropractic quality assurance commission as established  
34 in chapter 18.25 RCW;

35 (iii) The dental quality assurance commission as established in  
36 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and  
37 licenses and registrations issued under chapter 18.260 RCW;

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

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

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

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

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

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

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

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

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

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

24 (xiv) The veterinary board of governors as established in chapter  
25 18.92 RCW.

26 (3) In addition to the authority to discipline license holders, the  
27 disciplining authority has the authority to grant or deny licenses.  
28 The disciplining authority may also grant a license subject to  
29 conditions.

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

34 **Sec. 17.** RCW 43.70.110 and 2007 c 259 s 11 are each amended to  
35 read as follows:

36 (1) The secretary shall charge fees to the licensee for obtaining  
37 a license. After June 30, 1995, municipal corporations providing

1 emergency medical care and transportation services pursuant to chapter  
2 18.73 RCW shall be exempt from such fees, provided that such other  
3 emergency services shall only be charged for their pro rata share of  
4 the cost of licensure and inspection, if appropriate. The secretary  
5 may waive the fees when, in the discretion of the secretary, the fees  
6 would not be in the best interest of public health and safety, or when  
7 the fees would be to the financial disadvantage of the state.

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

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

14 (a) For registered nurses and licensed practical nurses licensed  
15 under chapter 18.79 RCW, support of a central nursing resource center  
16 as provided in RCW 18.79.202, until June 30, 2013;

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

20 (c) For physicians licensed under chapter 18.71 RCW, physician  
21 assistants licensed under chapter 18.71A RCW, osteopathic physicians  
22 licensed under chapter 18.57 RCW, osteopathic physicians' assistants  
23 licensed under chapter 18.57A RCW, naturopaths licensed under chapter  
24 18.36A RCW, podiatrists licensed under chapter 18.22 RCW, chiropractors  
25 licensed under chapter 18.25 RCW, psychologists licensed under chapter  
26 18.83 RCW, registered nurses licensed under chapter 18.79 RCW,  
27 optometrists licensed under chapter 18.53 RCW, mental health counselors  
28 licensed under chapter 18.225 RCW, massage therapists licensed under  
29 chapter 18.108 RCW, clinical social workers licensed under chapter  
30 18.225 RCW, and ~~((acupuncturists))~~ Oriental medicine practitioners  
31 licensed under chapter 18.06 RCW, the license fees shall include up to  
32 an additional twenty-five dollars to be transferred by the department  
33 to the University of Washington for the purposes of RCW 43.70.112.

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

1        NEW SECTION.   **Sec. 18.**   Captions used in this act are not any part  
2   of the law.

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