

---

**SUBSTITUTE SENATE BILL 5423**

---

**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senate Health & Long Term Care (originally sponsored by Senators Rivers, Cleveland, and Holy)

1 AN ACT Relating to telemedicine consultations; and amending RCW  
2 18.71.030 and 18.57.040.

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

4 **Sec. 1.** RCW 18.71.030 and 2019 c 270 s 3 are each amended to  
5 read as follows:

6 Nothing in this chapter shall be construed to apply to or  
7 interfere in any way with the practice of religion or any kind of  
8 treatment by prayer; nor shall anything in this chapter be construed  
9 to prohibit:

10 (1) The furnishing of medical assistance in cases of emergency  
11 requiring immediate attention;

12 (2) The domestic administration of family remedies;

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

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

20 (5) The practice of medicine in this state by any commissioned  
21 medical officer serving in the armed forces of the United States or

1 public health service or any medical officer on duty with the United  
2 States veterans administration while such medical officer is engaged  
3 in the performance of the duties prescribed for him or her by the  
4 laws and regulations of the United States;

5 (6) The consultation through telemedicine by a practitioner,  
6 licensed by another state or territory in which he or she resides,  
7 with a practitioner licensed in this state who has responsibility for  
8 the diagnosis and treatment of the patient within this state;

9 (7) The practice of medicine by any practitioner licensed by  
10 another state or territory in which he or she resides, provided that  
11 such practitioner shall not open an office or appoint a place of  
12 meeting patients or receiving calls within this state;

13 ~~((7))~~ (8) The practice of medicine by a person who is a regular  
14 student in a school of medicine approved and accredited by the  
15 commission if:

16 (a) The performance of such services is only pursuant to a  
17 regular course of instruction or assignments from his or her  
18 instructor ~~((or))~~; or

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

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

23 (ii) The student is under the direct supervision and control of a  
24 pharmacist licensed under chapter 18.64 RCW, an osteopathic physician  
25 and surgeon licensed under chapter 18.57 RCW, or a registered nurse  
26 or advanced registered nurse practitioner licensed under chapter  
27 18.79 RCW;

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

31 (iv) The school in which the student is enrolled verifies the  
32 student has demonstrated competency through his or her education and  
33 training to perform the services; and

34 (v) The student provides proof of current malpractice insurance  
35 to the volunteer activity organizer prior to performing any services;

36 ~~((8))~~ (9) The practice of medicine by a person serving a period  
37 of postgraduate medical training in a program of clinical medical  
38 training sponsored by a college or university in this state or by a  
39 hospital accredited in this state, however, the performance of such  
40 services shall be only pursuant to his or her duties as a trainee;

1       ~~((9))~~ (10) The practice of medicine by a person who is  
2 regularly enrolled in a physician assistant program approved by the  
3 commission, however, the performance of such services shall be only  
4 pursuant to a regular course of instruction in said program and such  
5 services are performed only under the supervision and control of a  
6 person licensed pursuant to this chapter;

7       ~~((10))~~ (11) The practice of medicine by a licensed physician  
8 assistant which practice is performed under the supervision and  
9 control of a physician licensed pursuant to this chapter;

10       ~~((11))~~ (12) The practice of medicine, in any part of this state  
11 which shares a common border with Canada and which is surrounded on  
12 three sides by water, by a physician licensed to practice medicine  
13 and surgery in Canada or any province or territory thereof;

14       ~~((12))~~ (13) The administration of nondental anesthesia by a  
15 dentist who has completed a residency in anesthesiology at a school  
16 of medicine approved by the commission, however, a dentist allowed to  
17 administer nondental anesthesia shall do so only under authorization  
18 of the patient's attending surgeon, obstetrician, or psychiatrist,  
19 and the commission has jurisdiction to discipline a dentist  
20 practicing under this exemption and enjoin or suspend such dentist  
21 from the practice of nondental anesthesia according to this chapter  
22 and chapter 18.130 RCW;

23       ~~((13))~~ (14) Emergency lifesaving service rendered by a  
24 physician's trained advanced emergency medical technician and  
25 paramedic, as defined in RCW 18.71.200, if the emergency lifesaving  
26 service is rendered under the responsible supervision and control of  
27 a licensed physician;

28       ~~((14))~~ (15) The provision of clean, intermittent bladder  
29 catheterization for students by public school district employees or  
30 private school employees as provided for in RCW 18.79.290 and  
31 28A.210.280.

32       **Sec. 2.** RCW 18.57.040 and 2019 c 270 s 2 are each amended to  
33 read as follows:

34       Nothing in this chapter shall be construed to prohibit:

35       (1) Service in the case of emergency;

36       (2) The domestic administration of family remedies;

37       (3) The practice of midwifery as permitted under chapter 18.50

38 RCW;

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

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

7 (6) The consultation through telemedicine by a practitioner,  
8 licensed by another state or territory in which he or she resides,  
9 with a practitioner licensed in this state who has responsibility for  
10 the diagnosis and treatment of the patient within this state;

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

15 ((+7)) (8) Practice by a person who is a student enrolled in an  
16 accredited school of osteopathic medicine and surgery approved by the  
17 board if:

18 (a) The performance of such services is only pursuant to a course  
19 of instruction or assignments from his or her instructor or school,  
20 and such services are performed only under the supervision of a  
21 person licensed pursuant to this chapter or chapter 18.71 RCW; or

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

24 (ii) The student is under the direct supervision and control of a  
25 pharmacist licensed under chapter 18.64 RCW, a physician licensed  
26 under chapter 18.71 RCW, an osteopathic physician and surgeon  
27 licensed under this chapter ((18.57 RCW)), or a registered nurse or  
28 advanced registered nurse practitioner licensed under chapter 18.79  
29 RCW;

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

33 (iv) The school in which the student is enrolled verifies the  
34 student has demonstrated competency through his or her education and  
35 training to perform the services; and

36 (v) The student provides proof of current malpractice insurance  
37 to the volunteer activity organizer prior to performing any services;

38 ((+8)) (9) Practice by an osteopathic physician and surgeon  
39 serving a period of clinical postgraduate medical training in a  
40 postgraduate program approved by the board: PROVIDED, That the

1 performance of such services be only pursuant to a course of  
2 instruction in said program, and said services are performed only  
3 under the supervision and control of a person licensed pursuant to  
4 this chapter or chapter 18.71 RCW; or

5       (~~(9)~~) (10) Practice by a person who is enrolled in a physician  
6 assistant program approved by the board who is performing such  
7 services only pursuant to a course of instruction in said program:  
8 PROVIDED, That such services are performed only under the supervision  
9 and control of a person licensed pursuant to this chapter or chapter  
10 18.71 RCW.

11       This chapter shall not be construed to apply in any manner to any  
12 other system or method of treating the sick or afflicted or to apply  
13 to or interfere in any way with the practice of religion or any kind  
14 of treatment by prayer.

--- END ---