
SUBSTITUTE SENATE BILL 6280

State of Washington

61st Legislature

2010 Regular Session

By Senate Health & Long-Term Care (originally sponsored by Senators Murray, Shin, Kohl-Welles, Marr, Jacobsen, and Kline)

READ FIRST TIME 01/28/10.

1 AN ACT Relating to East Asian medicine practitioners; amending RCW
2 18.06.010, 18.06.020, 18.06.045, 18.06.050, 18.06.080, 18.06.120,
3 18.06.130, 18.06.140, 18.06.190, 4.24.240, 4.24.290, 7.70.020,
4 18.120.020, and 43.70.110; reenacting and amending RCW 18.130.040,
5 18.130.040, and 18.130.040; adding a new section to chapter 18.06 RCW;
6 providing effective dates; and providing expiration dates.

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

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

10 The legislature intends to recognize that acupuncturists licensed
11 by the state of Washington engage in a system of medicine to maintain
12 and promote wellness and to prevent, diagnose, and treat disease
13 drawing upon the experience, learning, and traditions originating in
14 East Asia, which include more than acupuncture alone. To reflect this
15 reality, the legislature intends to change the state's professional
16 designation of acupuncturists to East Asian medicine practitioners and
17 to incorporate current statutory provisions governing acupuncture,
18 while recognizing treatments, methods, and techniques used in East
19 Asian medicine. The legislature does not intend to require persons

1 licensed under this act to change the business name of their practice
2 if otherwise in compliance with this act. It is further the intent
3 that any federal law, regulation, or health insurance program
4 applicable to licensed acupuncturists apply to persons licensed under
5 this act as East Asian medicine practitioners.

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

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

10 (1) "~~((Acupuncture))~~ East Asian medicine" means a health care
11 service ~~((based on an Oriental system of medical theory))~~ utilizing
12 ~~((Oriental))~~ East Asian medicine diagnosis and treatment to promote
13 health and treat organic or functional disorders ~~((by treating specific
14 acupuncture points or meridians.—Acupuncture))~~ and includes the
15 following ~~((techniques))~~:

16 (a) Acupuncture, including the use of acupuncture needles or
17 lancets to directly and indirectly stimulate acupuncture points and
18 meridians;

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

21 (c) Moxibustion;

22 (d) Acupressure;

23 (e) Cupping;

24 (f) Dermal friction technique;

25 (g) Infra-red;

26 (h) Sonopuncture;

27 (i) Laserpuncture;

28 (j) Point injection therapy (aquapuncture); ~~((and))~~

29 (k) Dietary advice and health education based on ~~((Oriental))~~ East
30 Asian medical theory ~~((provided in conjunction with techniques under
31 (a) through (j) of this subsection)), including the recommendation and
32 sale of herbs, vitamins, minerals, and dietary and nutritional
33 supplements;~~

34 (l) Breathing, relaxation, and East Asian exercise techniques;

35 (m) Qi gong;

36 (n) East Asian massage and Tui na, which is a method of East Asian

1 bodywork, characterized by the kneading, pressing, rolling, shaking,
2 and stretching of the body and does not include spinal manipulation;
3 and

4 (o) Superficial heat and cold therapies.

5 (2) "~~(Acupuncturist))~~ East Asian medicine practitioner" means a
6 person licensed under this chapter.

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

8 (4) "Secretary" means the secretary of health or the secretary's
9 designee.

10 Nothing in this chapter requires individuals to be licensed as an
11 East Asian medicine practitioner in order to sell herbal products.

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

14 (1) No one may hold themselves out to the public as an East Asian
15 medicine practitioner, acupuncturist, or licensed acupuncturist or any
16 derivative thereof which is intended to or is likely to lead the public
17 to believe such a person is an East Asian medicine practitioner,
18 acupuncturist, or licensed acupuncturist unless licensed as provided
19 for in this chapter.

20 (2) A person may not practice East Asian medicine or acupuncture if
21 the person is not licensed under this chapter.

22 (3) No one may use any configuration of letters after their name
23 (including L. Ac. or EAMP) which indicates a degree or formal training
24 in East Asian medicine, including acupuncture, unless licensed as
25 provided for in this chapter.

26 (4) The secretary may by rule proscribe or regulate advertising and
27 other forms of patient solicitation which are likely to mislead or
28 deceive the public as to whether someone is licensed under this
29 chapter.

30 (5) Any person licensed as an acupuncturist under this chapter
31 prior to the effective date of this section must, upon successful
32 license renewal, be granted the title East Asian medicine practitioner
33 or the letters EAMP indicating such license title. However, nothing in
34 this section shall prohibit or limit in any way a practitioner licensed
35 under this title from holding himself or herself out as an
36 acupuncturist or licensed acupuncturist, or from using the letters
37 L.Ac. after his or her name.

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

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

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

7 (2) The practice by an individual employed by the government of the
8 United States while engaged in the performance of duties prescribed by
9 the laws of the United States;

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

14 (4) The practice of East Asian medicine, including acupuncture, by
15 any person credentialed to perform East Asian medicine, including
16 acupuncture, in any other jurisdiction where such person is doing so in
17 the course of regular instruction of a school of East Asian medicine,
18 including acupuncture, approved by the secretary or in an educational
19 seminar by a professional organization of East Asian medicine,
20 including acupuncture, provided that in the latter case, the practice
21 is supervised directly by a person licensed under this chapter or
22 licensed under any other healing art whose scope of practice
23 (~~includes~~) is East Asian medicine, including acupuncture.

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

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

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

31 (2) Proof that the candidate has:

32 (a) Successfully completed a course, approved by the secretary, of
33 didactic training in basic sciences and East Asian medicine, including
34 acupuncture, over a minimum period of two academic years. The training
35 shall include such subjects as anatomy, physiology, microbiology,
36 biochemistry, pathology, hygiene, and a survey of western clinical
37 sciences. The basic science classes must be equivalent to those

1 offered at the collegiate level. However, if the applicant is a
2 licensed chiropractor under chapter 18.25 RCW or a naturopath licensed
3 under chapter 18.36A RCW, the requirements of this subsection relating
4 to basic sciences may be reduced by up to one year depending upon the
5 extent of the candidate's qualifications as determined under rules
6 adopted by the secretary;

7 (b) Successfully completed five hundred hours of clinical training
8 in East Asian medicine, including acupuncture, that is approved by the
9 secretary.

10 **Sec. 6.** RCW 18.06.080 and 2009 c 560 s 2 are each amended to read
11 as follows:

12 (1) The secretary is hereby authorized and empowered to execute the
13 provisions of this chapter and shall offer examinations in East Asian
14 medicine, including acupuncture, at least twice a year at such times
15 and places as the secretary may select. The examination shall be a
16 written examination and may include a practical examination.

17 (2) The secretary shall develop or approve a licensure examination
18 in the subjects that the secretary determines are within the scope of
19 and commensurate with the work performed by (~~licensed acupuncturists~~)
20 an East Asian medicine practitioner and shall include but not
21 necessarily be limited to anatomy, physiology, microbiology,
22 biochemistry, pathology, hygiene, and East Asian medicine, including
23 acupuncture. All application papers shall be deposited with the
24 secretary and there retained for at least one year, when they may be
25 destroyed.

26 (3) If the examination is successfully passed, the secretary shall
27 confer on such candidate the title of (~~Licensed Acupuncturist~~) East
28 Asian medicine practitioner.

29 (~~(4) The secretary, ad hoc committee members, or individuals~~
30 ~~acting in their behalf are immune from suit in a civil action based on~~
31 ~~any certification or disciplinary proceedings or other official acts~~
32 ~~performed in the course of their duties.))~~

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

35 (1) Every person licensed (~~in acupuncture~~) under this chapter

1 shall comply with the administrative procedures and administrative
2 requirements for registration and renewal set by the secretary under
3 RCW 43.70.250 and 43.70.280.

4 (2) All fees collected under this section and RCW 18.06.070 shall
5 be credited to the health professions account as required under RCW
6 43.70.320.

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

9 (1) The secretary shall develop a form to be used by ((an
10 ~~acupuncturist~~)) a person licensed under this chapter to inform the
11 patient of the ((~~acupuncturist's~~)) scope of practice and qualifications
12 of an East Asian medicine practitioner. All license holders shall
13 bring the form to the attention of the patients in whatever manner the
14 secretary, by rule, provides.

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

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

18 (1) Every ((~~licensed acupuncturist~~)) person licensed under this
19 chapter shall develop a written plan for consultation, emergency
20 transfer, and referral to other health care practitioners operating
21 within the scope of their authorized practices. The written plan shall
22 be submitted with the initial application for licensure as well as
23 annually thereafter with the license renewal fee to the department.
24 The department may withhold licensure or renewal of licensure if the
25 plan fails to meet the standards contained in rules adopted by the
26 secretary.

27 (2) When ((~~the acupuncturist~~)) a person licensed under this chapter
28 sees patients with potentially serious disorders such as cardiac
29 conditions, acute abdominal symptoms, and such other conditions, the
30 ((~~acupuncturist~~)) practitioner shall immediately request a consultation
31 or recent written diagnosis from a ((~~physician~~)) primary health care
32 provider licensed under chapter 18.71 ((~~or~~)), 18.57, 18.57A, 18.36A, or
33 18.71A RCW or RCW 18.79.050. In the event that the patient with the
34 disorder refuses to authorize such consultation or provide a recent
35 diagnosis from such ((~~physician~~)) primary health care provider, East
36 Asian medicine, including acupuncture, treatment shall not be continued

1 unless the patient signs a written waiver acknowledging the risks
2 associated with failure to pursue treatment from a primary health care
3 provider. The requirements of the waiver shall be established by the
4 secretary in rule.

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

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

8 The secretary may license a person without examination if such
9 person is credentialed as an East Asian medicine practitioner or
10 licensed acupuncturist, or equivalent, in another jurisdiction if, in
11 the secretary's judgment, the requirements of that jurisdiction are
12 equivalent to or greater than those of Washington state.

13 **Sec. 11.** RCW 4.24.240 and 1995 c 323 s 1 are each amended to read
14 as follows:

15 (1)(a) A person licensed by this state to provide health care or
16 related services(~~(7)~~) including, but not limited to, (~~a licensed~~
17 ~~acupuncturist~~) an East Asian medicine practitioner, a physician,
18 osteopathic physician, dentist, nurse, optometrist, podiatric physician
19 and surgeon, chiropractor, physical therapist, psychologist,
20 pharmacist, optician, physician(~~(1-s)~~) assistant, osteopathic
21 physician's assistant, nurse practitioner, including, in the event such
22 person is deceased, his or her estate or personal representative;

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

27 (c) An entity, whether or not incorporated, facility, or
28 institution employing one or more persons described in subparagraph (a)
29 of this subsection, including, but not limited to, a hospital, clinic,
30 health maintenance organization, or nursing home; or an officer,
31 director, trustee, employee, or agent thereof acting in the course and
32 scope of his or her employment, including in the event such officer,
33 director, employee, or agent is deceased, his or her estate or personal
34 representative;

35 shall be immune from civil action for damages arising out of the good

1 faith performance of their duties on such committees, where such
2 actions are being brought by or on behalf of the person who is being
3 evaluated.

4 (2) No member, employee, staff person, or investigator of a
5 professional review committee shall be liable in a civil action as a
6 result of acts or omissions made in good faith on behalf of the
7 committee; nor shall any person be so liable for filing charges with or
8 supplying information or testimony in good faith to any professional
9 review committee; nor shall a member, employee, staff person, or
10 investigator of a professional society, of a professional examining or
11 licensing board, of a professional disciplinary board, of a governing
12 board of any institution, or of any employer of professionals be so
13 liable for good faith acts or omissions made in full or partial
14 reliance on recommendations or decisions of a professional review
15 committee or examining board.

16 **Sec. 12.** RCW 4.24.290 and 1995 c 323 s 2 are each amended to read
17 as follows:

18 In any civil action for damages based on professional negligence
19 against a hospital which is licensed by the state of Washington or
20 against the personnel of any such hospital, or against a member of the
21 healing arts including, but not limited to, an (~~acupuncturist~~) East
22 Asian medicine practitioner licensed under chapter 18.06 RCW, a
23 physician licensed under chapter 18.71 RCW, an osteopathic physician
24 licensed under chapter 18.57 RCW, a chiropractor licensed under chapter
25 18.25 RCW, a dentist licensed under chapter 18.32 RCW, a podiatric
26 physician and surgeon licensed under chapter 18.22 RCW, or a nurse
27 licensed under chapter 18.79 RCW, the plaintiff in order to prevail
28 shall be required to prove by a preponderance of the evidence that the
29 defendant or defendants failed to exercise that degree of skill, care,
30 and learning possessed at that time by other persons in the same
31 profession, and that as a proximate result of such failure the
32 plaintiff suffered damages, but in no event shall the provisions of
33 this section apply to an action based on the failure to obtain the
34 informed consent of a patient.

35 **Sec. 13.** RCW 7.70.020 and 1995 c 323 s 3 are each amended to read
36 as follows:

1 As used in this chapter "health care provider" means either:

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

11 (2) An employee or agent of a person described in part (1) above,
12 acting in the course and scope of his employment, including, in the
13 event such employee or agent is deceased, his or her estate or personal
14 representative; or

15 (3) An entity, whether or not incorporated, facility, or
16 institution employing one or more persons described in part (1) above,
17 including, but not limited to, a hospital, clinic, health maintenance
18 organization, or nursing home; or an officer, director, employee, or
19 agent thereof acting in the course and scope of his or her employment,
20 including in the event such officer, director, employee, or agent is
21 deceased, his or her estate or personal representative.

22 **Sec. 14.** RCW 18.120.020 and 2001 c 251 s 26 are each amended to
23 read as follows:

24 The definitions in this section apply throughout this chapter
25 unless the context clearly requires otherwise.

26 (1) "Applicant group" includes any health professional group or
27 organization, any individual, or any other interested party which
28 proposes that any health professional group not presently regulated be
29 regulated or which proposes to substantially increase the scope of
30 practice of the profession.

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

36 (3) "Grandfather clause" means a provision in a regulatory statute
37 applicable to practitioners actively engaged in the regulated health

1 profession prior to the effective date of the regulatory statute which
2 exempts the practitioners from meeting the prerequisite qualifications
3 set forth in the regulatory statute to perform prescribed occupational
4 tasks.

5 (4) "Health professions" means and includes the following health
6 and health-related licensed or regulated professions and occupations:
7 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
8 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
9 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
10 dispensing opticians under chapter 18.34 RCW; hearing instruments under
11 chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and
12 funeral directing under chapter 18.39 RCW; midwifery under chapter
13 18.50 RCW; nursing home administration under chapter 18.52 RCW;
14 optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter
15 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and
16 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine
17 under chapters 18.71 and 18.71A RCW; emergency medicine under chapter
18 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses
19 under chapter 18.79 RCW; psychologists under chapter 18.83 RCW;
20 registered nurses under chapter 18.79 RCW; occupational therapists
21 licensed under chapter 18.59 RCW; respiratory care practitioners
22 licensed under chapter 18.89 RCW; veterinarians and veterinary
23 technicians under chapter 18.92 RCW; health care assistants under
24 chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW;
25 (~~acupuncturists~~) East Asian medicine practitioners licensed under
26 chapter 18.06 RCW; persons registered under chapter 18.19 RCW; persons
27 licensed as mental health counselors, marriage and family therapists,
28 and social workers under chapter 18.225 RCW; dietitians and
29 nutritionists certified by chapter 18.138 RCW; radiologic technicians
30 under chapter 18.84 RCW; and nursing assistants registered or certified
31 under chapter 18.88A RCW.

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

36 (6) "Legislative committees of reference" means the standing
37 legislative committees designated by the respective rules committees of

1 the senate and house of representatives to consider proposed
2 legislation to regulate health professions not previously regulated.

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

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

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

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

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

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

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

36 **Sec. 15.** RCW 43.70.110 and 2009 c 403 s 5 are each amended to read
37 as follows:

1 (1) The secretary shall charge fees to the licensee for obtaining
2 a license. Physicians regulated pursuant to chapter 18.71 RCW who
3 reside and practice in Washington and obtain or renew a retired active
4 license are exempt from such fees. After June 30, 1995, municipal
5 corporations providing emergency medical care and transportation
6 services pursuant to chapter 18.73 RCW shall be exempt from such fees,
7 provided that such other emergency services shall only be charged for
8 their pro rata share of the cost of licensure and inspection, if
9 appropriate. The secretary may waive the fees when, in the discretion
10 of the secretary, the fees would not be in the best interest of public
11 health and safety, or when the fees would be to the financial
12 disadvantage of the state.

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

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

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

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

25 (c) For physicians licensed under chapter 18.71 RCW, physician
26 assistants licensed under chapter 18.71A RCW, osteopathic physicians
27 licensed under chapter 18.57 RCW, osteopathic physicians' assistants
28 licensed under chapter 18.57A RCW, naturopaths licensed under chapter
29 18.36A RCW, podiatrists licensed under chapter 18.22 RCW, chiropractors
30 licensed under chapter 18.25 RCW, psychologists licensed under chapter
31 18.83 RCW, registered nurses licensed under chapter 18.79 RCW,
32 optometrists licensed under chapter 18.53 RCW, mental health counselors
33 licensed under chapter 18.225 RCW, massage therapists licensed under
34 chapter 18.108 RCW, clinical social workers licensed under chapter
35 18.225 RCW, and (~~acupuncturists~~) East Asian medicine practitioners
36 licensed under chapter 18.06 RCW, the license fees shall include up to
37 an additional twenty-five dollars to be transferred by the department
38 to the University of Washington for the purposes of RCW 43.70.112.

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

4 **Sec. 16.** RCW 18.130.040 and 2009 c 301 s 8 and 2009 c 52 s 1 are
5 each reenacted and amended to read as follows:

6 (1) This chapter applies only to the secretary and the boards and
7 commissions having jurisdiction in relation to the professions licensed
8 under the chapters specified in this section. This chapter does not
9 apply to any business or profession not licensed under the chapters
10 specified in this section.

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

13 (i) Dispensing opticians licensed and designated apprentices under
14 chapter 18.34 RCW;

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

16 (iii) Midwives licensed under chapter 18.50 RCW;

17 (iv) Ocularists licensed under chapter 18.55 RCW;

18 (v) Massage operators and businesses licensed under chapter 18.108
19 RCW;

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

21 (vii) (~~Acupuncturists~~) East Asian medicine practitioners licensed
22 under chapter 18.06 RCW;

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

25 (ix) Respiratory care practitioners licensed under chapter 18.89
26 RCW;

27 (x) Counselors, hypnotherapists, and agency affiliated counselors
28 registered and advisors and counselors certified under chapter 18.19
29 RCW;

30 (xi) Persons licensed as mental health counselors, mental health
31 counselor associates, marriage and family therapists, marriage and
32 family therapist associates, social workers, social work associates--
33 advanced, and social work associates--independent clinical under
34 chapter 18.225 RCW;

35 (xii) Persons registered as nursing pool operators under chapter
36 18.52C RCW;

1 (xiii) Nursing assistants registered or certified under chapter
2 18.88A RCW;

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

4 (xv) Dietitians and nutritionists certified under chapter 18.138
5 RCW;

6 (xvi) Chemical dependency professionals and chemical dependency
7 professional trainees certified under chapter 18.205 RCW;

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

10 (xviii) Persons licensed and certified under chapter 18.73 RCW or
11 RCW 18.71.205;

12 (xix) Denturists licensed under chapter 18.30 RCW;

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

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

15 (xxii) Recreational therapists;

16 (xxiii) Animal massage practitioners certified under chapter 18.240
17 RCW;

18 (xxiv) Athletic trainers licensed under chapter 18.250 RCW;

19 (xxv) Home care aides certified under chapter 18.88B RCW; and

20 (xxvi) Speech-language pathology assistants certified under chapter
21 18.35 RCW.

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

24 (i) The podiatric medical board as established in chapter 18.22
25 RCW;

26 (ii) The chiropractic quality assurance commission as established
27 in chapter 18.25 RCW;

28 (iii) The dental quality assurance commission as established in
29 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
30 licenses and registrations issued under chapter 18.260 RCW;

31 (iv) The board of hearing and speech as established in chapter
32 18.35 RCW;

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

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

37 (vii) The board of osteopathic medicine and surgery as established

1 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
2 18.57A RCW;

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

5 (ix) The medical quality assurance commission as established in
6 chapter 18.71 RCW governing licenses and registrations issued under
7 chapters 18.71 and 18.71A RCW;

8 (x) The board of physical therapy as established in chapter 18.74
9 RCW;

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

12 (xii) The nursing care quality assurance commission as established
13 in chapter 18.79 RCW governing licenses and registrations issued under
14 that chapter;

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

17 (xiv) The veterinary board of governors as established in chapter
18 18.92 RCW.

19 (3) In addition to the authority to discipline license holders, the
20 disciplining authority has the authority to grant or deny licenses.
21 The disciplining authority may also grant a license subject to
22 conditions.

23 (4) All disciplining authorities shall adopt procedures to ensure
24 substantially consistent application of this chapter, the Uniform
25 Disciplinary Act, among the disciplining authorities listed in
26 subsection (2) of this section.

27 **Sec. 17.** RCW 18.130.040 and 2009 c 301 s 8 and 2009 c 52 s 2 are
28 each reenacted and amended to read as follows:

29 (1) This chapter applies only to the secretary and the boards and
30 commissions having jurisdiction in relation to the professions licensed
31 under the chapters specified in this section. This chapter does not
32 apply to any business or profession not licensed under the chapters
33 specified in this section.

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

36 (i) Dispensing opticians licensed and designated apprentices under
37 chapter 18.34 RCW;

- 1 (ii) Naturopaths licensed under chapter 18.36A RCW;
2 (iii) Midwives licensed under chapter 18.50 RCW;
3 (iv) Ocularists licensed under chapter 18.55 RCW;
4 (v) Massage operators and businesses licensed under chapter 18.108
5 RCW;
6 (vi) Dental hygienists licensed under chapter 18.29 RCW;
7 (vii) (~~Acupuncturists~~) East Asian medicine practitioners licensed
8 under chapter 18.06 RCW;
9 (viii) Radiologic technologists certified and X-ray technicians
10 registered under chapter 18.84 RCW;
11 (ix) Respiratory care practitioners licensed under chapter 18.89
12 RCW;
13 (x) Hypnotherapists and agency affiliated counselors registered and
14 advisors and counselors certified under chapter 18.19 RCW;
15 (xi) Persons licensed as mental health counselors, mental health
16 counselor associates, marriage and family therapists, marriage and
17 family therapist associates, social workers, social work associates--
18 advanced, and social work associates--independent clinical under
19 chapter 18.225 RCW;
20 (xii) Persons registered as nursing pool operators under chapter
21 18.52C RCW;
22 (xiii) Nursing assistants registered or certified under chapter
23 18.88A RCW;
24 (xiv) Health care assistants certified under chapter 18.135 RCW;
25 (xv) Dietitians and nutritionists certified under chapter 18.138
26 RCW;
27 (xvi) Chemical dependency professionals and chemical dependency
28 professional trainees certified under chapter 18.205 RCW;
29 (xvii) Sex offender treatment providers and certified affiliate sex
30 offender treatment providers certified under chapter 18.155 RCW;
31 (xviii) Persons licensed and certified under chapter 18.73 RCW or
32 RCW 18.71.205;
33 (xix) Denturists licensed under chapter 18.30 RCW;
34 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
35 (xxi) Surgical technologists registered under chapter 18.215 RCW;
36 (xxii) Recreational therapists;
37 (xxiii) Animal massage practitioners certified under chapter 18.240
38 RCW;

1 (xxiv) Athletic trainers licensed under chapter 18.250 RCW;
2 (xxv) Home care aides certified under chapter 18.88B RCW; and
3 (xxvi) Speech-language pathology assistants certified under chapter
4 18.35 RCW.

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

7 (i) The podiatric medical board as established in chapter 18.22
8 RCW;

9 (ii) The chiropractic quality assurance commission as established
10 in chapter 18.25 RCW;

11 (iii) The dental quality assurance commission as established in
12 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
13 licenses and registrations issued under chapter 18.260 RCW;

14 (iv) The board of hearing and speech as established in chapter
15 18.35 RCW;

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

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

20 (vii) The board of osteopathic medicine and surgery as established
21 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
22 18.57A RCW;

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

25 (ix) The medical quality assurance commission as established in
26 chapter 18.71 RCW governing licenses and registrations issued under
27 chapters 18.71 and 18.71A RCW;

28 (x) The board of physical therapy as established in chapter 18.74
29 RCW;

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

32 (xii) The nursing care quality assurance commission as established
33 in chapter 18.79 RCW governing licenses and registrations issued under
34 that chapter;

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

37 (xiv) The veterinary board of governors as established in chapter
38 18.92 RCW.

1 (3) In addition to the authority to discipline license holders, the
2 disciplining authority has the authority to grant or deny licenses.
3 The disciplining authority may also grant a license subject to
4 conditions.

5 (4) All disciplining authorities shall adopt procedures to ensure
6 substantially consistent application of this chapter, the Uniform
7 Disciplinary Act, among the disciplining authorities listed in
8 subsection (2) of this section.

9 **Sec. 18.** RCW 18.130.040 and 2009 c 302 s 14, 2009 c 301 s 8, and
10 2009 c 52 s 2 are each reenacted and amended to read as follows:

11 (1) This chapter applies only to the secretary and the boards and
12 commissions having jurisdiction in relation to the professions licensed
13 under the chapters specified in this section. This chapter does not
14 apply to any business or profession not licensed under the chapters
15 specified in this section.

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

18 (i) Dispensing opticians licensed and designated apprentices under
19 chapter 18.34 RCW;

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

21 (iii) Midwives licensed under chapter 18.50 RCW;

22 (iv) Ocularists licensed under chapter 18.55 RCW;

23 (v) Massage operators and businesses licensed under chapter 18.108
24 RCW;

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

26 (vii) (~~Acupuncturists~~) East Asian medicine practitioners licensed
27 under chapter 18.06 RCW;

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

30 (ix) Respiratory care practitioners licensed under chapter 18.89
31 RCW;

32 (x) Hypnotherapists and agency affiliated counselors registered and
33 advisors and counselors certified under chapter 18.19 RCW;

34 (xi) Persons licensed as mental health counselors, mental health
35 counselor associates, marriage and family therapists, marriage and
36 family therapist associates, social workers, social work associates--

1 advanced, and social work associates--independent clinical under
2 chapter 18.225 RCW;

3 (xii) Persons registered as nursing pool operators under chapter
4 18.52C RCW;

5 (xiii) Nursing assistants registered or certified under chapter
6 18.88A RCW;

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

8 (xv) Dietitians and nutritionists certified under chapter 18.138
9 RCW;

10 (xvi) Chemical dependency professionals and chemical dependency
11 professional trainees certified under chapter 18.205 RCW;

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

14 (xviii) Persons licensed and certified under chapter 18.73 RCW or
15 RCW 18.71.205;

16 (xix) Denturists licensed under chapter 18.30 RCW;

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

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

19 (xxii) Recreational therapists;

20 (xxiii) Animal massage practitioners certified under chapter 18.240
21 RCW;

22 (xxiv) Athletic trainers licensed under chapter 18.250 RCW;

23 (xxv) Home care aides certified under chapter 18.88B RCW;

24 (xxvi) Speech-language pathology assistants certified under chapter
25 18.35 RCW; and

26 (xxvii) Genetic counselors licensed under chapter 18.290 RCW.

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

29 (i) The podiatric medical board as established in chapter 18.22
30 RCW;

31 (ii) The chiropractic quality assurance commission as established
32 in chapter 18.25 RCW;

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

36 (iv) The board of hearing and speech as established in chapter
37 18.35 RCW;

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

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

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

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

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

13 (x) The board of physical therapy as established in chapter 18.74
14 RCW;

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

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

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

22 (xiv) The veterinary board of governors as established in chapter
23 18.92 RCW.

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

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

32 NEW SECTION. **Sec. 19.** Section 16 of this act expires July 1,
33 2010.

34 NEW SECTION. **Sec. 20.** Section 17 of this act takes effect July 1,
35 2010.

1 NEW SECTION. **Sec. 21.** Section 17 of this act expires August 1,
2 2010.

3 NEW SECTION. **Sec. 22.** Section 18 of this act takes effect August
4 1, 2010.

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