
SENATE BILL 5794

State of Washington

66th Legislature

2019 Regular Session

By Senators Rivers, Cleveland, Short, Saldaña, and Keiser

1 AN ACT Relating to acupuncture and Eastern medicine; amending RCW
2 18.06.010, 18.06.020, 18.06.045, 18.06.050, 18.06.060, 18.06.080,
3 18.06.130, 18.06.140, 18.06.190, 18.06.220, 18.06.230, 4.24.240,
4 4.24.290, 7.70.020, 18.120.020, 18.130.040, 18.250.010, 41.05.074,
5 43.70.110, and 48.43.016; reenacting and amending RCW 69.41.010;
6 adding a new section to chapter 18.06 RCW; creating a new section;
7 and repealing RCW 18.06.070, 18.06.180, and 18.06.005.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that acupuncture and
10 Eastern medicine is a holistic system of medicine that has developed
11 through traditional medical practices in China, Japan, Korea, and the
12 other East Asian countries. The legislature intends to recognize that
13 acupuncturists and acupuncture and Eastern medicine practitioners
14 licensed by the state of Washington engage in a system of medicine to
15 maintain and promote wellness, manage and reduce pain and/or
16 substance abuse, and prevent, diagnose, and treat disease. This
17 system of medicine includes more than the treatment of acupuncture
18 needling therapy alone. For purposes of this chapter, acupuncture is
19 considered the full scope of treatments based on traditional, as well
20 as evidence-based and modern, medical theories identified in this
21 chapter.

1 The legislature finds that the practice of acupuncture has become
2 mainstream in the health care system nationally and internationally.
3 The legislature intends to align the professional title of
4 acupuncture with state and federal designations for the profession,
5 defining it as a comprehensive system of medicine.

6 The legislature does not intend to require persons currently
7 licensed under this chapter to change the business name of their
8 practice if otherwise in compliance with this chapter.

9 **Sec. 2.** RCW 18.06.010 and 2016 c 97 s 1 are each amended to read
10 as follows:

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

13 (1) "Acupuncture" or "((East Asian)) Eastern medicine" means a
14 ((health care service utilizing East Asian medicine diagnosis and
15 treatment to promote health and treat organic or functional disorders
16 and includes the following)) holistic system of medicine often
17 referred to as traditional Chinese medicine, Oriental medicine,
18 Eastern medicine, and other terms, which includes a variety of
19 traditional and modern therapeutic treatments including, but not
20 limited to, the practice of acupuncture techniques and herbal
21 medicine, to maintain and promote wellness, prevent, manage, and
22 reduce pain, manage substance use disorder, and prevent, diagnose,
23 and treat disease. Acupuncture or Eastern medicine includes:

24 (a) ((Acupuncture, including the)) Use of presterilized,
25 disposable needles, such as filiform needles, and other acupuncture
26 needles/syringes, or lancets to directly and indirectly stimulate
27 acupuncture points, including ashi points, motor, and trigger points,
28 intramuscular needling, and meridians;

29 (b) Use of electrical, mechanical, or magnetic devices to
30 stimulate acupuncture points, including ashi points, motor, and
31 trigger points, intramuscular needling, and meridians;

32 (c) All points and protocols for ear acupuncture including, but
33 not limited to, auricular acupuncture, national acupuncture
34 detoxification association protocol, battlefield acupuncture, and the
35 Nogier system;

36 (d) Use of contact needling and noninsertion tools such as
37 teishin, enshin, or zanshin;

38 (e) Moxibustion;

39 ((d)) (f) Acupressure;

1 ~~((e))~~ (g) Cupping;
2 ~~((f))~~ (h) Dermal friction technique;
3 ~~((g))~~ (i) Infra-red;
4 ~~((h))~~ (j) Sonopuncture;
5 ~~((i))~~ (k) Laserpuncture;
6 ~~((j))~~ (l) Point injection therapy (~~(aquapuncture)~~), as
7 defined in rule by the department. Point injection therapy includes
8 injection of substances, ~~((limited to))~~ including sterile saline,
9 sterile water, herbs, minerals, vitamins in liquid form, and
10 homeopathic and nutritional substances, and local anesthetics
11 consistent with the practice of (~~East Asian~~) acupuncture or Eastern
12 medicine. An acupuncturist or acupuncture and Eastern medicine
13 practitioner using point injection therapy who has met the training
14 and education requirement established in rule may use oxygen, medical
15 ozone, and epinephrine for potential emergency purposes for patient
16 care and safety. Point injection therapy does not include injection
17 of controlled substances contained in Schedules I through V of the
18 uniform controlled substances act, chapter 69.50 RCW or steroids as
19 defined in RCW 69.41.300;
20 ~~((k))~~ (m) Dietary advice and health education (~~(based on East~~
21 Asian medical theory)) consistent with the system of acupuncture or
22 Eastern medicine, including the recommendation and sale of herbs,
23 vitamins, minerals, and dietary and nutritional supplements;
24 ~~((l))~~ (n) Breathing, relaxation, and (~~East Asian~~) Eastern
25 exercise techniques;
26 ~~((m))~~ (o) Qi gong;
27 ~~((n) East Asian)~~ (p) Eastern massage and Tui na, which is a
28 method of (~~East Asian~~) Eastern bodywork, characterized by the
29 kneading, pressing, rolling, shaking, and stretching of the body and
30 does not include spinal manipulation; and
31 ~~((o))~~ (q) Superficial heat and cold therapies.
32 (2) "Acupuncturist" or "~~(East Asian)~~ acupuncture and Eastern
33 medicine practitioner" means a person licensed under this chapter
34 that practices acupuncture or Eastern medicine, a holistic system of
35 medicine, which includes training in using needles therapeutically,
36 educated on diagnosing and treating conditions according to medical
37 traditions from China, Japan, Korea, and other East Asian countries,
38 and application of modern evidence-based research to maintain and
39 promote wellness, prevent, manage, and reduce pain, manage substance

1 use disorder, and prevent, diagnose, and treat conditions and
2 diseases.

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

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

6 Nothing in this chapter requires individuals to be licensed as an
7 (~~East-Asian~~) acupuncturist or acupuncture and Eastern medicine
8 practitioner in order to provide the techniques and services in
9 subsection (1)(~~k~~) (m) through (~~o~~) (q) of this section or to
10 sell herbal products.

11 **Sec. 3.** RCW 18.06.020 and 2010 c 286 s 3 are each amended to
12 read as follows:

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

21 (2) A person may not practice (~~East-Asian~~) acupuncture or
22 Eastern medicine (~~or acupuncture~~) if the person is not licensed
23 under this chapter.

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

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

33 (5) (~~Any~~) A person licensed as an acupuncturist under this
34 chapter (~~(prior to June 10, 2010, must, upon successful license~~
35 ~~renewal, be granted)~~) may use the title (~~East-Asian~~) acupuncturist
36 or acupuncture and Eastern medicine practitioner or the letters
37 L.Ac., EAMP, or AEMP indicating such license (~~title~~). However,
38 nothing in this section (~~shall~~) prohibits or limits in any way a
39 practitioner licensed under this title from holding himself or

1 herself out as an acupuncturist (~~(or)~~), licensed acupuncturist, or
2 acupuncture and Eastern medicine practitioner or from using the
3 letters L.Ac., EAMP, or AEMP after his or her name.

4 **Sec. 4.** RCW 18.06.045 and 2010 c 286 s 4 are each amended to
5 read as follows:

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

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

11 (2) The practice by an individual employed by the government of
12 the United States while engaged in the performance of duties
13 prescribed by the laws of the United States;

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

19 (4) The practice of (~~East Asian~~) acupuncture or Eastern
20 medicine(~~(, including acupuncture,)~~) by any person credentialed to
21 perform (~~East Asian~~) acupuncture or Eastern medicine(~~(, including~~
22 ~~acupuncture,)~~) in any other jurisdiction where such person is doing
23 so in the course of regular instruction of a school of (~~East Asian~~
24 ~~medicine, including~~) acupuncture, Eastern medicine, traditional
25 Chinese medicine, or medical traditions from Japan, Korea, and other
26 East Asian countries, approved by the secretary or in an educational
27 seminar by a professional organization of (~~East Asian~~) acupuncture
28 or Eastern medicine, (~~including acupuncture,~~) provided that in the
29 latter case, the practice is supervised directly by a person licensed
30 under this chapter or licensed under any other healing art whose
31 scope of practice is (~~East Asian~~) acupuncture and Eastern
32 medicine(~~(, including acupuncture)~~).

33 **Sec. 5.** RCW 18.06.050 and 2010 c 286 s 5 are each amended to
34 read as follows:

35 Any person seeking to be (~~examined~~) licensed shall present to
36 the secretary (~~at least forty-five days before the commencement of~~
37 ~~the examination~~):

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

4 (2) Proof that the candidate has:

5 (a) Successfully completed a master's level or nationally
6 certified course, approved by the secretary, of didactic training in
7 basic sciences and ~~((East-Asian))~~ acupuncture, Eastern medicine,
8 ~~((including acupuncture,))~~ traditional Chinese medicine, or medical
9 traditions from Japan, Korea, and other East Asian countries over a
10 minimum period of ~~((two))~~ three academic years. The training shall
11 include such subjects as anatomy, physiology, microbiology,
12 biochemistry, pathology, hygiene, and a survey of western clinical
13 sciences. The basic science classes must be equivalent to those
14 offered at the collegiate level. However, if the applicant is a
15 licensed chiropractor under chapter 18.25 RCW or a naturopath
16 licensed under chapter 18.36A RCW, the requirements of this
17 subsection relating to basic sciences may be reduced by up to one
18 year depending upon the extent of the candidate's qualifications as
19 determined under rules adopted by the secretary;

20 (b) Successfully completed ~~((five hundred hours of))~~ clinical
21 training in ~~((East-Asian))~~ acupuncture or Eastern medicine~~((~~
22 ~~including acupuncture,))~~ as defined in rules that is nationally
23 certified and approved by the secretary.

24 **Sec. 6.** RCW 18.06.060 and 1991 c 3 s 8 are each amended to read
25 as follows:

26 The department shall consider for approval any school~~((~~) or
27 ~~program((, apprenticeship, or tutorial which))~~ that meets the
28 requirements outlined in this chapter and provides the training
29 required under RCW 18.06.050. Clinical and didactic training may be
30 approved as separate programs or as a joint program. The process for
31 approval shall be established by the secretary by rule.

32 **Sec. 7.** RCW 18.06.080 and 2010 c 286 s 6 are each amended to
33 read as follows:

34 (1) The secretary is hereby authorized and empowered to execute
35 the provisions of this chapter and shall offer nationally certified
36 examinations in ~~((East-Asian))~~ order to become a licensed
37 acupuncturist or acupuncture and Eastern medicine~~((, including~~
38 ~~acupuncture,))~~ practitioner at least twice a year at such times and

1 places as the secretary may select. The examination shall be a
2 written examination and may include a practical examination.

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

13 (3) If the examination is successfully passed, the secretary
14 shall confer on such candidate the title of (~~East—Asian~~)
15 acupuncturist or acupuncture and Eastern medicine practitioner.

16 **Sec. 8.** RCW 18.06.130 and 2010 c 286 s 8 are each amended to
17 read as follows:

18 (1) The secretary shall develop a form to be used by a person
19 licensed under this chapter to inform the patient of the scope of
20 practice and qualifications of an (~~East—Asian~~) acupuncturist or
21 acupuncture and Eastern medicine practitioner. All license holders
22 shall bring the form to the attention of the patients in whatever
23 manner the secretary, by rule, provides.

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

25 **Sec. 9.** RCW 18.06.140 and 2015 c 60 s 2 are each amended to read
26 as follows:

27 (1) When a person licensed under this chapter sees patients with
28 potentially serious disorders such as cardiac conditions, acute
29 abdominal symptoms, and such other conditions, the practitioner shall
30 immediately request a consultation or recent written diagnosis from a
31 primary health care provider licensed under chapter 18.71, 18.57,
32 18.57A, 18.36A, or 18.71A RCW or RCW 18.79.050. In the event that the
33 patient with the disorder refuses to authorize such consultation or
34 provide a recent diagnosis from such primary health care provider,
35 (~~East—Asian—medical~~) acupuncture or Eastern medicine treatments(~~(, including~~
36 ~~acupuncture,~~) may only be continued after the patient
37 signs a written waiver acknowledging the risks associated with the
38 failure to pursue treatment from a primary health care provider. The

1 waiver must also include: (a) An explanation of an ((East-Asian))
2 acupuncturist's or acupuncture and Eastern medicine practitioner's
3 scope of practice, including the services and techniques ((East
4 Asian)) acupuncturists or acupuncture and Eastern medicine
5 practitioners are authorized to provide and (b) a statement that the
6 services and techniques that an ((East-Asian)) acupuncturist or
7 acupuncture and Eastern medicine practitioner is authorized to
8 provide ((will)) may or may not necessarily resolve the patient's
9 underlying potentially serious disorder. The requirements of the
10 waiver shall be established by the secretary in rule.

11 (2) In an emergency, a person licensed under this chapter shall:
12 (a) Initiate the emergency medical system by calling 911; (b) request
13 an ambulance; and (c) provide patient support until emergency
14 response arrives.

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

16 **Sec. 10.** RCW 18.06.190 and 2010 c 286 s 10 are each amended to
17 read as follows:

18 The secretary may license a person without examination if such
19 person is credentialed as an ((East-Asian)) acupuncturist or
20 acupuncture and Eastern medicine practitioner ((or—licensed
21 acupuncturist)), or equivalent, in another jurisdiction if, in the
22 secretary's judgment, the requirements of that jurisdiction are
23 equivalent to or greater than those of Washington state.

24 **Sec. 11.** RCW 18.06.220 and 2015 c 60 s 1 are each amended to
25 read as follows:

26 The Washington state ((East-Asian)) acupuncture and Eastern
27 medicine advisory committee is established.

28 (1) The committee consists of five members, each of whom must be
29 a resident of the state of Washington. Four committee members must be
30 ((East-Asian)) acupuncturists or acupuncture and Eastern medicine
31 practitioners licensed under this chapter who have not less than five
32 years' experience in the practice of ((East-Asian)) acupuncture and
33 Eastern medicine and who have been actively engaged in practice
34 within two years of appointment. The fifth committee member must be
35 appointed from the public at large and must have an interest in the
36 rights of consumers of health services.

37 (2) The secretary shall appoint the committee members. Committee
38 members serve at the pleasure of the secretary. The secretary may

1 appoint members of the initial committee to staggered terms of one to
2 three years, and thereafter all terms are for three years. No member
3 may serve more than two consecutive full terms.

4 (3) The committee shall meet as necessary, but no less often than
5 once per year. The committee shall elect a chair and a vice chair. A
6 majority of the members currently serving constitutes a quorum.

7 (4) The committee shall advise and make recommendations to the
8 secretary on standards for the practice of (~~East-Asian~~) acupuncture
9 and Eastern medicine.

10 (5) Committee members must be compensated in accordance with RCW
11 43.03.240, including travel expenses in carrying out his or her
12 authorized duties in accordance with RCW 43.03.050 and 43.03.060.

13 (6) Committee members are immune from suit in an action, civil or
14 criminal, based on the department's disciplinary proceedings or other
15 official acts performed in good faith.

16 **Sec. 12.** RCW 18.06.230 and 2016 c 97 s 4 are each amended to
17 read as follows:

18 (1) Prior to providing point injection therapy services, an
19 (~~East-Asian~~) acupuncturist or acupuncture and Eastern medicine
20 practitioner must obtain the education and training necessary to
21 provide the service. (~~The department shall adopt rules by July 1,~~
22 ~~2017, to specify the education and training necessary to provide~~
23 ~~point injection therapy.~~)

24 (2) Any (~~East-Asian~~) acupuncturist or acupuncture and Eastern
25 medicine practitioner performing point injection therapy prior to
26 June 9, 2016, must be able to demonstrate, upon request of the
27 department of health, successful completion of education and training
28 in point injection therapy.

29 (3) Prior to administering local anesthetics, epinephrine, or
30 medical ozone in providing point injection therapy services, an
31 acupuncturist or acupuncture and Eastern medicine practitioner must
32 obtain the education and training necessary to provide these
33 substances. The department shall adopt rules by July 1, 2020, to
34 specify the education and training necessary to administer local
35 anesthetics, medical ozone, and epinephrine.

36 NEW SECTION. **Sec. 13.** A new section is added to chapter 18.06
37 RCW to read as follows:

1 The department shall adopt a rule requiring completion of
2 continuing education for acupuncturists as a condition of license
3 renewal.

4 **Sec. 14.** RCW 4.24.240 and 2010 c 286 s 11 are each amended to
5 read as follows:

6 (1)(a) A person licensed by this state to provide health care or
7 related services including, but not limited to, an (~~East-Asian~~)
8 acupuncturist or acupuncture and Eastern medicine practitioner, a
9 physician, osteopathic physician, dentist, nurse, optometrist,
10 podiatric physician and surgeon, chiropractor, physical therapist,
11 psychologist, pharmacist, optician, physician assistant, osteopathic
12 physician's assistant, nurse practitioner, including, in the event
13 such person is deceased, his or her estate or personal
14 representative;

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

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

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

31 (2) No member, employee, staff person, or investigator of a
32 professional review committee shall be liable in a civil action as a
33 result of acts or omissions made in good faith on behalf of the
34 committee; nor shall any person be so liable for filing charges with
35 or supplying information or testimony in good faith to any
36 professional review committee; nor shall a member, employee, staff
37 person, or investigator of a professional society, of a professional
38 examining or licensing board, of a professional disciplinary board,
39 of a governing board of any institution, or of any employer of

1 professionals be so liable for good faith acts or omissions made in
2 full or partial reliance on recommendations or decisions of a
3 professional review committee or examining board.

4 **Sec. 15.** RCW 4.24.290 and 2010 c 286 s 12 are each amended to
5 read as follows:

6 In any civil action for damages based on professional negligence
7 against a hospital which is licensed by the state of Washington or
8 against the personnel of any such hospital, or against a member of
9 the healing arts including, but not limited to, an ((~~East-Asian~~))
10 acupuncturist or acupuncture and Eastern medicine practitioner
11 licensed under chapter 18.06 RCW, a physician licensed under chapter
12 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW,
13 a chiropractor licensed under chapter 18.25 RCW, a dentist licensed
14 under chapter 18.32 RCW, a podiatric physician and surgeon licensed
15 under chapter 18.22 RCW, or a nurse licensed under chapter 18.79 RCW,
16 the plaintiff in order to prevail shall be required to prove by a
17 preponderance of the evidence that the defendant or defendants failed
18 to exercise that degree of skill, care, and learning possessed at
19 that time by other persons in the same profession, and that as a
20 proximate result of such failure the plaintiff suffered damages, but
21 in no event shall the provisions of this section apply to an action
22 based on the failure to obtain the informed consent of a patient.

23 **Sec. 16.** RCW 7.70.020 and 2010 c 286 s 13 are each amended to
24 read as follows:

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

26 (1) A person licensed by this state to provide health care or
27 related services including, but not limited to, an ((~~East-Asian~~))
28 acupuncturist or acupuncture and Eastern medicine practitioner, a
29 physician, osteopathic physician, dentist, nurse, optometrist,
30 podiatric physician and surgeon, chiropractor, physical therapist,
31 psychologist, pharmacist, optician, physician assistant, midwife,
32 osteopathic physician's assistant, nurse practitioner, or physician's
33 trained mobile intensive care paramedic, including, in the event such
34 person is deceased, his or her estate or personal representative;

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

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

9 **Sec. 17.** RCW 18.120.020 and 2017 c 336 s 19 are each amended to
10 read as follows:

11 The definitions in this section apply throughout this chapter
12 unless the context clearly requires otherwise.

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

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

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

30 (4) "Health professions" means and includes the following health
31 and health-related licensed or regulated professions and occupations:
32 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
33 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
34 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
35 dental anesthesia assistants under chapter 18.350 RCW; dispensing
36 opticians under chapter 18.34 RCW; hearing instruments under chapter
37 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and
38 funeral directing under chapter 18.39 RCW; midwifery under chapter
39 18.50 RCW; nursing home administration under chapter 18.52 RCW;

1 optometry under chapters 18.53 and 18.54 RCW; ocularists under
2 chapter 18.55 RCW; osteopathic medicine and surgery under chapters
3 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW;
4 medicine under chapters 18.71 and 18.71A RCW; emergency medicine
5 under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW;
6 practical nurses under chapter 18.79 RCW; psychologists under chapter
7 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational
8 therapists licensed under chapter 18.59 RCW; respiratory care
9 practitioners licensed under chapter 18.89 RCW; veterinarians and
10 veterinary technicians under chapter 18.92 RCW; massage therapists
11 under chapter 18.108 RCW; (~~East—Asian~~) acupuncturists or
12 acupuncture and Eastern medicine practitioners licensed under chapter
13 18.06 RCW; persons registered under chapter 18.19 RCW; persons
14 licensed as mental health counselors, marriage and family therapists,
15 and social workers under chapter 18.225 RCW; dietitians and
16 nutritionists certified by chapter 18.138 RCW; radiologic technicians
17 under chapter 18.84 RCW; nursing assistants registered or certified
18 under chapter 18.88A RCW; reflexologists certified under chapter
19 18.108 RCW; medical assistants-certified, medical assistants-
20 hemodialysis technician, medical assistants-phlebotomist, forensic
21 phlebotomist, and medical assistants-registered certified and
22 registered under chapter 18.360 RCW; and licensed behavior analysts,
23 licensed assistant behavior analysts, and certified behavior
24 technicians under chapter 18.380 RCW.

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

29 (6) "Legislative committees of reference" means the standing
30 legislative committees designated by the respective rules committees
31 of the senate and house of representatives to consider proposed
32 legislation to regulate health professions not previously regulated.

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

1 (8) "Practitioner" means an individual who (a) has achieved
2 knowledge and skill by practice, and (b) is actively engaged in a
3 specified health profession.

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

9 (10) "Public member" means an individual who is not, and never
10 was, a member of the health profession being regulated or the spouse
11 of a member, or an individual who does not have and never has had a
12 material financial interest in either the rendering of the health
13 professional service being regulated or an activity directly related
14 to the profession being regulated.

15 (11) "Registration" means the formal notification which, prior to
16 rendering services, a practitioner shall submit to a state agency
17 setting forth the name and address of the practitioner; the location,
18 nature and operation of the health activity to be practiced; and, if
19 required by the regulatory entity, a description of the service to be
20 provided.

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

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

29 **Sec. 18.** RCW 18.130.040 and 2017 c 336 s 18 are each amended to
30 read as follows:

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

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

38 (i) Dispensing opticians licensed and designated apprentices
39 under chapter 18.34 RCW;

- 1 (ii) Midwives licensed under chapter 18.50 RCW;
- 2 (iii) Ocularists licensed under chapter 18.55 RCW;
- 3 (iv) Massage therapists and businesses licensed under chapter
4 18.108 RCW;
- 5 (v) Dental hygienists licensed under chapter 18.29 RCW;
- 6 (vi) (~~East Asian~~) Acupuncturists or acupuncture and Eastern
7 medicine practitioners licensed under chapter 18.06 RCW;
- 8 (vii) Radiologic technologists certified and X-ray technicians
9 registered under chapter 18.84 RCW;
- 10 (viii) Respiratory care practitioners licensed under chapter
11 18.89 RCW;
- 12 (ix) Hypnotherapists and agency affiliated counselors registered
13 and advisors and counselors certified under chapter 18.19 RCW;
- 14 (x) Persons licensed as mental health counselors, mental health
15 counselor associates, marriage and family therapists, marriage and
16 family therapist associates, social workers, social work associates—
17 advanced, and social work associates—independent clinical under
18 chapter 18.225 RCW;
- 19 (xi) Persons registered as nursing pool operators under chapter
20 18.52C RCW;
- 21 (xii) Nursing assistants registered or certified or medication
22 assistants endorsed under chapter 18.88A RCW;
- 23 (xiii) Dietitians and nutritionists certified under chapter
24 18.138 RCW;
- 25 (xiv) Chemical dependency professionals and chemical dependency
26 professional trainees certified under chapter 18.205 RCW;
- 27 (xv) Sex offender treatment providers and certified affiliate sex
28 offender treatment providers certified under chapter 18.155 RCW;
- 29 (xvi) Persons licensed and certified under chapter 18.73 RCW or
30 RCW 18.71.205;
- 31 (xvii) Orthotists and prosthetists licensed under chapter 18.200
32 RCW;
- 33 (xviii) Surgical technologists registered under chapter 18.215
34 RCW;
- 35 (xix) Recreational therapists under chapter 18.230 RCW;
- 36 (xx) Animal massage therapists certified under chapter 18.240
37 RCW;
- 38 (xxi) Athletic trainers licensed under chapter 18.250 RCW;
- 39 (xxii) Home care aides certified under chapter 18.88B RCW;
- 40 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;

1 (xxiv) Reflexologists certified under chapter 18.108 RCW;
2 (xxv) Medical assistants-certified, medical assistants-
3 hemodialysis technician, medical assistants-phlebotomist, forensic
4 phlebotomist, and medical assistants-registered certified and
5 registered under chapter 18.360 RCW; and
6 (xxvi) Behavior analysts, assistant behavior analysts, and
7 behavior technicians under chapter 18.380 RCW.
8 (b) The boards and commissions having authority under this
9 chapter are as follows:
10 (i) The podiatric medical board as established in chapter 18.22
11 RCW;
12 (ii) The chiropractic quality assurance commission as established
13 in chapter 18.25 RCW;
14 (iii) The dental quality assurance commission as established in
15 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
16 licenses and registrations issued under chapter 18.260 RCW, and
17 certifications issued under chapter 18.350 RCW;
18 (iv) The board of hearing and speech as established in chapter
19 18.35 RCW;
20 (v) The board of examiners for nursing home administrators as
21 established in chapter 18.52 RCW;
22 (vi) The optometry board as established in chapter 18.54 RCW
23 governing licenses issued under chapter 18.53 RCW;
24 (vii) The board of osteopathic medicine and surgery as
25 established in chapter 18.57 RCW governing licenses issued under
26 chapters 18.57 and 18.57A RCW;
27 (viii) The pharmacy quality assurance commission as established
28 in chapter 18.64 RCW governing licenses issued under chapters 18.64
29 and 18.64A RCW;
30 (ix) The medical quality assurance commission as established in
31 chapter 18.71 RCW governing licenses and registrations issued under
32 chapters 18.71 and 18.71A RCW;
33 (x) The board of physical therapy as established in chapter 18.74
34 RCW;
35 (xi) The board of occupational therapy practice as established in
36 chapter 18.59 RCW;
37 (xii) The nursing care quality assurance commission as
38 established in chapter 18.79 RCW governing licenses and registrations
39 issued under that chapter;

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

3 (xiv) The veterinary board of governors as established in chapter
4 18.92 RCW;

5 (xv) The board of naturopathy established in chapter 18.36A RCW;
6 and

7 (xvi) The board of denturists established in chapter 18.30 RCW.

8 (3) In addition to the authority to discipline license holders,
9 the disciplining authority has the authority to grant or deny
10 licenses. The disciplining authority may also grant a license subject
11 to conditions.

12 (4) All disciplining authorities shall adopt procedures to ensure
13 substantially consistent application of this chapter, the uniform
14 disciplinary act, among the disciplining authorities listed in
15 subsection (2) of this section.

16 **Sec. 19.** RCW 18.250.010 and 2016 c 41 s 22 are each amended to
17 read as follows:

18 The definitions in this section apply throughout this chapter
19 unless the context clearly requires otherwise.

20 (1) "Athlete" means a person who participates in exercise,
21 recreation, sport, or games requiring physical strength,
22 range-of-motion, flexibility, body awareness and control, speed,
23 stamina, or agility, and the exercise, recreation, sports, or games
24 are of a type conducted in association with an educational
25 institution or professional, amateur, or recreational sports club or
26 organization.

27 (2) "Athletic injury" means an injury or condition sustained by
28 an athlete that affects the person's participation or performance in
29 exercise, recreation, sport, or games and the injury or condition is
30 within the professional preparation and education of an athletic
31 trainer.

32 (3) "Athletic trainer" means a person who is licensed under this
33 chapter. An athletic trainer can practice athletic training through
34 the consultation, referral, or guidelines of a licensed health care
35 provider working within their scope of practice.

36 (4) (a) "Athletic training" means the application of the following
37 principles and methods as provided by a licensed athletic trainer:

38 (i) Risk management and prevention of athletic injuries through
39 preactivity screening and evaluation, educational programs, physical

1 conditioning and reconditioning programs, application of commercial
2 products, use of protective equipment, promotion of healthy
3 behaviors, and reduction of environmental risks;

4 (ii) Recognition, evaluation, and assessment of athletic injuries
5 by obtaining a history of the athletic injury, inspection and
6 palpation of the injured part and associated structures, and
7 performance of specific testing techniques related to stability and
8 function to determine the extent of an injury;

9 (iii) Immediate care of athletic injuries, including emergency
10 medical situations through the application of first-aid and emergency
11 procedures and techniques for nonlife-threatening or life-threatening
12 athletic injuries;

13 (iv) Treatment, rehabilitation, and reconditioning of athletic
14 injuries through the application of physical agents and modalities,
15 therapeutic activities and exercise, standard reassessment techniques
16 and procedures, commercial products, and educational programs, in
17 accordance with guidelines established with a licensed health care
18 provider as provided in RCW 18.250.070;

19 (v) Treatment, rehabilitation, and reconditioning of work-related
20 injuries through the application of physical agents and modalities,
21 therapeutic activities and exercise, standard reassessment techniques
22 and procedures, commercial products, and educational programs, under
23 the direct supervision of and in accordance with a plan of care for
24 an individual worker established by a provider authorized to provide
25 physical medicine and rehabilitation services for injured workers;
26 and

27 (vi) Referral of an athlete to an appropriately licensed health
28 care provider if the athletic injury requires further definitive care
29 or the injury or condition is outside an athletic trainer's scope of
30 practice, in accordance with RCW 18.250.070.

31 (b) "Athletic training" does not include:

32 (i) The use of spinal adjustment or manipulative mobilization of
33 the spine and its immediate articulations;

34 (ii) Orthotic or prosthetic services with the exception of
35 evaluation, measurement, fitting, and adjustment of temporary,
36 prefabricated or direct-formed orthosis as defined in chapter 18.200
37 RCW;

38 (iii) The practice of occupational therapy as defined in chapter
39 18.59 RCW;

1 (iv) The practice of (~~East-Asian~~) acupuncture and Eastern
2 medicine as defined in chapter 18.06 RCW;

3 (v) Any medical diagnosis; and

4 (vi) Prescribing legend drugs or controlled substances, or
5 surgery.

6 (5) "Committee" means the athletic training advisory committee.

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

8 (7) "Licensed health care provider" means a physician, physician
9 assistant, osteopathic physician, osteopathic physician assistant,
10 advanced registered nurse practitioner, naturopath, physical
11 therapist, chiropractor, dentist, massage therapist, acupuncturist,
12 occupational therapist, or podiatric physician and surgeon.

13 (8) "Secretary" means the secretary of health or the secretary's
14 designee.

15 **Sec. 20.** RCW 41.05.074 and 2015 c 251 s 1 are each amended to
16 read as follows:

17 (1) A health plan offered to public employees and their covered
18 dependents under this chapter that imposes different prior
19 authorization standards and criteria for a covered service among
20 tiers of contracting providers of the same licensed profession in the
21 same health plan shall inform an enrollee which tier an individual
22 provider or group of providers is in by posting the information on
23 its web site in a manner accessible to both enrollees and providers.

24 (2) The health plan may not require prior authorization for an
25 evaluation and management visit or an initial treatment visit with a
26 contracting provider in a new episode of chiropractic, physical
27 therapy, occupational therapy, (~~East-Asian~~) acupuncture and Eastern
28 medicine, massage therapy, or speech and hearing therapies.
29 Notwithstanding RCW 48.43.515(5) this section may not be interpreted
30 to limit the ability of a health plan to require a referral or
31 prescription for the therapies listed in this section.

32 (3) The health care authority shall post on its web site and
33 provide upon the request of a covered person or contracting provider
34 any prior authorization standards, criteria, or information the
35 health plan uses for medical necessity decisions.

36 (4) A health care provider with whom the administrator of the
37 health plan consults regarding a decision to deny, limit, or
38 terminate a person's covered health care services must hold a
39 license, certification, or registration, in good standing and must be

1 in the same or related health field as the health care provider being
2 reviewed or of a specialty whose practice entails the same or similar
3 covered health care service.

4 (5) The health plan may not require a provider to provide a
5 discount from usual and customary rates for health care services not
6 covered under the health plan, policy, or other agreement, to which
7 the provider is a party.

8 (6) For purposes of this section:

9 (a) "New episode of care" means treatment for a new or recurrent
10 condition for which the enrollee has not been treated by the provider
11 within the previous ninety days and is not currently undergoing any
12 active treatment.

13 (b) "Contracting provider" does not include providers employed
14 within an integrated delivery system operated by a carrier licensed
15 under chapter 48.44 or 48.46 RCW.

16 **Sec. 21.** RCW 43.70.110 and 2015 c 77 s 1 are each amended to
17 read as follows:

18 (1) The secretary shall charge fees to the licensee for obtaining
19 a license. Physicians regulated pursuant to chapter 18.71 RCW who
20 reside and practice in Washington and obtain or renew a retired
21 active license are exempt from such fees. After June 30, 1995,
22 municipal corporations providing emergency medical care and
23 transportation services pursuant to chapter 18.73 RCW shall be exempt
24 from such fees, provided that such other emergency services shall
25 only be charged for their pro rata share of the cost of licensure and
26 inspection, if appropriate. The secretary may waive the fees when, in
27 the discretion of the secretary, the fees would not be in the best
28 interest of public health and safety, or when the fees would be to
29 the financial disadvantage of the state.

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

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

36 (a) For registered nurses and licensed practical nurses licensed
37 under chapter 18.79 RCW, support of a central nursing resource center
38 as provided in RCW 18.79.202;

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

4 (c) For physicians licensed under chapter 18.71 RCW, physician
5 assistants licensed under chapter 18.71A RCW, osteopathic physicians
6 licensed under chapter 18.57 RCW, osteopathic physicians' assistants
7 licensed under chapter 18.57A RCW, naturopaths licensed under chapter
8 18.36A RCW, podiatrists licensed under chapter 18.22 RCW,
9 chiropractors licensed under chapter 18.25 RCW, psychologists
10 licensed under chapter 18.83 RCW, registered nurses and licensed
11 practical nurses licensed under chapter 18.79 RCW, optometrists
12 licensed under chapter 18.53 RCW, mental health counselors licensed
13 under chapter 18.225 RCW, massage therapists licensed under chapter
14 18.108 RCW, advanced social workers licensed under chapter 18.225
15 RCW, independent clinical social workers and independent clinical
16 social worker associates licensed under chapter 18.225 RCW, midwives
17 licensed under chapter 18.50 RCW, marriage and family therapists and
18 marriage and family therapist associates licensed under chapter
19 18.225 RCW, occupational therapists and occupational therapy
20 assistants licensed under chapter 18.59 RCW, dietitians and
21 nutritionists certified under chapter 18.138 RCW, speech-language
22 pathologists licensed under chapter 18.35 RCW, and (~~East-Asian~~)
23 acupuncturists or acupuncture and Eastern medicine practitioners
24 licensed under chapter 18.06 RCW, the license fees shall include up
25 to an additional twenty-five dollars to be transferred by the
26 department to the University of Washington for the purposes of RCW
27 43.70.112.

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

31 **Sec. 22.** RCW 48.43.016 and 2018 c 193 s 1 are each amended to
32 read as follows:

33 (1) A health carrier that imposes different prior authorization
34 standards and criteria for a covered service among tiers of
35 contracting providers of the same licensed profession in the same
36 health plan shall inform an enrollee which tier an individual
37 provider or group of providers is in by posting the information on
38 its web site in a manner accessible to both enrollees and providers.

1 (2) A health carrier may not require prior authorization for an
2 initial evaluation and management visit and up to six consecutive
3 treatment visits with a contracting provider in a new episode of care
4 of chiropractic, physical therapy, occupational therapy, (~~East~~
5 ~~Asian~~) acupuncture and Eastern medicine, massage therapy, or speech
6 and hearing therapies that meet the standards of medical necessity
7 and are subject to quantitative treatment limits of the health plan.
8 Notwithstanding RCW 48.43.515(5) this section may not be interpreted
9 to limit the ability of a health plan to require a referral or
10 prescription for the therapies listed in this section.

11 (3) A health carrier shall post on its web site and provide upon
12 the request of a covered person or contracting provider any prior
13 authorization standards, criteria, or information the carrier uses
14 for medical necessity decisions.

15 (4) A health care provider with whom a health carrier consults
16 regarding a decision to deny, limit, or terminate a person's covered
17 health care services must hold a license, certification, or
18 registration, in good standing and must be in the same or related
19 health field as the health care provider being reviewed or of a
20 specialty whose practice entails the same or similar covered health
21 care service.

22 (5) A health carrier may not require a provider to provide a
23 discount from usual and customary rates for health care services not
24 covered under a health plan, policy, or other agreement, to which the
25 provider is a party.

26 (6) For purposes of this section:

27 (a) "New episode of care" means treatment for a new or recurrent
28 condition for which the enrollee has not been treated by the provider
29 within the previous ninety days and is not currently undergoing any
30 active treatment.

31 (b) "Contracting provider" does not include providers employed
32 within an integrated delivery system operated by a carrier licensed
33 under chapter 48.44 or 48.46 RCW.

34 **Sec. 23.** RCW 69.41.010 and 2016 c 148 s 10 and 2016 c 97 s 2 are
35 each reenacted and amended to read as follows:

36 As used in this chapter, the following terms have the meanings
37 indicated unless the context clearly requires otherwise:

1 (1) "Administer" means the direct application of a legend drug
2 whether by injection, inhalation, ingestion, or any other means, to
3 the body of a patient or research subject by:

4 (a) A practitioner; or

5 (b) The patient or research subject at the direction of the
6 practitioner.

7 (2) "Commission" means the pharmacy quality assurance commission.

8 (3) "Community-based care settings" include: Community
9 residential programs for persons with developmental disabilities,
10 certified by the department of social and health services under
11 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128
12 RCW; and assisted living facilities licensed under chapter 18.20 RCW.
13 Community-based care settings do not include acute care or skilled
14 nursing facilities.

15 (4) "Deliver" or "delivery" means the actual, constructive, or
16 attempted transfer from one person to another of a legend drug,
17 whether or not there is an agency relationship.

18 (5) "Department" means the department of health.

19 (6) "Dispense" means the interpretation of a prescription or
20 order for a legend drug and, pursuant to that prescription or order,
21 the proper selection, measuring, compounding, labeling, or packaging
22 necessary to prepare that prescription or order for delivery.

23 (7) "Dispenser" means a practitioner who dispenses.

24 (8) "Distribute" means to deliver other than by administering or
25 dispensing a legend drug.

26 (9) "Distributor" means a person who distributes.

27 (10) "Drug" means:

28 (a) Substances recognized as drugs in the official United States
29 pharmacopoeia, official homeopathic pharmacopoeia of the United
30 States, or official national formulary, or any supplement to any of
31 them;

32 (b) Substances intended for use in the diagnosis, cure,
33 mitigation, treatment, or prevention of disease in human beings or
34 animals;

35 (c) Substances (other than food, minerals or vitamins) intended
36 to affect the structure or any function of the body of human beings
37 or animals; and

38 (d) Substances intended for use as a component of any article
39 specified in (a), (b), or (c) of this subsection. It does not include
40 devices or their components, parts, or accessories.

1 (11) "Electronic communication of prescription information" means
2 the transmission of a prescription or refill authorization for a drug
3 of a practitioner using computer systems. The term does not include a
4 prescription or refill authorization transmitted verbally by
5 telephone nor a facsimile manually signed by the practitioner.

6 (12) "In-home care settings" include an individual's place of
7 temporary and permanent residence, but does not include acute care or
8 skilled nursing facilities, and does not include community-based care
9 settings.

10 (13) "Legend drugs" means any drugs which are required by state
11 law or regulation of the pharmacy quality assurance commission to be
12 dispensed on prescription only or are restricted to use by
13 practitioners only.

14 (14) "Legible prescription" means a prescription or medication
15 order issued by a practitioner that is capable of being read and
16 understood by the pharmacist filling the prescription or the nurse or
17 other practitioner implementing the medication order. A prescription
18 must be hand printed, typewritten, or electronically generated.

19 (15) "Medication assistance" means assistance rendered by a
20 nonpractitioner to an individual residing in a community-based care
21 setting or in-home care setting to facilitate the individual's self-
22 administration of a legend drug or controlled substance. It includes
23 reminding or coaching the individual, handing the medication
24 container to the individual, opening the individual's medication
25 container, using an enabler, or placing the medication in the
26 individual's hand, and such other means of medication assistance as
27 defined by rule adopted by the department. A nonpractitioner may help
28 in the preparation of legend drugs or controlled substances for self-
29 administration where a practitioner has determined and communicated
30 orally or by written direction that such medication preparation
31 assistance is necessary and appropriate. Medication assistance shall
32 not include assistance with intravenous medications or injectable
33 medications, except prefilled insulin syringes.

34 (16) "Person" means individual, corporation, government or
35 governmental subdivision or agency, business trust, estate, trust,
36 partnership or association, or any other legal entity.

37 (17) "Practitioner" means:

38 (a) A physician under chapter 18.71 RCW, an osteopathic physician
39 or an osteopathic physician and surgeon under chapter 18.57 RCW, a
40 dentist under chapter 18.32 RCW, a podiatric physician and surgeon

1 under chapter 18.22 RCW, an (~~East Asian~~) acupuncturist or
2 acupuncture and Eastern medicine practitioner to the extent
3 authorized under chapter 18.06 RCW and the rules adopted under RCW
4 18.06.010(1)(j), a veterinarian under chapter 18.92 RCW, a registered
5 nurse, advanced registered nurse practitioner, or licensed practical
6 nurse under chapter 18.79 RCW, an optometrist under chapter 18.53 RCW
7 who is certified by the optometry board under RCW 18.53.010, an
8 osteopathic physician assistant under chapter 18.57A RCW, a physician
9 assistant under chapter 18.71A RCW, a naturopath licensed under
10 chapter 18.36A RCW, a pharmacist under chapter 18.64 RCW, or, when
11 acting under the required supervision of a dentist licensed under
12 chapter 18.32 RCW, a dental hygienist licensed under chapter 18.29
13 RCW;

14 (b) A pharmacy, hospital, or other institution licensed,
15 registered, or otherwise permitted to distribute, dispense, conduct
16 research with respect to, or to administer a legend drug in the
17 course of professional practice or research in this state; and

18 (c) A physician licensed to practice medicine and surgery or a
19 physician licensed to practice osteopathic medicine and surgery in
20 any state, or province of Canada, which shares a common border with
21 the state of Washington.

22 (18) "Secretary" means the secretary of health or the secretary's
23 designee.

24 NEW SECTION. **Sec. 24.** The following acts or parts of acts are
25 each repealed:

26 (1) RCW 18.06.070 (Approval of applications—Examination fee) and
27 1991 c 3 s 9 & 1985 c 326 s 7;

28 (2) RCW 18.06.180 (Application of chapter to previously
29 registered acupuncture assistants) and 1991 c 3 s 17 & 1985 c 326 s
30 18; and

31 (3) RCW 18.06.005 (Intent—2010 c 286) and 2010 c 286 s 1.

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