

CHAPTER 222.

[H. B. 211.]

LICENSED PRACTICAL NURSES ACT.

AN ACT to be known as the "Licensed Practical Nurses Act," relating to practical nurses; creating the Washington State Board of Practical Nurse Examiners and defining the duties thereof; providing for the examination and licensing of practical nurses; providing for the suspension and revocation of licenses; fixing fees and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Definitions.

SECTION 1. Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this act shall have the following meanings: (1) "Board" shall mean "Washington State Board of Practical Nurse Examiners."

"Director."

(2) "Director" shall mean "Director of Licenses."

"Licensed Practical Nurse" or "L.P.N."

(3) "Licensed Practical Nurse, abbreviated L.P.N." shall mean "a person licensed by the Board to practice practical nursing."

"Licensed Practical Nurse Practice."

(4) "Licensed Practical Nurse Practice" shall mean "the performing for compensation or personal profit, services required in the nursing care of the sick, not involving the specialized education, knowledge and skill required in professional nursing."

Washington State Board of Practical Nurse Examiners created.

SEC. 2. There is hereby created a Board to be known and designated as the "Washington State Board of Practical Nurse Examiners." The Board shall be composed of five (5) members, appointed by the Governor as follows: (1) Two (2) members shall be registered professional nurses having had no less than five (5) years' experience in the practice of nursing, one of whom shall be a registered nurse actively engaged in instructing in an approved practical nursing course, and one of whom shall be a registered nurse experienced in instructing in an approved practical nursing course;

Members.

(2) One (1) registered professional nurse who is actively engaged in the supervision of an approved program for practical nursing;

(3) Two (2) practical nurses qualifying under this act, at least twenty-three (23) years of age, who shall have had not less than three (3) years' actual experience as a practical nurse and who have completed an approved course in practical nursing.

SEC. 3. The members of the first Board shall be appointed to serve as follows: (1) One professional nurse and one practical nurse for a term of five (5) years;

Terms of members.

(2) One practical nurse for a term of four (4) years;

(3) One professional nurse and one supervisor of practical nurses for terms of three (3) years each.

Thereafter all appointments shall be for terms of five (5) years each.

Vacancies occurring on the Board shall be filled for the unexpired term by appointment of the Governor, who also may remove any member from the Board for neglect of duty required by law, or for incompetency or unprofessional or disorderly conduct.

Vacancies.

SEC. 4. The Board shall have jurisdiction over the practical nurses of the State of Washington as distinguished from the registered professional nurses in all matters relating to practical nursing. Each Board member shall receive not less than fifteen dollars (\$15) per day for each day engaged in the discharge of his or her duties as a member of the Board, and shall be paid necessary traveling expenses while away from home. The members of the Board shall appoint a Chairman and a Secretary from among its entire members, who shall serve until his or her successor is appointed by the Board.

Jurisdiction of Board.

Compensation of members.

Expenses.

Appointment of Board officers.

SEC. 5. It shall be the duty of the Board to prepare examination questions, conduct examinations

Powers and duties of Board.

and grade the answers of applicants. The Board shall also determine and formulate what constitutes an approved practical nursing course, the same to be written and filed with the Secretary of the Board. The Board may amend said requirements from time to time and any such amendment shall also be in writing and filed with the Secretary of the Board. Upon request of any hospital or other agency within the State of Washington, the Secretary of the Board shall furnish and forward by mail a copy of said written requirements constituting an approved course, and any written amendments thereto.

Require-
ments of
applicant
for license.

SEC. 6. An applicant for a license to practice nursing as a licensed practical nurse shall submit to the Board written evidence, on a form provided by the Board, verified under oath, that the applicant:

- (1) Is at least twenty (20) years of age;
- (2) Is of good moral character;
- (3) Is of good physical and mental health;
- (4) Has completed at least an eighth grade course or its equivalent, as determined by the Board;
- (5) Has completed an approved course of not less than nine (9) months for the training of practical nurses, or its equivalent, as determined by the Board.

Written ex-
amination
required
for license.

To be licensed as a licensed practical nurse, each applicant shall be required to pass a written examination in such subjects as the Board may determine within the scope of and commensurate with the work to be performed by a licensed practical nurse.

Supple-
mental ex-
amination.

Each written examination may be supplemented by an oral or practical examination. Any applicant failing to pass such an examination may apply for re-examination. Upon passing such examination as determined by the Board, the Director shall issue to the applicant a license to practice as a licensed practical nurse, providing the license fee is paid by the

Failure to
pass—re-ex-
amination.

License
issued upon
passing ex-
amination.

applicant and the applicant meets all other requirements of the Board.

SEC. 7. The Director may issue a license to practice as a licensed practical nurse without examination to any applicant who has completed an approved course in practical nursing prior to January 1, 1950. The Director may also issue a license to practice as a licensed practical nurse without examination to any applicant who has been duly licensed or registered as a licensed practical nurse, or a person entitled to perform similar services, under a different title, under the laws of another state, territory or foreign country if, in the opinion of the Board, the applicant has qualifications equivalent to the qualifications required in this state, and who establishes evidence thereof.

Issuance of license to applicant without examination.

Applicants licensed in other states and other countries.

SEC. 8. The Director, upon certification of the Board, shall issue a license to practice as a practical nurse to any person who shall submit to the Board on or before January 1, 1950, written evidence, verified under oath, that such applicant: (1) Is twenty (20) years of age;

Requirements of applicant for license until January 1, 1950.

(2) Is a citizen of the United States or who has applied for citizenship, and a resident of the State of Washington;

(3) Is of good moral character;

(4) Has had two (2) years' or more experience in the care of the sick preceding the passing of this act, and who submits with his or her application for a license affidavits of two (2) licensed physicians or two (2) registered professional nurses in this state, or of one of each, that said licensed physicians or registered nurses have personal knowledge of the applicant's qualifications, and that said applicant has been so engaged as a practical nurse.

The right to obtain a license as a practical nurse as provided in this section shall not continue after January 1, 1950.

License fee.

SEC. 9. All applicants applying for a license to practice as a licensed practical nurse with or without examination, as provided in this act, shall pay a license fee of ten dollars (\$10) to the Department of Licenses: *Provided, however,* That the applicant applying for a re-examination shall pay a fee of two dollars and fifty cents (\$2.50).

Re-examination fee.

Annual registration.

SEC. 10. Every licensed practical nurse in this state shall register annually with the Director of Licenses at a time fixed by him and shall pay an annual registration fee of one dollar (\$1).

Fee.

Supervisor of practical nurse education.

SEC. 11. The Director shall appoint a supervisor of practical nurse education who shall act as an executive to the Board to carry out the provisions of this act and who shall have the following qualifications: (1) Be a registered professional nurse in the State of Washington;

(2) Be the holder of a baccalaureate degree from an accredited university or college;

(3) Have not less than five years' experience in the practice of nursing;

(4) Have not less than two years' experience instructing in an approved course of practical nursing education;

(5) Be engaged actively in instructing practical nurses in an approved course at the time of her appointment.

Compensation and expenses of Supervisor.

SEC. 12. The Director shall fix the compensation and provide for the necessary travel expenses for said Supervisor of Practical Nurse Education and shall provide such clerical assistance as said Director may deem necessary.

Clerical assistance.

Director to pay expenses and compensation of Board members.

SEC. 13. The Director shall provide each member of the Board with necessary traveling expenses and shall pay to the board members the compensation as provided herein.

SEC. 14. The license of any person granted pursuant to this act may be suspended for a limit of time or revoked by the Director for any of the following causes that shall be deemed to be unprofessional conduct within the meaning of this act: (1) The employment of fraud, misrepresentation or deception in obtaining any such license;

(2) Conviction of a crime involving moral turpitude;

(3) Chronic alcoholism or habitual use of drugs;

(4) Impersonation of a registered professional nurse;

(5) Violation of any of the provisions of this act.

Suspension and revocation of licenses.

Causes.

SEC. 15. Proceedings to revoke or suspend any license granted pursuant to this act may be instituted by the Director on his own complaint, or on the verified complaint of any person filed with the Director. Such complaint shall set forth the facts constituting the grounds for which said license shall be revoked or suspended. The Board of Directors provided for in this act, together with the Director, shall constitute a committee to hear and determine the charges and make findings of fact and conclusions. The Director shall serve upon the license-holder against whom the complaint is made a notice in writing twenty (20) days prior to the date set for the hearing, which notice shall specify the offense with which said person is charged, shall contain a copy of the complaint, and shall state the time and place of hearing. All hearings shall be held in Olympia unless the Director shall fix a different place. Said notice may be served by registered mail addressed to the license-holder at his or her address last known to the Director. The Director shall have the power to issue subpoenas to compel the attendance of witnesses, or the production of books or documents. The accused person shall have an opportunity to defend and to have counsel and may

Proceedings for revocation and suspension.

Complaint.

Contents of complaint.

Committee to hear and determine.

Notice of hearing.

Contents of notice.

Place of hearing.

Service of notice.

Subpoenas.

Rights of accused.

Service of subpoenas.	have such subpoenas as he or she may desire, issued by the Director. Subpoenas shall be served in the same manner as in civil cases in the Superior Court.
Depositions.	Witnesses shall testify under oath, administered by the Director. Testimony may be taken by deposition under such rules as the Director may prescribe.
Findings of fact and conclusions.	The Committee shall hear and determine the charges and shall make findings of fact and conclusions upon the evidence produced, and shall file the same in the Director's office. The Director shall serve a copy of said findings and conclusions by registered mail upon the accused. The revocation or suspension of a license to practice shall be in writing and signed by the Director, and shall state the grounds upon which such order is based. The accused person shall have the right to appeal from such order to the Superior Court of Thurston County within twenty (20) days after a copy of such order is served upon such person, for the purpose of having the reasonableness and lawfulness of said order inquired into and determined. On such appeal the entire record laid before the Committee shall be certified by the Director to said Superior Court, and the review on appeal shall be confined to the evidence and exhibits introduced at the hearing before the Committee. An appeal shall lie to the Supreme Court from the judgment of the Superior Court in the manner provided by law in civil cases.
Copy of findings and conclusions served on accused.	
Order of revocation or suspension.	
Appeal to Superior Court.	
Review.	
Appeal to Supreme Court.	
Rules and regulations.	SEC. 16. The Director shall adopt such rules and regulations as he shall deem necessary for carrying this act into effect and shall keep a register of the names of all persons licensed under this act, which register shall be open to the public for inspection at all reasonable times.
Register of licensees.	
Scope of Act.	SEC. 17. This act shall not be construed as conferring authority to practice medicine or surgery, or to practice as a registered nurse, or to undertake the treatment or cure of disease, pain, injury, de-

formity or physical condition; nor shall it be construed as prohibiting the care of the sick when done in connection with the practice of religious tenets of any church by adherents thereof, in caring for adherents thereof or caring for a patient of any drugless doctor.

SEC. 18. It shall be a misdemeanor for any person to practice nursing as a licensed practical nurse in this state unless such person shall have first obtained a license from the Board: *Provided*, That nothing in this act shall prohibit any person from nursing the sick for hire who does not in any way assume or represent himself or herself to be a "licensed practical nurse, abbreviated L.P.N."

Penalty for violations.

Proviso.

SEC. 19. Should any section of this act, or any portion of any section, for any reason be held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

Partial invalidity.

Passed the House March 1, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 22, 1949.

CHAPTER 223.

[H. B. 419.]

RECORDING OF DOCUMENTS AND PUBLIC AND PRIVATE RECORDS.

AN ACT to authorize the recording of documents and public and private records.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. The head of any business or the head of any state, county or municipal department, commission, bureau or board may cause any or all records required or authorized by law to be made or kept by such official, department, commission, bureau, board or business to be photographed, micro-

Records required or authorized by law may be photographed, photostated, etc.