

ex. sess. and RCW 43.21A.065 are each hereby repealed.

NEW SECTION. Sec. 16. This 1973 act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 19, 1973.

Passed the Senate March 7, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 20, 1973.

CHAPTER 133

[Engrossed Senate Bill No. 2213]

REGISTERED NURSES--REGULATION

AN ACT Regulating the practice of nursing; amending sections 1 and 2, chapter 202, Laws of 1949 and RCW 18.88.010 and 18.88.020; amending section 4, chapter 202, Laws of 1949 as amended by section 1, chapter 288, Laws of 1961 and RCW 18.88.030; amending section 5, chapter 202, Laws of 1949 and RCW 18.88.050; amending section 6, chapter 202, Laws of 1949 as amended by section 3, chapter 288, Laws of 1961 and RCW 18.88.060; amending section 7, chapter 202, Laws of 1949 and RCW 18.88.070; amending section 8, chapter 202, Laws of 1949 as amended by section 4, chapter 288, Laws of 1961 and RCW 18.88.080; amending section 9, chapter 202, Laws of 1949 as amended by section 5, chapter 288, Laws of 1961 and RCW 18.88.090; amending section 10, chapter 202, Laws of 1949 as amended by section 6, chapter 288, Laws of 1961 and RCW 18.88.100; amending sections 11 and 12, chapter 202, Laws of 1949 and RCW 18.88.110 and 18.88.120; amending section 13, chapter 202, Laws of 1949 as amended by section 7, chapter 288, Laws of 1961 and RCW 18.88.130; amending section 14, chapter 202, Laws of 1949 as amended by section 8, chapter 288, Laws of 1961 and RCW 18.88.140; amending section 15, chapter 202, Laws of 1949 as amended by section 9, chapter 288, Laws of 1961 and RCW 18.88.150; amending section 16, chapter 202, Laws of 1949 as amended by section 10, chapter 288, Laws of 1961 and RCW 18.88.160; amending sections 17 and

18, chapter 202, Laws of 1949 and RCW 18.88.170 and 18.88.180; amending section 19, chapter 202, Laws of 1949 as last amended by section 18, chapter 266, Laws of 1971 ex. sess. and RCW 18.88.190; amending section 20, chapter 202, Laws of 1949 as amended by section 12, chapter 288, Laws of 1961 and RCW 18.88.200; amending section 22, chapter 202, Laws of 1949 and RCW 18.88.220; amending sections 23, 24, 25, and 26, chapter 202, Laws of 1949 and RCW 18.88.230, 18.88.240, 18.88.250, and 18.88.260; amending section 15, chapter 288, Laws of 1961 and RCW 18.88.265; amending section 27, chapter 202, Laws of 1949 and RCW 18.88.270; amending section 28, chapter 202, Laws of 1949 as amended by section 13, chapter 288, Laws of 1961 and RCW 18.88.280; amending section 14, chapter 288, Laws of 1961 as amended by section 9, chapter 79, Laws of 1967 and RCW 18.88.285; adding a new section to chapter 18.88 RCW; repealing section 3, chapter 202, Laws of 1949 and RCW 18.88.040; creating new sections; and providing penalties.

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

Section 1. Section 1, chapter 202, Laws of 1949 and RCW 18.88.010 are each amended to read as follows:

In order to safeguard life, health and to promote public welfare, any person practicing or offering to practice ((professional)) nursing as a registered nurse in this state shall hereafter be required to submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided. The registered nurse is directly accountable and responsible to the individual consumer for the quality of nursing care rendered.

Sec. 2. Section 2, chapter 202, Laws of 1949 and RCW 18.88.020 are each amended to read as follows:

After the first day of July, 1949, it shall be unlawful for any person to practice or to offer to practice as a ((professional)) registered nurse in this state or to use any title, sign or device to indicate that such a person is practicing as a ((professional)) registered nurse unless such person has been duly licensed and registered under the provisions of this chapter.

Sec. 3. Section 4, chapter 202, Laws of 1949 as amended by section 1, chapter 288, Laws of 1961 and RCW 18.88.030 are each amended to read as follows:

Whenever used in this chapter, terms defined in this section shall have the meanings herein specified unless the context clearly indicates otherwise.

The practice of ((professional)) nursing means the performance ((for compensation of any act in the observation; care and counsel of the ill; injured or infirmed; or in the maintenance of health or prevention of illness of others; or in the supervision and teaching

of other personnel; or the administration of medications and treatments as prescribed by a licensed physician, osteopathic physician and surgeon, dentist or chiropodist; requiring substantial specialized judgment and skill and based on knowledge and application of the principles of biological, physical and social science. The foregoing shall not be deemed to include acts of diagnosis or prescription of therapeutic or corrective measures)) of acts requiring substantial specialized knowledge, judgment and skill based upon the principles of the biological, physiological, behavioral and sociological sciences in either:

(1) The observation, assessment, diagnosis, care or counsel, and health teaching of the ill, injured or infirm, or in the maintenance of health or prevention of illness of others.

(2) The performance of such additional acts requiring education and training and which are recognized jointly by the medical and nursing professions as proper to be performed by nurses licensed under this chapter and which shall be authorized by the board of nursing through its rules and regulations.

(3) The administration, supervision, delegation and evaluation of nursing practice: PROVIDED, HOWEVER, That nothing herein shall affect the authority of any hospital, hospital district, medical clinic or office, concerning its administration and supervision.

(4) The teaching of nursing.

(5) The executing of medical regimen as prescribed by a licensed physician, osteopathic physician, dentist, or chiropodist.

Nothing in this chapter shall be construed as prohibiting any person from practicing any profession for which a license shall have been issued under the laws of this state or specifically authorized by any other law of the state of Washington.

This chapter shall not be construed as prohibiting the nursing care of the sick, without compensation, by any unlicensed person who does not hold herself or himself out to be a ((graduate nurse or)) registered nurse, and further, this chapter shall not be construed as prohibiting the practice of practical nursing by any practical nurse, with or without compensation in either homes or hospitals.

The word "board" means the Washington state board of nursing.

The term "department" means the department of licenses.

The word "diagnosis", in the context of nursing practice, means the identification of, and discrimination between, the person's physical and psycho-social signs and symptoms which are essential to effective execution and management of the nursing care regimen.

The term "diploma" means written official verification of completion of an approved nursing education program.

The term "director" means the director of licenses.

((The term "council" means the nurse planning council.))

The terms "nurse" or "nursing" wherever they occur in this chapter, unless otherwise specified, for the purposes of this chapter shall mean a ~~((professional))~~ registered nurse or ~~((professional))~~ registered nursing.

Sec. 4. Section 5, chapter 202, Laws of 1949 and RCW 18.88.050 are each amended to read as follows:

~~((On or before July 1, 1949, the governor shall appoint a rotating board of not less than five members. The members of the first board shall be appointed to serve the following terms, beginning July 1, 1949: One member for one year, one member for two years, one member for three years, one member for four years, and one member for five years. Thereafter the terms shall be for five years. The executive secretary as hereinafter provided for shall be an ex officio member of the board.))~~

The state board of nursing, after July 1, 1973, shall consist of seven members, to be appointed by the governor, two of whom shall be appointed for a term of two years, two for a term of four years, and three for a term of five years. Thereafter all appointments shall be for terms of five years. The terms of board members in office at the time of the effective date of this 1973 amendatory act shall end June 30, 1973. No person shall serve as a member of the board for more than two consecutive terms.

The governor may remove any member from the board for neglect of any duty required by law, or for incompetency or unprofessional or dishonorable conduct. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor as herein provided.

Sec. 5. Section 6, chapter 202, Laws of 1949 as amended by section 3, chapter 288, Laws of 1961 and RCW 18.88.060 are each amended to read as follows:

There shall be six nurse members and one public member on the board.

Each member of the board shall be a citizen of the United States and a resident of this state ~~((and shall be a registered professional nurse under the provisions of this chapter, and shall have had not less than five years' experience in the practice of nursing following graduation from an accredited school of nursing and shall have been actively engaged in the practice of nursing within two years immediately prior to the time of her appointment or shall have graduated from a four-year accredited college with a major in nursing education and shall have had at least five years successful experience in administration or teaching in a nursing educational program))~~.

(1) Nurse members of the board shall be:

(a) Licensed as registered nurses under the provisions of this

chapter.

(b) Have had at least five years experience in the active practice of nursing and shall have been engaged in practice within two years of appointment.

(i) Three members shall represent nursing education with at least three years of experience in administration or teaching at an approved school of nursing.

(ii) One member shall have had not less than three years experience as an administrator of nursing service.

(iii) One member shall have had not less than three years experience and be actively engaged in community nursing at the level of direct care.

(iv) One member shall have had not less than three years experience and be actively engaged at the level of direct patient care.

(2) The public member shall not be or have been a member of any other licensing board, nor a licensee of any health occupation board, an employee of any health facility, nor derive his primary livelihood from the provision of health services at any level of responsibility.

Sec. 6. Section 7, chapter 202, Laws of 1949 and RCW 18.88.070 are each amended to read as follows:

The board shall meet annually and at its annual meeting shall elect from among its members a chairman and a secretary. The board shall meet at least quarterly at times and places it designates. It shall hold such other meetings during the year as may be deemed necessary to transact its business. A majority of the board, including one officer, shall constitute a quorum at any meeting. All meetings of the board shall be open and public except the board may hold executive sessions to the extent permitted by chapter 42.30 RCW.

Sec. 7. Section 8, chapter 202, Laws of 1949 as amended by section 4, chapter 288, Laws of 1961 and RCW 18.88.080 are each amended to read as follows:

The board may adopt such rules and regulations not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of this chapter. The board shall ((prescribe)) approve curricula and shall establish criteria for minimum standards for schools preparing persons for licensure under this chapter. ((It shall accredit such schools for professional nurses as meet the requirements of this chapter and of the board. It shall evaluate and approve courses offered by institutions or agencies for affiliation of student nurses. It shall examine all applicants for registration under this chapter and shall certify to the director for licensing duly qualified applicants.)) It shall keep a record of all its proceedings and make an annual report to the

governor. The board shall define by regulation what constitutes specialized and advanced levels of nursing practice as recognized by the medical and nursing professions. The board may adopt regulations in response to questions put to it by professional health associations, nursing practitioners and consumers in this state concerning the authority of various categories of nursing practitioners to perform particular acts.

The board shall approve such schools of nursing as meet the requirements of this chapter and the board, and the board shall approve establishment of basic nursing education programs and shall establish criteria as to the need for and the size of a program and the type of program and the geographical location. The board shall establish criteria for proof of reasonable currency of knowledge and skill as a basis for safe practice after three years nonpracticing status. The board shall establish criteria for licensure by endorsement. The board shall examine all applications for registration under this chapter, and shall certify to the director for licensing duly qualified applicants.

The ((director)) department shall furnish to the board such secretarial, clerical and other assistance as may be necessary to effectively administer the provisions of this chapter. Each member of the board shall, in addition to necessary traveling and incidental expenses while away from home, receive twenty-five dollars compensation for each and every day engaged in the discharge of his or her duties.

Sec. 8. Section 9, chapter 202, Laws of 1949 as amended by section 5, chapter 288, Laws of 1961 and RCW 18.88.090 are each amended to read as follows:

The director shall appoint ((a supervisor of nursing who shall act as)), after consultation with the board, an executive secretary ((of the board)) who shall act to carry out the provisions of this chapter. The director shall also ((appoint)) employ such assistants ((supervisors)) licensed under the provisions of this chapter as shall be necessary to carry out the provisions of this chapter. The director shall fix the compensation and provide for necessary travel expenses for ((all)) such appointee((s)) and all such employees.

Sec. 9. Section 10, chapter 202, Laws of 1949 as amended by section 6, chapter 288, Laws of 1961 and RCW 18.88.100 are each amended to read as follows:

((Supervisors of nursing and assistant supervisors shall have the same qualifications as are specified for a member of the board of nursing except that they shall have a minimum of eight years' experience in professional nursing, five years of which shall have been in teaching or in administration of a program preparing nursing practitioners or in a combination of both, and they shall have been

actively engaged in nursing education for a period of three years prior to the time of appointment.)

The executive secretary shall be a graduate of an approved nursing education program and of a college and/or university, with a Masters degree, and currently licensed under the provisions of this chapter; shall have a minimum of at least eight years experience in nursing in any combination of administration and nursing education; and shall have been actively engaged in practice of nursing or nursing education within two years immediately prior to the time of appointment.

Sec. 10. Section 11, chapter 202, Laws of 1949 and RCW 18.88.110 are each amended to read as follows:

An institution desiring to conduct a school of professional nursing shall apply to the board and submit evidence that:

(1) It is prepared to carry out the ((prescribed)) approved basic professional nursing curriculum, and

(2) It is prepared to meet other standards established by this law and by the board. ((A survey)) Surveys of the ((institution or)) schools and institutions and agencies ((with which the school is to be affiliated)) to be used by the schools shall be made ((by the executive secretary or the authorized supervisor of nursing education, who shall submit a written report of the survey to)) as determined by the board. If, in the opinion of the board, the requirements for an ((accredited)) approved school of nursing are met, such school shall be ((accredited)) approved.

Sec. 11. Section 12, chapter 202, Laws of 1949 and RCW 18.88.120 are each amended to read as follows:

From time to time as deemed necessary by the board, it shall be its duty ((through its executive secretary or the authorized supervisor of nursing education)) to survey all schools of nursing in the state. Written reports of such survey shall be ((submitted to)) reviewed by the board. If the board determines that any ((accredited)) approved school of nursing is not maintaining the standards required by the statutes and by the board, notice thereof in writing, specifying the defect or defects shall be given to the school. A school which fails to correct these conditions to the satisfaction of the board within a reasonable time shall, upon due notice to the school, be removed from the list of ((accredited)) approved schools of nursing to be maintained by the department.

Sec. 12. Section 13, chapter 202, Laws of 1949 as amended by section 7, chapter 288, Laws of 1961 and RCW 18.88.130 are each amended to read as follows:

An applicant for a license to practice ((professional nursing)) as a registered nurse shall submit to the board ((written evidence that said applicant (4) has completed at least an approved

high school course of study or the equivalent thereof as determined by the board and shall meet such other preliminary qualification requirements as the board shall prescribe; (2) has completed the basic professional curriculum in an accredited school of nursing and has been issued a diploma therefrom; (3) is of good moral character; (4) is in good physical and mental health) (1) an attested written application on department form; (2) written official evidence of diploma from an approved school of nursing; and (3) any other official records specified by the board. The applicant at the time of such submission shall not be in violation of RCW 18.88.230 as now or hereafter amended or any other provision of this chapter.

The board, by regulation, shall establish criteria for evaluating the education of all applicants.

Sec. 13. Section 14, chapter 202, Laws of 1949 as amended by section 8, chapter 288, Laws of 1961 and RCW 18.88.140 are each amended to read as follows:

The applicant shall be required ((upon written application)) to pass a written examination in such subjects as the board ((may)) shall determine. ((When an applicant has been issued a diploma from an accredited school of nursing, in the interval before examinations are offered, he may be issued a permit to practice as a professional nurse pending the first succeeding date of examination. Such permits are to be issued for a period of not longer than six months.)) Each written examination may be supplemented by an oral or practical examination. ((Upon successfully passing such examination, as determined by the board, the director shall issue to the applicant a license to practice nursing as a registered professional nurse.)) The board shall establish the standards for passing.

Upon approval by the board, the department shall issue an interim permit authorizing the applicant to practice nursing pending notification of the results of the first licensing examination following verification of diploma from an approved school of nursing. Upon the applicant passing the examination, the department shall issue to the applicant a license to practice as a registered nurse. If the applicant fails the examination, the interim permit expires upon notification and is not renewable. Those applicants who fail the first examination ((may)) shall be allowed to submit themselves for one subsequent examination without payment of any additional fee if such examination is to be held within one year of the first failure. ((Applicants who fail to satisfactorily complete examinations on second attempt shall be required to complete such courses or nursing practice as prescribed by the board in order to be eligible for subsequent examinations. Written evidence of satisfactory completion of such required courses or nursing practice shall be submitted to the board.)) The board shall establish, by

rule and regulation, the requirements necessary to qualify for reexamination of applicants who have failed.

Sec. 14. Section 15, chapter 202, Laws of 1949 as amended by section 9, chapter 288, Laws of 1961 and RCW 18.88.150 are each amended to read as follows:

((The director of licenses after approval by the board, written application, and evidence of qualification,)) Upon board approval of the application, the department ((may)) shall issue a license to practice nursing as a registered ((professional)) nurse without examination((,)) to an applicant who has been duly licensed ((or registered)) as a registered nurse by examination under the laws of another state, territory or ((foreign country, if in the opinion of the board the applicant meets or at the time of graduation met the qualifications required of registered professional nurses in this state)) possession of the United States.

An applicant graduated from a school of nursing outside the United States and licensed by a country outside the United States shall meet all qualifications required by this chapter and by the board and shall pass examinations as determined by the board.

Sec. 15. Section 16, chapter 202, Laws of 1949 as amended by section 10, chapter 288, Laws of 1961 and RCW 18.88.160 are each amended to read as follows:

Each applicant for a license to practice as a registered((, professional)) nurse shall pay a fee of twenty dollars to the state treasurer.

Sec. 16. Section 17, chapter 202, Laws of 1949 and RCW 18.88.170 are each amended to read as follows:

Any person who holds a license to practice as a registered((, professional)) nurse in this state shall have the right to use the title "registered nurse" and the abbreviation "R.N.". No other person shall assume such title or use such abbreviation or any other words, letters, signs or figures to indicate that the person using same is a registered((, professional)) nurse.

Sec. 17. Section 18, chapter 202, Laws of 1949 and RCW 18.88.180 are each amended to read as follows:

Any person holding a valid license ((or certificate of registration)) to practice nursing issued by authority of the state when this chapter becomes effective shall continue to be licensed as a registered((, professional)) nurse under the provisions of this chapter.

Sec. 18. Section 19, chapter 202, Laws of 1949 as last amended by section 18, chapter 266, Laws of 1971 ex. sess. and RCW 18.88.190 are each amended to read as follows:

Every license issued under the provisions of this chapter shall be ((annually)) renewed, except as hereinafter provided. ((On

or before January 1st) At least thirty days prior to expiration, the director shall mail a notice for renewal of license to every person licensed for the current ((year)) licensing period. The applicant shall return the notice to the ((state treasurer)) department with a renewal fee of ((not more than)) five dollars ((to be determined by the director as provided in REW 43-24-0057)) before ((March 1st)) the expiration date. Upon receipt of the notice and appropriate fee the ((director)) department shall issue to the applicant a ((certificate of renewal for the current year beginning January 1st and expiring December 31st of that year; Such certificate of renewal)) license which shall render the holder thereof a legal practitioner of ((professional)) nursing for the period stated on the ((certificate of renewal)) license.

Sec. 19. Section 20, chapter 202, Laws of 1949 as amended by section 12, chapter 288, Laws of 1961 and RCW 18.88.200 are each amended to read as follows:

((After March 1st)) Any licensee who allows his or her license to lapse by failing to renew the license, shall upon application for renewal pay a penalty of ((two)) five dollars. If the applicant fails to renew the license before ((December 31st of that year)) the end of the current licensing period, the license shall be issued for the next ((year)) licensing period by the ((director)) department upon written application and fee of twenty dollars.

Sec. 20. Section 22, chapter 202, Laws of 1949 and RCW 18.88.220 are each amended to read as follows:

A person licensed under the provisions of this chapter desiring to retire temporarily from the practice of nursing in this state shall send a written notice to the director.

Upon receipt of such notice the name of such person shall be placed upon the nonpracticing list. While remaining on this list the person shall not be subject to the payment of any renewal fees and shall not practice nursing in the state as provided in this chapter. When such person desires to resume practice, ((request)) application for renewal of license ((and payment of renewal fee for the current year shall be made to the state treasurer)) shall be made to the board and renewal fee payable to the state treasurer. Persons on nonpracticing status for three years or more must provide evidence of knowledge and skill of current practice as required by the board or as hereinafter in this chapter provided.

Sec. 21. Section 23, chapter 202, Laws of 1949 and RCW 18.88.230 are each amended to read as follows:

((The license and registration of any person licensed to practice nursing, under the provisions of this chapter, shall be revoked or suspended for any of the following causes when found by

the board: (1) The employment of fraud, misrepresentation or deception in obtaining such license; (2) conviction of crime involving moral turpitude; (3) chronic inebriety or habitual use of drugs; (4) fraud and misrepresentation as to skill and ability; (5) distribution of alcohol or drugs for any other than legitimate purposes; (6) unprofessional conduct; and (7) professional incompetence. Upon the recommendation of the board, the director shall)) Upon recommendation of the board, the department shall deny, or after a hearing by the board, shall revoke or suspend the license upon finding that the person: (1) Procured or attempted to procure the license by fraud or deceit; or (2) has been convicted of a crime involving moral turpitude; or (3) is habitually intemperate in the use of or is addicted to any habit forming or other dangerous drugs; or (4) has engaged in distribution of drugs for any other than legitimate purposes; or (5) exhibits behaviors which may be due to poor physical or mental health which create an undue risk that the person, as a nursing practitioner, would cause harm to other persons; or (6) has previously had a registered nursing license revoked or suspended in this or any other state, territory, possession of the United States, or country, unless reinstated; or (7) has been guilty of gross negligence in the performance of acts of nursing practice; or (8) has engaged in any act inconsistent with generally accepted professional standards of good nursing practice; or (9) has knowingly engaged in any act which, before it was committed, had been determined to be beyond the scope of that person's nursing practice by regulation under this chapter; or (10) wilfully violated any of the provisions of this chapter or regulations adopted thereunder. The department shall upon recommendation from the board reissue a license that has been revoked or suspended under the provisions of this section. Application for the reissuance of such license shall not be considered prior to one year after revocation and shall be made in such manner as the ((director)) board may specify.

Sec. 22. Section 24, chapter 202, Laws of 1949 and RCW 18.88.240 are each amended to read as follows:

Any licensee shall be entitled to a hearing by the board before his or her license is revoked or suspended. In all proceedings having for their purpose a revocation or suspension of a license to practice as a registered((7 professional)) nurse, the holder of such license shall be given twenty days' notice in writing by the director, which notice shall specify the offense or offenses against this chapter with which such accused person is charged, and shall also give the day and place where the hearing is to be held, which shall be the city of Olympia, Washington, unless a different place shall be fixed by the board. The director or the chairman of the board 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 the opportunity to make his or her defense and may have issued such subpoenas as he or she may desire. Subpoenas may be served in the same manner as in civil cases in the superior court. Witnesses shall testify under oath administered by the chairman of the board. Testimony shall be taken in writing and may be taken by deposition under such rules as the board may prescribe. The board shall hear and determine the charges and shall make findings and conclusions upon the evidence produced; it shall file the same ((in the director's office)) with the department, together with a transcript of all the evidence, a duplicate copy of which shall be served upon the accused. The revocation or suspension of a license to practice shall be in writing, signed by the director or chairman of the board, stating the grounds upon which such order is based. Neither the board nor any court to which an appeal may be taken shall be bound by strict rules of procedure or by the rules of evidence in the conduct of its proceedings, but the determination shall be based upon sufficient legal evidence to sustain it.

Sec. 23. Section 25, chapter 202, Laws of 1949 and RCW 18.88.250 are each amended to read as follows:

Any person feeling aggrieved by the refusal of the ((director)) department to issue any license provided for in this chapter, or to renew the same, or by the revocation or suspension of the license issued under the provisions of this chapter, or any law being administered under this chapter, shall have the right of appeal in the manner provided by ((REW 43.24.420)) the Washington Administrative Procedure Act, chapter 34.04 RCW.

Sec. 24. Section 26, chapter 202, Laws of 1949 and RCW 18.88.260 are each amended to read as follows:

Reported violations of this chapter shall be investigated by the ((director)) department or the board, as appropriate. In any case in which the ((director)) department or board finds that a violation has occurred, ((he)) it shall immediately report the same to the prosecuting attorney for the county in which the violation took place for prosecution or to the board for appropriate action. ((The director may appoint investigators, whose duties shall be to investigate such violations and to procure legal evidence of the same for prosecution of offenders. The director may adopt such reasonable rules and regulations as may be necessary to carry out the duties herein imposed upon him in the administration of this chapter.))

Sec. 25. Section 15, chapter 288, Laws of 1961 and RCW 18.88.265 are each amended to read as follows:

The board of nursing may at its option by injunctive proceedings instituted by the attorney general, prevent the practice of ((professional)) nursing by any person not validly licensed.

Sec. 26. Section 27, chapter 202, Laws of 1949 and RCW 18.88.270 are each amended to read as follows:

It shall be a gross misdemeanor for any person to:

- (1) Sell or fraudulently obtain or furnish any nursing diploma, license, record or registration, or aid or abet therein;
- (2) Practice nursing as defined by this chapter under cover of any diploma, license, record or registration illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation or mistake of fact in a material regard;
- (3) Practice nursing as defined by this chapter, unless duly licensed to do so under the provisions of this chapter;
- (4) Use in connection with his or her name any designation tending to imply that he or she is a registered, professional nurse unless duly licensed to practice under the provisions of this chapter;
- (5) Practice as a registered(~~7~~ ~~professional~~) nurse during the time his or her license issued under the provisions of this chapter shall be suspended or revoked; and

(6) Otherwise violate any of the provisions of this chapter.

Sec. 27. Section 28, chapter 202, Laws of 1949 as amended by section 13, chapter 288, Laws of 1961 and RCW 18.88.280 are each amended to read as follows:

This chapter shall not be construed as (~~conferring any authority to practice medicine or to undertake the treatment or care of disease, pain, injury, deformity or physical condition in violation of chapter 48.74; nor shall it be construed as conferring any authority to practice osteopathy or osteopathy and surgery in violation of chapter 48.57; nor shall it be construed as~~) [1] prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers, so long as they do not practice professional nursing within the meaning of this chapter, [2] or preventing any person from the domestic administration of family remedies or the furnishing of nursing assistance in case of emergency; [3] nor shall it be construed as prohibiting such practice of nursing by students enrolled in (~~accredited~~) approved schools as may be incidental to their course of study nor shall it prohibit such students working as nursing aides; [4] nor shall it be construed as prohibiting auxiliary services provided by persons carrying out duties necessary for the support of nursing service including those duties which involve minor nursing services for persons performed in hospitals, nursing homes or elsewhere under the direction of licensed physicians or the supervision of licensed, registered nurses; [5] nor shall it be construed as prohibiting or preventing the practice of nursing in this state by any legally qualified nurse of another state or territory whose engagement requires him or her to accompany and

care for a patient temporarily residing in this state during the period of one such engagement, not to exceed six months in length, if such person does not represent or hold himself or herself out as a nurse licensed to practice in this state; (6) nor shall it be construed as prohibiting nursing or care of the sick, with or without compensation, when done in connection with the practice of the religious tenets of any church by adherents thereof so long as they do not engage in the practice of nursing as defined in this chapter; (7) nor shall it be construed as prohibiting the practice of any legally qualified nurse of another state who is employed by the United States government or any bureau, division or agency thereof, while in the discharge of his or her official duties; (8) permitting the measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses or frames for the aid thereof; (9) permitting the prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training or orthoptics; (10) permitting the prescribing of contact lenses for, or the fitting or adaptation of contact lenses to, the human eye; (11) prohibiting the performance of routine visual screening; (12) permitting the practice of dentistry or dental hygiene as defined in chapter 18.32 and 18.29 RCW respectively; (13) permitting the practice of chiropractic as defined in chapter 18.25 RCW including the adjustment or manipulation of the articulations of the spine; (14) permitting the practice of chiropody as defined in chapter 18.22 RCW; (15) permitting the performance of major surgery, except such minor surgery as the board may have specifically authorized by rule or regulation duly adopted in accordance with the provisions of chapter 34.04 RCW; (16) permitting the prescribing of controlled substances as defined in schedules I through IV of the Uniform Controlled Substances Act, chapter 69.50 RCW.

Sec. 28. Section 14, chapter 288, Laws of 1961 as amended by section 9, chapter 79, Laws of 1967 and RCW 18.88.285 are each amended to read as follows:

A (~~(professional)~~) registered nurse under her or his license may perform for compensation nursing care (as that term is usually understood) of the ill, injured or infirm, and in the course thereof, she or he is authorized to do the following things which shall not be done by any person not so licensed, except as provided in RCW 18.78.182:

(1) At or under the general direction of a licensed physician, dentist, osteopath or chiropodist (acting within the scope of his or her license) to administer medications, treatments, tests and inoculations, whether or not the severing or penetrating of tissues

is involved and whether or not a degree of independent judgment and skill is required.

(2) To delegate to other persons engaged in nursing, the functions outlined in the preceding paragraph.

(3) To perform specialized and advanced levels of nursing as defined by the board.

(4) To instruct students of nursing in technical subjects pertaining to nursing.

~~((4))~~ (5) To hold herself or himself out to the public or designate herself or himself as a registered nurse or ~~((professional))~~ nurse.

NEW SECTION. Sec. 29. There is added to chapter 18.88 RCW a new section to read as follows:

The department, subject to chapter 34.04 RCW, the Washington Administrative Procedure Act may adopt such reasonable rules and regulations as may be necessary to carry out the duties herein imposed upon it in the administration of this chapter.

NEW SECTION. Sec. 30. Section 3, chapter 202, Laws of 1949 and RCW 18.88.040 are each repealed.

NEW SECTION. Sec. 31. If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 13, 1973.

Passed the House February 28, 1973.

Approved by the Governor March 19, 1973, with the exception of subsections (1)(b)(i) through (1)(b)(iv) of section five which are vetoed.

Filed in Office of Secretary of State March 20, 1973.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to a certain item in Senate Bill No. 2213 entitled:

"AN ACT Regulating the practice of nursing."

This act comprehensively reformulates the law relating to the regulation of nursing practice. This legislation has the effect of bringing the law up to date with many currently accepted nursing practices and building into the administrative processes sufficient flexibility to meet future needs of the profession.

Veto
Message

Part of the basis of increased flexibility results from extending the authority and responsibility of the state board of nursing. That board shall consist of seven

members and includes six nurses and one public member. In section five, subsection (1)(b)(i) through subsection (1)(b)(iv), the act details at considerable length the qualifications required of individual nurse members of the board. Without these subsections, there remain the requirements that nurse members be licensed under the act, have five years of practice and have actively practiced within two years of appointment. The further detailing of requirements in subsections (1)(b)(i) through (1)(b)(iv) of section five could unduly restrict representation on the board and therefore not serve the best interests of the people or the profession. Accordingly, I have determined to veto that portion of section five.

Veto
Message

With the exception of subsections (1)(b)(i) through (1)(b)(iv) of section five, I have approved Senate Bill No. 2213."

CHAPTER 134

[Senate Bill No. 2459]

DOMESTIC RELATIONS--FILIIATION PROCEEDINGS--
CUSTODY--NOTICE--CONSENT

AN ACT Relating to domestic relations; amending section 19, chapter 203, Laws of 1919 and RCW 26.24.190; amending section 3, chapter 291, Laws of 1955 and RCW 26.32.030; amending section 4, chapter 291, Laws of 1955 and RCW 26.32.040; amending section 5, chapter 291, Laws of 1955 and RCW 26.32.050; amending section 8, chapter 291, Laws of 1955 and RCW 26.32.080; amending section 1, chapter 49, Laws of 1903 and RCW 26.37.010; adding new sections to chapter 291, Laws of 1955 and to chapter 26.32 RCW; adding a new section to chapter 49, Laws of 1903 and to chapter 26.37 RCW; adding a new section to chapter 26.28 RCW; and declaring an emergency.

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

Section 1. Section 19, chapter 203, Laws of 1919 and RCW 26.24.190 are each amended to read as follows:

((If the mother be a suitable person she shall be awarded the custody and control of said child; if she be not a suitable person, the court may deliver)) In any filiation proceeding where the accused is found to be the father of the child, the court shall include in its judgment an award of custody of the child to that parent who is the more fit from the standpoint of furthering the child's welfare;