

CHAPTER 202.

[ H. B. 52. ]

LICENSING OF NURSES.

AN ACT regulating the practice of professional nursing; providing for mandatory licensing of professional nurses; prescribing penalties; and repealing certain prior inconsistent statutes.

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

Purpose of act.

SECTION 1. In order to safeguard life, health and to promote public welfare, any person practicing or offering to practice professional nursing 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.

Practice unlawful unless licensed.

SEC. 2. After the first day of July, 1949, it shall be unlawful for any person to practice or to offer to practice as a professional nurse in this state or to use any title, sign or device to indicate that such a person is practicing as a professional nurse unless such person has been duly licensed and registered under the provisions of this act.

Nurse Planning Council.

SEC. 3. There is hereby created a Nurse Planning Council. On or before July 1, 1949, the Director shall appoint a Nurse Planning Council to consist of the following: Two licensed physicians or surgeons; one hospital administrator who is associated with a school of nursing; one general educator; and one non-nurse citizen of this state. The Executive Secretary of the Board as hereinafter provided shall be an ex-officio member of the Council and shall act as Secretary to the Council. Each member of the Council shall receive necessary travel and incidental expenses incurred in performance of his duties away from home. The term of office of the members shall be at the pleasure of the Director. The Council shall meet annually and shall elect a President. It shall hold such other meetings as deemed necessary upon

Members.

Expenses.

Term of office.

Meetings.

the call of the President of the Council or the Chairman of the Board. The Board shall attend the meetings of the Council. The purpose of the Council shall be to plan with the Board in regard to standards for accreditation of schools of nursing, including curricula and examinations for applicants for license.

Purpose of council.

SEC. 4. Whenever used in this act, terms defined in this section shall have the meanings herein specified unless the context clearly indicates otherwise.

Construction of language.

A professional nurse as defined in this act is a person who has completed a course in an accredited school of nursing as provided for in this act and terms herself or himself to be a graduate or registered nurse.

Professional nurse defined.

This act shall not be construed as prohibiting the nursing care of the sick, with or 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 act shall not be construed as prohibiting the practice of practical nursing by any practical nurse, with or without compensation in either homes or hospitals.

Practice of nursing by unlicensed persons.

Practical nurses.

The word "Board" means the Washington State Board of Professional Nurse Registration.

Definitions. "Board."

The term "Department" means the Department of Licenses.

"Department."

The term "Director" means the Director of Licenses.

"Director."

The term "Council" means the Nurse Planning Council.

"Council."

SEC. 5. 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.

Board.

Terms of members.

Thereafter the terms shall be for five years. The Executive Secretary as hereinafter provided for shall be an ex-officio member of the Board.

Removal of members and vacancies.

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.

Qualifications of board members.

SEC. 6. 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 act, 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.

Board meetings.

SEC. 7. The Board shall meet annually and shall elect from among its members a Chairman and a Secretary. 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.

Quorum.

Powers and duties.

SEC. 8. 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 act. The Board shall prescribe curricula and standards for schools preparing persons for licensure under this act. It shall accredit such schools for professional nurses as meet the requirements of this act 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 act 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.

Record and annual report

The Director shall furnish to the Board such secretarial, clerical and other assistance as may be necessary to effectively administer the provisions of this act. Each member of the Board shall, in addition to necessary traveling and incidental expenses while away from home, receive fifteen dollars compensation for each and every day engaged in the discharge of his or her duties.

Personnel.

Compensation of members.

SEC. 9. The Director shall appoint a Supervisor of Nurse Registration and Nursing Education who shall act as Executive Secretary of the Board to carry out the provisions of this act. The Director shall also appoint such assistant supervisors as shall be necessary to carry out the provisions of this act. The Director shall fix the compensation and provide for necessary travel expenses for all such appointees.

Supervisors appointed by Director.

SEC. 10. Supervisors of Nurse Registration and Supervisors of Nursing Education shall each be a registered, professional nurse, licensed as provided in this act, hold a degree from an accredited university or college and shall have had not less than five years' experience in the practice of nursing, not less than two of which have been in nursing education, and at the time of appointment shall be actively engaged in nursing education.

Qualifications of supervisors.

SEC. 11. An institution desiring to conduct a school of professional nursing shall apply to the Board and submit evidence that:

Schools of nursing.

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

Requirements.

(2) It is prepared to meet other standards established by this law and by the Board. A survey of the institution or institutions with which the school is to be affiliated shall be made by the Executive Secretary or the authorized Supervisor of Nursing Education, who shall submit a written report of the survey to the Board. If, in the opinion of

the Board, the requirements for an accredited school of nursing are met, such school shall be accredited.

Survey of schools.

SEC. 12. 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 the Board. If the Board determines that any accredited 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 schools of nursing to be maintained by the Department.

Reports on surveys.

Notice of failure to maintain standards.

Requirements of applicant for license.

SEC. 13. An applicant for a license to practice nursing shall submit to the Board written evidence that said applicant (1) 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; and (5) is not less than twenty years of age.

Written examination.

SEC. 14. The applicant shall be required upon written application to pass a written examination in such subjects as the Board may 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 nine

Permit pending examination.

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. Those applicants who fail the first examination may 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. A permit issued to such applicant may be renewed for not longer than nine months to practice legally until next subsequent examination. No permit may be issued after a second failure to pass the examination. 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.

Supplemental examinations.  
Issuance of license to successful applicants.

Applicants failing to pass first examination.

Renewal of permits.

Applicants failing to pass second examination.

SEC. 15. The Director of Licenses after approval by the Board, written application, and evidence of qualification, may 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 the qualifications required of registered professional nurses in this state.

Prior practice in foreign state.

SEC. 16. Each applicant for a license to practice as a registered, professional nurse shall pay a fee of ten dollars to the State Treasurer.

License fee.

SEC. 17. 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

Only licenses may use title of "Registered Nurse."

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.

Persons already licensed.

SEC. 18. Any person holding a valid license or certificate of registration to practice nursing issued by authority of the state when this act becomes effective shall continue to be licensed as a registered, professional nurse under the provisions of this act.

Renewal of licenses.

SEC. 19. Every license issued under the provisions of this act shall be annually renewed, except as hereinafter provided. On or before January 1st, the Director shall mail a notice for renewal of license to every person licensed for the current year. The applicant shall return the notice to the State Treasurer with a renewal fee of one dollar before March 1st. Upon receipt of the notice and fee the Director 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 shall render the holder thereof a legal practitioner of professional nursing for the period stated on the certificate of renewal.

Penalty for failure to renew license.

SEC. 20. 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 one dollar. If the applicant fails to renew the license before December 31st of that year, the license shall be issued for the next year by the Director upon written application and fee of ten dollars.

Penalty for practicing after license has lapsed.

SEC. 21. Any person practicing nursing, as provided for in this act, during the time his or her license has lapsed, shall be considered an illegal practitioner and shall be subject to the penalties provided for violations of this act.

SEC. 22. A person licensed under the provisions of this act 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 non-practicing 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 act. When such person desires to resume practice, request for renewal of license and payment of renewal fee for the current year shall be made to the State Treasurer.

Temporary retirement from practice.

SEC. 23. The license and registration of any person licensed to practice nursing, under the provisions of this act, 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 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 may specify.

Revocation of licenses.

Causes for revocation.

Reissuance of revoked license.

Application for reissuance.

SEC. 24. Any licensee shall be entitled to a hearing by the Board before his license is revoked or suspended. In all proceedings having for their purpose a revocation or suspension of a license to practice as a registered, professional nurse, the holder of such license shall be given twenty days' notice in writing by the Director, which notice shall specify

Revocation hearing.

Notice of hearing.



Contents of notice. the offense or offenses against this act 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

Subpoenas. 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. Subpeonas 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, 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, stating the grounds upon which such order is based. Neither

Depositions. 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.

Findings of board.

Revocation shall be in writing.

Sufficiency of evidence.

Right to appeal. **SEC. 25.** Any person feeling aggrieved by the refusal of the Director to issue any license provided for in this act, or to renew the same, or by the revocation or suspension of the license issued under the provisions of this act, or any law being administered under this act, shall have the right of appeal in the manner provided by section 106, chapter 7, Laws of 1921.

SEC. 26. Reported violations of this act shall be investigated by the Director. In any case in which the Director finds that a violation has occurred, he shall immediately report the same to the Prosecuting Attorney for the county in which the violation took place for prosecution. 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 act.

SEC. 27. It shall be a gross misdemeanor for any person to:

A. Sell or fraudulently obtain or furnish any nursing diploma, license, record or registration, or aid or abet therein;

B. Practice nursing as defined by this act 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;

C. Practice nursing as defined by this act, unless duly licensed to do so under the provisions of this act;

D. 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 act;

E. Practice as a registered, professional nurse during the time his or her license issued under the provisions of this act shall be suspended or revoked; and

F. Otherwise violate any of the provisions of this act.

SEC. 28. This act shall not be construed as conferring any authority to practice medicine or to undertake the treatment or care of disease, pain,

Construction  
of act.

injury, deformity or physical condition in violation of section 14, chapter 192, Laws of 1909, as amended by section 8, chapter 134, Laws of 1919; nor shall it be construed as conferring any authority to practice osteopathy or osteopathy and surgery in violation of chapter 4, Laws of 1919, as amended by chapter 82, Laws of 1921; nor shall it be construed as 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 act, or preventing any person from the domestic administration of family remedies or the furnishing of nursing assistance in case of emergency; nor shall it be construed as prohibiting such practice of nursing by students enrolled in accredited schools as may be incidental to their course of study; 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; 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 act; 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.

Partial  
invalidity.

SEC. 29. Should any section of this act, or any portion of any section, be for any reason held to be

unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

SEC. 30. Chapter 41, Laws of 1909, chapter 81, Laws of 1913, chapter 150, Laws of 1923, and chapter 180, Laws of 1933, are hereby repealed. Repealing clause.

Passed the House March 4, 1949.

Passed the Senate March 4, 1949.

Approved by the Governor March 19, 1949.

## CHAPTER 203.

[ H. B. 395. ]

### LEASING AGRICULTURAL SCHOOL AND GRANTED LANDS ON SHARE CROP BASIS.

AN ACT relating to leasing of agricultural school and granted lands; providing for leasing the same on a share crop basis, and prescribing the duties of the Commissioner of Public Lands and certain other persons in connection therewith.

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

SECTION 1. The Commissioner of Public Lands may lease agricultural school and granted lands on a share crop basis. Share crop leases shall be on such terms and conditions and for such length of time, not to exceed five years, as the Commissioner may prescribe. Upon receipt of a written application to lease agricultural school and granted lands, the Commissioner shall make such investigations as he shall deem necessary and if he finds that such a lease would be advantageous to the state, he may proceed with the leasing of such land on said basis. Share crop leases.

SEC. 2. If the Commissioner of Public Lands determines to make a lease of agricultural school and granted lands on a share crop basis, he shall fix the terms thereof and publish a notice of leasing in a newspaper of general circulation in the county in which such lands are situated. Such notice shall be Terms and conditions.  
Notice of leasing to be published.