

person of any insurance included in the transaction: PROVIDED, That if the service charge is in excess of that allowed by RCW 63.14.130, except as the result of an accidental or bona fide error, the buyer shall be entitled to an amount equal to the total of (1) twice the amount of the service charge paid, and (2) the amount of the service charge contracted for and not paid, plus (3) costs and reasonable attorneys' fees. The reduction in the cash price by the application of the above sentence shall be applied to diminish pro rata each future installment of principal amount payable under the terms of the contract or agreement.

NEW SECTION. Sec. 13. If any provision of this 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 House March 5, 1984.

Passed the Senate March 4, 1984.

Approved by the Governor March 29, 1984, with the exception of section 11(4), which was vetoed.

Filed in Office of Secretary of State March 29, 1984.

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

I am returning herewith, without my approval as to one section, Substitute House Bill No. 1163, entitled:

"AN ACT Relating to credit transactions."

This bill places credit cards issued by companies which are not financial institutions nor retail businesses in the same category as credit cards issued by retail businesses. The bill also provides additional protection to the user of the credit card where his returned goods or otherwise secured forgiveness of the debt for which the card was used. This bill clarifies that the credit card user is not responsible for the payment of service charges resulting from the failure of a retailer or of the card issuer to properly process the advice of credit. However, subsection 4 of section 11 goes beyond protection of the holder of the card and unnecessarily stipulates that, as between the issuer of the card and the retailers, the retailers will bear the burden of the surcharges where they are at fault. This issue should be left to agreement between the card issuer and the retailers honoring the card.

With the exception of section 11(4), Substitute House Bill No. 1163 is approved.

CHAPTER 281

[Engrossed Substitute Senate Bill No. 4448]

MINOR HEALTH CARE SERVICES

AN ACT Relating to the regulation of persons who perform minor health care services; adding a new chapter in Title 18 RCW; adding a new section to chapter 18.36 RCW; and creating a new section.

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

NEW SECTION. Sec. 1. It is in the public interest that limited authority to administer skin tests and subcutaneous, intradermal, intramuscular, and intravenous injections and to perform minor invasive procedures to withdraw blood in this state be granted to health care assistants who are not so authorized under existing licensing statutes, subject to such regulations as will assure the protection of the health and safety of the patient.

NEW SECTION. Sec. 2. As used in this chapter:

(1) "Director" means the director of licensing.

(2) "Health care assistant" means an unlicensed person who assists a licensed health care practitioner in providing health care to patients pursuant to this chapter.

(3) "Health care practitioner" means a physician licensed under chapter 18.71 RCW, an osteopathic physician or surgeon licensed under chapter 18.57 RCW, or, acting within the scope of their respective licensures, a podiatrist licensed under chapter 18.22 RCW or a registered nurse licensed under chapter 18.88 RCW.

(4) "Supervision" means supervision of procedures permitted pursuant to this chapter by a health care practitioner who is physically present and is immediately available in the facility during the administration of injections, as defined in this chapter, but need not be present during procedures to withdraw blood.

(5) "Health care facility" means any hospital, hospice care center, licensed or certified health care facility, health maintenance organization regulated under chapter 48.46 RCW, federally qualified health maintenance organization, renal dialysis center or facility federally approved under 42 C.F.R. 405.2100, or blood bank federally licensed under 21 C.F.R. 607.

(6) "Delegation" means direct authorization granted by a licensed health care practitioner to a health care assistant to perform the functions authorized in this chapter which fall within the scope of practice of the delegator and which are not within the scope of practice of the delegatee.

NEW SECTION. Sec. 3. A certification issued to a health care assistant pursuant to this chapter shall be authority to perform only the functions authorized in section 1 of this act subject to proper delegation and supervision in the health care facility making the certification or under the supervision of the certifying health care practitioner in other health care facilities or in his or her office. No certification made by one health care facility or health care practitioner is transferrable to another health care facility or health care practitioner.

NEW SECTION. Sec. 4. The director, or the director's designee, with the advice of designees of the board of medical examiners, the board of osteopathic medicine and surgery, the podiatry board, and the board of nursing, shall adopt rules necessary to administer, implement, and enforce this chapter and establish the minimum uniform requirements necessary for a

health care facility or health care practitioner to certify a health care assistant capable of performing the functions authorized in this chapter. These requirements shall ensure that the public health and welfare are protected and shall include, but not be limited to, the following factors:

- (1) The education and occupational qualifications of the health care assistant including types and limitation of drugs or diagnostic agents which may be administered by injection by a health care assistant;
- (2) The work experience of the health care assistant; and
- (3) The instruction and training provided to the health care assistant.

NEW SECTION. Sec. 5. (1) Any health care facility may certify a health care assistant to perform the functions authorized in this chapter in that health care facility; and any health care practitioner may certify a health care assistant capable of performing such services in any health care facility, or in his or her office, under a health care practitioner's supervision. Before certifying the health care assistant, the health care facility or health care practitioner shall verify that the health care assistant has met the minimum requirements established by the director under this chapter. These requirements shall not prevent the certifying entity from imposing such additional standards as the certifying entity considers appropriate. The health care facility or health care practitioner shall provide the licensing authority with a certified roster of health care assistants who are certified.

(2) Certification of a health care assistant shall be effective for a period of two years. Recertification is required at the end of this period. Requirements for recertification shall be established by rule.

NEW SECTION. Sec. 6. Any health care assistant certified pursuant to this chapter shall perform the functions authorized in this chapter only by delegation of authority from the health care practitioner and under the supervision of a health care practitioner acting within the scope of his or her license. In the case of subcutaneous, intradermal and intramuscular and intravenous injections, a health care assistant may perform such functions only under the supervision of a health care practitioner having authority, within the scope of his or her license, to order such procedures.

NEW SECTION. Sec. 7. The licensing authority of health care facilities or the disciplinary board of the delegating or supervising health care practitioner shall investigate all complaints or allegations of violations of proper certification of a health care assistant or violations of delegation of authority or supervision. A substantiated violation shall constitute sufficient cause for disciplinary action by the licensing authority of a health care facility or the disciplinary board of the health care practitioner.

NEW SECTION. Sec. 8. The director or the director's designee shall decertify a health care assistant based on a finding that the assistant has obtained certification through misrepresentation or concealment of a material fact or has engaged in unsafe or negligent practices.

NEW SECTION. Sec. 9. The performance of the functions authorized in this chapter by a health care assistant pursuant to this chapter does not constitute unlicensed practice as a health care practitioner.

NEW SECTION. Sec. 10. The department of licensing shall provide to the legislature on January 3, 1985, a report on the standards and rules established to implement sections 1 through 9 of this act.

**NEW SECTION. Sec. 11. There is added to chapter 18.36 RCW a new section to read as follows:*

A person licensed to practice drugless healing as a naturopathic physician may draw blood for diagnostic purposes.

*Sec. 11. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 12. Sections 1 through 9 of this act shall constitute a new chapter in Title 18 RCW.

Passed the Senate March 6, 1984.

Passed the House March 6, 1984.

Approved by the Governor March 29, 1984, with the exception of section 11, which was vetoed.

Filed in Office of Secretary of State March 29, 1984.

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

I am returning herewith, without my approval as to section 11 of Substitute Senate Bill No. 4448, entitled:

"AN ACT Relating to the regulations who perform minor health care services."

Recently, legal impediments have surfaced to the common practice of permitting unlicensed health care assistants to administer injections and withdraw blood. These unlicensed practitioners are medical technicians, medical assistants, and others giving shots and withdrawing blood in various laboratories, blood banks, and clinics. If only licensed practitioners were permitted to do these procedures, health care costs would be driven up considerably. I support this measure.

Section 11 of this bill does present a problem, however. This section adds naturopathic physicians to those permitted to draw blood. It has not been common practice for naturopathic physicians to draw blood or utilize blood samples in their diagnostic process. While ultimately this may prove to be an appropriate addition to the authorized actions of naturopaths, I am concerned that their addition to this bill was accomplished without sufficient in-depth consideration of the consequences.

With the exception of section 11, Substitute Senate Bill No. 4448, is approved.

CHAPTER 282

[Second Substitute House Bill No. 689]

SMALL BUSINESS IMPROVEMENT COUNCIL

AN ACT Relating to small business; adding a new chapter to Title 43 RCW; creating new sections; making appropriations; providing expiration dates; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature finds that the small businesses in the state of Washington are essential to the well-being of the