

shall be paid in the order of issuance. The treasurer shall report monthly to the board, in writing, the amount in the district fund or funds.

Passed the House March 27, 1981.

Passed the Senate April 15, 1981.

Approved by the Governor April 23, 1981.

Filed in Office of Secretary of State April 23, 1981.

CHAPTER 53

[Substitute House Bill No. 316]

MIDWIFERY—LICENSURE—APPROPRIATION

AN ACT Relating to midwifery; amending section 7, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 7.70.020; amending section 8, chapter 160, Laws of 1917 and RCW 18.50.010; amending section 2, chapter 160, Laws of 1917 and RCW 18.50.040; amending section 4, chapter 160, Laws of 1917 as amended by section 43, chapter 158, Laws of 1979 and RCW 18.50.060; amending section 7, chapter 160, Laws of 1917 and RCW 18.50.100; amending section 21, chapter 266, Laws of 1971 ex. sess. as last amended by section 100, chapter 158, Laws of 1979 and RCW 43.24.085; adding new sections to chapter 18.50 RCW; repealing section 5, chapter 160, Laws of 1917 and RCW 18.50.070; repealing section 6, chapter 160, Laws of 1917 and RCW 18.50.080; providing an effective date; and making an appropriation.

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

Section 1. Section 7, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 7.70.020 are each amended to read as follows:

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

(1) A person licensed by this state to provide health care or related services, including, but not limited to, a physician, osteopathic physician, dentist, nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, midwife, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his estate or personal representative;

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

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

NEW SECTION. Sec. 2. There is added to chapter 18.50 RCW a new section to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

- (1) "Department" means the department of licensing.
- (2) "Director" means the director of licensing.
- (3) "Midwife" means a midwife licensed under this chapter.

NEW SECTION. Sec. 3. There is added to chapter 18.50 RCW a new section to read as follows:

The midwifery advisory committee is created.

The committee shall be composed of one licensed physician who is a practicing obstetrician; one practicing licensed physician; one certified nurse midwife licensed under chapter 18.88 RCW; three midwives licensed under this chapter; and one public member, who shall have no financial interest in the rendering of health services. The committee may seek other consultants as appropriate, including persons trained in childbirth education and perinatology or neonatology.

The members are appointed by the director and serve at the pleasure of the director but may not serve more than three consecutive years or more than five years in total. The terms of office shall be staggered. Members of the committee shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended.

NEW SECTION. Sec. 4. There is added to chapter 18.50 RCW a new section to read as follows:

The midwifery advisory committee shall advise and make recommendations to the director on issues including, but not limited to, continuing education, mandatory reexamination, and peer review. The director shall transmit the recommendations to the social and health services committee of the senate and the human services committee of the house of representatives on an annual basis.

Sec. 5. Section 8, chapter 160, Laws of 1917 and RCW 18.50.010 are each amended to read as follows:

Any person shall be regarded as practicing midwifery within the meaning of this chapter who shall render medical aid for a fee or compensation to a woman ((in childbirth for a fee or compensation)) during prenatal, intrapartum, and postpartum stages or who shall advertise as a midwife by signs, printed cards, or otherwise. Nothing shall be construed in this chapter to prohibit gratuitous services. It shall be the duty of a midwife to ((always secure the immediate services of)) consult with a legally qualified physician whenever ((any abnormal signs or symptoms appear either in)) there are significant deviations from normal in either the mother or the infant.

Sec. 6. Section 2, chapter 160, Laws of 1917 and RCW 18.50.040 are each amended to read as follows:

(1) Any person seeking to be examined shall present to the ((said)) director, at least ((ten)) forty-five days before the commencement of the ((said)) examination, a written application on a form or forms provided by the ((said)) director setting forth under affidavit ((the name, age, nativity,

~~residence, moral character and time spent in obtaining a common school education)) such information as the director may require and proof the candidate has received a high school degree or its equivalent; that the candidate is twenty-one years of age or older; that the candidate has received a certificate or diploma from a ((legally incorporated school on midwifery in good standing, granted after at least two courses of instruction of at least seven months each in different calendar years)) midwifery program accredited by the director and registered under chapter 28B.05 RCW, when applicable, or a certificate or diploma in a foreign institution on midwifery of equal requirements conferring the full right to practice midwifery in the country in which it was issued. The diploma must bear the seal of the institution from which the applicant was graduated. Foreign ((applicants)) candidates must present with the application a translation of the foreign certificate or diploma made by and under the seal of the consulate of the country in which the ((said)) certificate or diploma was issued. ((The application must be endorsed by a duly registered reputable physician of the state of Washington:))~~

(2) The candidate shall meet the following conditions:

(a) Obtaining a minimum period of midwifery training for at least three years including the study of the basic nursing skills that the department shall prescribe by rule. However, if the applicant is a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, or has had previous nursing education or practical midwifery experience, the required period of training may be reduced depending upon the extent of the candidate's qualifications as determined under rules adopted by the department. In no case shall the training be reduced to a period of less than two years.

(b) Meeting minimum educational requirements which shall include studying obstetrics; neonatal pediatrics; basic sciences; female reproductive anatomy and physiology; behavioral sciences; childbirth education; community care; obstetrical pharmacology; epidemiology; gynecology; family planning; genetics; embryology; neonatology; the medical and legal aspects of midwifery; nutrition during pregnancy and lactation; breast feeding; nursing skills, including but not limited to injections, administering intravenous fluids, catheterization, and aseptic technique; and such other requirements prescribed by rule.

(c) For a student midwife during training, undertaking the care of not less than fifty women in each of the prenatal, intrapartum, and early postpartum periods, but the same women need not be seen through all three periods. A student midwife may be issued a permit upon the satisfactory completion of the requirements in (a), (b), and (c) of this subsection and the satisfactory completion of the licensure examination required by RCW 18.50.060. The permit permits the student midwife to practice under the supervision of a midwife licensed under this chapter, a physician licensed

under chapter 18.57 or 18.71 RCW, or a certified nurse-midwife licensed under the authority of chapter 18.88 RCW. The permit shall expire within one year of issuance and may be extended as provided by rule.

(d) Observing an additional fifty women in the intrapartum period before the candidate qualifies for a license.

The training required under this section shall include training in either hospitals or alternative birth settings or both with particular emphasis on learning the ability to differentiate between low-risk and high-risk pregnancies.

NEW SECTION. Sec. 7. There is added to chapter 18.50 RCW a new section to read as follows:

The director shall promulgate standards by rule under chapter 34.04 RCW for accrediting midwifery educational programs. The standards shall cover the provision of adequate clinical and didactic instruction in all subjects and noncurriculum matters under this section including, but not limited to, staffing and teacher qualifications. In developing the standards, the director shall be advised by and receive the recommendations of the midwifery advisory committee.

Sec. 8. Section 4, chapter 160, Laws of 1917 as amended by section 43, chapter 158, Laws of 1979 and RCW 18.50.060 are each amended to read as follows:

(1) ~~The director of licensing is hereby authorized and empowered to execute the provisions of this chapter and shall ((hold)) offer examinations in midwifery ((on the first Monday in January and July,)) at least twice a year at such times and places as the director may select((, from ten o'clock a.m. to five o'clock p.m., and at such other times as the said director may deem expedient)). The examinations ((may)) shall be ((oral,)) written((, or both,)) and shall be in the English language((, if desired in any other language, an interpreter may be provided by said director upon notification of the director at least ten days before examination. The cost of said interpreter shall be defrayed by the applicant for the license:~~

~~Examinations shall be held on the following subjects:~~

~~(1) Anatomy of pelvis and female genital organs:~~

~~(2) Physiology of menstruation:~~

~~(3) Diagnosis and management of pregnancy:~~

~~(4) Diagnosis of foetal presentation and position:~~

~~(5) Mechanism and management of normal labor:~~

~~(6) Management of puerperium:~~

~~(7) Injuries to the genital organs following labor:~~

~~(8) Sepsis and antisepsis in relation to labor:~~

~~(9) Special care of the bed and lying-in room:~~

~~(10) Hygiene of mother and infant:~~

~~(11) Asphyxiation, convulsions, malformation and infectious diseases of the new-born:~~

~~(12) Causes and effects of ophthalmia neonatorum.~~

~~(13) Abnormal conditions requiring attention of a physician.~~

~~(14) Requirements of the vital statistics laws pertaining to the reporting of births and the rules of the state board of health relative to ophthalmia neonatorum or other infectious diseases of the newborn)).~~

~~((Said)) (2) The director, with the assistance of the midwifery advisory committee, shall develop or approve a licensure examination in the subjects that the director determines are within the scope of and commensurate with the work performed by a licensed midwife. The examination shall be sufficient to test the scientific and practical fitness of candidates to practice midwifery ((and the director may require examination on other subjects relating to midwifery from time to time)). All application papers shall be deposited with the director and there retained for at least one year, when they may be destroyed.~~

~~(3) If ((said)) the examination is ((satisfactory)) satisfactorily completed, ((said)) the director shall issue to such candidate a license entitling the candidate to practice midwifery in the state of Washington((:PROVIDED; That said license shall not authorize the holder to prescribe any drugs or medicine except some household remedy after the birth of the infant)).~~

~~(4) A midwife licensed under this chapter may obtain and administer prophylactic ophthalmic medication, postpartum oxytocic and local anesthetic; and may administer such other drugs or medications as prescribed by a licensed physician. A pharmacist who dispenses such drugs to a licensed midwife shall not be liable for any adverse reactions caused by any method of utilization by the midwife.~~

Sec. 9. Section 7, chapter 160, Laws of 1917 and RCW 18.50.100 are each amended to read as follows:

~~((Said)) The director may refuse to grant or may suspend or revoke any license ((herein provided for)), may reprimand or censure a license holder, or may place on probation subject to reasonable remedial conditions a license holder for any of the following reasons: Persistent inebriety; the practice of criminal abortion; the commission of any crime involving moral turpitude relevant to the practice of midwifery; presentation of a certificate or diploma for registration or license illegally obtained; application for examination under fraudulent misrepresentation; mishandling drugs authorized by this chapter; neglect or refusal to make proper returns to the ~~((health officer or health))~~ department of social and health services of births or of puerperal contagion or infectious diseases within the required limit of time; ~~((failure to record her license with the clerk of the county in which the licentiate resides or practices;))~~ failure to ~~((secure the attendance of a reputable))~~ consult with a physician in a case of ~~((miscarriage, hemorrhage, abnormal presentation or position, retained placenta, convulsions, prolapse of the cord, fever during parturient stage, inflammation or discharge from~~~~

~~the eyes of a new-born infant, or whenever there are any abnormal or unhealthy symptoms))~~ significant deviations from normal in either the mother or the infant (~~(during labor or the puerperium))~~).

In complaints of violations of the provisions of this section, the accused shall be furnished with a copy of the complaint and be given a hearing before ~~((said director in person or by attorney))~~ a hearing examiner, with right of appeal to the director. Any midwife refused admittance to the examination or whose license has been revoked who shall attempt or continue the practice of midwifery(;) shall be subject to the penalties (~~(hereinafter))~~ prescribed under this chapter.

NEW SECTION. Sec. 10. There is added to chapter 18.50 RCW a new section to read as follows:

Registered nurses and nurse midwives certified by the board of nursing under chapter 18.88 RCW shall be exempt from the requirements and provisions of this chapter.

NEW SECTION. Sec. 11. There is added to chapter 18.50 RCW a new section to read as follows:

Nothing in this chapter shall be construed to apply to or interfere in any way with the practice of midwifery by a person who is enrolled in a program of midwifery approved and accredited by the director: PROVIDED, That the performance of such services is only pursuant to a regular course of instruction or assignment from the student's instructor, and that such services are performed only under the supervision and control of a person licensed in the state of Washington to perform services encompassed under this chapter.

NEW SECTION. Sec. 12. There is added to chapter 18.50 RCW a new section to read as follows:

The director, with the advice of the midwifery advisory committee, shall develop a form to be used by a midwife to inform the patient of the qualifications of a licensed midwife.

NEW SECTION. Sec. 13. There is added to chapter 18.50 RCW a new section to read as follows:

Every person licensed to practice midwifery shall register with the director of licensing annually and pay an annual renewal registration fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended on or before the licensee's birth anniversary date. The license of the person shall be renewed for a period of one year. Any failure to register and pay the annual renewal registration fee shall render the license invalid. The license shall be reinstated upon written application to the director, payment to the state of a penalty fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended, and payment to the state of all delinquent annual license renewal fees. Any person who fails to renew his or her license for a period of three years shall not be entitled to renew

such license under this section. Such person, in order to obtain a license to practice midwifery in this state, shall file a new application under this chapter, along with the required fee. The director, in the director's discretion, may permit the applicant to be licensed without examination if satisfied that the applicant meets all the requirements for licensure in this state and is competent to engage in the practice of midwifery.

NEW SECTION. Sec. 14. There is added to chapter 18.50 RCW a new section to read as follows:

Every licensed midwife shall develop a written plan for consultation with other health care providers, emergency transfer, transport of an infant to a newborn nursery or neonatal intensive care nursery, and transport of a woman to an appropriate obstetrical department or patient care area. The written plan shall be submitted annually together with the license renewal fee to the department.

NEW SECTION. Sec. 15. There is added to chapter 18.50 RCW a new section to read as follows:

The director shall promulgate rules under chapter 34.04 RCW as are necessary to carry out the purposes of this chapter.

Sec. 16. Section 21, chapter 266, Laws of 1971 ex. sess. as last amended by section 100, chapter 158, Laws of 1979 and RCW 43.24.085 are each amended to read as follows:

It shall be the policy of the state of Washington that the director of licensing shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or registration of professions, occupations, or businesses, administered by the business and professions administration in the department of licensing. In fixing said fees the director shall, insofar as is practicable, fix the fees relating to each profession, occupation, or business in such a manner that the income from each will match the anticipated expenses to be incurred in the administration of the laws relating to each such profession, occupation, or business. All such fees shall be fixed by rule and regulation adopted by the director in accordance with the provisions of the administrative procedure act, chapter 34.04 RCW: PROVIDED, That

(1) In no event shall the license or registration renewal fee in the following cases be fixed at an amount less than five dollars or in excess of fifteen dollars:

- Barber
- Student barber
- Cosmetologist (manager-operator)
- Cosmetologist (operator)
- Cosmetologist (instructor-operator)
- Apprentice embalmers

Manicurist
Apprentice funeral directors
Registered nurse
Licensed practical nurse
Charitable organization
Professional solicitor;

(2) In no event shall the license or registration renewal fee in the following cases be fixed at an amount less than ten dollars or in excess of twenty dollars:

Dental hygienist
Barber instructor
Barber manager instructor
Psychologist
Embalmer
Funeral director
Sanitarian
Veterinarian
Cosmetology shop
Barber shop
Proprietary school agent
Specialized and advance registered nurse
Physician's assistant
Osteopathic physician's assistant;

(3) In no event shall the license or registration renewal fee in the following cases be fixed at an amount less than fifteen dollars or in excess of thirty-five dollars:

Architect
Dentist
Engineer
Land Surveyor
Midwife
Podiatrist
Chiropractor
Drugless therapeutic
Osteopathic physician
Osteopathic physician and surgeon
Physical therapist
Physician and surgeon
Optometrist
Dispensing optician
Landscape architect
Nursing home administrator
Hearing aid fitter;

(4) In no event shall the license or registration renewal fee in the following cases be fixed at an amount less than fifty dollars or in excess of two hundred dollars:

- Engineer corporation
- Engineer partnership
- Cosmetology school
- Barber school
- Debt adjuster agency
- Debt adjuster branch office
- Debt adjuster
- Proprietary school
- Employment agency
- Employment agency branch office
- Collection agency
- Collection agency branch office
- Professional fund raiser.

NEW SECTION. Sec. 17. There is appropriated to the department of licensing from the state general fund for the biennium ending June 30, 1983, the sum of thirty thousand six hundred sixty-three dollars or so much as may be necessary to carry out the purposes of this act.

NEW SECTION. Sec. 18. The following acts or parts of acts are each hereby repealed:

- (1) Section 5, chapter 160, Laws of 1917 and RCW 18.50.070; and
- (2) Section 6, chapter 160, Laws of 1917 and RCW 18.50.080.

NEW SECTION. Sec. 19. Sections 1, 2, 5, 6, 8, 9, 10, 11, and 13 through 17 of this act shall take effect January 15, 1982.

Passed the House March 30, 1981.

Passed the Senate April 14, 1981.

Approved by the Governor April 23, 1981.

Filed in Office of Secretary of State April 23, 1981.

CHAPTER 54

[House Bill No. 364]

WASHINGTON STATE SCHOLARS' PROGRAM—APPROPRIATION

AN ACT Relating to educational excellence; creating the Washington state scholars program; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and making an appropriation.

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

NEW SECTION. Section 1. Each year high schools in the state of Washington graduate a significant number of students who have distinguished themselves through outstanding academic achievement. The purpose of sections 1 through 7 of this act is to establish a consistent and