

shall be distinctly designed so that it will not be confused with the official driver's license. The identicard shall be valid for five years.

(2) The department may cancel an "identicard" upon a showing by its records or other evidence that the holder of such "identicard" has committed a violation relating to "identicards" defined in RCW 46.20.336.

Passed the House March 15, 1985.

Passed the Senate April 18, 1985.

Approved by the Governor May 7, 1985.

Filed in Office of Secretary of State May 7, 1985.

CHAPTER 213

[Engrossed House Bill No. 610]

BOARD OF HEALTH—DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DUTIES AND AUTHORITY CLARIFIED

AN ACT Relating to the state board of health; amending RCW 43.20.050, 43.20A.600, 18.20.020, 18.20.060, 18.20.090, 18.20.110, 18.46.010, 18.46.050, 18.46.060, 19.32.110, 35A.70.070, 69.12.070, 70.01.010, 70.41.010, 70.41.020, 70.41.030, 70.41.040, 70.41.080, 70.41.110, 70.41.120, 70.41.130, 70.41.140, 70.41.150, 70.41.160, 70.41.180, 70.41.190, 43.131.213, and 43.131.214; amending section 3, chapter 243, Laws of 1984 (uncodified); adding a new section to chapter 9.02 RCW; creating a new section; repealing RCW 35A.70.030, 69.20.095, 69.20.100, 70.16.010, 70.16.020, 70.16.030, 70.16.040, 70.16.050, 70.16.060, 70.16.070, 70.16.080, 70.16.090, 70.16.100, 70.16.110, 70.16.120, 70.16.130, 70.16.140, 70.16.150, 70.16.160, 70.16.170, 70.16.180, 70.16.190, 70.16.200, 70.20.010, 70.20.020, 70.20.030, 70.20.040, 70.20.050, 70.20.060, 70.20.070, 70.20.080, 70.20.090, 70.20.100, 70.20.110, 70.20.120, 70.20.130, 70.20.150, 70.20.160, 70.20.165, 70.20.170, 70.20.180, and 70.20.185; declaring an emergency; and providing an effective date.

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

Sec. 1. Section 43.20.050, chapter 8, Laws of 1965 as last amended by section 49, chapter 141, Laws of 1979 and RCW 43.20.050 are each amended to read as follows:

(1) ~~The state board of health shall ((have supervision of all matters relating to the preservation of the life and health of the people of the state))~~ provide a forum for the development of public health policy in Washington state. It is empowered to hold hearings and explore ways to improve the health status of the citizenry.

(2) In order to protect public health, the state board of health shall:

(a) Adopt rules and regulations for the protection of water supplies for domestic use, and such other uses as may affect the public health, and shall adopt standards and procedures governing the design, construction and operation of water supply, treatment, storage, and distribution facilities, as well as the quality of water delivered to the ultimate consumer;

(b) Adopt rules and regulations and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes, solid and liquid, including but not limited to sewage, garbage,

refuse, and other environmental contaminants; adopt standards and procedures governing the design, construction, and operation of sewage, garbage, refuse and other solid waste collection, treatment, and disposal facilities; ((and))

(c) Adopt rules and regulations controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, cleanliness and space in all types of public facilities including but not limited to food service establishments, schools, institutions, recreational facilities and transient accommodations and in places of work((:

~~It shall have supreme authority in matters of quarantine, and shall provide by));~~

(d) Adopt rules and regulations ((procedures)) for the imposition and use of isolation and quarantine((:

~~The board shall promulgate)); and~~

(e) Adopt rules and regulations for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules and regulations governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as admit of and may best be controlled by universal rule.

~~((It may also enforce the public health laws of the state and the rules and regulations promulgated by it through the secretary of social and health services in local matters, when in its opinion an emergency exists and the local board of health has failed to act with sufficient promptness or efficiency, or is unable for reasons beyond its control to act, or when no local board has been established, and all expenses so incurred shall be paid upon demand of the secretary of social and health services by the local health department for which such services are rendered, out of moneys accruing to the credit of the municipality or the local health department in the current expense fund of the county.))~~

(3) All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules and regulations adopted by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

~~((The board shall make careful inquiry as to the cause of disease, especially when contagious, infectious, epidemic, or endemic, and take prompt action to control and suppress it.))~~

Sec. 2. Section 43.20.010, chapter 8, Laws of 1965 as last amended by section 46, chapter 141, Laws of 1979 and RCW 43.20A.600 are each amended to read as follows:

The secretary of social and health services shall:

(1) Exercise all the powers and perform all the duties prescribed by law with respect to public health and vital statistics;

(2) Investigate and study factors relating to the preservation, promotion, and improvement of the health of the people, the causes of morbidity and mortality, and the effects of the environment and other conditions upon the public health, and report ~~((his))~~ the findings to the state board of health for such action as the board determines is necessary;

(3) Strictly enforce all laws for the protection of the public health and the improvement of sanitary conditions in the state, and all rules, regulations, and orders of the state board of health;

(4) Enforce the public health laws of the state and the rules and regulations promulgated by the department or the board of health in local matters, when in its opinion an emergency exists and the local board of health has failed to act with sufficient promptness or efficiency, or is unable for reasons beyond its control to act, or when no local board has been established, and all expenses so incurred shall be paid upon demand of the secretary of social and health services by the local health department for which such services are rendered, out of moneys accruing to the credit of the municipality or the local health department in the current expense fund of the county;

~~((5))~~ (5) Investigate outbreaks and epidemics of disease that may occur and advise local health officers as to measures to be taken to prevent and control the same;

~~((5))~~ ~~((6))~~ (6) Exercise general supervision over the work of all local health departments and establish uniform reporting systems by local health officers to the state department of social and health services;

~~((6))~~ ~~((7))~~ (7) Have the same authority as local health officers, except that ~~((he))~~ the secretary shall not exercise such authority unless the local health officer fails or is unable to do so, or when in an emergency the safety of the public health demands it;

~~((7))~~ ~~((8))~~ (8) Cause to be made from time to time, inspections of the sanitary and health conditions existing at the state institutions, require the governing authorities thereof to take such action as will conserve the health of all persons connected therewith, and report ~~((his))~~ the findings to the governor;

~~((8))~~ ~~((9))~~ (9) Take such measures as ~~((he))~~ the secretary deems necessary in order to promote the public health, to establish or participate in the establishment of health educational or training activities, and to provide funds for and to authorize the attendance and participation in such activities of employees of the state or local health departments and other individuals engaged in programs related to or part of the public health programs of the local health departments or the state department of social and health services. The secretary is also authorized to accept any funds from the federal

government or any public or private agency made available for health education training purposes and to conform with such requirements as are necessary in order to receive such funds; and

~~((9))~~ (10) Establish and maintain laboratory facilities and services as are necessary to carry out the responsibilities of the department.

NEW SECTION. Sec. 3. A new section is added to chapter 9.02 RCW to read as follows:

The powers and duties of the state board of health under this chapter shall be performed by the department of social and health services.

Sec. 4. Section 2, chapter 253, Laws of 1957 as amended by section 25, chapter 141, Laws of 1979 and RCW 18.20.020 are each amended to read as follows:

As used in this chapter:

(1) "Aged person" means a person of the age sixty-five years or more, or a person of less than sixty-five years who by reason of infirmity requires domiciliary care.

(2) "Boarding home" means any home or other institution, however named, which is advertised, announced or maintained for the express or implied purpose of providing board and domiciliary care to three or more aged persons not related by blood or marriage to the operator. It shall not include any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof.

(3) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(4) "Secretary" means the secretary of social and health services.

(5) ~~("Board" means the state board of health.~~

~~(6))~~ "Department" means the state department of social and health services.

~~((7))~~ (6) "Authorized department" means any city, county, city-county health department or health district authorized by the secretary of social and health services to carry out the provisions of this chapter.

Sec. 5. Section 6, chapter 253, Laws of 1957 and RCW 18.20.060 are each amended to read as follows:

The department or the department and authorized department jointly, as the case may be, after notice and opportunity for hearing to the applicant or license holder, is authorized to deny, suspend or revoke a license in any case in which it finds there has been a failure or refusal to comply with the requirements established under this chapter or the regulations promulgated pursuant thereto.

Notice of denial, suspension, or revocation shall be given by registered mail, or by personal service in the manner of service of summons in a civil

action; which notice shall set forth the particular reasons for the proposed denial, suspension or revocation and shall fix a date not less than twenty days from the date of mailing or service, during which the applicant or licensee may in writing request a hearing on the denial, suspension, or revocation. If the applicant or licensee fails to request a hearing within that time, the department or the department and authorized department jointly may deny, suspend or revoke the license without further notice or action. The order of denial, suspension or revocation shall be mailed to the applicant or license holder by registered mail or personally served on him in the manner of service of summons in a civil action.

If the applicant or licensee requests a hearing within such time the department shall fix a time for the hearing and shall give the applicant or licensee or such person's attorney, written notice thereof.

The procedure governing hearings shall be in accordance with rules promulgated by the ((board)) department and such hearing shall be informal and summary, except that a record shall be kept of the testimony taken on behalf of the applicant or licensee and the department, which need not be transcribed unless an appeal is taken therefrom. The department shall render its decision within a reasonable time after the hearing and issue its order, which shall be served on the applicant or licensee or such person's attorney, and the order shall become final unless an appeal is taken therefrom.

Sec. 6. Section 9, chapter 253, Laws of 1957 as amended by section 3, chapter 189, Laws of 1971 ex. sess. and RCW 18.20.090 are each amended to read as follows:

The ((board)) department shall adopt, amend, and promulgate such rules, regulations, and standards with respect to all boarding homes and operators thereof to be licensed hereunder as may be designed to further the accomplishment of the purposes of this chapter in promoting safe and adequate care of individuals in boarding homes and the sanitary, hygienic and safe conditions of the boarding home in the interest of public health, safety, and welfare.

Sec. 7. Section 11, chapter 253, Laws of 1957 and RCW 18.20.110 are each amended to read as follows:

The department or authorized health department shall make or cause to be made at least a yearly inspection and investigation of all boarding homes. Every inspection may include an inspection of every part of the premises and an examination of all records (other than financial records), methods of administration, the general and special dietary and the stores and methods of supply. Following such inspection or inspections, written notice of any violation of this law or the rules and regulations promulgated hereunder, shall be given the applicant or licensee and the department. The

~~((board))~~ department may prescribe by regulations that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit plans and specifications therefor to the department or to the authorized department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.

Sec. 8. Section 2, chapter 168, Laws of 1951 as amended by section 32, chapter 141, Laws of 1979 and RCW 18.46.010 are each amended to read as follows:

(1) "Maternity home" means any home, place, hospital or institution in which facilities are maintained for the care of four or more women, not related by blood or marriage to the operator, during pregnancy or during or within ten days after delivery: PROVIDED, HOWEVER, That this chapter shall not apply to any hospital approved by the American College of Surgeons, American Osteopathic Association or its successor.

(2) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(3) "Department" means the state department of social and health services.

~~((4) "Board" means the state board of health:))~~

Sec. 9. Section 6, chapter 168, Laws of 1951 and RCW 18.46.050 are each amended to read as follows:

The department after notice and opportunity for hearing to the applicant or licensee is authorized to deny, suspend, or revoke a license in any case in which it finds that there has been failure or refusal to comply with the requirements established under this chapter.

Notice shall be effected by registered mail or by personal service setting forth the particular reasons for the proposed action and fixing a date not less than thirty days from the date of mailing or service at which time the applicant or licensee shall be given an opportunity for a prompt and fair hearing. On the basis of such hearing or upon default of the applicant or licensee, the department shall make a determination specifying its findings and conclusions. A copy of the determination shall be sent by registered mail or served personally upon the applicant or licensee. The decision revoking, suspending, or denying the license or application shall become final thirty days after it is mailed or served, unless the applicant or licensee, within such thirty day period, appeals the decision.

The procedure governing hearings authorized by this section shall be in accordance with the rules promulgated by the ~~((board))~~ department. A full and complete record shall be kept of all proceedings, and all testimony shall be reported but need not be transcribed unless the decision is appealed. A copy or copies of the transcript may be obtained by any interested party on

payment of the cost of preparing such copy or copies. Witnesses may be subpoenaed by either party.

Sec. 10. Section 7, chapter 168, Laws of 1951 and RCW 18.46.060 are each amended to read as follows:

The ~~((board))~~ department, after consultation with representatives of maternity home operators, state medical association, Washington Osteopathic Association, state nurses association, state hospital association, and any other representatives as the ~~((board))~~ department may deem necessary, shall adopt, amend, and promulgate such rules and regulations with respect to all maternity homes in the promotion of safe and adequate medical and nursing care of inmates in the maternity home and the sanitary, hygienic and safe condition of the maternity home in the interest of the health, safety and welfare of the people.

Sec. 11. Section 6, chapter 117, Laws of 1943 and RCW 19.32.110 are each amended to read as follows:

(1) No person afflicted with any contagious or infectious disease shall work or be permitted to work in or about any refrigerated locker, nor in the handling, dealing nor processing of any human food in connection therewith.

(2) No person shall work or be permitted to work in or about any refrigerated locker in the handling, processing or dealing in any human food or any ingredient thereof without holding a certificate from a physician, duly accredited for that purpose by the ~~((state board of health))~~ department of social and health services, certifying that such person has been examined and found free from any contagious or infectious disease. The ~~((state board of health))~~ department of social and health services may fix a maximum fee, not exceeding two dollars which may be charged by a physician for such examination. Such certificate shall be effective for a period of six months and thereafter must be renewed following proper physical examination as aforesaid. Where such certificate is required and provided under municipal ordinance upon examination deemed adequate by the ~~((state board of health))~~ department, certificates issued thereunder shall be sufficient under this chapter.

(3) Any such certificate shall be revoked by the ~~((state board of health))~~ department of social and health services at any time the holder thereof is found, after proper physical examination, to be afflicted with any communicable or infectious disease. Refusal of any person employed in such premises to submit to proper and reasonable physical examination upon written demand by the ~~((state board of health))~~ department of social and health services or of the director of agriculture shall be cause for revocation of that person's health certificate.

Sec. 12. Section 35A.70.070, chapter 119, Laws of 1967 ex. sess. as last amended by section 25, chapter 2, Laws of 1981 1st ex. sess. and RCW 35A.70.070 are each amended to read as follows:

Every code city may exercise the powers authorized and shall perform the duties imposed upon cities of like population relating to the public health and safety as provided by Title 70 RCW and, without limiting the generality of the foregoing, shall: (1) Organize boards of health and appoint a health officer with the authority, duties and functions as provided in chapter 70.05 RCW, or provide for combined city-county health departments as provided and in accordance with the provisions of chapter 70.08 RCW; (2) contribute and participate in public health pooling funds as authorized by chapter 70.12 RCW; (3) ~~((perform the functions and provide health precautions at seaports as required by chapter 70.16 RCW; (4) procure pesthouses and to provide quarantines and miscellaneous other health precautions as authorized by chapter 70.20 RCW; (5)))~~ control and provide for treatment of venereal diseases as authorized by chapter 70.24 RCW; ~~((6))~~ (4) provide for the care and control of tuberculosis as provided in chapters 70.28, 70.30, 70.32, and 70.54 RCW; ~~((7))~~ (5) participate in health districts as authorized by chapter 70.46 RCW; ~~((8))~~ (6) exercise control over water pollution as provided in chapter 35.88 RCW; ~~((9))~~ (7) for all code cities having a population of more than twenty thousand serve as a primary district for registration of vital statistics in accordance with the provisions of chapter 70.58 RCW and RCW 43.20A.630; ~~((10) enforce the provisions of chapter 70.70 RCW relating to the control of shoddy; (11))~~ (8) observe and enforce the provisions relating to fireworks as provided in chapter 70.77 RCW; ~~((12))~~ (9) enforce the provisions relating to swimming pools provided in chapter 70.90 RCW; ~~((13))~~ (10) enforce the provisions of chapter 18.20 RCW when applicable; ~~((14))~~ (11) perform the functions relating to mentally ill prescribed in chapters 72.06 and 71.12 RCW; ~~((15))~~ (12) cooperate with the state department of social and health services in mosquito control as authorized by RCW 70.22.060; and ~~((16))~~ (13) inspect nursing homes as authorized by RCW 18.51.145.

Sec. 13. Section 7, chapter 137, Laws of 1937 and RCW 69.12.070 are each amended to read as follows:

(1) No person afflicted with any contagious or infectious disease shall work or be permitted to work or be employed in any bakery.

(2) No person shall work or be permitted to work in any bakery in storing, preparing, mixing or handling any bakery product or any ingredient thereof without holding a certificate from a physician, duly accredited for that purpose by the state board of health, certifying that such person has been examined and found free from any contagious or infectious disease. The ~~((state board of health))~~ department of social and health services may fix a maximum fee, not exceeding one dollar, which may be charged by a

physician for such examination. Such certificate shall be effective for a period of six months and thereafter must be renewed following proper physical examination as aforesaid. Where such certificate is required and provided under municipal ordinance upon examination deemed adequate by the (~~(state board of health)~~) department, certificates issued thereunder shall be sufficient under this chapter.

(3) Any such certificate shall be revoked by the state board of health at any time the holder thereof is found, after proper physical examination, to be afflicted with any communicable or infectious disease. Refusal of any person employed in a bakery to submit to proper and reasonable physical examination upon written demand of the (~~(state board of health)~~) department of social and health services or the director of agriculture shall be cause for revocation of that person's health certificate.

Sec. 14. Section 12, chapter 102, Laws of 1967 ex. sess. as amended by section 1, chapter 25, Laws of 1969 ex. sess. and RCW 70.01.010 are each amended to read as follows:

In furtherance of the policy of this state to cooperate with the federal government in the public health programs, the (~~(state board of health)~~) department of social and health services shall adopt such rules and regulations as may become necessary to entitle this state to participate in federal funds unless the same be expressly prohibited by law. Any section or provision of the public health laws of this state which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to satisfy federal laws entitling this state to receive federal funds for the various programs of public health.

Sec. 15. Section 1, chapter 267, Laws of 1955 as amended by section 106, chapter 141, Laws of 1979 and RCW 70.41.010 are each amended to read as follows:

The primary purpose of this chapter is to promote safe and adequate care of individuals in hospitals through the development, establishment and enforcement of minimum hospital standards for maintenance and operation. To accomplish these purposes, this chapter provides for:

- (1) The licensing and inspection of hospitals;
- (2) The establishment of a Washington state hospital advisory council;
- (3) The establishment by the (~~(state board of health)~~) department of standards, rules and regulations for the construction, maintenance and operation of hospitals;
- (4) The enforcement by the (~~(Washington state)~~) department (~~(of social and health services)~~) of the standards, rules, and regulations established (~~(by the board)~~) under this chapter.

Sec. 16. Section 2, chapter 267, Laws of 1955 as amended by section 8, chapter 189, Laws of 1971 ex. sess. and RCW 70.41.020 are each amended to read as follows:

Unless the context clearly indicates otherwise, the following terms, whenever used in this chapter, shall be deemed to have the following meanings:

(1) "Department" means the Washington state department of social and health services;

(2) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care, of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include hotels, or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include clinics, or physician's offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which come within the scope of chapter 18.51 RCW; nor does it include maternity homes, which come within the scope of chapter 18.46 RCW; nor does it include psychiatric hospitals, which come within the scope of chapter 71.12 RCW; nor any other hospital, or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental condition. Furthermore, nothing in this chapter or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denominations;

(3) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof((;

~~(4) "Board" means the state board of health).~~

Sec. 17. Section 3, chapter 267, Laws of 1955 as amended by section 9, chapter 189, Laws of 1971 ex. sess. and RCW 70.41.030 are each amended to read as follows:

The ~~((board))~~ department, shall establish and adopt such minimum standards, rules and regulations pertaining to the construction, maintenance and operation of hospitals, and rescind, amend or modify such rules and regulations from time to time, as are necessary in the public interest, and particularly for the establishment and maintenance of standards of hospitalization required for the safe and adequate care and treatment of patients. All rules and regulations to become effective shall be filed with the office of the code reviser.

The ~~((board shall advise and consult with the))~~ department ~~((in matters of policy affecting the administration of this chapter, and))~~ shall conduct fair hearing procedures as provided in RCW 70.41.130.

Sec. 18. Section 4, chapter 267, Laws of 1955 and RCW 70.41.040 are each amended to read as follows:

The enforcement of the provisions of this chapter and the standards, rules and regulations established ~~((hereunder by the board))~~ under this chapter, shall be the responsibility of the department which shall cooperate with the joint commission on the accreditation of hospitals. The ~~((board))~~ department shall advise on the employment of personnel and the personnel shall be under the merit system or its successor.

Sec. 19. Section 8, chapter 267, Laws of 1955 and RCW 70.41.080 are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all hospitals to be licensed hereunder shall be the responsibility of the state fire marshal, who shall adopt, after approval by the ~~((board))~~ department, such recognized standards as may be applicable to hospitals for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the state fire marshal in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the state fire marshal or his deputy, shall make an inspection of the hospital to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as adopted pursuant to this chapter, he shall promptly make a written report to the hospital and to the department listing the corrective actions required and the time allowed for accomplishing such corrections. The applicant or licensee shall notify the state fire marshal upon completion of any corrections required by him, and the state fire marshal, or his deputy, shall make a re-inspection of such premises. Whenever the hospital to be licensed meets with the approval of the state fire marshal, he shall submit to the department a written report approving the hospital with respect to fire protection, and such report is required before a full license can be issued. The state fire marshal shall make or cause to be made inspections of such hospitals at least once a year.

In cities which have in force a comprehensive building code, the provisions of which are determined by the state fire marshal to be equal to the minimum standards of the state fire marshal's code for hospitals, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the state fire marshal or his deputy and they shall jointly approve the premises before a full license can be issued.

Sec. 20. Section 11, chapter 267, Laws of 1955 as last amended by section 12, chapter 201, Laws of 1982 and RCW 70.41.110 are each amended to read as follows:

Upon receipt of an application for license and the license fee, the department shall issue a license or a provisional license if the applicant and the hospital facilities meet the requirements of this chapter and the standards, rules and regulations established by the ((board)) department. All licenses issued under the provisions of this chapter shall expire on a date to be set by the department: PROVIDED, That no license issued pursuant to this chapter shall exceed thirty-six months in duration. Each license shall be issued only for the premises and persons named in the application, and no license shall be transferable or assignable except with the written approval of the department. Licenses shall be posted in a conspicuous place on the licensed premises.

If there be a failure to comply with the provisions of this chapter or the standards, rules and regulations promulgated pursuant thereto, the department may in its discretion issue to an applicant for a license, or for the renewal of a license, a provisional license which will permit the operation of the hospital for a period to be determined by the department.

Sec. 21. Section 12, chapter 267, Laws of 1955 and RCW 70.41.120 are each amended to read as follows:

The department shall make or cause to be made at least yearly an inspection of all hospitals. Every inspection of a hospital may include an inspection of every part of the premises. The department may make an examination of all phases of the hospital operation necessary to determine compliance with the law and the standards, rules and regulations adopted thereunder. Any licensee or applicant desiring to make alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, comply with the regulations prescribed by the ((board)) department.

No hospital licensed pursuant to the provisions of this chapter shall be required to be inspected or licensed under other state laws or rules and regulations promulgated thereunder, or local ordinances, relative to hotels, restaurants, lodging houses, boarding houses, places of refreshment, nursing homes, maternity homes, or psychiatric hospitals.

Sec. 22. Section 13, chapter 267, Laws of 1955 and RCW 70.41.130 are each amended to read as follows:

The department is authorized to deny, suspend, or revoke a license or provisional license in the manner prescribed herein in any case in which it finds that there has been a failure or refusal to comply with the requirements of this chapter or the standards, rules and regulations established hereunder. The department shall issue an order to the applicant or licensee giving notice of any rejection, revocation, or suspension, which order shall become final thirty days after the date of mailing: PROVIDED, That the

applicant or licensee does not within thirty days from the date of mailing of the department's order or rejection, revocation, or suspension of license, make written application to the ~~((board))~~ department for a hearing upon receipt of which the ~~((board))~~ department shall fix a time for such hearing and shall give the applicant or licensee a notice of the time fixed therefor. The procedure governing hearings authorized by this section shall be in accordance with rules promulgated by the ~~((board))~~ department. The ~~((board))~~ department shall render its decision affirming, modifying, or setting aside the order of the department which decision in the absence of an appeal therefrom as provided by this chapter, shall become final thirty days after the date of mailing.

Sec. 23. Section 14, chapter 267, Laws of 1955 and RCW 70.41.140 are each amended to read as follows:

Within thirty days after the date of mailing of the decision of the ~~((board))~~ department, the interested applicant or licensee may appeal to the superior court of the county of Thurston and such appeal shall be heard as a case in equity, but upon such appeal only such issues of law may be raised as were properly included in the hearing before the ~~((board))~~ department. Proceedings of every such appeal shall be informal and summary, but full opportunity to be heard upon the issues of law shall be had before judgment is pronounced. Such appeal shall be perfected by serving a notice of appeal on the ~~((chairman of the board))~~ secretary of the department by personal service, or by mailing a copy thereof to the ~~((board))~~ department and by filing the notice of appeal, together with proof of service thereof, with the clerk of the court. The service and the filing, together with proof of the notice of appeal, all within thirty days shall be jurisdictional. The ~~((board))~~ department shall within ten days after receipt of such notice of appeal serve and file a notice of appearance upon appellant or his attorney of record and such appeal shall thereupon be deemed at issue. The ~~((board))~~ department shall serve upon the appellant and file with the clerk of the court before hearing, a certified copy of the complete record of the administrative proceedings which shall, upon being so filed, become the record in such case.

Sec. 24. Section 15, chapter 267, Laws of 1955 and RCW 70.41.150 are each amended to read as follows:

Information received by the ~~((board or the))~~ department through filed reports, inspection, or as otherwise authorized under this chapter, shall not be disclosed publicly in such manner as to identify individuals or hospitals, except in a proceeding involving the question of licensure. Such records of the department shall at all times be available to the council and the members thereof.

Sec. 25. Section 16, chapter 267, Laws of 1955 and RCW 70.41.160 are each amended to read as follows:

Notwithstanding the existence or pursuit of any other remedy, the department may, in the manner provided by law, upon the advice of the attorney general who shall represent the department (~~and the board~~) in the proceedings, maintain an action in the name of the state for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a hospital without a license under this law.

Sec. 26. Section 18, chapter 267, Laws of 1955 and RCW 70.41.180 are each amended to read as follows:

Nothing contained in this chapter shall in any way authorize the (~~board~~) department to establish standards, rules and regulations governing the professional services rendered by any physician.

Sec. 27. Section 1, chapter 175, Laws of 1975 1st ex. sess. and RCW 70.41.190 are each amended to read as follows:

Unless specified otherwise by the (~~board~~) department, a hospital shall retain and preserve all medical records which relate directly to the care and treatment of a patient for a period of no less than ten years following the most recent discharge of the patient; except the records of minors, which shall be retained and preserved for a period of no less than three years following attainment of the age of eighteen years, or ten years following such discharge, whichever is longer.

If a hospital ceases operations, it shall make immediate arrangements, as approved by the department, for preservation of its records.

The (~~board~~) department shall by regulation define the type of records and the information required to be included in the medical records to be retained and preserved under this section; which records may be retained in photographic form pursuant to chapter 5.46 RCW.

Sec. 28. Section 3, chapter 243, Laws of 1984 (uncodified) is amended to read as follows:

(1) There is created the joint select committee on public health. The committee shall consist of the following members:

(a) Two majority members and two minority members of the senate, to be appointed by the president of the senate;

(b) Two majority members and two minority members of the house of representatives, to be appointed by the speaker of the house of representatives;

(c) The chair of the state board of health or the chair's designee;

(d) The chair of the state health coordinating council or the chair's designee;

(e) The director of the department of veterans affairs or the director's designee;

(f) The secretary of social and health services or the secretary's designee;

(g) A local public health official to be appointed by the president of the senate and the speaker of the house of representatives acting jointly;

(h) A physician licensed under chapter 18.71 RCW to be appointed by the president of the senate and the speaker of the house of representatives acting jointly; and

(i) Two persons who have demonstrated an interest in public health. One of these persons shall be appointed by the president of the senate and the other shall be appointed by the speaker of the house of representatives.

(2) Legislative members of the committee shall be reimbursed for travel expenses by their respective houses as provided under RCW 44.04-.120. Nonlegislative members of the committee shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. The cost of travel expenses for members appointed under subsection (1) (h) and (i) of this section shall be paid by the senate and the house of representatives, the costs to be divided equally between the two houses.

(3) The committee shall study issues pertaining to public health and report its conclusions and recommendations to the legislature by January 1, 1986, on which date the committee shall cease to exist.

(4) The legislative budget committee, in performing the sunset review of the state board of health pursuant to the requirements of chapter 43.131 RCW, may use the report of the joint select committee on public health submitted under this section.

Sec. 29. Section 33, chapter 99, Laws of 1979 as amended by section 16, chapter 235, Laws of 1983 and RCW 43.131.213 are each amended to read as follows:

The powers and duties of the state board of health shall be terminated on June 30, (~~(+1985)~~) 1986, as provided in RCW 43.131.214.

Sec. 30. Section 75, chapter 99, Laws of 1979 as amended by section 17, chapter 235, Laws of 1983 and RCW 43.131.214 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, (~~(+1986)~~) 1987:

(1) Section 36.62.020, chapter 4, Laws of 1963 and RCW 36.62.020;

(2) Section 43.20.030, chapter 8, Laws of 1965, section 11, chapter 18, Laws of 1970 ex. sess. and RCW 43.20.030;

(3) Section 43.20.050, chapter 8, Laws of 1965, section 9, chapter 102, Laws of 1967 ex. sess., section 49, chapter 141, Laws of 1979 and RCW 43.20.050;

(4) Section 43.20.100, chapter 8, Laws of 1965, section 44, chapter 75, Laws of 1977 and RCW 43.20.100;

(5) Section 43.20.140, chapter 8, Laws of 1965, section 58, chapter 141, Laws of 1979 and RCW 43.20.140;

(6) Section 11, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.200;

- (7) Section 1, chapter 197, Laws of 1957 and RCW 69.06.010;
 (8) Section 2, chapter 197, Laws of 1957 and RCW 69.06.020;
 (9) Section 5, chapter 197, Laws of 1957 and RCW 69.06.050;
 (10) Section 16, chapter 190, Laws of 1939, section 1, chapter 30, Laws of 1961 and RCW 69.16.115;
 (11) Section 17, chapter 190, Laws of 1939, section 2, chapter 30, Laws of 1961 and RCW 69.16.120;
 (12) Section 16, chapter 112, Laws of 1939 and RCW 69.20.095;
 (13) Section 17, chapter 112, Laws of 1939 and RCW 69.20.100;
 (14) Section 3, chapter 144, Laws of 1955 and RCW 69.30.030;
 (15) Section 5, chapter 144, Laws of 1955 and RCW 69.30.050;
 (16) Section 6, chapter 144, Laws of 1955 and RCW 69.30.060;
 (17) (~~Section 12, chapter 102, Laws of 1967 ex. sess., section 1, chapter 25, Laws of 1969 ex. sess. and RCW 70.01.010;~~
 (18)) Section 16, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.110;
 ((19)) (18) Section 4, chapter 114, Laws of 1919 and RCW 70.24.040;
 ((20)) (19) Section 8, chapter 114, Laws of 1919 and RCW 70.24.070;
 ((21)) (20) Section 6, chapter 54, Laws of 1967 and RCW 70.28.035;
 ((22) Section 3, chapter 267, Laws of 1955, section 9, chapter 189, Laws of 1971 ex. sess. and RCW 70.41.030;
 (23)) (21) Section 1, chapter 231, Laws of 1969 ex. sess. and RCW 70.54.110;
 ((24)) (22) Section 6, chapter 177, Laws of 1959 and RCW 70.58.350;
 ((25)) (23) Section 5, chapter 82, Laws of 1967 and RCW 70.83-.050; and
 ((26)) (24) Section 1, chapter 176, Laws of 1913, section 12, chapter 130, Laws of 1917, section 1, chapter 160, Laws of 1921, section 1, chapter 46, Laws of 1923, section 1, chapter 79, Laws of 1925 ex. sess., section 1, chapter 240, Laws of 1927 and RCW 85.08.020.

NEW SECTION. Sec. 31. This act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule, regulation, or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION. Sec. 32. The following acts or parts of acts are each repealed:

- (1) Section 35A.70.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.70.030;
 (2) Section 16, chapter 112, Laws of 1939 and RCW 69.20.095;

- (3) Section 17, chapter 112, Laws of 1939 and RCW 69.20.100;
- (4) Section 1, page 46, Laws of 1888 and RCW 70.16.010;
- (5) Section 2, page 46, Laws of 1888 and RCW 70.16.020;
- (6) Section 3, page 47, Laws of 1888 and RCW 70.16.030;
- (7) Section 4, page 47, Laws of 1888 and RCW 70.16.040;
- (8) Section 5, page 47, Laws of 1888 and RCW 70.16.050;
- (9) Section 6, page 47, Laws of 1888 and RCW 70.16.060;
- (10) Section 7, page 48, Laws of 1888 and RCW 70.16.070;
- (11) Section 8, page 48, Laws of 1888 and RCW 70.16.080;
- (12) Section 9, page 48, Laws of 1888 and RCW 70.16.090;
- (13) Section 10, page 49, Laws of 1888 and RCW 70.16.100;
- (14) Section 11, page 49, Laws of 1888 and RCW 70.16.110;
- (15) Section 2220, Code of 1881 and RCW 70.16.120;
- (16) Section 2221, Code of 1881 and RCW 70.16.130;
- (17) Section 2224, Code of 1881 and RCW 70.16.140;
- (18) Section 2222, Code of 1881 and RCW 70.16.150;
- (19) Section 2223, Code of 1881 and RCW 70.16.160;
- (20) Section 2225, Code of 1881 and RCW 70.16.170;
- (21) Section 2226, Code of 1881 and RCW 70.16.180;
- (22) Section 2227, Code of 1881 and RCW 70.16.190;
- (23) Section 2219, Code of 1881 and RCW 70.16.200;
- (24) Section 12, page 49, Laws of 1888 and RCW 70.20.010;
- (25) Section 13, page 49, Laws of 1888 and RCW 70.20.020;
- (26) Section 14, page 50, Laws of 1888, section 30, chapter 199, Laws of 1969 ex. sess. and RCW 70.20.030;
- (27) Section 2204, Code of 1881 and RCW 70.20.040;
- (28) Section 2205, Code of 1881 and RCW 70.20.050;
- (29) Section 2206, Code of 1881 and RCW 70.20.060;
- (30) Section 2207, Code of 1881 and RCW 70.20.070;
- (31) Section 2208, Code of 1881 and RCW 70.20.080;
- (32) Section 2209, Code of 1881 and RCW 70.20.090;
- (33) Section 2210, Code of 1881 and RCW 70.20.100;
- (34) Section 2211, Code of 1881 and RCW 70.20.110;
- (35) Section 2212, Code of 1881 and RCW 70.20.120;
- (36) Section 2213, Code of 1881 and RCW 70.20.130;
- (37) Section 2215, Code of 1881 and RCW 70.20.150;
- (38) Section 2216, Code of 1881 and RCW 70.20.160;
- (39) Section 2217, Code of 1881 and RCW 70.20.165;
- (40) Section 2218, Code of 1881 and RCW 70.20.170;
- (41) Section 1, chapter 48, Laws of 1901 and RCW 70.20.180; and
- (42) Section 2, chapter 48, Laws of 1901 and RCW 70.20.185.

NEW SECTION. Sec. 33. This 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 June 30, 1985.

Passed the House March 21, 1985.

Passed the Senate April 17, 1985.

Approved by the Governor May 7, 1985.

Filed in Office of Secretary of State May 7, 1985.

CHAPTER 214

[Engrossed Senate Bill No. 3846]

SCHOOL IN-SERVICE TRAINING—NEEDS ASSESSMENTS EVERY TWO YEARS

AN ACT Relating to public school in-service training; and amending RCW 28A.71.210.

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

Sec. 1. Section 2, chapter 189, Laws of 1977 ex. sess. as amended by section 10, chapter 149, Laws of 1979 and RCW 28A.71.210 are each amended to read as follows:

The superintendent of public instruction is hereby empowered to administer funds now or hereafter appropriated for the conduct of in-service training programs for public school certificated and classified personnel and to supervise the conduct of such programs. The superintendent of public instruction shall adopt rules in accordance with chapter 34.04 RCW that provide for the allocation of such funds to public school district or educational service district applicants on such conditions and for such training programs as he or she deems to be in the best interest of the public school system: PROVIDED, That each district requesting such funds shall have:

(1) Conducted a district needs assessment, to be reviewed and updated at least every two years, of certificated and classified personnel to determine identified strengths and weakness of personnel that would be strengthened by such in-service training program~~((: PROVIDED, FURTHER, That each school district or educational service district requesting funds shall have))~~;

(2) Established an in-service training task force and demonstrated to the superintendent of public instruction that the task force has participated in ((and is supportive of the request for funding of the particular in-service training program)) identifying in-service training needs and goals; and

(3) Demonstrated to the superintendent of public instruction its intention to implement the recommendations of the needs assessment and thereafter the progress it has made in providing in-service training as identified in the needs assessment.

The task force required by this section shall be composed of representatives from the ranks of administrators, building principals, teachers, classified and support personnel employed by the applicant school district or