

- (1) Technical information and data;
- (2) The fiscal impact of the proposed improvement;
- (3) The types of improvements planned.

Expenditures under this section shall be limited to research, preparation, printing, and mailing of the information.

**NEW SECTION.** Sec. 2. A new section is added to chapter 57.24 RCW to read as follows:

Water districts may expend funds to inform residents in areas proposed for annexation into the district of the following:

- (1) Technical information and data;
- (2) The fiscal impact of the proposed improvement;
- (3) The types of improvements planned.

Expenditures under this section shall be limited to research, preparation, printing, and mailing of the information.

Passed the House January 28, 1986.

Passed the Senate March 6, 1986.

Approved by the Governor April 3, 1986.

Filed in Office of Secretary of State April 3, 1986.

## CHAPTER 259

[Substitute House Bill No. 131]

### UNIFORM DISCIPLINARY ACT FOR VARIOUS HEALTH PROFESSIONS REVISED

AN ACT Relating to the regulation of health and health-related professions and businesses; amending RCW 18.130.010, 18.130.020, 18.130.040, 18.130.070, 18.130.080, 18.130.090, 18.130.130, 18.130.160, 18.130.170, 18.130.180, 18.130.190, 18.130.200, 18.130.210, 18.130.900, 18.22.015, 18.25.017, 18.25.090, 18.26.030, 18.26.110, 18.32.085, 18.32.290, 18.32.360, 18.32.390, 18.32.500, 18.32.520, 18.32.530, 18.32.640, 18.36.010, 18.36.020, 18.36.030, 18.36.040, 18.36.050, 18.36.060, 18.36.130, 18.39.130, 18.39.145, 18.39.148, 18.39.150, 18.39.175, 18.39.181, 18.39.231, 18.39.260, 18.39.280, 18.39.290, 18.39.300, 18.39.320, 18.39.330, 18.53.030, 18.53.100, 18.53.140, 18.53.150, 18.54.070, 18.57.005, 18.57A.030, 18.57A.040, 18.57A.050, 18.59.100, 18.59.130, 18.71.030, 18.71.050, 18.71.095, 18.71.200, 18.71.230, 18.71A.040, 18.71A.050, 18.72.020, 18.72.150, 18.72.265, 18.73.020, 18.74.023, 18.74.090, 18.78.050, 18.78.070, 18.78.090, 18.88.270, 18.92.030, 18.92.070, 18.92.120, 18.92.125, 70.54.150, and 70.54.190; reenacting and amending RCW 43.24.110; adding a new section to chapter 18.22 RCW; adding a new section to chapter 18.25 RCW; adding a new section to chapter 18.26 RCW; adding a new section to chapter 18.29 RCW; adding a new section to chapter 18.32 RCW; adding a new section to chapter 18.34 RCW; adding a new section to chapter 18.36 RCW; adding a new section to chapter 18.39 RCW; adding a new section to chapter 18.50 RCW; adding a new section to chapter 18.53 RCW; adding a new section to chapter 18.54 RCW; adding a new section to chapter 18.55 RCW; adding a new section to chapter 18.57 RCW; adding a new section to chapter 18.57A RCW; adding a new section to chapter 18.59 RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.71A RCW; adding a new section to chapter 18.72 RCW; adding a new section to chapter 18.74 RCW; adding a new section to chapter 18.78 RCW; adding a new section to chapter 18.88 RCW; adding a new section to chapter 18.92 RCW; adding a new section to chapter 18.108 RCW; adding a new section to chapter 18.130 RCW; creating new sections; repealing RCW 18.130.030, 18.22.016, 18.22.017, 18.22.020, 18.22.141, 18.22.151, 18.22.215, 18.25.010, 18.25.018, 18.25.050, 18.26.027, 18.26.035, 18.26.037, 18.26.100, 18.26.120, 18.26.130,

18.26.140, 18.26.150, 18.26.160, 18.26.170, 18.26.180, 18.26.190, 18.26.200, 18.26.210, 18.26.220, 18.26.230, 18.26.240, 18.26.250, 18.26.270, 18.26.280, 18.26.290, 18.26.300, 18.26.310, 18.29.010, 18.29.075, 18.29.080, 18.29.090, 18.32.038, 18.32.055, 18.32.080, 18.32.090, 18.32.230, 18.32.380, 18.32.535, 18.32.540, 18.32.550, 18.32.630, 18.32.650, 18.32.660, 18.32.670, 18.32.680, 18.32.690, 18.32.700, 18.32.710, 18.32.720, 18.32.730, 18.32.740, 18.32.750, 18.32.760, 18.32.770, 18.32.780, 18.34.090, 18.34.100, 18.34.135, 18.34.140, 18.34.150, 18.35.173, 18.36.135, 18.36.140, 18.36.150, 18.39.176, 18.39.179, 18.39.223, 18.39.225, 18.39.310, 18.39.340, 18.50.100, 18.50.120, 18.50.125, 18.53.020, 18.53.155, 18.54.075, 18.54.080, 18.54.100, 18.54.110, 18.54.120, 18.55.065, 18.55.070, 18.55.080, 18.55.090, 18.55.100, 18.57.009, 18.57.030, 18.57.170, 18.57.173, 18.57.175, 18.57.177, 18.57.181, 18.57.185, 18.57.195, 18.57.205, 18.59.030, 18.59.140, 18.59.200, 18.71.018, 18.71.020, 18.71.025, 18.71.120, 18.71.140, 18.71.145, 18.71.165, 18.71.180, 18.72.030, 18.72.135, 18.72.140, 18.72.153, 18.72.160, 18.72.170, 18.72.175, 18.72.180, 18.72.201, 18.72.230, 18.72.240, 18.72.245, 18.72.250, 18.72.260, 18.72.270, 18.72.275, 18.72.280, 18.72.290, 18.72.300, 18.72.320, 18.72.330, 18.74.028, 18.74.080, 18.74.082, 18.74.084, 18.74.086, 18.74.088, 18.74.100, 18.78.053, 18.78.135, 18.78.145, 18.78.155, 18.78.165, 18.78.170, 18.78.175, 18.83.053, 18.88.085, 18.88.210, 18.88.230, 18.88.240, 18.88.250, 18.88.260, 18.88.265, 18.92.033, 18.92.045, 18.92.050, 18.92.160, 18.92.180, 18.92.210, 18.92.220, 18.92.235, 18.108.075, 18.108.060, and 18.108.170; repealing section 3, chapter 38, Laws of 1917 (uncodified); repealing section 2, chapter 48, Laws of 1935 (uncodified); repealing section 7, chapter 5, Laws of 1919 (uncodified); repealing section 30, chapter 16, Laws of 1923 (uncodified); repealing section 8, chapter 222, Laws of 1949 (uncodified); and prescribing penalties.

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

## PART I UNIFORM DISCIPLINARY ACT

Sec. 1. Section 1, chapter 279, Laws of 1984 and RCW 18.130.010 are each amended to read as follows:

It is the intent of the legislature to strengthen and consolidate disciplinary procedures for the licensed health and health-related professions and businesses by providing a uniform disciplinary act with standardized procedures for the enforcement of laws the purpose of which is to assure the public of the adequacy of professional competence and conduct in the healing arts.

It is also the intent of the legislature that all health and health-related professions newly credentialed by the state come under the uniform disciplinary act.

Further, the legislature declares that the addition of public members on all health care boards can give both the state and the public, which it has a statutory responsibility to protect, assurances of accountability and confidence in the various practices of health care.

Sec. 2. Section 2, chapter 279, Laws of 1984 and RCW 18.130.020 are each amended to read as follows:

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

(1) "Disciplining authority" means (a) the board of medical examiners, the board of dental examiners, and the board of chiropractic examiners with respect to applicants for a license for the respective professions, (b) the

medical disciplinary board, the dental disciplinary board, and the chiropractic disciplinary board with respect to holders of licenses for the respective professions, or (c) the agency or board having the authority to take disciplinary action against a holder of, or applicant for, a professional or business license upon a finding of a violation of this chapter or ((the chapter under which the license is held)) a chapter specified under RCW 18.130.040.

(2) "Department" means the department of licensing.

(3) "Director" means the director of licensing or the director's designee.

(4) "Board" means any of those boards specified in RCW 18.130.040.

(5) "Unlicensed practice" means:

(a) Practicing a profession or operating a business identified in RCW 18.130.040 without holding a valid, unexpired, unrevoked, and unsuspended license to do so; or

(b) Representing to a consumer, through offerings, advertisements, or use of a professional title or designation, that the individual is qualified to practice a profession or operate a business identified in RCW 18.130.040, without holding a valid, unexpired, unrevoked, and unsuspended license to do so.

(6) "Disciplinary action" means sanctions identified in RCW 18.130.160.

(7) "Practice review" means an investigative audit of records related to the complaint, without prior identification of specific patient or consumer names, to determine whether unprofessional conduct may have been committed.

(8) "Health agency" means city and county health departments and the department of social and health services.

(9) "License," "licensing," and "licensure" shall be deemed equivalent to the terms "license," "licensing," "licensure," "certificate," "certification," and "registration" as those terms are defined in RCW 18.120.020.

Sec. 3. Section 4, chapter 279, Laws of 1984 and RCW 18.130.040 are each amended to read as follows:

(1) This chapter applies only to the director and the boards having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2) (a) The director has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed under chapter 18.34 RCW;

(ii) Drugless healers licensed under chapter 18.36 RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

~~(v) ((Psychologists licensed under chapter 18.83 RCW unless a disciplinary committee is established under chapter 18.83 RCW;~~

~~(vi))~~ Massage operators and businesses licensed under chapter 18.108 RCW; and

~~((vii))~~ (vi) Dental hygienists licensed under chapter 18.29 RCW.

(b) The boards having authority under this chapter are as follows:

(i) The podiatry board as established in chapter 18.22 RCW;

(ii) The chiropractic disciplinary board as established in chapter 18.26 RCW governing licenses issued under chapter 18.25 RCW;

(iii) The dental disciplinary board as established in chapter 18.32 RCW;

~~(iv) ((The council on hearing aids as established in chapter 18.35 RCW;~~

~~(v))~~ The board of funeral directors and embalmers as established in chapter 18.39 RCW;

~~((vi) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;~~

~~(vii))~~ (v) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

~~((viii))~~ (vi) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

~~((ix))~~ (vii) The medical disciplinary board as established in chapter 18.72 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

~~((x))~~ (viii) The board of physical therapy as established in chapter 18.74 RCW;

~~((xi))~~ (ix) The board of occupational therapy practice as established in chapter 18.59 RCW;

~~((xii))~~ (x) The board of practical nursing as established in chapter 18.78 RCW;

~~((xiii))~~ (xi) The board of nursing as established in chapter 18.88 RCW; and

~~((xiv))~~ (xii) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. However, the board of chiropractic examiners has authority over issuance and denial of licenses provided for in chapter 18.25 RCW, the board of dental examiners has authority over issuance and denial of licenses provided for in RCW 18.32.040, and the board of medical examiners has authority over issuance and denial of licenses and registrations provided for in chapters 18.71 and 18.71A RCW. This chapter

also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority(~~(; the board of chiropractic examiners, the board of dental examiners, and the board of medical examiners, if adopted pursuant to this chapter by the disciplinary authority)~~)).

Sec. 4. Section 7, chapter 279, Laws of 1984 and RCW 18.130.070 are each amended to read as follows:

(1) The disciplining authority may adopt rules requiring any person, including, but not limited to, licensees, corporations, organizations, health care facilities, and ((federal;)) state((;)) or local governmental agencies, to report to the disciplining authority any conviction, determination, or finding that a license holder has committed an act which constitutes unprofessional conduct, or to report information which indicates that the license holder may not be able to practice his or her profession with reasonable skill and safety to consumers as a result of a mental or physical condition. To facilitate meeting the intent of this section, the cooperation of agencies of the federal government is requested by reporting any conviction, determination, or finding that a federal employee or contractor regulated by the disciplinary authorities enumerated in this chapter has committed an act which constituted unprofessional conduct and reporting any information which indicates that a federal employee or contractor regulated by the disciplinary authorities enumerated in this chapter may not be able to practice his or her profession with reasonable skill and safety as a result of a mental or physical condition.

(2) If a person fails to furnish a required report, the disciplining authority may petition the superior court of the county in which the person resides or is found, and the court shall issue to the person an order to furnish the required report. A failure to obey the order shall be punished by the court as civil contempt.

(3) A person is immune from civil liability, whether direct or derivative, for providing information to the disciplining authority pursuant to the rules adopted under subsection (1) of this section.

(4) The holder of a license subject to the jurisdiction of this chapter shall report to the disciplining authority any conviction, determination, or finding that the licensee has committed unprofessional conduct or is unable to practice with reasonable skill or safety. Failure to report within thirty days of notice of the conviction, determination, or finding constitutes grounds for disciplinary action.

Sec. 5. Section 8, chapter 279, Laws of 1984 and RCW 18.130.080 are each amended to read as follows:

A person, ~~((firm, corporation, or public officer))~~ including but not limited to consumers, licensees, corporations, organizations, health care facilities, and state and local governmental agencies, may submit a written

complaint to the disciplining authority charging a license holder or applicant with unprofessional conduct and specifying the grounds therefor. If the disciplining authority determines that the complaint merits investigation, or if the disciplining authority has reason to believe, without a formal complaint, that a license holder or applicant may have engaged in unprofessional conduct, the disciplining authority shall investigate to determine whether there has been unprofessional conduct. A person who files a complaint under this section in good faith is immune from suit in any civil action related to the filing or contents of the complaint.

Sec. 6. Section 9, chapter 279, Laws of 1984 and RCW 18.130.090 are each amended to read as follows:

(1) If the disciplining authority determines, upon investigation, that there is reason to believe a violation of RCW 18.130.180 has occurred, a statement of charge or charges shall be prepared and served upon the license holder or applicant at the earliest practical time. The statement of charge or charges shall be accompanied by a notice that the license holder or applicant may request a hearing to contest the charge or charges. The license holder or applicant must file a request for hearing with the disciplining authority within twenty days after being served the statement of charges. The failure to request a hearing constitutes a default, whereupon the disciplining authority may enter a decision on the basis of the facts available to it.

(2) If a hearing is requested, the time of the hearing shall be fixed by the disciplining authority as soon as convenient, but the hearing shall not be held earlier than thirty days after service of the charges upon the license holder or applicant. A notice of hearing shall be issued at least twenty days prior to the hearing, specifying the time, date, and place of the hearing. The notice shall also notify the license holder or applicant that a record of the proceeding will be kept, that he or she will have the opportunity to appear personally and to have counsel present, with the right to produce witnesses, who will be subject to cross-examination, and evidence in his or her own behalf, to cross-examine witnesses testifying against him or her, to examine such documentary evidence as may be produced against him or her, to conduct depositions, and to have subpoenas issued by the disciplining authority.

Sec. 7. Section 13, chapter 279, Laws of 1984 and RCW 18.130.130 are each amended to read as follows:

An order pursuant to proceedings authorized by this chapter, after due notice and findings in accordance with this chapter and chapter 34.04 RCW, or an order of summary suspension entered under this chapter, shall take effect immediately upon its being served. The order, if appealed to the court, shall not be stayed pending the appeal unless the disciplining authority or court to which the appeal is taken enters an order staying the order of the disciplining authority, which stay shall provide for terms necessary to protect the public.

Sec. 8. Section 16, chapter 279, Laws of 1984 and RCW 18.130.160 are each amended to read as follows:

Upon a finding that a license holder or applicant has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the disciplining authority may issue an order providing for one or any combination of the following:

- (1) Revocation of the license;
- (2) Suspension of the license for a fixed or indefinite term;
- (3) Restriction or limitation (~~((on the license holder's))~~) of the practice;
- (4) (~~((The establishment of a requirement that))~~) Requiring the ((license holder satisfactorily complete)) satisfactory completion of a specific program of remedial education or treatment;
- (5) The monitoring of the (~~((license holder's))~~) practice by a supervisor approved by the disciplining authority;
- (6) Censure or reprimand;
- (7) Compliance with conditions of probation for a designated period of time;
- (8) Payment of a fine for each violation of this chapter, not to exceed one thousand dollars per violation. Funds received shall be placed in the health professions account;
- (9) Denial of the license request;
- (10) Corrective action (~~((by the license holder))~~);
- (11) Refund of fees (~~((charged))~~) billed to and collected from the consumer (~~((by the license holder))~~).

Any of the actions under this section may be totally or partly stayed by the disciplining authority. In determining what action is appropriate, the disciplining authority must first consider what sanctions are necessary to protect or compensate the public. Only after such provisions have been made may the disciplining authority consider and include in the order requirements designed to rehabilitate the license holder or applicant. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

Sec. 9. Section 17, chapter 279, Laws of 1984 and RCW 18.130.170 are each amended to read as follows:

(1) If the disciplining authority believes a license holder or applicant may be unable to practice with reasonable skill and safety to consumers by reason of any mental or physical condition, a statement of charges in the name of the disciplining authority shall be served on the license holder or applicant and notice shall also be issued providing an opportunity for a hearing. The hearing shall be limited to the sole issue of the capacity of the license holder or applicant to practice with reasonable skill and safety. If the disciplining authority determines that the license holder or applicant is unable to practice with reasonable skill and safety for one of the reasons

stated in this subsection, the disciplining authority shall impose such sanctions under RCW 18.130.160 as is deemed necessary to protect the public.

(2) In enforcing this section, the disciplining authority may require a license holder or applicant to submit to a mental or physical examination by one or more (~~((physicians, a psychological examination by one or more licensed psychologists))~~) licensed or certified health professionals designated by the disciplining authority (~~(; or any combination thereof)~~). The cost of the examinations ordered by the disciplining authority shall be paid out of the health professions account. In addition to any examinations ordered by the disciplining authority, the licensee may submit (~~((psychiatric;))~~) physical (~~(;)~~) or (~~((psychological))~~) mental examination reports from (~~((physicians or psychologists))~~) licensed or certified health professionals of the license holder's or applicant's choosing and expense. Failure of a license holder or applicant to submit to examination when directed constitutes grounds for immediate suspension or denial of the license, consequent upon which a default and final order may be entered without the taking of testimony or presentations of evidence, unless the failure was due to circumstances beyond the person's control. A determination by a court of competent jurisdiction that a license holder or applicant is mentally incompetent or mentally ill is presumptive evidence of the license holder's or applicant's inability to practice with reasonable skill and safety. An individual affected under this section shall at reasonable intervals be afforded an opportunity to demonstrate that the individual can resume competent practice with reasonable skill and safety to the consumer.

(3) For the purpose of subsection (2) of this section, an applicant or license holder governed by this chapter, by making application, practicing, or filing a license renewal, is deemed to have given consent to submit to a mental, physical, or psychological examination when directed in writing by the disciplining authority and further to have waived all objections to the admissibility or use of the examining (~~((physician's or psychologist's))~~) health professional's testimony or examination reports by the disciplining authority on the ground that the testimony or reports constitute privileged communications.

Sec. 10. Section 18, chapter 279, Laws of 1984 and RCW 18.130.180 are each amended to read as follows:

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. (~~((The disciplinary authority shall define by rule acts involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession;))~~) If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplina



action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) ~~Incompetence, negligence, or ((use of any practice or procedure in the practice of the profession which creates an unreasonable risk of physical or mental harm or serious financial loss to the consumer))~~ malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) The possession, use, ~~((addiction to;))~~ prescription for use, ~~((diversion;))~~ or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, ~~((or))~~ the addiction to or diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing ((drugs)) controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers or documents;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority; or

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding;

(9) Failure to comply with an order issued by the disciplining authority or an assurance of discontinuance entered into with the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) ~~((Willful or repeated))~~ Violations of rules established by any health agency ((or authority of the state or a political subdivision thereof));

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The procuring, or aiding or abetting in procuring, a criminal abortion;

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(20) The wilful betrayal of a practitioner-patient privilege as recognized by law;

(21) Violation of chapter 19.68 RCW;

(22) Interference with an investigation or disciplinary proceeding by wilful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action;

(23) Drunkenness or habitual intemperance in the use of alcohol or addiction to alcohol;

(24) ~~((Physical))~~ Abuse of a client or patient or sexual contact with a client or patient.

Sec. 11. Section 19, chapter 279, Laws of 1984 and RCW 18.130.190 are each amended to read as follows:

(1) The director shall investigate ~~((bona fide))~~ complaints concerning practice by unlicensed individuals of a profession requiring a license. In the investigation of the complaints, the director shall have the same authority as provided the director for the investigation of complaints against license holders. The director shall issue a cease and desist order to a person after notice and hearing and upon a determination that the person has violated

this subsection. If the director makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the director may issue a temporary cease and desist order. The cease and desist order shall not relieve the person so practicing without a license from criminal prosecution therefor, but the remedy of a cease and desist order shall be in addition to any criminal liability.

(2) The attorney general, a county prosecuting attorney, the director, a board, or any individual may in accordance with the laws of this state governing injunctions, maintain an action in the name of this state to enjoin any individual practicing a licensed profession without a license from engaging in such practice until the required license is secured. However, the injunction shall not relieve the person so practicing without a license from criminal prosecution therefor, but the remedy by injunction shall be in addition to any criminal liability.

(3) Unlicensed practice of a profession under the jurisdiction of a disciplining authority specified in RCW 18.130.040 ((without a license)), unless otherwise exempted by law, constitutes a gross misdemeanor. All fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section shall be remitted to the health professions account.

Sec. 12. Section 20, chapter 279, Laws of 1984 and RCW 18.130.200 are each amended to read as follows:

A person who attempts to obtain or obtains a license by wilful misrepresentation or fraudulent representation is guilty of a misdemeanor.

Sec. 13. Section 22, chapter 279, Laws of 1984 and RCW 18.130.210 are each amended to read as follows:

If the disciplining authority determines or has cause to believe that a license holder has committed a crime, the disciplining authority, immediately subsequent to issuing findings of fact and a final order, shall~~((, in addition to taking the appropriate administrative action, concurrently))~~ notify the attorney general or the county prosecuting attorney in the county in which the act took place of the facts known to the disciplining authority.

Sec. 14. Section 24, chapter 279, Laws of 1984 and RCW 18.130.900 are each amended to read as follows:

(1) This chapter shall be known and cited as the uniform disciplinary act.

(2) This chapter applies to any conduct, acts, or conditions occurring on or after the effective date of this 1985 act.

(3) This chapter does not apply to or govern the construction of and disciplinary action for any conduct, acts, or conditions occurring prior to the effective date of this 1985 act. Such conduct, acts, or conditions must be construed and disciplinary action taken according to the provisions of law existing at the time of the occurrence in the same manner as if this chapter had not been enacted.

NEW SECTION. Sec. 15. A new section is added to chapter 18.130 RCW to read as follows:

If an individual or business regulated by this chapter violates RCW 18.130.170 or 18.130.180, the attorney general, any prosecuting attorney, the director, the board, or any other person may maintain an action in the name of the state of Washington to enjoin the person from committing the violations. The injunction shall not relieve the offender from criminal prosecution, but the remedy by injunction shall be in addition to the liability of the offender to criminal prosecution and disciplinary action.

NEW SECTION. Sec. 16. Section 3, chapter 279, Laws of 1984 and RCW 18.130.030 are each repealed.

## PART II PODIATRY

NEW SECTION. Sec. 17. A new section is added to chapter 18.22 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 18. Section 10, chapter 21, Laws of 1982 and RCW 18.22.015 are each amended to read as follows:

The board shall:

- (1) Administer all laws placed under its jurisdiction;
- (2) Prepare, grade, and administer or determine the nature, grading, and administration of examinations for applicants for podiatrist licenses;
- (3) Examine and investigate all applicants for podiatrist licenses and certify to the director all applicants it judges to be properly qualified((;
- ~~(4) Conduct hearings for the refusal, suspension, or revocation of licenses or appoint a departmental hearing officer to conduct these hearings;~~
- ~~(5) Investigate all reports, complaints, and charges of malpractice, unsafe conditions or practices, or unprofessional conduct against any licensed podiatrist and direct corrective action if necessary;~~
- ~~(6) Issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding held under this chapter;~~
- ~~(7) Take or cause depositions to be taken as needed in any investigation, hearing, or disciplinary proceeding; and~~
- ~~(8) Adopt rules establishing ethical standards for the podiatric profession including rules relating to false or misleading advertising and excessive charges for professional services)).~~

The board may adopt any ((~~other~~)) rules which it considers necessary or proper to carry out the purposes of this chapter.

NEW SECTION. Sec. 19. The following acts or parts of acts are each repealed:

- (1) Section 11, chapter 21, Laws of 1982 and RCW 18.22.016;
- (2) Section 26, chapter 279, Laws of 1984 and RCW 18.22.017;

- (3) Section 13, chapter 52, Laws of 1957, section 2, chapter 77, Laws of 1973, section 3, chapter 21, Laws of 1982 and RCW 18.22.020;
- (4) Section 15, chapter 21, Laws of 1982 and RCW 18.22.141;
- (5) Section 16, chapter 21, Laws of 1982 and RCW 18.22.151;
- (6) Section 14, chapter 149, Laws of 1955, section 18, chapter 77, Laws of 1973, section 18, chapter 21, Laws of 1982, section 24, chapter 3, Laws of 1983 and RCW 18.22.215;
- (7) Section 3, chapter 38, Laws of 1917 (uncodified); and
- (8) Section 2, chapter 48, Laws of 1935 (uncodified).

NEW SECTION. Sec. 20. The repeal of RCW 18.22.020, 18.22.141, and 18.22.151 shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

### PART III CHIROPRACTIC

NEW SECTION. Sec. 21. A new section is added to chapter 18.25 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses under this chapter.

NEW SECTION. Sec. 22. A new section is added to chapter 18.26 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the discipline of licensees under this chapter.

Sec. 23. Section 2, chapter 53, Laws of 1959 as last amended by section 27, chapter 287, Laws of 1984 and RCW 18.25.017 are each amended to read as follows:

The board shall meet as soon as practicable after appointment, and shall elect a chairman and a secretary from its members. Meetings shall be held at least once a year at such place as the director of licensing shall determine, and at such other times and places as he deems necessary.

The board may make such rules and regulations, not inconsistent with this chapter, as it deems necessary to carry out the provisions of this chapter.

Each member shall be compensated in accordance with RCW 43.03-.240 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060, all to be paid out of the general fund on vouchers approved by the director, but not to exceed in the aggregate the amount of fees collected as provided in this chapter.

~~((Members of the board shall be immune from suit in any action, civil or criminal, based upon their duties or other official acts performed in good faith as members of such board.))~~

Sec. 24. Section 15, chapter 5, Laws of 1919 as last amended by section 3, chapter 277, Laws of 1981 and RCW 18.25.090 are each amended to read as follows:

~~((Any person who shall practice or attempt to practice chiropractic, or any person who shall buy, sell or fraudulently obtain any diploma or license to practice chiropractic, or who shall use the title chiropractor, D.C.Ph.C., or any word or title to induce belief that he is engaged in the practice of chiropractic without first complying with the provisions of this chapter, or any person who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor, and every person falsely claiming himself to be the person named in a certificate issued to another, or falsely claiming himself to be the person entitled to the same, shall be guilty of a felony. All subsequent offenses shall be punished in like manner. Nothing herein shall be held to apply to or to regulate any kind of treatment by prayer. PROVIDED, That))~~ On all cards, books, papers, signs or other written or printed means of giving information to the public, used by those licensed by this chapter to practice chiropractic, the practitioner shall use after or below his name the term chiropractor or D.C.Ph.C. designating his line of drugless practice, and shall not use the letters M.D. or D.O.: PROVIDED, That the word doctor or "Dr." may be used only in conjunction with the word "chiropractic" or "chiropractor". Nothing in this chapter shall be held to apply to or to regulate any kind of treatment by prayer.

Sec. 25. Section 3, chapter 171, Laws of 1967 as last amended by section 17, chapter 111, Laws of 1979 ex. sess. and RCW 18.26.030 are each amended to read as follows:

(1) In addition to those acts defined in chapter 18.130 RCW, the term "unprofessional conduct" as used in this chapter and chapter 18.25 RCW ((shall mean the following items or any one or combination thereof:

~~(1) Conviction in any court of any offense involving moral turpitude, in which case the record of such conviction shall be conclusive evidence;~~

~~(2) Fraud or deceit in the obtaining of a license to practice chiropractic;~~

~~(3) A violation of any rule or regulation pertaining to advertising of chiropractic practice or business promulgated by the board;~~

~~(4) The impersonation of another licensed practitioner;~~

~~(5) Habitual intemperance;~~

~~(6) The wilful betrayal of a professional secret;~~

~~(7) Acts of gross misconduct in the practice of the profession;~~

~~(8) Aiding or abetting an unlicensed person to practice chiropractic;~~

~~(9) A declaration of mental incompetency by a court of competent jurisdiction;~~

~~(10)) includes failing to differentiate chiropractic care from any and all other methods of healing at all times((;~~

~~(11) Practicing contrary to laws regulating the practice of chiropractic;~~

- ~~(12) Unprofessional conduct as defined in chapter 19.68 RCW;~~  
~~(13) Violation of any ethical standard as established by the board;~~  
~~(14) Suspension or revocation of license to practice chiropractic by competent authority in any state or foreign jurisdiction;~~  
~~(15) Incompetency to practice chiropractic by reason of illness, drunkenness, excessive use of controlled substances, chemicals, or any other type of material or as a result of any mental or physical condition)).~~

(2) Proceedings involving alleged unprofessional conduct shall be conducted by the attorney general upon the direction of the board.

Sec. 26. Section 11, chapter 171, Laws of 1967 as amended by section 2, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.110 are each amended to read as follows:

The board (~~shall have the following powers and duties:~~

~~(1) To~~) may adopt, amend and rescind such rules and regulations as it deems necessary to carry out the provisions of this chapter(;

~~(2) To establish and promulgate by rules and regulations ethical standards for the chiropractic profession including, but not limited to, regulations relating to advertising, or excessive charging for professional services;~~

~~(3) To investigate all complaints and charges of unprofessional conduct against any holder of a license to practice chiropractic and to hold hearings to determine whether such charges are substantiated or unsubstantiated;~~

~~(4) To employ necessary stenographic or clerical help;~~

~~(5) To issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding held under this chapter;~~

~~(6) To take or cause depositions to be taken as needed in any investigation, hearing, or proceeding)).~~

NEW SECTION. Sec. 27. The following acts or parts of acts are each repealed:

(1) Section 4, chapter 5, Laws of 1919 and RCW 18.25.010;

(2) Section 27, chapter 279, Laws of 1984 and RCW 18.25.018;

(3) Section 8, chapter 5, Laws of 1919, section 21, chapter 30, Laws of 1975 1st ex. sess., section 2, chapter 277, Laws of 1981 and RCW 18.25-.050; and

(4) Section 7, chapter 5, Laws of 1919 (uncodified).

NEW SECTION. Sec. 28. The repeal of RCW 18.25.010 and 18.25-.050 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

NEW SECTION. Sec. 29. The following acts or parts of acts are each repealed:

(1) Section 28, chapter 279, Laws of 1984 and RCW 18.26.027;

(2) Section 15, chapter 97, Laws of 1974 ex. sess., section 19, chapter 158, Laws of 1979 and RCW 18.26.035;

(3) Section 9, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.037;

(4) Section 10, chapter 171, Laws of 1967 and RCW 18.26.100;

(5) Section 12, chapter 171, Laws of 1967, section 3, chapter 39, Laws of 1975 1st ex. sess., section 19, chapter 67, Laws of 1981 and RCW 18.26.120;

(6) Section 13, chapter 171, Laws of 1967, section 4, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.130;

(7) Section 14, chapter 171, Laws of 1967 and RCW 18.26.140;

(8) Section 15, chapter 171, Laws of 1967 and RCW 18.26.150;

(9) Section 16, chapter 171, Laws of 1967, section 5, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.160;

(10) Section 17, chapter 171, Laws of 1967, section 6, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.170;

(11) Section 18, chapter 171, Laws of 1967, section 7, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.180;

(12) Section 19, chapter 171, Laws of 1967, section 23, chapter 158, Laws of 1979 and RCW 18.26.190;

(13) Section 20, chapter 171, Laws of 1967 and RCW 18.26.200;

(14) Section 21, chapter 171, Laws of 1967, section 24, chapter 158, Laws of 1979, section 19, chapter 111, Laws of 1979 ex. sess. and RCW 18.26.210;

(15) Section 22, chapter 171, Laws of 1967, section 25, chapter 158, Laws of 1979 and RCW 18.26.220;

(16) Section 23, chapter 171, Laws of 1967, section 26, chapter 158, Laws of 1979 and RCW 18.26.230;

(17) Section 24, chapter 171, Laws of 1967, section 27, chapter 158, Laws of 1979 and RCW 18.26.240;

(18) Section 25, chapter 171, Laws of 1967 and RCW 18.26.250;

(19) Section 27, chapter 171, Laws of 1967, section 8, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.270;

(20) Section 28, chapter 171, Laws of 1967 and RCW 18.26.280;

(21) Section 29, chapter 171, Laws of 1967, section 28, chapter 158, Laws of 1979 and RCW 18.26.290;

(22) Section 30, chapter 171, Laws of 1967, section 29, chapter 158, Laws of 1979 and RCW 18.26.300; and

(23) Section 32, chapter 171, Laws of 1967 and RCW 18.26.310.

NEW SECTION. Sec. 30. The amendment of RCW 18.26.030 and the repeal of RCW 18.26.035 and 18.26.037 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.



PART IV  
DENTAL HYGIENISTS

NEW SECTION. Sec. 31. A new section is added to chapter 18.29 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

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

- (1) Section 26, chapter 16, Laws of 1923 and RCW 18.29.010;
- (2) Section 29, chapter 279, Laws of 1984 and RCW 18.29.075;
- (3) Section 34, chapter 16, Laws of 1923 and RCW 18.29.080;
- (4) Section 35, chapter 16, Laws of 1923 and RCW 18.29.090; and
- (5) Section 30, chapter 16, Laws of 1923 (uncodified).

NEW SECTION. Sec. 33. The repeal of RCW 18.29.010, 18.29.080, and 18.29.090 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART V  
DENTISTRY

NEW SECTION. Sec. 34. A new section is added to chapter 18.32 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 35. Section 8, chapter 93, Laws of 1953 and RCW 18.32.085 are each amended to read as follows:

The ~~((director of licensing shall have))~~ dental disciplinary board has the power and it shall be ~~((his))~~ its duty to:

(1) Require licensed dentists to keep and maintain a copy of each laboratory referral instruction, describing detailed services rendered, for a period to be determined by the ~~((director))~~ board but not more than three years, and to require the production of all such records for examination by the ~~((director of licensing))~~ board or ~~((his))~~ its authorized representatives; and

(2) Promulgate reasonable rules and regulations requiring licensed dentists to make, maintain and produce for examination by the ~~((director of licensing))~~ board or ~~((his))~~ its authorized representatives such other records as may be reasonable and proper in the performance of ~~((his))~~ its duties and enforcing the provisions of this chapter.

Sec. 36. Section 20, chapter 112, Laws of 1935 and RCW 18.32.290 are each amended to read as follows:

It shall be unlawful for any person, firm or corporation to publish, directly or indirectly, or circulate any fraudulent, false or misleading statements within the state of Washington as to the skill or method of practice of any person or operator; or in any way to advertise in print any matter with a view of deceiving the public, or in any way that will tend to deceive or defraud the public; or to claim superiority over neighboring dental practitioners; or to publish reports of cases or certificates of same in any public advertising media; or to advertise as using any anesthetic, drug, formula, medicine, which is either falsely advertised or misnamed; ~~((or to advertise any amount as a price or fee for the service or services of any person engaged as principal or agent in the practice of dentistry, or for any material or materials whatsoever used or to be used;))~~ or to employ "capper" or "steerers" to obtain patronage; ~~((or to give a public demonstration of skill or methods of practicing dentistry upon or along the streets or highways;))~~ and any person committing any offense against any of the provisions of this section shall, upon conviction, be subjected to such penalties as are provided in this chapter: PROVIDED, That any person licensed under this chapter may announce credit, terms of credit or installment payments that may be made at periodical intervals to apply on account of any dental service rendered ~~((: AND PROVIDED FURTHER, That any person licensed under this chapter shall not advertise any specific amount of credit, terms of credit or installment payments that may be made at periodical intervals to apply on account of any dental service rendered))~~. The dental disciplinary board may adopt such rules as are necessary to carry out the intent of this section.

Sec. 37. Section 39, chapter 52, Laws of 1957 and RCW 18.32.360 are each amended to read as follows:

~~((It shall be unlawful for any person to practice dentistry under any name, except his own, which shall be that used in his license issued by the director: PROVIDED, That this shall not apply to any person who was practicing dentistry in this state on March 20, 1935, under an association or trade name:~~

~~It shall be unlawful for any person to conduct a dental office in his name, or to advertise his name in connection with any dental offices, unless he is personally present therein operating as a dentist, or personally overseeing the operations performed in any office, during most of the time that that office is being operated: PROVIDED, That this section shall not prohibit any person from continuing to conduct any offices legally conducted in this state on March 20, 1935;))~~ Any advertisement or announcement for dental services must include for each office location advertised the names of all persons practicing dentistry at that office location.

Any violation of the provisions of this section shall constitute improper, unprofessional and dishonorable conduct; it shall also constitute grounds for injunction proceedings as provided by ~~((this chapter))~~ RCW 18.130.190(2), and in addition shall constitute a gross misdemeanor.

Sec. 38. Section 16, chapter 112, Laws of 1935 and RCW 18.32.390 are each amended to read as follows:

Any person who (~~shall practice or offer to practice dentistry in this state without being registered or without a license for that purpose, or~~) violates any of the provisions of the chapter for which no specific penalty has been provided herein, shall be subject to prosecution before any court of competent jurisdiction, and shall, upon conviction, be guilty of a gross misdemeanor.

Sec. 39. Section 37, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.500 are each amended to read as follows:

RCW 18.32.510 through (~~18.32.780~~) 18.32.620 shall be known and may be cited as the "Dental Disciplinary Board Act".

Sec. 40. Section 2, chapter 5, Laws of 1977 ex. sess. as amended by section 36, chapter 158, Laws of 1979 and RCW 18.32.520 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout RCW 18.32.510(~~, and 18.32.530~~) through (~~18.32.780~~) 18.32.620.

(1) "Board" means the dental disciplinary board created in RCW 18.32.560.

(2) "License" means a certificate or license to practice dentistry in this state as provided for in this chapter.

(3) "Member" means member of the dental disciplinary board.

(4) "Secretary" means the secretary of the dental disciplinary board.

(5) "Director" means the director of licensing of the state of Washington.

(6) "To practice dentistry" means to engage in the practice of dentistry as defined in RCW 18.32.020.

Sec. 41. Section 3, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.530 are each amended to read as follows:

In addition to those acts defined in chapter 18.130 RCW, the term "unprofessional conduct" as used in RCW 18.32.530 through (~~18.32.780~~) and in RCW 18.32.230 as now or hereafter amended shall mean any one of the following items or any combination thereof:

~~(1) The commission of any act involving moral turpitude, dishonesty, or corruption, which act relates to a person's fitness to practice dentistry; and if the act constitutes a crime, conviction thereof in a criminal proceeding shall not be a condition precedent to disciplinary action. Upon conviction, however, the judgment and sentence shall be conclusive evidence at an ensuing disciplinary hearing of the guilt of the respondent dentist of the crime described in the indictment or information, and of said respondent dentist's violation of the statute upon which it is based. PROVIDED, That~~

nothing herein shall be construed to affect or alter the provisions of RCW 9.96A.020;

~~(2) Making any misrepresentation or false promise directly or indirectly to influence, persuade or induce dental patronage, or engaging in any other improper, unprofessional, or dishonorable conduct in the practice of dentistry;~~

~~(3) Misrepresentation or concealment of a material fact in the obtaining of a license to practice dentistry or in the reinstatement of such license;~~

~~(4) Division of fees or agreeing to split or divide the fees received for dental services with any person for bringing or referring a patient, or for assisting in the care or treatment of a patient, without the knowledge of said patient or the patient's legal representative;~~

~~(5) Employing, procuring, inducing, aiding, or abetting a person not licensed or registered as a dentist to engage in the practice of dentistry. The person practiced upon shall not be deemed an accomplice, employer, procurer, inducer, aider, or abettor within the meaning of RCW 18.32.530 through 18.32.780;~~

~~(6) Professional connection or association with or lending a dentist's name to another for the illegal practice of dentistry by another, or professional connection or association with any person, firm or corporation holding itself out in any manner contrary to this chapter;~~

~~(7) The impersonation of another licensed practitioner;~~

~~(8) Suspension or revocation of the dentist's license to practice dentistry by competent authority in any state, federal, or foreign jurisdiction;~~

~~(9) Gross incompetency in the practice of dentistry;~~

~~(10)) 18.32.620 includes gross, wilful ((and)), or continued overcharging for professional services((;~~

~~(11) Wilful or repeated violations of lawful rules established by any health officer of the state or any municipal corporation or division thereof;~~

~~(12) Habitual intoxication or addiction to the use of controlled substances;~~

~~(13) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for therapeutic purposes or in violation of law;~~

~~(14) Any conduct in violation of this chapter;~~

~~(15) Wilful violation of RCW 18.32.540 or wilful disregard of a subpoena or notice of the dental disciplinary board)).~~

Sec. 42. Section 14, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.640 are each amended to read as follows:

The board ~~((shall have the following powers and duties:~~

~~(1) To)) may adopt, amend, and rescind such rules as it deems necessary to carry out ~~((the provisions of RCW 18.32.510, and 18.32.530 through 18.32.780;~~~~

~~(2) To investigate all complaints and charges of unprofessional conduct against any holder of a license and to hold hearings to determine whether or not such charges can be substantiated;~~

~~(3) To employ necessary stenographic or clerical help under the provisions of chapter 41.06 RCW;~~

~~(4) To issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding;~~

~~(5) To take or cause depositions to be taken as needed in any investigation, hearing, or proceeding;~~

~~(6) To investigate complaints and charges of malpractice, unsafe conditions and practices, and to analyze equipment, procedures, and training, in such cases, and to direct corrective action)) this chapter.~~

NEW SECTION. Sec. 43. The following acts or parts of acts are each repealed:

(1) Section 30, chapter 279, Laws of 1984 and RCW 18.32.038;

(2) Section 1, chapter 99, Laws of 1981 and RCW 18.32.055;

(3) Section 22, chapter 112, Laws of 1935, section 29, chapter 5, Laws of 1977 ex. sess., section 5, chapter 277, Laws of 1981 and RCW 18.32.080;

(4) Section 27, chapter 52, Laws of 1957, section 6, chapter 277, Laws of 1981 and RCW 18.32.090;

(5) Section 8, chapter 112, Laws of 1935, section 30, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.230;

(6) Section 23, chapter 112, Laws of 1935, section 32, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.380;

(7) Section 31, chapter 279, Laws of 1984 and RCW 18.32.535;

(8) Section 4, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.540;

(9) Section 5, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.550;

(10) Section 13, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.630;

(11) Section 15, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.650;

(12) Section 16, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.660;

(13) Section 17, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.670;

(14) Section 18, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.680;

(15) Section 19, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.690;

(16) Section 20, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.700;

(17) Section 21, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.710;

(18) Section 22, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.720;

(19) Section 23, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.730;

(20) Section 24, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.740;

(21) Section 25, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.750;

(22) Section 26, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.760;

(23) Section 27, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.770; and

(24) Section 28, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.780.

NEW SECTION. Sec. 44. The repeal of RCW 18.32.090 and 18.32.550 and the amendment of RCW 18.32.290, 18.32.360, and 18.32.530 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

#### PART VI DISPENSING OPTICIANS

NEW SECTION. Sec. 45. A new section is added to chapter 18.34 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

NEW SECTION. Sec. 46. The following acts or parts of acts are each repealed:

- (1) Section 9, chapter 43, Laws of 1957 and RCW 18.34.090;
- (2) Section 10, chapter 43, Laws of 1957 and RCW 18.34.100;
- (3) Section 32, chapter 279, Laws of 1984 and RCW 18.34.135;
- (4) Section 14, chapter 43, Laws of 1957 and RCW 18.34.140; and
- (5) Section 15, chapter 43, Laws of 1957 and RCW 18.34.150.

NEW SECTION. Sec. 47. The repeal of RCW 18.34.090 and 18.34.140 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

#### PART VII HEARING AIDS

NEW SECTION. Sec. 48. Section 33, chapter 279, Laws of 1984 and RCW 18.35.173 are each repealed.

PART VIII  
DRUGLESS HEALING

NEW SECTION. Sec. 49. A new section is added to chapter 18.36 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 50. Section 13, chapter 36, Laws of 1919 and RCW 18.36.010 are each amended to read as follows:

The term "drugless therapeutics," as used in (~~RCW 18.36.010 through 18.36.165~~) this chapter consists of hydrotherapy, dietetics, electrotherapy, radiography, sanitation, suggestion, mechanical and manual manipulation for the stimulation of physiological and psychological action to establish a normal condition of mind and body, but shall in no way include the giving, prescribing or recommending of pharmaceutical drugs and poisons for internal use, the purpose of (~~RCW 18.36.010 through 18.36.165~~) this chapter being to confine practitioners hereunder to drugless therapeutics. A person shall be considered as practicing within the meaning of this chapter if the person uses, prescribes, directs, or recommends any drugless treatment for the relief of a wound, fracture, bodily injury, or disease, either mental or physical.

The words "certificate" and "license" shall be known as interchangeable terms.

Sec. 51. Section 12, chapter 36, Laws of 1919 and RCW 18.36.020 are each amended to read as follows:

The term "separate and coordinate system" as used in (~~RCW 18.36.010 through 18.36.165~~) this chapter is defined as follows:

**Food science.** Is the science of treating disease through the chemical action of foods, water, nonmedicinal herbs, roots, barks and all natural food elements other than pharmaceutical drugs and poisons, to bring about a normal condition of health.

**Mechano-therapy.** Is a system of therapeutics which enables the practitioner to know how to apply scientifically the mechanics of hydrotherapy, dietetics, circumstances, idea and manual manipulation for the stimulation of psycho and physiological action to establish a normal condition of the body.

**Suggestive therapeutics.** Is a system of healing which enables the practitioner to know how to offer suggestions that will cause the mind of the patient to overcome the disease of the body and bringing mind and body into harmony, and both into harmony with environment.

**Physcultopathy.** Is a system of healing which enables the practitioner to know the scientific effect of movements on the body and how to direct a system of mechanical gymnastics that restore the diseased parts or functions to a normal condition.

Sec. 52. Section 8, chapter 36, Laws of 1919 and RCW 18.36.030 are each amended to read as follows:

Nothing in (~~RCW 18.36.010 through 18.36.165~~) this chapter shall be construed as to prohibit service in the case of emergency, or the domestic administration of families' remedies, nor shall (~~RCW 18.36.010 through 18.36.165~~) this chapter apply to any commissioned health officer in the United States army, navy or marine hospital service, in discharge of his official duties, nor to any licensed dentist when engaged exclusively in the practice of dentistry, nor to any duly licensed physician in the practice of medicine, or surgery, nor to a person duly licensed to practice osteopathy, from using or recommending drugless methods of healing in the course of their practice, nor shall this apply to any practitioner from any other state who visits this state in response to a call to treat a particular patient: PROVIDED, such practitioner shall not open an office or appoint a place of meeting patients within the limits of this state, nor shall (~~RCW 18.36.010 through 18.36.165~~) this chapter be construed to discriminate against any particular school of drugless therapeutics or to interfere in any way with the practice of religion: PROVIDED, also that nothing in (~~RCW 18.36.010 through 18.36.165~~) this chapter shall be held to apply to, or regulate any kind of treatment by prayer.

Sec. 53. Section 3, chapter 36, Laws of 1919 as amended by section 39, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.36.040 are each amended to read as follows:

Only persons desiring to practice drugless therapeutics in this state shall apply to said director for a license and pay a fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086, which sum in no case shall be refunded. If at a time appointed, or at the next regular examination, he or she shall prove he or she has completed a residence course of three entire sessions of thirty-six weeks each at a chartered drugless school, the entrance requirements of which was a high school education, or its equivalent and shall pass an examination in the following subjects, to wit: anatomy, physiology, hygiene, symptomatology, urinalysis, dietetics, hydrotherapy, radiography, electrotherapy, gynecology, obstetrics, psychology, mechanical and manual manipulation, they shall be granted a license by said director, or if the school attendance of said applicant was prior to the passage of RCW 18.36.010 (~~through 18.36.165~~) a diploma from a chartered drugless school, the entrance requirements of which was a common school education or its equivalent, and two years continuous practice in this state shall suffice; or if the applicant has no diploma but has been in continuous practice in any of the drugless systems herein mentioned for the past four years, two years of which shall have been in continuous practice in one place in this state, he or she shall be allowed to practice: PROVIDED, said applicant shall take an examination on the following subjects: anatomy, physiology, hygiene, symptomatology, mechanical



and manual manipulation. After such examination the director shall grant the applicant a license to practice drugless therapeutics in the state of Washington. The examinations shall be both scientific and practical and thoroughly test the fitness of the candidate. All answers to questions peculiar to any school of therapeutics shall be scrutinized and their sufficiency passed upon by the director, but the following subjects, to wit: anatomy, physiology, hygiene, urinalysis, and gynecology, shall be construed to be in common with all systems herein mentioned, and each candidate shall be examined in each of said subjects: PROVIDED, after 1921, the following subjects shall be construed as common to all systems, to wit: anatomy, physiology, hygiene, urinalysis, symptomatology, hydrotherapy, and gynecology. (~~The director may refuse to grant a license to, or may revoke the license of any person guilty of unprofessional conduct, subject to the right of appeal within ninety days, to the superior court of the county where the board met when said license was refused, or revocation made. Any license granted without a full and fair compliance with the provisions of RCW 18.36.010 through 18.36.165 may be canceled in any action brought in the name of the state by the prosecuting attorney of the county where the examination was held, or said action may be brought by the attorney general; and if a license is denied an applicant shall have the right to petition the superior court where said examination was held for an order compelling said board to issue said license.~~)

Continuous practice as herein provided shall be construed to apply to drugless physicians who have actually been practicing in this state, even if they have not received a license under the present medical laws.

Sec. 54. Section 11, chapter 36, Laws of 1919 as amended by section 40, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.36.050 are each amended to read as follows:

The examination held by the director under (~~RCW 18.36.010 through 18.36.165~~) this chapter shall be conducted in accordance with the following regulations:

(1) Each applicant is required to make an affidavit setting forth his age, place of residence, time and place of each course of lectures, or other work connected with his drugless education and the date of graduation, or length of time in practice. The affidavit must be corroborated by the exhibition of a certificate from the proper officers of the college, showing that the applicant had completed the prescribed course for graduation. No advance standing shall be recognized for work done at other than drugless colleges.

(2) A fee determined by the director as provided in RCW (~~43.24.085 as now or hereafter amended~~) 43.24.086 must accompany the application. This fee is under no consideration to be returned, but if the applicant should fail to secure an average of sixty-five percent, and should be denied a license, such applicant shall, without paying a further fee and without losing

his classification under ~~((the provisions of RCW 18.36.010 through 18.36.165))~~ this chapter, be permitted to take another examination any time within two years. Drugless practitioners who hold a diploma from a legally incorporated drugless school who have practiced in this state two years previous to the passing of RCW 18.36.010 ~~((through 18.36.165))~~ and those having no diploma but who have been in continuous practice in this state for three years, shall be given a credit of fifteen percent on the general average.

(3) The examination shall be in charge of the director, and the papers of candidates shall be known by numbers which shall be arranged as follows: Envelopes shall be numbered and each containing a blank corresponding to the number, on which blank the applicant shall write his name and address, and return to the envelope, sealed by the applicant, and delivered to the director. Each candidate shall place on his paper the number given him and the year of graduation.

(4) The director shall examine the papers and place the mark opposite each candidate's number. When the markings are completed, the envelopes containing the names are to be opened and the names placed opposite their respective numbers.

(5) No dishonest methods will be tolerated, and any candidate disregarding these rules shall be debarred from further examination.

(6) Each subject for examination shall be covered by ten questions, and two hours' time shall be allowed for each subject.

(7) No candidate shall be allowed to leave the examination room after the question papers have been distributed, until the questions are answered and delivered to the examiners in charge.

(8) All examinations shall be in English. Within twenty days after a license is granted or refused, the reasons shall be set forth in writing and placed with the papers used in the examination, and all of said examination papers shall be filed with the director within thirty days after said license has been granted or refused.

Sec. 55. Section 4, chapter 36, Laws of 1919 and RCW 18.36.060 are each amended to read as follows:

The following forms of certificates shall be issued by the director:

(1) A certificate authorizing the holder thereof to practice mechanotherapy;

(2) A certificate authorizing the holder thereof to practice suggestive therapeutics;

(3) A certificate authorizing the holder thereof to practice food science;

(4) A certificate authorizing the holder thereof to practice physcultopathy;

(5) A certificate for any other separate and coordinate system of drugless practice: PROVIDED, they shall show evidence of not less than fifty graduates, practicing in this state, whose requirements shall be no less than

as set forth in (~~RCW 18.36.010 through 18.36.165~~) this chapter. Practitioners hereunder shall confine their practice to the subjects and system or systems represented by their certificate or certificates granted by said director. The applicant for an examination must file satisfactory testimonials of good moral character and a diploma issued by some legally chartered drugless college, or satisfactory evidence of having possessed such diploma, except as herein otherwise provided, and must fill out a blank application to be sworn to before some person authorized to take acknowledgments, showing that he or she is the person named in the diploma, is the lawful holder thereof, and that the same was procured in the regular course of instruction and examination, without fraud or misrepresentation. The said application shall be made on a blank furnished by said director, and shall contain such other information concerning the instruction and preliminary education of the applicant as said director may by rule adopt.

Sec. 56. Section 7, chapter 36, Laws of 1919 and RCW 18.36.130 are each amended to read as follows:

All persons granted licenses or certificates under (~~RCW 18.36.010 through 18.36.165~~;) this chapter shall be subject to the state and municipal regulations, relating to the control of contagious diseases, the reporting and certifying of births and deaths, and all matters pertaining to public health; and all such reports shall be accepted as legal.

NEW SECTION. Sec. 57. The following acts or parts of acts are each repealed:

- (1) Section 34, chapter 279, Laws of 1984 and RCW 18.36.135;
- (2) Section 10, chapter 36, Laws of 1919 and RCW 18.36.140; and
- (3) Section 9, chapter 36, Laws of 1919 and RCW 18.36.150.

NEW SECTION. Sec. 58. The repeal of RCW 18.36.140 and 18.36.150 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

## PART IX

### EMBALMERS AND FUNERAL DIRECTORS

NEW SECTION. Sec. 59. A new section is added to chapter 18.39 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 60. Section 15, chapter 108, Laws of 1937 as last amended by section 22, chapter 66, Laws of 1982 and RCW 18.39.130 are each amended to read as follows:

The (~~director~~) board may recognize licenses issued to funeral directors or embalmers from other states if the applicant's qualifications are comparable to the requirements of this chapter. Upon presentation of the

license and payment by the holder of a fee determined under RCW (~~(43-24.085 as now or hereafter amended)~~) 43.24.086, the ~~((director))~~ board may issue a funeral director's or embalmer's license under this chapter. The license may be renewed annually upon payment of the renewal license fee as herein provided by license holders residing in the state of Washington.

Sec. 61. Section 3, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.145 are each amended to read as follows:

The ~~((director))~~ board shall issue a funeral establishment license to any person, partnership, association, corporation, or other organization to operate a funeral establishment, at specific locations only, which has met the following requirements:

(1) The applicant has designated the name under which the funeral establishment will operate and has designated locations for which the general establishment license is to be issued;

(2) The applicant is licensed in this state as a funeral director and as an embalmer, or employs at least one person with both such qualifications or one licensed funeral director and one embalmer who will be in service at each designated location;

(3) The applicant has filed an application with the director as required by this chapter and paid the required filing fee therefor as fixed by the director pursuant to RCW (~~(43-24.085)~~) 43.24.086;

(4) As a condition of applying for a new funeral establishment license, the person or entity desiring to acquire such ownership or control shall be bound by all then existing prearrangement funeral service contracts.

~~((The director shall make the determination of qualifications of all applicants within a reasonable time after the filing of an application with the director.))~~ The board may deny an application for a funeral establishment license, or issue a conditional license, if disciplinary action has previously been taken against the applicant or the applicant's designated funeral director or embalmer. No funeral establishment license shall be transferable, but an applicant may make application for more than one funeral establishment license so long as all of the requirements are met for each license. All funeral establishment licenses shall expire on June 30, or as otherwise determined by the director.

Sec. 62. Section 4, chapter 93, Laws of 1977 ex. sess. as amended by section 9, chapter 43, Laws of 1981 and RCW 18.39.148 are each amended to read as follows:

If a licensed funeral establishment does not have a licensed funeral director and embalmer in its employ at its place of business, its license shall be canceled immediately by the ~~((director or the))~~ board. Upon notification of cancellation of a funeral establishment license, the funeral establishment shall be notified of the opportunity for a hearing, which shall be conducted pursuant to chapter 34.04 RCW.

Sec. 63. Section 8, chapter 108, Laws of 1937 as last amended by section 10, chapter 43, Laws of 1981 and RCW 18.39.150 are each amended to read as follows:

Any licensed funeral director or embalmer whose license has lapsed shall reapply for a license and pay a fee as determined under RCW (~~(43-24.085)~~) 43.24.086 as now or hereafter amended before the license may be issued. Applications under this section shall be made within one year after the expiration of the previous license. If the application is not made within ~~((three))~~ one year~~((s))~~, the applicant shall be required to take an examination or submit other satisfactory proof of continued competency approved by the ~~((director))~~ board and pay the license fee, as required by this chapter in the case of initial applications, together with all unpaid license fees and penalties.

Sec. 64. Section 9, chapter 93, Laws of 1977 ex. sess. as last amended by section 34, chapter 287, Laws of 1984 and RCW 18.39.175 are each amended to read as follows:

Each member of the board of funeral directors and embalmers shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in connection with board duties in accordance with RCW 43.03.050 and 43.03.060.

The state board of funeral directors and embalmers shall have the following duties and responsibilities:

- (1) To be responsible for the preparation, conducting, and grading of examinations of applicants for funeral director and embalmer licenses;
- (2) To certify to the director the results of examinations of applicants and certify the applicant as having "passed" or "failed";
- (3) To make findings and recommendations to the director on any and all matters relating to the enforcement of this chapter;
- (4) To adopt, promulgate, and enforce reasonable rules; and
- (5) To examine or audit or to direct the examination and audit of pre-arrangement funeral service trust fund records for compliance with this chapter and rules adopted by the board.
- (6) ~~To ((suspend or revoke any license, after proper hearing and notice to the licensee,))~~ conduct disciplinary proceedings under chapter 18.130 RCW if the licensee has violated that chapter or has committed ((any of the following:
  - ~~(a) A crime involving moral turpitude and resulting in a conviction;~~
  - ~~(b)) unprofessional conduct, which includes:~~
    - ~~((i) Misrepresentation or fraud in the conduct of the business or the profession of a funeral director or embalmer;~~
    - ~~(ii) False or misleading advertising as a funeral director or embalmer;~~
    - ~~(iii)) (a) Solicitation of human dead bodies by the licensee, his agents, assistants or employees, whether the solicitation occurs after death or while~~

death is impending. This chapter does not prohibit general advertising or the sale of pre-need funeral plans;

~~((iv))~~ (b) Employment by the licensee of persons known as "capers," "steerers," or "solicitors" or other persons to obtain funeral directing or embalming business;

~~((v))~~ (c) Employment directly or indirectly of any person for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral director or embalmer;

~~((vi))~~ (d) The buying of business by the licensee, his agents, assistants or employees, or the direct or indirect payment or offer of payment of a commission by the licensee, his agents, assistants, or employees, for the purpose of securing business;

~~((vii) Aiding or abetting an unlicensed person to practice funeral directing or embalming;~~

~~((viii))~~ (e) Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in any crematory, mausoleum, or cemetery;

~~((ix))~~ (f) Using any casket or part of a casket which has previously been used as a receptacle for, or in connection with, the burial or other disposition of a dead human body without the written consent of next of kin;

~~((x) Violation of any of the provisions of this chapter or the rules in support thereof;~~

~~((xi))~~ (g) Violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care, or transportation of dead human bodies;

~~((xii) Fraud or misrepresentation in obtaining a license;~~

~~((xiii))~~ (h) Refusing to promptly surrender the custody of a dead human body upon the express order of the person lawfully entitled to its custody;

~~((xiv))~~ (i) Selling, or offering for sale, a share, certificate, or an interest in the business of any funeral director or embalmer, or in any corporation, firm, or association owning or operating a funeral establishment, which promises or purports to give to purchasers a right to the services of the funeral director, embalmer, or corporation, firm, or association at a charge or cost less than that offered or given to the public; or

~~((xv))~~ (j) Knowingly concealing information concerning a violation of this chapter;

~~((6))~~ (7) To adopt rules establishing mandatory continuing education requirements to be met by persons applying for license renewal.

Sec. 65. Section 5, chapter 93, Laws of 1977 ex. sess. as amended by section 13, chapter 43, Laws of 1981 and RCW 18.39.181 are each amended to read as follows:

The director shall have the following powers and duties:

(1) ~~((To determine the qualifications of applicants for all licenses under this chapter;~~

~~(2)))~~ To issue all licenses provided for under this chapter;

~~((3)))~~ (2) To annually renew licenses under this chapter;

~~((4)))~~ (3) To collect all fees prescribed and required under this chapter; and

~~((5)))~~ (4) To keep general books of record of all official acts, proceedings, and transactions of the department of licensing while acting under this chapter.

Sec. 66. Section 15, chapter 66, Laws of 1982 and RCW 18.39.231 are each amended to read as follows:

A funeral director or any person under the supervision of a funeral director shall not, in conjunction with any professional services performed for compensation under this chapter, provide financial or investment advice to any person other than a family member, represent any person in a real estate transaction, or act as an agent under a power of attorney for any person. However, this section shall not be deemed to prohibit a funeral establishment from entering into prearrangement funeral service contracts in accordance with this chapter or to prohibit a funeral director from providing advice about government or insurance benefits.

A violation of this section is a gross misdemeanor and is grounds for disciplinary action ~~(, including suspension or revocation of the license, as provided in RCW 18.39.179)).~~

The board shall adopt such rules as the board deems reasonably necessary to prevent unethical financial dealings between funeral directors and their clients.

Sec. 67. Section 4, chapter 66, Laws of 1982 and RCW 18.39.260 are each amended to read as follows:

A funeral establishment shall not enter into prearrangement funeral service contracts in this state unless the funeral establishment has obtained a certificate of registration issued by the ~~((director))~~ board and such certificate is then in force.

Certificates of registration shall be maintained by funeral establishments until all prearrangement contract obligations have been fulfilled. The funeral establishment shall comply with all requirements related to the sale of prearrangement contracts until all obligations have been fulfilled.

Sec. 68. Section 7, chapter 66, Laws of 1982 and RCW 18.39.280 are each amended to read as follows:

To apply for an original certificate of registration, a funeral establishment must:

(1) File with the ~~((director))~~ board its request showing:

(a) Its name, location, and organization date;

(b) The kinds of funeral business it proposes to transact;

(c) A statement of its financial condition, management, and affairs on a form satisfactory to or furnished by the director; and

(d) Such other documents, stipulations, or information as the ~~((director))~~ board may reasonably require to evidence compliance with the provisions of this chapter.

(2) Deposit with the director the fees required by this chapter to be paid for filing the accompanying documents, and for the certificate of registration, if granted.

Sec. 69. Section 8, chapter 66, Laws of 1982 and RCW 18.39.290 are each amended to read as follows:

All certificates of registration issued pursuant to this chapter shall continue in force until the expiration date unless suspended~~((;))~~ or ~~re-~~ re- ~~vo-~~ vo- ~~ked((,-or-renewed)).~~ A certificate shall be subject to renewal annually ~~((on the first day of July upon))~~ ninety days after the end of its fiscal year, as stated on the original application, by the funeral establishment and payment of the required fees.

The director shall determine and collect ~~((in advance the following))~~ fees~~((:~~

(1) ~~Certificate of registration:~~

(a) ~~Issuance — thirty-five dollars;~~

(b) ~~Renewal — fifteen dollars;~~

(2) ~~Annual statement of financial condition — ten dollars))~~ related to certificate of registration licensure.

All fees so collected shall be remitted by the director to the state treasurer not later than the first business day following receipt of such funds and the funds shall be credited to the ~~((general fund))~~ health professions account.

Sec. 70. Section 6, chapter 66, Laws of 1982 and RCW 18.39.300 are each amended to read as follows:

In addition to the grounds for action set forth in RCW 18.130.170 and 18.130.180, ~~the ((director)) board may ((refuse to renew or may revoke or suspend a))~~ take the disciplinary action set forth in RCW 18.130.160 against the funeral establishment's license, the license of any funeral director and/or the funeral establishment's certificate of registration, if the ((funeral establishment)) licensee or registrant:

(1) Fails to comply with any provisions of this chapter, chapter 18.130 RCW, or any proper order or regulation of the ~~((director))~~ board;

(2) Is found by the ~~((director))~~ board to be in such condition that further execution of prearrangement contracts could be hazardous to purchasers or beneficiaries and the people of this state;

(3) Refuses to be examined, or refuses to submit to examination or to produce its accounts, records and files for examination by the ~~((director))~~ board when required; or



(4) Is found by the ((director)) board after investigation or receipt of reliable information to be managed by persons who are incompetent or untrustworthy or so lacking in managerial experience as to make the proposed or continued operation hazardous to purchasers, beneficiaries, or to the public.

Sec. 71. Section 10, chapter 66, Laws of 1982 and RCW 18.39.320 are each amended to read as follows:

(1) Each authorized funeral establishment shall annually, ~~((before the first day of March))~~ at the time of its registration renewal, file with the ((director)) board a true and accurate statement of its financial condition, transactions, and affairs for ((the)) its preceding ((calendar)) fiscal year. The statement shall be on such forms and shall contain such information as required by this chapter and by the ((director)) board.

(2) The ((director)) board shall ~~((suspend or revoke))~~ take disciplinary action against the certificate of registration of any funeral establishment which fails to file its annual statement when due or after any extension of time which the ((director)) board has, for good cause, granted.

Sec. 72. Section 11, chapter 66, Laws of 1982 and RCW 18.39.330 are each amended to read as follows:

No prearrangement funeral contract forms shall be used without the prior approval of the ((director)) board.

The ((director)) board shall disapprove any such contract form, or withdraw prior approval, when such form:

- (1) Violates or does not comply with this chapter;
- (2) Contains or incorporates by reference any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which unreasonably or deceptively affect the merchandise or service purported to be provided in the general coverage of the contract;
- (3) Has any title, heading, or other part of its provisions which is misleading; or
- (4) Is being solicited by deceptive advertising.

NEW SECTION. Sec. 73. The following acts or parts of acts are each repealed:

- (1) Section 35, chapter 279, Laws of 1984 and RCW 18.39.176;
- (2) Section 12, chapter 43, Laws of 1981 and RCW 18.39.179;
- (3) Section 6, chapter 93, Laws of 1977 ex. sess., section 17, chapter 43, Laws of 1981 and RCW 18.39.223;
- (4) Section 7, chapter 93, Laws of 1977 ex. sess., section 18, chapter 43, Laws of 1981 and RCW 18.39.225;
- (5) Section 9, chapter 66, Laws of 1982 and RCW 18.39.310; and
- (6) Section 12, chapter 66, Laws of 1982 and RCW 18.39.340.

NEW SECTION. Sec. 74. The repeal of RCW 18.39.179 and the amendment of RCW 18.39.175 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

#### PART X MIDWIFERY

NEW SECTION. Sec. 75. A new section is added to chapter 18.50 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

NEW SECTION. Sec. 76. The following acts or parts of acts are each repealed:

(1) Section 7, chapter 160, Laws of 1917, section 9, chapter 53, Laws of 1981 and RCW 18.50.100;

(2) Section 9, chapter 160, Laws of 1917 and RCW 18.50.120; and

(3) Section 36, chapter 279, Laws of 1984 and RCW 18.50.125.

NEW SECTION. Sec. 77. The repeal of RCW 18.50.100 and 18.50.120 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

#### PART XI OPTOMETRY

NEW SECTION. Sec. 78. A new section is added to chapter 18.53 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter and chapter 18.54 RCW.

NEW SECTION. Sec. 79. A new section is added to chapter 18.54 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter and chapter 18.53 RCW.

Sec. 80. Section 8, chapter 144, Laws of 1919 and RCW 18.53.030 are each amended to read as follows:

The ~~((director))~~ board may at ~~((his))~~ its discretion, issue a permit to practice optometry during the interim between examinations, to any person who has filed an application for examination which has been accepted by ~~((said director))~~ the board as admitting the applicant to the next examination. Such permit shall be valid only until the date of the next examination and shall not be issued sooner than thirty days following any regular examination, and no permit shall be issued to any person who has failed before the ~~((director))~~ board, nor where a certificate has been revoked.

Sec. 81. Section 11, chapter 144, Laws of 1919 as amended by section 6, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.53.100 are each amended to read as follows:

~~((The optometry board may under the provisions of the administrative procedure act, chapter 34.04 RCW, upon presentation of evidence and information by the director, revoke the license of any optometrist for any of the following causes:~~

~~(1) Conviction of any crime involving moral turpitude; or~~

~~(2)) The following constitutes grounds for disciplinary action under chapter 18.130 RCW:~~

~~(1) Any form of fraud or deceit used in securing a license; or~~

~~((3)) (2) Any unprofessional conduct, of a nature likely to deceive or defraud the public; or~~

~~((4) The obtaining of any fee by fraud or misrepresentation; or~~

~~(5)) (3) The employing either directly or indirectly of any person or persons commonly known as "cappers" or "steerers" to obtain business; or~~

~~((6)) (4) To employ any person to solicit from house to house, or to personally solicit from house to house; or~~

~~((7) The employment of any unlicensed person to perform the work covered by this chapter; or~~

~~(8)) (5) Advertisement in any way in which untruthful, improbable or impossible statements are made regarding treatments, cures or values; or~~

~~((9)) (6) The use of the term "eye specialist" in connection with the name of such optometrist; or~~

~~((10) For habits of intemperance or habitual drunkenness, addiction to the drug habit, in a manner likely to destroy the accuracy of the work of an optometrist; or~~

~~(11) Affliction with a contagious or infectious disease, or one which is likely to destroy the accuracy of the work of the afflicted; or~~

~~(12) For any cause for which the director or board of optometry might refuse to admit a candidate to his examination; or~~

~~(13)) (7) Inability to demonstrate, in a manner satisfactory to the director or the board of optometry, their practical ability to perform any function set forth in RCW 18.53.010 which they utilize in their practice(;~~  
or

~~(14) For the violation of any provision of this chapter or any rules and regulations of the director or the optometry board)).~~

Sec. 82. Section 7, chapter 144, Laws of 1919 as last amended by section 3, chapter 58, Laws of 1981 and RCW 18.53.140 are each amended to read as follows:

It shall be unlawful for any person:

(1) To sell or barter, or offer to sell or barter any license issued by the director; or

(2) To purchase or procure by barter any license with the intent to use the same as evidence of the holder's qualification to practice optometry; or

(3) To alter with fraudulent intent in any material regard such license;

or

(4) To use or attempt to use any such license which has been purchased, fraudulently issued, counterfeited or materially altered as a valid license; or

(5) To practice optometry under a false or assumed name, or as a representative or agent of any person, firm or corporation with which the licensee has no connection: PROVIDED, Nothing in this chapter nor in the optometry law shall make it unlawful for any lawfully licensed optometrist or association of lawfully licensed optometrists to practice optometry under the name of any lawfully licensed optometrist who may transfer by inheritance or otherwise the right to use such name; or

~~(6) ((To wilfully make any false statements in material regard in an application for an examination before the director, or for a license; or~~

~~(7)))~~ To practice optometry in this state either for himself or any other individual, corporation, partnership, group, public or private entity, or any member of the licensed healing arts without having at the time of so doing a valid license issued by the director of licensing; or

~~((8)))~~ (7) To in any manner barter or give away as premiums either on his own account or as agent or representative for any other purpose, firm or corporation, any eyeglasses, spectacles, lenses or frames; or

~~((9)))~~ (8) To use drugs in the examination of eyes except diagnostic agents, topically applied, known generally as cycloplegics, mydriatics, topical anesthetics, dyes such as florescein, and for emergency use only, miotics, which legend drugs a certified optometrist is authorized to purchase, possess and administer; or

~~((10)))~~ (9) To use advertising whether printed, radio, display, or of any other nature, which is misleading or inaccurate in any material particular, nor shall any such person in any way misrepresent any goods or services (including but without limitation, its use, trademark, grade, quality, size, origin, substance, character, nature, finish, material, content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted; or

~~((11)))~~ (10) To advertise the "free examination of eyes," "free consultation," "consultation without obligation," "free advice," or any words or phrases of similar import which convey the impression to the public that eyes are examined free or of a character tending to deceive or mislead the public, or in the nature of "bait advertising;" or

~~((12)))~~ (11) To use an advertisement of a frame or mounting which is not truthful in describing the frame or mounting and all its component

parts. Or advertise a frame or mounting at a price, unless it shall be depicted in the advertisement without lenses inserted, and in addition the advertisement must contain a statement immediately following, or adjacent to the advertised price, that the price is for frame or mounting only, and does not include lenses, eye examination and professional services, which statement shall appear in type as large as that used for the price, or advertise lenses or complete glasses, viz.: frame or mounting with lenses included, at a price either alone or in conjunction with professional services; or

~~((+3))~~ (12) To use advertising, whether printed, radio, display, or of any other nature, which inaccurately lays claim to a policy or continuing practice of generally underselling competitors; or

~~((+4))~~ (13) To use advertising, whether printed, radio, display or of any other nature which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies or services; or

~~((+5))~~ (14) To use advertising whether printed, radio, display, or of any other nature, which states any definite amount of money as "down payment" and any definite amount of money as a subsequent payment, be it daily, weekly, monthly, or at the end of any period of time ~~(; or~~

~~(16) To violate any provision of this chapter or any rules and regulations promulgated thereunder).~~

Sec. 83. Section 22, chapter 144, Laws of 1919 and RCW 18.53.150 are each amended to read as follows:

Any person violating ~~((any provision of RCW 18.53.010 through 18.53.150 shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned not less than thirty days nor more than six months, or both))~~ this chapter is guilty of a misdemeanor.

Sec. 84. Section 7, chapter 25, Laws of 1963 as last amended by section 49, chapter 158, Laws of 1979 and RCW 18.54.070 are each amended to read as follows:

The board has the following powers and duties:

(1) The board shall prepare the necessary lists of examination questions, conduct examinations, either written or oral or partly written and partly oral, and shall certify to the director of licensing all lists, signed by all members conducting the examination, of all applicants for licenses who have successfully passed the examination and a separate list of all applicants for licenses who have failed to pass the examination, together with a copy of all examination questions used, and the written answers to questions on written examinations submitted by each of the applicants.

(2) ~~((The director shall investigate all complaints and charges of unprofessional conduct against any licensed optometrist, and the board shall hold hearings to determine whether or not such charges are founded:~~

~~(3) The board shall take disciplinary action against any optometrist whom the board finds guilty of unprofessional conduct, and may, under appropriate circumstances, order the revocation or suspension of a license to practice optometry by filing a copy of its findings and conclusions with the director of licensing.~~

~~(4) The board may employ stenographic and clerical help, and such other assistance as may be necessary to enforce the provisions of this chapter.~~

(5)) The board shall adopt rules and regulations to promote safety, protection and the welfare of the public, to carry out the purposes of this chapter, to aid the board in the performance of its powers and duties, and to govern the practice of optometry.

NEW SECTION. Sec. 85. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 144, Laws of 1919, section 3, chapter 69, Laws of 1975 1st ex. sess., section 46, chapter 158, Laws of 1979 and RCW 18.53.020; and

(2) Section 13, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.53.155.

NEW SECTION. Sec. 86. The repeal of RCW 18.53.020 and the amendment of RCW 18.53.100 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

NEW SECTION. Sec. 87. The following acts or parts of acts are each repealed:

(1) Section 38, chapter 279, Laws of 1984 and RCW 18.54.075;

(2) Section 8, chapter 25, Laws of 1963, section 11, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.54.080;

(3) Section 10, chapter 25, Laws of 1963 and RCW 18.54.100;

(4) Section 11, chapter 25, Laws of 1963 and RCW 18.54.110; and

(5) Section 12, chapter 25, Laws of 1963 and RCW 18.54.120.

NEW SECTION. Sec. 88. The repeal of RCW 18.54.080 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

## PART XII OCULARISTS

NEW SECTION. Sec. 89. A new section is added to chapter 18.55 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

NEW SECTION. Sec. 90. The following acts or parts of acts are each repealed:

- (1) Section 39, chapter 279, Laws of 1984 and RCW 18.55.065;
- (2) Section 6, chapter 101, Laws of 1980 and RCW 18.55.070;
- (3) Section 8, chapter 101, Laws of 1980 and RCW 18.55.080;
- (4) Section 9, chapter 101, Laws of 1980 and RCW 18.55.090; and
- (5) Section 10, chapter 101, Laws of 1980 and RCW 18.55.100.

NEW SECTION. Sec. 91. The repeal of RCW 18.55.070 and 18.55.090 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

### PART XIII OSTEOPATHY

NEW SECTION. Sec. 92. A new section is added to chapter 18.57 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

NEW SECTION. Sec. 93. A new section is added to chapter 18.57A RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the approval or disapproval of applications and the discipline of persons authorized to practice under this chapter.

Sec. 94. Section 3, chapter 117, Laws of 1979 and RCW 18.57.005 are each amended to read as follows:

The board shall have the following powers and duties:

(1) To administer examinations to applicants for licensure under this chapter;

~~(2) ((To grant, deny, restrict, suspend, or revoke licenses to practice under this chapter;~~

~~(3))) To make such rules and regulations as are not inconsistent with the laws of this state as may be deemed necessary or proper to carry out the purposes of this chapter;~~

~~((4))) (3) To establish and administer requirements for continuing professional education as may be necessary or proper to insure the public health and safety as a prerequisite to granting and renewing licenses under this chapter: PROVIDED, That such rules shall not require a licensee under this chapter to engage in continuing education related to or provided by any specific branch, school, or philosophy of medical practice or its political and/or professional organizations, associations, or societies;~~

~~((5) To establish rules and regulations fixing standards of professional conduct;~~

~~(6) To adopt such rules as are necessary to establish, administer, and/or delegate a review of each malpractice action filed against a person~~

~~licensed to practice under this chapter. On the basis of such review, where in its sole discretion, it deems it necessary, take such action as required to protect the public health and safety, including restriction, suspension, or revocation of a license to practice under this chapter; and~~

~~(7))~~ (4) To keep an official record of all its proceedings, which record shall be evidence of all proceedings of the board which are set forth therein.

Sec. 95. Section 9, chapter 30, Laws of 1971 ex. sess. and RCW 18.57A.030 are each amended to read as follows:

An osteopathic physician's assistant as defined in this chapter may practice osteopathic medicine in this state only after authorization by the board and only to the extent permitted by the board. An osteopathic physician's assistant shall be subject to discipline by the board under ~~((RCW 18.57.170))~~ the provisions of chapter 18.130 RCW.

Sec. 96. Section 10, chapter 30, Laws of 1971 ex. sess. as amended by section 60, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.57A.040 are each amended to read as follows:

No osteopathic physician practicing in this state shall utilize the services of an osteopathic physician's assistant without the approval of the board.

Any osteopathic physician licensed in this state may apply to the board for permission to use the services of an osteopathic physician's assistant. The application shall be accompanied by a fee determined by the director as provided in RCW ~~((43.24.085 as now or hereafter amended))~~ 43.24.086, shall detail the manner and extent to which the physician's assistant would be used and supervised, shall detail the education, training, and experience of the osteopathic physician's assistant and shall provide such other information in such form as the board may require.

The board may approve or reject such applications. In addition, the board may modify the proposed utilization of the osteopathic physician's assistant, and approve the application as modified. No such approval shall extend for more than one year, but approval once granted may be renewed annually upon payment of a fee determined by the director as provided in RCW ~~((43.24.085 as now or hereafter amended))~~ 43.24.086. Whenever it appears to the board that an osteopathic physician's assistant is being utilized in a manner inconsistent with the approval granted, the board may withdraw such approval. In the event a hearing is requested upon the rejection of an application, or upon the withdrawal of an approval, a hearing shall be conducted in accordance with ~~((RCW 18.57.180))~~ chapter 34.04 RCW.

Sec. 97. Section 11, chapter 30, Laws of 1971 ex. sess. and RCW 18.57A.050 are each amended to read as follows:



No osteopathic physician who uses the services of an osteopathic physician's assistant in accordance with and within the terms of any permission granted by the ~~((medical examining))~~ board shall be considered as aiding and abetting an unlicensed person to practice osteopathic medicine within the meaning of RCW 18.57.080 ~~((or 18.57.030))~~: PROVIDED, HOWEVER, That any physician shall retain professional and personal responsibility for any act which constitutes the practice of medicine as defined in RCW 18.57.130 when performed by a physician's assistant in his employ.

NEW SECTION. Sec. 98. The following acts or parts of acts are each repealed:

- (1) Section 40, chapter 279, Laws of 1984 and RCW 18.57.009;
- (2) Section 14, chapter 4, Laws of 1919, section 16, chapter 199, Laws of 1969 ex. sess. and RCW 18.57.030;
- (3) Section 11, chapter 4, Laws of 1919, section 2, chapter 142, Laws of 1963, section 16, chapter 117, Laws of 1979 and RCW 18.57.170;
- (4) Section 4, chapter 117, Laws of 1979 and RCW 18.57.173;
- (5) Section 5, chapter 117, Laws of 1979 and RCW 18.57.175;
- (6) Section 6, chapter 117, Laws of 1979 and RCW 18.57.177;
- (7) Section 7, chapter 117, Laws of 1979 and RCW 18.57.181;
- (8) Section 8, chapter 117, Laws of 1979 and RCW 18.57.185;
- (9) Section 9, chapter 117, Laws of 1979 and RCW 18.57.195; and
- (10) Section 10, chapter 117, Laws of 1979 and RCW 18.57.205.

NEW SECTION. Sec. 99. The repeal of RCW 18.57.030, 18.57.170, 18.57.175, and 18.57.185 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

#### PART XIV OCCUPATIONAL THERAPISTS

NEW SECTION. Sec. 100. A new section is added to chapter 18.59 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 101. Section 11, chapter 9, Laws of 1984 and RCW 18.59.100 are each amended to read as follows:

~~((1) The board may deny or refuse to renew a license, may suspend or revoke a license, or may impose probationary conditions if the licensee or applicant for a license has been guilty of conduct which has endangered the health, welfare, or safety of the public. Such conduct includes:~~

~~(a) Obtaining a license by means of fraud or misrepresentation or concealment of material facts;~~

~~(b) Being guilty of unprofessional conduct or gross incompetence as defined by the rules of the board, or violating the code of ethics adopted and published by the board, which shall require that))~~ Δn occupational therapist

shall, after evaluating a patient and if the case is a medical one, refer the case to a physician for appropriate medical direction if such direction is lacking. Treatment by an occupational therapist of such a medical case may take place only upon the referral of a physician or podiatrist licensed to practice medicine in this state(;

~~(c) Being convicted of a crime of moral turpitude or a felony which relates to the profession of occupational therapy;~~

~~(d) Violating an order or rule of the board; or~~

~~(e) Violating any provision of this chapter.~~

~~(2) Such denial, refusal to renew, suspension, revocation, or imposition of probationary conditions on a licensee may be ordered by the board in compliance with chapter 34.04 RCW. One year from the date of revocation of a license, application may be made to the board for reinstatement. The board has discretion to accept or reject an application for reinstatement and may, but is not required to, hold a hearing to consider the reinstatement)).~~

Sec. 102. Section 14, chapter 9, Laws of 1984 and RCW 18.59.130 are each amended to read as follows:

(1) The board shall administer, coordinate, and enforce this chapter, evaluate qualifications under this chapter, and provide for supervision of examinations of applicants for licensure under this chapter. ~~((The board may issue subpoenas, examine witnesses, and administer oaths and may investigate allegations of practices violating this chapter.))~~

(2) The board ~~((shall adopt rules relating to professional conduct to carry out the policy of this chapter, including, but not limited to, rules relating to professional licensure and to the establishment of ethical standards of practice for persons holding a license to practice occupational therapy in this state in accordance with chapter 34.04 RCW.~~

~~(3) The board shall conduct such hearings and keep such records and minutes as are necessary to carry out its functions. The board shall provide at least thirty days' notice in writing to the appropriate persons of the times and places of all hearings authorized under this chapter in such a manner and at such times as it may determine by its rules))~~ may adopt such rules as it deems necessary in the administration of this chapter.

NEW SECTION. Sec. 103. The following acts or parts of acts are each repealed:

(1) Section 4, chapter 9, Laws of 1984 and RCW 18.59.030;

(2) Section 17, chapter 9, Laws of 1984 and RCW 18.59.140; and

(3) Section 16, chapter 9, Laws of 1984 and RCW 18.59.200.

NEW SECTION. Sec. 104. The repeal of RCW 18.59.030 and 18.59.200 and the amendment of RCW 18.59.100 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XV  
PHYSICIANS AND PHYSICIANS' ASSISTANTS

NEW SECTION. Sec. 105. A new section is added to chapter 18.71 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses under this chapter.

NEW SECTION. Sec. 106. A new section is added to chapter 18.71A RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

NEW SECTION. Sec. 107. A new section is added to chapter 18.72 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the discipline of licensees under this chapter.

Sec. 108. Section 1, chapter 2, Laws of 1983 and RCW 18.71.030 are each amended to read as follows:

Nothing in this chapter shall be construed to apply to or interfere in any way with the practice of religion or any kind of treatment by prayer; nor shall anything in this chapter be construed to prohibit:

(1) The furnishing of medical assistance in cases of emergency requiring immediate attention;

(2) The domestic administration of family remedies;

(3) The administration of oral medication of any nature to students by public school district employees or private elementary or secondary school employees as provided for in chapter 28A.31 RCW, as now or hereafter amended;

(4) The practice of dentistry, osteopathy, osteopathy and surgery, nursing, chiropractic, podiatry, optometry, drugless therapeutics or any other healing art licensed under the methods or means permitted by such license;

(5) The practice of medicine in this state by any commissioned medical officer serving in the armed forces of the United States or public health service or any medical officer on duty with the United States veterans administration while such medical officer is engaged in the performance of the duties prescribed for him by the laws and regulations of the United States;

(6) The practice of medicine by any practitioner licensed by another state or territory in which he resides, provided that such practitioner shall not open an office or appoint a place of meeting patients or receiving calls within this state;

(7) The practice of medicine by a person who is a regular student in a school of medicine approved and accredited by the board: PROVIDED, HOWEVER, That the performance of such services be only pursuant to a regular course of instruction or assignments from his instructor, or that such

services are performed only under the supervision and control of a person licensed pursuant to this chapter;

(8) The practice of medicine by a person serving a period of postgraduate medical training in a program of clinical medical training sponsored by a college or university in this state or by a hospital accredited in this state: **PROVIDED**, That the performance of such services shall be only pursuant to his duties as a trainee;

(9) The practice of medicine by a person who is regularly enrolled in a physician's assistant program approved by the board: **PROVIDED, HOWEVER**, That the performance of such services be only pursuant to a regular course of instruction in said program: **AND PROVIDED FURTHER**, That such services are performed only under the supervision and control of a person licensed pursuant to this chapter;

(10) The practice of medicine by a registered physician's assistant which practice is performed under the supervision and control of a physician licensed pursuant to this chapter;

(11) The practice of medicine, in any part of this state which shares a common border with Canada and which is surrounded on three sides by water, by a physician licensed to practice medicine and surgery in Canada or any province or territory thereof;

(12) The administration of nondental anesthesia by a dentist who has completed a residency in anesthesiology at a school of medicine approved by the board of medical examiners: **PROVIDED**, That a dentist allowed to administer nondental anesthesia shall do so only under authorization of the patient's attending surgeon, obstetrician, or psychiatrist: **AND PROVIDED FURTHER**, That the medical disciplinary board shall have jurisdiction to discipline a dentist practicing under this exemption and enjoin or suspend such dentist from the practice of nondental anesthesia according to the provisions of chapter 18.72 RCW and chapter 18.130 RCW;

(13) Emergency lifesaving service rendered by a physician's trained mobile intravenous therapy technician, by a physician's trained mobile airway management technician, or by a physician's trained mobile intensive care paramedic, as defined in RCW 18.71.200, if the emergency lifesaving service is rendered under the responsible supervision and control of a licensed physician.

Sec. 109. Section 3, chapter 60, Laws of 1957 as last amended by section 7, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.050 are each amended to read as follows:

(1) Each applicant who has graduated from a school of medicine located in any state, territory or possession of the United States, the District of Columbia, or the Dominion of Canada, shall file an application for licensure with the board on a form prepared by the director with the approval of the board. Each applicant shall furnish proof satisfactory to the board of the following:

~~((1))~~ (a) That ~~((he))~~ the applicant has attended and graduated from a school of medicine approved by the board;

~~((2))~~ (b) That ~~((he))~~ the applicant has completed one year of post-graduate medical training in a program acceptable to the board;

~~((3))~~ (c) That ~~((he))~~ the applicant is of good moral character; and

~~((4))~~ (d) That ~~((he))~~ the applicant is physically and mentally capable of safely carrying on the practice of medicine. The board may require any applicant to submit to such examination or examinations as it deems necessary to determine an applicant's physical and/or mental capability to safely practice medicine;

~~(5) That his license to practice medicine is not at the time of the application revoked or suspended by any licensing agency and that he has not been guilty of any conduct which would constitute grounds for refusal, revocation or suspension of such license under the laws of the state of Washington).~~

(2) Nothing in this section shall be construed as prohibiting the board from requiring such additional information from applicants as it deems necessary. The issuance and denial of licenses are subject to chapter 18.130 RCW, the uniform disciplinary act.

Sec. 110. Section 1, chapter 189, Laws of 1959 as last amended by section 13, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.095 are each amended to read as follows:

The board may, without examination, issue a limited license to persons who possess the qualifications set forth herein:

(1) The board may, upon the written request of the secretary of the department of social and health services, issue a limited license to practice medicine in this state to persons who have been accepted for employment by the department as physicians; who are licensed to practice medicine in another state of the United States or in the country of Canada or any province or territory thereof; and who meet all of the qualifications for licensure set forth in RCW 18.71.050.

Such license shall permit the holder thereof to practice medicine only in connection with patients, residents, or inmates of the state institutions under the control and supervision of the secretary of the department of social and health services.

(2) The board may issue a limited license to practice medicine in this state to persons who have been accepted for employment by a county or city health department as physicians; who are licensed to practice medicine in another state of the United States or in the country of Canada or any province or territory thereof; and who meet all of the qualifications for licensure set forth in RCW 18.71.050.

Such license shall permit the holder thereof to practice medicine only in connection with his or her duties in employment with the city or county health department.

(3) Upon receipt of a completed application showing that the applicant meets all of the requirements for licensure set forth in RCW 18.71.050 except for completion of one year of postgraduate medical training, and that the applicant has been appointed as a resident physician in a program of postgraduate clinical training in this state approved by the board, the board may issue a limited license to a resident physician. Such license shall permit the resident physician to practice medicine only in connection with his duties as a resident physician and shall not authorize him to engage in any other form of practice. Each resident physician shall practice medicine only under the supervision and control of a physician licensed in this state, but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physician at the place where services are rendered.

All persons licensed under this section shall be subject to the jurisdiction of the medical disciplinary board to the same extent as other members of the medical profession, in accordance with chapters 18.72 and 18.130 RCW (~~and in addition, the limited license to practice medicine in the state of Washington may be revoked by the medical disciplinary board after a hearing has been held in accordance with the provisions set forth in chapter 18.72 RCW, and determination made by the medical disciplinary board that such licensee has violated the limitations set forth herein~~).

Persons applying for licensure pursuant to this section shall pay an application fee (~~of twenty-five dollars and, in the event the license applied for is issued, a license fee at the rate provided for renewals of licenses generally~~) as determined by the director. Licenses issued hereunder may be renewed annually pursuant to the provisions of RCW 18.71.080; PROVIDED, That a limited license for a resident physician may not be renewed until such resident physician has successfully completed either all parts of the examination given by the national board of medical examiners or an equivalent examination approved by the board. Interim approval may be granted until the result of such examination becomes available. Any person who obtains a limited license pursuant to this section may, without an additional application fee, apply for licensure under this chapter.

Sec. 111. Section 2, chapter 305, Laws of 1971 ex. sess. as last amended by section 1, chapter 112, Laws of 1983 and RCW 18.71.200 are each amended to read as follows:

(1) As used in (~~RCW 18.71.020 as now or hereafter amended~~) this chapter, a "physician's trained mobile intravenous therapy technician" means a person who:

(a) Has successfully completed an emergency medical technician course as described in chapter 18.73 RCW;

(b) Is trained under the supervision of an approved medical program director to administer intravenous solutions under written or oral authorization of an approved licensed physician; and

(c) Has been examined and certified as a physician's trained mobile intravenous therapy technician by the University of Washington's school of medicine or the department of social and health services;

(2) As used in (~~RCW 18.71.020 as now or hereafter amended~~) this chapter, a "physician's trained mobile airway management technician" means a person who:

(a) Has successfully completed an emergency medical technician course as described in chapter 18.73 RCW;

(b) Is trained under the supervision of an approved medical program director to perform endotracheal airway management and other authorized aids to ventilation under written or oral authorization of an approved licensed physician; and

(c) Has been examined and certified as a physician's trained mobile airway management technician by the University of Washington's school of medicine or the department of social and health services; and

(3) As used in (~~RCW 18.71.020 as now or hereafter amended~~) this chapter, a "physician's trained mobile intensive care paramedic" means a person who:

(a) Has successfully completed an emergency medical technician course as described in chapter 18.73 RCW;

(b) Is trained under the supervision of an approved medical program director:

(i) To carry out all phases of advanced cardiac life support;

(ii) To administer drugs under written or oral authorization of an approved licensed physician; and

(iii) To administer intravenous solutions under written or oral authorization of an approved licensed physician; and

(iv) To perform endotracheal airway management and other authorized aids to ventilation; and

(c) Has been examined and certified as a physician's trained mobile intensive care paramedic by the University of Washington's school of medicine or by the department of social and health services.

Sec. 112. Section 2, chapter 110, Laws of 1973 1st ex. sess. as amended by section 57, chapter 158, Laws of 1979 and RCW 18.71.230 are each amended to read as follows:

A right to practice medicine and surgery by (~~a Canadian physician~~) an individual in this state pursuant to RCW 18.71.030 (5) through (12) shall be (~~revocable~~) subject to discipline by order of the (~~director of licensing~~) board upon a finding by the (~~director~~) board of an act of unprofessional conduct as defined in RCW (~~18.72.030~~) 18.130.180 or that the individual is unable to practice with reasonable skill or safety due to a mental or physical condition as described in RCW 18.130.170. Such physician shall have the same rights of notice, hearing and judicial review as

provided licensed physicians generally pursuant to chapters 18.72 and 18-130 RCW.

Sec. 113. Section 4, chapter 30, Laws of 1971 ex. sess. as last amended by section 64, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.71A.040 are each amended to read as follows:

No physician practicing in this state shall utilize the services of a physician's assistant without the approval of the board.

Any physician licensed in this state may apply to the board for permission to use the services of a physician's assistant. The application shall be accompanied by a fee determined by the director as provided in RCW (~~((43.24.085 as now or hereafter amended))~~) 43.24.086, shall detail the manner and extent to which the physician's assistant would be used and supervised, shall detail the education, training, and experience of the physician's assistant and shall provide such other information in such form as the board may require.

The board may approve or reject such applications. In addition, the board may modify the proposed utilization of the physician's assistant, and approve the application as modified. No such approval shall extend for more than one year, but approval once granted may be renewed annually upon payment of a fee determined by the director as provided in RCW (~~((43.24.085 as now or hereafter amended))~~) 43.24.086. Whenever it appears to the board that a physician's assistant is being utilized in a manner inconsistent with the approval granted, the board may withdraw such approval. In the event a hearing is requested upon the rejection of an application, or upon the withdrawal of an approval, a hearing shall be conducted in accordance with (~~((RCW 18.71.140))~~) chapter 18.130 RCW.

Sec. 114. Section 5, chapter 30, Laws of 1971 ex. sess. and RCW 18.71A.050 are each amended to read as follows:

No physician who uses the services of a physician's assistant in accordance with and within the terms of any permission granted by the medical examining board shall be considered as aiding and abetting an unlicensed person to practice medicine (~~((within the meaning of RCW 18.71.020 or 18.72.030(13))~~): PROVIDED, HOWEVER, That any physician shall retain professional and personal responsibility for any act which constitutes the practice of medicine as defined in RCW 18.71.010 when performed by a physician's assistant in his employ.

Sec. 115. Section 2, chapter 202, Laws of 1955 and RCW 18.72.020 are each amended to read as follows:

Terms used in this chapter and in RCW 18.71.040(~~(;)~~) and 18.71.080(~~(, 18.71.120, 18.71.140 and 18.71.180 shall)~~) have the meaning set forth in this section unless the context clearly indicates otherwise:

- (1) "Board" means the medical disciplinary board.



(2) "License" means a certificate or license to practice medicine and surgery in this state as provided for in RCW 18.71.010 and 18.71.050.

(3) "Members" means members of the medical disciplinary board.

(4) "Secretary" means the secretary of the medical disciplinary board.

Sec. 116. Section 15, chapter 202, Laws of 1955 as last amended by section 5, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.150 are each amended to read as follows:

The board ~~((shall have the following powers and duties:~~

~~(1) To)) may adopt, amend, and rescind such rules and regulations as it deems necessary to carry out the provisions of this chapter((;~~

~~(2) To investigate all complaints or reports of unprofessional conduct against any holder of a license and to hold hearings to determine if unprofessional conduct has been committed;~~

~~(3) To issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding held under this chapter;~~

~~(4) To take or cause depositions to be taken as needed in any investigation or investigative or disciplinary hearing or proceeding;~~

~~(5) To investigate complaints or reports of malpractice and unsafe conditions and practices, to analyze equipment, procedures, and training, in such cases, and to direct corrective action;~~

~~(6) To take emergency action ordering summary suspension of the license of a physician, or restricting or limiting the licensed physician's practice pending proceedings by the board, as authorized by RCW 34.04.170;~~

~~(7) To appoint a hearing officer to conduct hearings subject to final determination by the board;~~

~~(8) To enter into contracts for professional services determined by the board to be necessary;~~

~~(9) To contract with physicians or other persons or organizations to provide services necessary for the monitoring and supervising of physicians and surgeons who are placed on probation, or whose professional activities are restricted, or who are for any authorized purpose subject to being monitored by the board; and~~

~~(10) The board shall be subject to the provisions of chapter 34.04 RCW)).~~

Sec. 117. Section 15, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.265 are each amended to read as follows:

(1) ~~((The board may adopt regulations requiring any person, including, but not limited to, corporations, hospitals, organizations, and federal, state, or local governmental agencies, to report to the board any: Conviction, determination, or finding that a licensed physician has committed unprofessional conduct as defined by RCW 18.72.030 as now or hereafter amended, or to report information which indicates that a licensed physician may not be able to practice medicine with reasonable skill and safety to patients as the result of any mental or physical condition:~~

~~(2))~~ The contents of any report file under RCW 18.130.070 shall be confidential and exempt from public disclosure pursuant to chapter 42.17 RCW, except that it may be reviewed (a) by the licensee involved or his counsel or authorized representative who may submit any additional exculpatory or explanatory statements or other information, which statements or other information shall be included in the file, or (b) by a representative of the medical disciplinary board, or investigator thereof, who has been assigned to review the activities of a licensed physician.

~~((3))~~ Upon a determination that a report is without merit, the board's records may be purged of information relating to the report.

~~((4))~~ If any person contumaciously refuses to furnish a required report, the board may petition the superior court of any county in which said person resides or is found, and said court shall issue to such person an order to furnish the required report. Any failure to obey such order shall be punished by the court as a civil contempt may be punished.

~~(5))~~ (2) Every individual, medical association, medical society, hospital, medical service bureau, health insurance carrier or agent, professional liability insurance carrier, professional standards review organization, and agency of the federal, state, or local government shall be immune from civil liability, whether direct or derivative, for providing information to the board subsequent to ~~((the regulations outlined in [sub]section (1) of this section))~~ RCW 18.130.070, or for which an individual health care provider has immunity under the provisions of RCW 4.24.240, 4.24.250, or 4.24.260, as now or hereafter amended.

Sec. 118. Section 2, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.020 are each amended to read as follows:

The legislature further declares its intention to supersede all ordinances, regulations, and requirements promulgated by counties, cities and other political subdivisions of the state of Washington, insofar as they may provide for the regulation of emergency medical care, first aid, and ambulance services which do not exceed the provisions of this chapter; except that (1) license fees established in this chapter shall supersede all license fees of counties, cities and other political subdivisions of this state; and, (2) nothing in this chapter shall alter the provisions of RCW ~~((18.71.020;))~~ 18.71.200, 18.71.210 and 18.71.220.

NEW SECTION. Sec. 119. The following acts or parts of acts are each repealed:

(1) Section 41, chapter 279, Laws of 1984 and RCW 18.71.018;

(2) Section 14, chapter 192, Laws of 1909, section 8, chapter 134, Laws of 1919, section 3, chapter 284, Laws of 1961, section 18, chapter 199, Laws of 1969 ex. sess., section 1, chapter 305, Laws of 1971 ex. sess., section 3, chapter 171, Laws of 1975 1st ex. sess., section 1, chapter 55, Laws of 1977 and RCW 18.71.020;

(3) Section 10, chapter 284, Laws of 1961, section 4, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.025;

(4) Section 38, chapter 202, Laws of 1955, section 12, chapter 284, Laws of 1961 and RCW 18.71.120;

(5) Section 40, chapter 202, Laws of 1955 and RCW 18.71.140;

(6) Section 17, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.145;

(7) Section 18, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.165; and

(8) Section 44, chapter 202, Laws of 1955, section 14, chapter 171, Laws of 1975 1st ex. sess., section 56, chapter 158, Laws of 1979 and RCW 18.71.180.

NEW SECTION. Sec. 120. The repeal of RCW 18.71.020 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

NEW SECTION. Sec. 121. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 202, Laws of 1955, section 1, chapter 142, Laws of 1963, section 1, chapter 61, Laws of 1975, section 1, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.030;

(2) Section 9, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.135;

(3) Section 14, chapter 202, Laws of 1955 and RCW 18.72.140;

(4) Section 42, chapter 279, Laws of 1984 and RCW 18.72.153;

(5) Section 16, chapter 202, Laws of 1955, section 8, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.160;

(6) Section 17, chapter 202, Laws of 1955, section 10, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.170;

(7) Section 2, chapter 61, Laws of 1975 and RCW 18.72.175;

(8) Section 18, chapter 202, Laws of 1955 and RCW 18.72.180;

(9) Section 7, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.201;

(10) Section 23, chapter 202, Laws of 1955, section 11, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.230;

(11) Section 24, chapter 202, Laws of 1955, section 12, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.240;

(12) Section 13, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.245;

(13) Section 25, chapter 202, Laws of 1955, section 1, chapter 58, Laws of 1969, section 60, chapter 158, Laws of 1979, section 14, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.250;

(14) Section 26, chapter 202, Laws of 1955 and RCW 18.72.260;

(15) Section 27, chapter 202, Laws of 1955 and RCW 18.72.270;

(16) Section 3, chapter 61, Laws of 1975, section 16, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.275;

(17) Section 28, chapter 202, Laws of 1955 and RCW 18.72.280;

(18) Section 29, chapter 202, Laws of 1955 and RCW 18.72.290;

(19) Section 30, chapter 202, Laws of 1955 and RCW 18.72.300;

(20) Section 32, chapter 202, Laws of 1955 and RCW 18.72.320; and

(21) Section 33, chapter 202, Laws of 1955 and RCW 18.72.330.

NEW SECTION. Sec. 122. The repeal of RCW 18.72.030, 18.72.230, and 18.72.275 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

#### PART XVI PHYSICAL THERAPY

NEW SECTION. Sec. 123. A new section is added to chapter 18.74 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 124. Section 4, chapter 116, Laws of 1983 and RCW 18.74.023 are each amended to read as follows:

The board has the following powers and duties:

(1) To administer examinations to applicants for a license under this chapter.

(2) To pass upon the qualifications of applicants for a license and to certify to the director duly qualified applicants.

(3) ~~((To approve, deny, restrict, suspend, or revoke authorization to practice under this chapter.~~

~~((4)))~~ (4) To make such rules not inconsistent with the laws of this state as may be deemed necessary or proper to carry out the purposes of this chapter.

~~((5)))~~ (4) To establish and administer requirements for continuing professional education as may be necessary or proper to ensure the public health and safety and which may be a prerequisite to granting and renewing a license under this chapter.

~~((6) To establish rules fixing standards of professional conduct.~~

~~((7)))~~ (5) To keep an official record of all its proceedings, which record shall be evidence of all proceedings of the board which are set forth therein.

~~((8)))~~ (6) To adopt rules not inconsistent with the laws of this state, when it deems appropriate, in response to questions put to it by professional health associations, physical therapists, and consumers in this state concerning the authority of physical therapists to perform particular acts.

Sec. 125. Section 9, chapter 239, Laws of 1949 as last amended by section 18, chapter 116, Laws of 1983 and RCW 18.74.090 are each amended to read as follows:

A person who is not licensed with the director of licensing as a physical therapist under the requirements of this chapter shall not represent himself as being so licensed and shall not use in connection with his name the words or letters "P.T.", "R.P.T.", "L.P.T.", "physical therapy", "physiotherapy", "physical therapist" or "physiotherapist", or any other letters, words, signs, numbers, or insignia indicating or implying that he is a physical therapist. (~~Any person who practices or attempts to practice as or hold himself out as practicing as a physical therapist in this state without having at the time of so doing, a valid, unrevoked license as provided in this chapter, shall be guilty of a gross misdemeanor. PROVIDED, That~~) Nothing in this chapter prohibits any person licensed in this state under any other act from engaging in the practice for which he or she is licensed. It shall be the duty of the prosecuting attorney of each county to prosecute all cases involving a violation of this chapter arising within his county. The attorney general may assist in such prosecution and shall appear at all hearings when requested to do so by the board.

NEW SECTION. Sec. 126. The following acts or parts of acts are each repealed:

- (1) Section 43, chapter 279, Laws of 1984 and RCW 18.74.028;
- (2) Section 8, chapter 239, Laws of 1949, section 7, chapter 64, Laws of 1961, section 13, chapter 116, Laws of 1983 and RCW 18.74.080;
- (3) Section 15, chapter 116, Laws of 1983 and RCW 18.74.082;
- (4) Section 14, chapter 116, Laws of 1983 and RCW 18.74.084;
- (5) Section 16, chapter 116, Laws of 1983 and RCW 18.74.086;
- (6) Section 17, chapter 116, Laws of 1983 and RCW 18.74.088; and
- (7) Section 10, chapter 239, Laws of 1949, section 20, chapter 116, Laws of 1983 and RCW 18.74.100.

NEW SECTION. Sec. 127. The repeal of RCW 18.74.080, 18.74.082, and 18.74.100 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

## PART XVII PRACTICAL NURSES

NEW SECTION. Sec. 128. A new section is added to chapter 18.78 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 129. Section 5, chapter 222, Laws of 1949 as last amended by section 6, chapter 55, Laws of 1983 and RCW 18.78.050 are each amended to read as follows:

The board shall conduct examinations for all applicants for licensure under this chapter and shall certify qualified applicants to the department of licensing for licensing. The board shall also determine and formulate what

constitutes the curriculum for an approved practical nursing program preparing persons for licensure under this chapter. The board shall establish criteria for licensure by endorsement. ~~((The board or an administrative law judge appointed under chapter 34.12 RCW may conduct hearings for the suspension or revocation of licenses.))~~

The board shall adopt such rules as are necessary to fulfill the purposes of this chapter pursuant to chapter 34.04 RCW.

Sec. 130. Section 7, chapter 222, Laws of 1949 as amended by section 9, chapter 55, Laws of 1983 and RCW 18.78.070 are each amended to read as follows:

~~((The director may issue a license to practice as a licensed practical nurse without examination to any applicant who has been duly licensed as a licensed practical nurse by examination under the laws of another state.))~~  
An applicant graduated from a nursing program outside the United States and licensed by a country outside the United States shall meet all qualifications required by this chapter and by the board and shall pass an examination to be determined by the board.

Sec. 131. Section 10, chapter 222, Laws of 1949 as last amended by section 10, chapter 55, Laws of 1983 and RCW 18.78.090 are each amended to read as follows:

Every licensed practical nurse in this state shall renew the license with the department of licensing and shall pay a fee determined by the director as provided in RCW ~~((43.24.085 as now or hereafter amended))~~ 43.24.086. Any failure to register and pay the renewal registration fee shall render the license invalid, but such license shall be reinstated upon written application therefor and upon payment to the state of a penalty fee determined by the director as provided in RCW ~~((43.24.085 as now or hereafter amended, together with all delinquent license renewal fees))~~ 43.24.086.

NEW SECTION. Sec. 132. The following acts or parts of acts are each repealed:

- (1) Section 44, chapter 279, Laws of 1984 and RCW 18.78.053;
- (2) Section 13, chapter 55, Laws of 1983 and RCW 18.78.135;
- (3) Section 14, chapter 55, Laws of 1983 and RCW 18.78.145;
- (4) Section 20, chapter 55, Laws of 1983 and RCW 18.78.155;
- (5) Section 18, chapter 55, Laws of 1983 and RCW 18.78.165;
- (6) Section 18, chapter 222, Laws of 1949, section 5, chapter 79, Laws of 1967, section 16, chapter 55, Laws of 1983 and RCW 18.78.170;
- (7) Section 7, chapter 79, Laws of 1967, section 17, chapter 55, Laws of 1983 and RCW 18.78.175; and
- (8) Section 8, chapter 222, Laws of 1949 (uncodified).

NEW SECTION. Sec. 133. The repeal of RCW 18.78.135 and 18.78.170 by this act shall not be construed as affecting any rights and duties

which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XVIII  
PSYCHOLOGY

NEW SECTION. Sec. 134. Section 45, chapter 279, Laws of 1984 and RCW 18.83.053 are each repealed.

PART XIX  
REGISTERED NURSES

NEW SECTION. Sec. 135. A new section is added to chapter 18.88 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 136. Section 27, chapter 202, Laws of 1949 as amended by section 26, chapter 133, Laws of 1973 and RCW 18.88.270 are each amended to read as follows:

It shall be a gross misdemeanor for any person to:

(1) Sell or fraudulently obtain or furnish any nursing diploma, license, record or registration, or aid or abet therein;

(2) Practice nursing as defined by this chapter under cover of any diploma, license, record or registration illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation or mistake of fact in a material regard; or

~~(3) ((Practice nursing as defined by this chapter, unless duly licensed to do so under the provisions of this chapter;~~

~~(4) Use in connection with his or her name any designation tending to imply that he or she is a registered, professional nurse unless duly licensed to practice under the provisions of this chapter;~~

~~(5) Practice as a registered nurse during the time his or her license is issued under the provisions of this chapter shall be suspended or revoked; and~~

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

NEW SECTION. Sec. 137. The following acts or parts of acts are each repealed:

(1) Section 46, chapter 279, Laws of 1984 and RCW 18.88.085;

(2) Section 21, chapter 202, Laws of 1949 and RCW 18.88.210;

(3) Section 23, chapter 202, Laws of 1949, section 21, chapter 133, Laws of 1973 and RCW 18.88.230;

(4) Section 24, chapter 202, Laws of 1949, section 22, chapter 133, Laws of 1973 and RCW 18.88.240;

(5) Section 25, chapter 202, Laws of 1949, section 23, chapter 133, Laws of 1973 and RCW 18.88.250;

(6) Section 26, chapter 202, Laws of 1949, section 24, chapter 133, Laws of 1973 and RCW 18.88.260; and

(7) Section 15, chapter 288, Laws of 1961, section 25, chapter 133, Laws of 1973 and RCW 18.88.265.

NEW SECTION. Sec. 138. The repeal of RCW 18.88.230 and the amendment of RCW 18.88.270 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

## PART XX VETERINARY MEDICINE

NEW SECTION. Sec. 139. A new section is added to chapter 18.92 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 140. Section 4, chapter 71, Laws of 1941 as last amended by section 2, chapter 102, Laws of 1983 and RCW 18.92.030 are each amended to read as follows:

It shall be the duty of the board to prepare examination questions, conduct examinations, and grade the answers of applicants. (~~The board shall supervise the conduct of those practicing veterinary medicine, surgery, and dentistry and shall make such recommendations as it deems necessary to the director in regard to the granting, suspension, or revocation of licenses. It shall be the duty of the board to adopt a code of professional conduct for the practice of the veterinary profession in this state.~~) The board, pursuant to chapter 34.04 RCW, shall have the power to adopt such rules and regulations as may be necessary to effectuate the purposes of this chapter including the performance of the duties and responsibilities of animal technicians: PROVIDED, HOWEVER, That such rules are adopted in the interest of good veterinary health care delivery to the consuming public, and do not prevent animal technicians from inoculating an animal. The board shall further have the power to adopt, by reasonable rules and regulations, standards prescribing requirements for veterinary medical facilities and to fix minimum standards of continuing veterinary medical education.

The department shall be the official office of record.

~~((The board shall have the power to conduct all hearings pertaining to violations of this chapter and may impose appropriate sanctions on licensees or registrants following a hearing. The hearings may be conducted by an administrative law judge appointed under chapter 34.12 RCW.))~~

Sec. 141. Section 6, chapter 71, Laws of 1941 as last amended by section 3, chapter 134, Laws of 1982 and RCW 18.92.070 are each amended to read as follows:

No person, unless registered or licensed to practice veterinary medicine, surgery, and dentistry in this state at the time this chapter shall become operative, shall begin the practice of veterinary medicine, surgery and dentistry without first applying for and obtaining a license for such purpose



from the director. In order to procure a license to practice veterinary medicine, surgery, and dentistry in the state of Washington, the applicant for such license shall file his or her application at least sixty days prior to date of examination upon a form furnished by the director of licensing, which, in addition to the fee provided by this chapter, shall be accompanied by satisfactory evidence that he or she is at least eighteen years of age and of good moral character, and by official transcripts or other evidence of graduation from a veterinary college satisfactory to and approved by the board. Said application shall be signed by the applicant and sworn to by him or her before some person authorized to administer oaths. When such application and the accompanying evidence are found satisfactory, the director shall notify the applicant to appear before the board for the next examination(~~(: PROVIDED, HOWEVER, That the director of licensing must deny the application of every applicant who has been guilty of unprofessional conduct within the two years immediately preceding date of application for license)~~). In addition, applicants shall be subject to grounds for denial or issuance of a conditional license under chapter 18.130 RCW.

Nothing in this chapter shall preclude the board from permitting a person who has completed a portion of his or her educational program as determined by the board, in a veterinary college recognized by the board, to take the examination or any part thereof prior to satisfying the requirements for application for a license: PROVIDED HOWEVER, That no license shall be issued to such applicant until such requirements are satisfied.

Sec. 142. Section 11, chapter 124, Laws of 1907 as last amended by section 8, chapter 50, Laws of 1967 ex. sess. and RCW 18.92.120 are each amended to read as follows:

Any person who shall make application for examination, as provided by RCW 18.92.070, and who has not previously failed to pass the veterinary examination, and whose application is found satisfactory by the director, may be given a temporary certificate to practice veterinary medicine, surgery and dentistry valid only until the results of the next examination for licenses are available. In addition, applicants shall be subject to the grounds for denial or issuance of a conditional license under chapter 18.130 RCW. No more than one temporary certificate may be issued to any applicant. Such permittee shall be employed by a licensed veterinary practitioner or by the state of Washington.

Sec. 143. Section 6, chapter 44, Laws of 1974 ex. sess. as amended by section 5, chapter 102, Laws of 1983 and RCW 18.92.125 are each amended to read as follows:

No veterinarian who uses the services of an animal technician shall be considered as aiding and abetting any unlicensed person to practice veterinary medicine (~~(within the meaning of RCW 18.92.160)~~). A veterinarian

shall retain professional and personal responsibility for any act which constitutes the practice of veterinary medicine as defined in this chapter when performed by an animal technician in his employ.

NEW SECTION. Sec. 144. The following acts or parts of acts are each repealed:

- (1) Section 3, chapter 102, Laws of 1983 and RCW 18.92.033;
- (2) Section 47, chapter 279, Laws of 1984 and RCW 18.92.045;
- (3) Section 2, chapter 71, Laws of 1941 and RCW 18.92.050;
- (4) Section 13, chapter 71, Laws of 1941, section 1, chapter 157, Laws of 1961, section 10, chapter 50, Laws of 1967 ex. sess., section 7, chapter 44, Laws of 1974 ex. sess., section 8, chapter 102, Laws of 1983 and RCW 18.92.160;
- (5) Section 14, chapter 71, Laws of 1941, section 11, chapter 92, Laws of 1959, section 11, chapter 50, Laws of 1967 ex. sess., section 24, chapter 67, Laws of 1981, section 9, chapter 102, Laws of 1983 and RCW 18.92.180;
- (6) Section 15, chapter 71, Laws of 1941, section 63, chapter 81, Laws of 1971 and RCW 18.92.210;
- (7) Section 22, chapter 71, Laws of 1941 and RCW 18.92.220; and
- (8) Section 14, chapter 92, Laws of 1959 and RCW 18.92.235.

NEW SECTION. Sec. 145. The repeal of RCW 18.92.050, 18.92.160, and 18.92.180 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

#### PART XXI MASSAGE OPERATORS

NEW SECTION. Sec. 146. A new section is added to chapter 18.108 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

NEW SECTION. Sec. 147. The following acts or parts of acts are each repealed:

- (1) Section 48, chapter 279, Laws of 1984 and RCW (1) Section 48, chapter 279, Laws of 1984 and RCW 18.108.075;
- (2) Section 9, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.080; and
- (3) Section 18, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.170.

NEW SECTION. Sec. 148. The repeal of RCW 18.108.080 and 18.108.170 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XXII  
MISCELLANEOUS

Sec. 149. Section 43.24.110, chapter 8, Laws of 1965 as last amended by section 60, chapter 279, Laws of 1984 and section 79, chapter 287, Laws of 1984 and RCW 43.24.110 are each reenacted and amended to read as follows:

Whenever there is filed in a matter under the jurisdiction of the director of licensing any complaint charging that the holder of a license has been guilty of any act or omission which by the provisions of the law under which the license was issued would warrant the revocation thereof, verified in the manner provided by law, the director of licensing shall request the governor to appoint, and the governor shall appoint within thirty days of the request, two qualified practitioners of the profession or calling of the person charged, who, with the director or his duly appointed representative, shall constitute a committee to hear and determine the charges and, in case the charges are sustained, impose the penalty provided by law. In addition, the governor shall appoint a consumer member of the committee.

The decision of any three members of such committee shall be the decision of the committee.

The appointed members of the committee shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for their travel expenses, in accordance with RCW 43.03.050 and 43.03.060.

Sec. 150. Section 3, chapter 122, Laws of 1977 ex. sess. and RCW 70.54.150 are each amended to read as follows:

No physician may be subject to disciplinary action by any entity of either the state of Washington or a professional association for prescribing or administering amygdalin (Laetrile) to a patient under his/her care who has requested the substance after having been given sufficient information in writing to make an informed decision.

It is not the intent of this section to shield a physician from acts or omissions which otherwise would constitute unprofessional conduct (~~as defined in RCW 18.57.170 and 18.72.030~~).

Sec. 151. Section 2, chapter 50, Laws of 1981 and RCW 70.54.190 are each amended to read as follows:

No hospital or health facility may interfere with the physician/patient relationship by restricting or forbidding the use of DMSO (dimethyl sulfoxide) when prescribed or administered by a physician licensed pursuant to chapter 18.57 or 18.71 RCW and requested by a patient under his/her care who has requested the substance after having been given sufficient information in writing to make an informed decision.

No physician may be subject to disciplinary action by any entity of either the state of Washington or a professional association for prescribing or administering DMSO (dimethyl sulfoxide) to a patient under his/her care

who has requested the substance after having been given sufficient information in writing to make an informed decision.

It is not the intent of this section to shield a physician from acts or omissions which otherwise would constitute unprofessional conduct ((as defined in RCW 18.57.170 and 18.72.030)).

NEW SECTION. Sec. 152. 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 January 13, 1986.

Passed the Senate March 11, 1986.

Approved by the Governor April 3, 1986.

Filed in Office of Secretary of State April 3, 1986.

## CHAPTER 260

[House Bill No. 1504]

### MOORAGE FACILITIES—MOORAGE COLLECTION

AN ACT Relating to moorage collection; and amending RCW 53.08.310 and 53.08.320.

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

Sec. 1. Section 1, chapter 188, Laws of 1983 and RCW 53.08.310 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this section and RCW 53.08.320.

(1) "Port charges" mean charges of a moorage facility operator for moorage and storage, and all other charges owing or to become owing under a contract between a vessel owner and the moorage facility operator, or under an officially adopted tariff including, but not limited to, costs of sale and related legal expenses.

(2) "Vessel" means every species of watercraft or other artificial contrivance capable of being used as a means of transportation on water and which does not exceed two hundred feet in length. "Vessel" includes any trailer used for the transportation of watercraft.

(3) "Moorage facility" means any properties or facilities owned or operated by a moorage facility operator which are capable of use for the moorage or storage of vessels.

(4) "Moorage facility operator" means any port district, city, town, metropolitan park district, or county which owns and/or operates a moorage facility.

(5) "Owner" means every natural person, firm, partnership, corporation, association, or organization, or agent thereof, with actual or apparent authority, who expressly or impliedly contracts for use of a moorage facility.