

CHAPTER 412

[Engrossed Substitute House Bill No. 134]

RADIOLOGIC AND NUCLEAR MEDICINE TECHNOLOGISTS—CERTIFICATION

AN ACT Relating to certifying radiological technologists and nuclear medicine technologists; reenacting and amending RCW 18.120.020 and 18.130.040; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 18 RCW; making an appropriation; and providing an effective date.

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

NEW SECTION. Sec. 1. It is the intent and purpose of this chapter to protect the public by setting standards of qualification, education, training, and experience for use by practitioners of radiological technology. By promoting high standards of professional performance, by requiring professional accountability, and by credentialing those persons who seek to provide radiological technology under the title of certified radiological technologists, this chapter identifies those practitioners who have achieved a particular level of competency. Nothing in this chapter shall be construed to require that individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization provide benefits or coverage for services and supplies provided by a person certified under this chapter.

The legislature finds and declares that this chapter conforms to the guidelines, terms, and definitions for the credentialing of health or health-related professions specified under chapter 18.120 RCW.

NEW SECTION. Sec. 2. No person may represent himself or herself to the public as a certified radiologic technologist without holding a valid certificate to practice under this chapter. A person represents himself or herself to the public as a certified radiological technologist when that person adopts or uses a title or description of services that incorporates one or more of the following items or designations:

(1) Certified radiologic technologist or CRT, for persons so certified under this chapter;

(2) Certified radiologic therapy technologist, CRTT, or CRT, for persons certified in the therapeutic field;

(3) Certified radiologic diagnostic technologist, CRDT, or CRT, for persons certified in the diagnostic field; or

(4) Certified nuclear medicine technologist, CNMT, or CRT, for persons certified as nuclear medicine technologists.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

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

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

(3) "Licensed practitioner" means a physician or osteopathic physician licensed under chapter 18.71 or 18.57 RCW, respectively; a registered nurse licensed under chapter 18.88 RCW; or a podiatrist licensed under chapter 18.22 RCW.

(4) "Radiologic technologist" means an individual certified under this chapter, other than a licensed practitioner, who practices radiologic technology as a:

(a) Diagnostic radiologic technologist, who is a person who actually handles x-ray equipment in the process of applying radiation on a human being for diagnostic purposes under the supervision of a licensed practitioner; or

(b) Therapeutic radiologic technologist, who is a person who uses radiation-generating equipment for therapeutic purposes on human subjects at the direction of a licensed practitioner; or

(c) Nuclear medicine technologist, who is a person who prepares radiopharmaceuticals and administers them to human beings for diagnostic and therapeutic purposes and who performs in vivo and in vitro detection and measurement of radioactivity for medical purposes under the supervision of a licensed practitioner.

(5) "Advisory committee" means the Washington state radiologic technology advisory committee.

(6) "Approved school of radiologic technology" means a school of radiologic technology approved by the council on medical education of the American medical association or a school found to maintain the equivalent of such a course of study as determined by the department. Such school may be operated by a medical or educational institution, and for the purpose of providing the requisite clinical experience, shall be affiliated with one or more general hospitals.

(7) "Radiologic technology" means the use of ionizing radiation upon a human being for diagnostic or therapeutic purposes.

(8) "Radiologist" means a physician certified by the American board of radiology or the American osteopathic board of radiology.

***NEW SECTION. Sec. 4. This chapter shall not be construed to prohibit or restrict:**

(1) The practice of a profession by individuals who are licensed under other laws of this state who are performing services within their authorized scope of practice;

(2) The practice of radiologic technology by an individual employed by the government of the United States while the individual is performing duties prescribed by the laws and regulations of the United States;

(3) The practice of radiologic technology by a person who is a regular student in an approved school meeting the requirements of the department. The performance of such services shall be pursuant to a regular course of

instruction or assignments from an instructor under the direction of a certified practitioner;

(4) The practice of radiological technology by unlicensed personnel supervised by persons licensed under chapters 18.22, 18.25, and 18.32 RCW.

*Sec. 4 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 5. (1) In addition to any other authority provided by law, the director may in consultation with the advisory committee:

(a) Adopt rules, in accordance with chapter 34.04 RCW, necessary to implement this chapter;

(b) Set all certification and renewal fees in accordance with RCW 43.24.086;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Evaluate and designate those schools from which graduation will be accepted as proof of an applicant's eligibility to receive a certificate;

(e) Determine whether alternative methods of training are equivalent to formal education, and to establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to receive a certificate;

(f) Issue a certificate to any applicant who has met the education, training, and conduct requirements for certification; and

(g) Hire clerical, administrative, and investigative staff as needed to implement this chapter.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of certifications, uncertified practice and the discipline of certificants under this chapter. The director shall be the disciplining authority under this chapter.

NEW SECTION. Sec. 6. The director shall keep an official record of all proceedings, a part of which record shall consist of a register of all applicants for certification under this chapter, with the result of each application.

NEW SECTION. Sec. 7. (1) There is created a state radiologic technology advisory committee consisting of seven members appointed by the director who shall advise the director concerning the administration of this chapter. Three members of the committee shall be radiologic technologists who are certified under this chapter, except for the initial members of the committee, and who have been engaged in the practice of radiologic technology for at least five years. Two members shall be radiologists. Two members of the committee shall be individuals who are unaffiliated with the profession representing the public. The term of office for committee members is four years. The terms of the first committee members, however, shall be staggered to ensure an orderly succession of new committee members

thereafter. Any committee member may be removed for just cause. The director may appoint a new member to fill any vacancy on the committee for the remainder of the unexpired term. No committee member may serve more than two consecutive terms whether full or partial.

(2) Committee members shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(3) The committee shall elect a chair and vice-chair annually to direct the meetings of the committee. The committee shall meet at least once each year, and may hold additional meetings as called by the director or the chair. Four members of the committee shall constitute a quorum.

NEW SECTION. Sec. 8. The director, members of the committee, or individuals acting on their behalf are immune from suit in any civil action based on any certification or disciplinary proceedings or other official acts performed in the course of their duties.

NEW SECTION. Sec. 9. (1) The director shall issue a certificate to any applicant who demonstrates to the director's satisfaction, that the following requirements have been met:

(a) Graduation from an approved school or successful completion of alternate training that meets the criteria established by the director; and

(b) Good moral character.

(2) Applicants shall be subject to the grounds for denial or issuance of a conditional license under chapter 18.130 RCW.

(3) The director shall establish by rule what constitutes adequate proof of meeting the requirements for certification and for designation of certification in a particular field of radiologic technology.

NEW SECTION. Sec. 10. The director, in consultation with the advisory committee, shall establish by rule the standards and procedures for approval of schools and alternate training, and may contract with individuals or organizations having expertise in the profession or in education to assist in evaluating those applying for approval. The standards and procedures set shall apply equally to schools and training within the United States and those in foreign jurisdictions.

NEW SECTION. Sec. 11. Applications for certification must be submitted on forms provided by the director. The director may require any information and documentation that reasonably relates to the determination of whether the applicant meets the requirements for certification provided for in this chapter and chapter 18.130 RCW. Each applicant shall pay a fee determined by the director as provided in RCW 43.24.086 which shall accompany the application.

NEW SECTION. Sec. 12. The director, in consultation with the advisory committee, shall establish by rule the requirements and fees for renewal of certificates. Failure to renew invalidates the certificate and all

privileges granted by the certificate. In the event a certificate has lapsed for a period longer than three years, the certificant shall demonstrate competence to the satisfaction of the director by continuing education or under the other standards determined by the director.

NEW SECTION. Sec. 13. This chapter shall be known as the radiologic technologists certification act.

Sec. 14. Section 3, chapter 117, Laws of 1985 and section 28, chapter 326, Laws of 1985 and RCW 18.120.020 are each reenacted and amended to read as follows:

The definitions contained in this section shall apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

(2) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed health professional tasks.

(3) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: Podiatry under chapter 18.22 RCW; chiropractic under chapters 18.25 and 18.26 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; dispensing opticians under chapter 18.34 RCW; hearing aids under chapter 18.35 RCW; drugless healing under chapter 18.36 RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW; osteopathy and osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71, 18.71A, and 18.72 RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.78 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.88 RCW; occupational therapists licensed pursuant to chapter 18.59 RCW; veterinarians and animal technicians under chapter 18.92 RCW; health care assistants under chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW; ((and)) acupuncturists certified under chapter 18.06 RCW;

and radiologic technicians under chapter 18.— RCW (sections 1 through 13 of this 1987 act).

(5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) "License", "licensing", and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

Sec. 15. Section 4, chapter 279, Laws of 1984 as amended by section 29, chapter 326, Laws of 1985 and by section 3, chapter 259, Laws of 1986 and RCW 18.130.040 are each reenacted and 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) Massage operators and businesses licensed under chapter 18.108 RCW;

(vi) Dental hygienists licensed under chapter 18.29 RCW; ~~((and))~~

(vii) Acupuncturists certified under chapter 18.106 RCW; and

(viii) Radiologic technologists certified under chapter 18.— RCW (sections 1 through 13 of this 1987 act).

(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 board of funeral directors and embalmers as established in chapter 18.39 RCW;

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

(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;

(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;

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

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

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

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

(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.

NEW SECTION. Sec. 16. Sections 1 through 13 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 17. This act shall take effect October 1, 1987.

NEW SECTION. Sec. 18. A new section is added to chapter 43.131 RCW to read as follows:

The regulation of radiologic technologists under chapter 18.— RCW (sections 1 through 13 of this act) shall be terminated on June 30, 1990, as provided in section 19 of this act.

NEW SECTION. Sec. 19. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1991:

- (1) Section 1 of this act and RCW 18.____;
- (2) Section 2 of this act and RCW 18.____;
- (3) Section 3 of this act and RCW 18.____;
- (4) Section 4 of this act and RCW 18.____;
- (5) Section 5 of this act and RCW 18.____;
- (6) Section 6 of this act and RCW 18.____;
- (7) Section 7 of this act and RCW 18.____;
- (8) Section 8 of this act and RCW 18.____;
- (9) Section 9 of this act and RCW 18.____;
- (10) Section 10 of this act and RCW 18.____;
- (11) Section 11 of this act and RCW 18.____;
- (12) Section 12 of this act and RCW 18.____; and
- (13) Section 13 of this act and RCW 18.____.

NEW SECTION. Sec. 20. The sum of two hundred eighty-three thousand, four hundred thirty-eight dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the health professions account to the department of licensing for the purposes of this act.

NEW SECTION. Sec. 21. 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 April 15, 1987.

Passed the Senate April 7, 1987.

Approved by the Governor May 18, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 18, 1987.

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

"I am returning herewith, without my approval as to section 4, Engrossed Substitute House Bill No. 134, entitled:

"AN ACT relating to certifying radiological technologists and nuclear medicine technologists."

This bill provides that "no person may represent himself or herself to the public as a certified radiological technologist without holding a valid certificate to practice" from the state. It authorizes the Department of Licensing to set and collect fees and to designate those schools from which graduation will be accepted as proof of an applicant's eligibility to receive a certificate. It also authorizes the department to determine whether alternative methods of training are equivalent to formal education, and to allow proof of alternative training to determine the applicant's eligibility to receive a certificate. The bill does not provide for the state to establish any testing or competency test in order for applicants to receive certification.

Section 4 establishes certain exemptions from certification. These exemptions are unnecessary because certification is voluntary and is only required by people who want to represent themselves as certified radiological technologists. The lack of certification does not prohibit someone from practicing in the field of radiological technology. This section further confuses the meaning of the bill by referring to people who are unlicensed in section 4 even though this bill does not provide for a licensing (inability to practice without a certificate) approach.

With the exception of section 4, Engrossed Substitute House Bill No. 134 is approved."

CHAPTER 413

[Engrossed Substitute House Bill No. 1197]

COMMON SCHOOL CAPITAL PROJECTS—CONSTRUCTION COST INDEX— ADDITIONAL STATE PROPERTY TAX FOR SCHOOL CONSTRUCTION

AN ACT Relating to common school capital projects; authorizing the issuance of general obligation bonds; amending RCW 28A.47.060, 28A.47.801, 28A.47.803, 28A.47.805, 84.04.140, 84.52.043, and 84.52.050; adding a new section to chapter 28A.47 RCW; adding a new section to chapter 84.52 RCW; adding a new section to chapter 84.55 RCW; creating new sections; and providing an effective date.

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

Sec. 1. Section 28A.47.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.060 are each amended to read as follows:

The state board of education shall have the power and it shall be its duty (1) to prescribe rules and regulations governing the administration,