

(11) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and RCW 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

NEW SECTION. Sec. 10. A new section is added to chapter 36.23 RCW to read as follows:

The county clerk shall provide the name and telephone number of at least one resource to assist adopted persons who are searching for birth parents, or birth parents who are searching for children they have relinquished, if these resources have contacted the clerk's office and requested that their name be made available to persons making inquiry.

Passed the Senate March 8, 1990.

Passed the House March 8, 1990.

Approved by the Governor March 23, 1990.

Filed in Office of Secretary of State March 23, 1990.

CHAPTER 147

[Substitute House Bill No. 2792]

PODIATRIC PHYSICIANS AND SURGEONS—LICENSURE

AN ACT Relating to podiatric physicians and surgeons; amending RCW 18.22.005, 18.22.010, 18.22.013, 18.22.014, 18.22.015, 18.22.040, 18.22.060, 18.22.083, 18.22.110, 18.22.120, 18.22.191, 18.22.210, and 18.22.230; adding new sections to chapter 18.22 RCW; and repealing RCW 18.22.030, 18.22.050, 18.22.081, 18.22.130, 18.22.185, and 18.22.930.

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

Sec. 1. Section 1, chapter 21, Laws of 1982 and RCW 18.22.005 are each amended to read as follows:

The legislature finds that the conduct of ~~((podiatrists))~~ podiatric physicians and surgeons licensed to practice in this state plays a vital role in preserving the public health and well-being ~~((and that the existing agency responsible for disciplinary action against podiatrists does not offer a simple, expedient, and effective means of handling disciplinary action when necessary for the protection of the public))~~. The purpose of this ~~((act))~~ chapter is

to establish an effective public agency to regulate the practice of ~~((podiatry))~~ podiatric medicine and surgery for the protection and promotion of the public health, safety, and welfare and to act as a disciplinary body for the licensed ~~((podiatrists))~~ podiatric physicians and surgeons of this state and to ensure that only individuals who meet and maintain minimum standards of competence and conduct may obtain a license to provide podiatric services to the public.

Sec. 2. Section 1, chapter 38, Laws of 1917 as last amended by section 2, chapter 21, Laws of 1982 and RCW 18.22.010 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

~~(1) ((The practice of podiatry means the diagnosis and the medical, surgical, mechanical, manipulative, and electrical treatments of ailments of the human foot. A podiatrist is a podiatric physician and surgeon of the foot licensed to treat ailments of the foot, except:~~

~~(a) Amputation of the foot;~~

~~(b) The administration of a spinal anesthetic or any anesthetic, which renders the patient unconscious, or the administration and prescription of drugs including narcotics, other than required to perform the services authorized for the treatment of the feet; and~~

~~(c) Treatment of systemic conditions))~~ "Podiatric physician and surgeon" means an individual licensed under this chapter.

~~(2) "Board" means the Washington state ((podiatry)) podiatric medical board.~~

~~(3) "Department" means the department of ((licensing)) health.~~

~~(4) ((Director))~~ Secretary" means the ((director of licensing)) secretary of health or the secretary's designee.

~~(5) "Approved school of ((podiatry)) podiatric medicine and surgery" means a school approved by the board, which may consider official recognition of the Council of Education of the American ((Podiatry)) Podiatric Medical Association in determining the approval of schools of ((podiatry)) podiatric medicine and surgery.~~

Sec. 3. Section 8, chapter 21, Laws of 1982 and RCW 18.22.013 are each amended to read as follows:

There is created the Washington state ~~((podiatry))~~ podiatric medical board consisting of five members to be appointed by the governor. All members shall be residents of the state. One member shall be a consumer whose occupation does not include the administration of health activities or the providing of health services and who has no material financial interest in providing health care services. Four members shall be ~~((podiatrists))~~ podiatric physicians and surgeons who at the time of appointment have been licensed under the laws of this state for at least five consecutive years

immediately preceding appointment and shall at all times during their terms remain licensed (~~((podiatrists))~~) podiatric physicians and surgeons.

Board members shall serve five-year terms(~~(; except that the terms of the initial appointees shall be adjusted so that only one member's term expires each year. The initial appointees whose terms expire after two years and four years shall each be members of the existing podiatry examining committee appointed under RCW 43.24.060)~~). No person may serve more than two consecutive terms on the board. Each member shall take the usual oath of a state officer, which shall be filed with the secretary of state, and each member shall hold office for the term of appointment and until a successor is appointed and sworn.

Each member is subject to removal at the pleasure of the governor. If a vacancy on the board occurs from any cause, the governor shall appoint a successor for the unexpired term.

Sec. 4. Section 9, chapter 21, Laws of 1982 as amended by section 26, chapter 287, Laws of 1984 and RCW 18.22.014 are each amended to read as follows:

The board shall meet at the places and times it determines and as often as necessary to discharge its duties. The board shall elect a chairperson, vice-chairperson, and secretary from among its members. Members shall be compensated in accordance with RCW 43.03.240 in addition to travel expenses provided by RCW 43.03.050 and 43.03.060. A simple majority of the board members currently serving constitutes a quorum of the board.

Sec. 5. Section 10, chapter 21, Laws of 1982 as amended by section 18, chapter 259, Laws of 1986 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))~~ podiatric physician and surgeon licenses;

(3) Examine and investigate all applicants for ~~((podiatrist))~~ podiatric physician and surgeon licenses and certify to the ~~((director))~~ secretary all applicants it judges to be properly qualified(~~(-)~~);

~~((The board may))~~ (4) Adopt any rules which it considers necessary or proper to carry out the purposes of this chapter;

(5) Determine which schools of podiatric medicine and surgery will be approved.

NEW SECTION. Sec. 6. A new section is added to chapter 18.22 RCW to read as follows:

(1) A podiatric physician and surgeon is responsible for the quality of podiatric care.

(2) The practice of podiatric medicine and surgery is the diagnosis and the medical, surgical, mechanical, manipulative, and electrical treatments of ailments of the human foot.

(3) Podiatric physicians and surgeons may issue prescriptions valid at any pharmacy for any drug, including narcotics, necessary in the practice of podiatry.

(4) Podiatrists shall not:

(a) Amputate the foot;

(b) Administer spinal anesthetic or any anesthetic that renders the patient unconscious; or

(c) Treat systemic conditions.

NEW SECTION. Sec. 7. A new section is added to chapter 18.22 RCW to read as follows:

No person may practice or represent himself or herself as a podiatric physician and surgeon without first applying for and receiving a license under this chapter to practice podiatric medicine and surgery.

Sec. 8. Section 6, chapter 38, Laws of 1917 as last amended by section 5, chapter 21, Laws of 1982 and RCW 18.22.040 are each amended to read as follows:

Before any person (~~((shall be permitted to))~~) may take an examination for the issuance of a (~~((podiatry))~~) podiatric physician and surgeon license, the applicant shall submit a completed application and a fee determined by the secretary as provided in RCW 43.70.250. The applicant shall also furnish the (~~((director of licensing))~~) secretary and the board with satisfactory proof that:

(1) The applicant (~~((is eighteen years of age or over;~~

~~((2) The applicant is of good moral character;~~

~~((3))~~) has not engaged in unprofessional conduct as defined in chapter 18.130 RCW and is not unable to practice with reasonable skill and safety as a result of a physical or mental impairment;

(2) The applicant has (~~((successfully))~~) satisfactorily completed a (~~((four-year course in a high school or its equivalent and a two-year college course leading toward the baccalaureate degree, not including correspondence courses, before beginning a course in podiatry))~~) course in an approved school of (~~((podiatry; and~~

~~((4) The applicant has received a diploma or certificate of graduation from a legally incorporated, regularly established and approved school of podiatry))~~) podiatric medicine and surgery.

Sec. 9. Section 14, chapter 52, Laws of 1957 as last amended by section 11, chapter 7, Laws of 1985 and RCW 18.22.060 are each amended to read as follows:

~~((Every applicant for a license to practice podiatry shall pay to the state treasurer a fee determined by the director as provided in RCW 43.24-086:))~~ (1) The date and location of the examination shall be established by the board. Applicants who have met the requirements for examination under RCW 18.22.040 will be scheduled for the next examination after the filing of the complete application. The board shall establish by rule the examination application deadline.

(2) An applicant who fails to pass an examination satisfactorily is entitled to reexamination ((at a meeting called for the examination of applicants,)) upon the payment of a fee for each reexamination determined by the ((director)) secretary as provided in RCW ((43.24.086)) 43.70.250.

NEW SECTION. Sec. 10. A new section is added to chapter 18.22 RCW to read as follows:

An applicant holding a license to practice podiatric medicine and surgery in another state may be licensed without examination if the secretary determines that the other state's licensing standards are substantively equivalent to the standards in this state.

Sec. 11. Section 13, chapter 21, Laws of 1982 and RCW 18.22.083 are each amended to read as follows:

((Except for applicants granted licenses under RCW 18.22.081)) Before being issued a license to practice podiatric medicine and surgery, applicants must successfully ((complete)) pass the examinations administered by the national board of podiatry examiners and an examination administered or approved by the board to determine their professional qualifications. The ((board shall prepare and give, or approve the preparation and giving of, an examination which covers those general subjects and topics, a knowledge of which is commonly required of candidates for the degree of doctor of podiatry conferred by approved colleges or schools of podiatry in the United States. The board shall have the sole responsibility for determining the proficiency of applicants under this chapter and, in so doing, may waive any prerequisite to licensure not set forth in this chapter)) examination administered by the board shall include the subject areas as the board may require by rule.

The board may approve an examination prepared or administered, or both, by a private testing agency, other licensing authority, or association of licensing authorities.

The board may by rule establish the passing grade for the examination((, and in so doing may grant credit based on experience which shall not exceed five percent of the total possible grade. The department shall keep records of the examination grades which shall be permanently kept with each applicant's file)).

Sec. 12. Section 15, chapter 52, Laws of 1957 as amended by section 9, chapter 77, Laws of 1973 and RCW 18.22.110 are each amended to read as follows:

Every holder of a ~~((podiatry))~~ podiatric physician and surgeon license shall keep ~~((his))~~ the license on exhibition in a conspicuous place in ((his)) the holder's office or place of business.

Sec. 13. Section 6, chapter 149, Laws of 1955 as last amended by section 13, chapter 7, Laws of 1985 and RCW 18.22.120 are each amended to read as follows:

~~((Every person practicing podiatry must renew his or her license each year and pay a renewal fee determined by the director as provided in RCW 43.24.086.~~

~~Failure to register and pay the annual renewal fee invalidates the license, but it shall be reinstated upon written application to the director and payment to the state of a penalty of ten dollars, together with all delinquent annual renewal fees. PROVIDED, That a person who fails to renew his or her license for a period of three years is not entitled to renewal under this section but must file an original application as provided in this chapter, and pay the required fee. The board may permit an applicant whose license has lapsed in this manner to be licensed without examination if it determines that the applicant meets all the requirements for licensure in this state and is competent to engage in the practice of podiatry.))~~ The board shall establish by rule the requirements for renewal of licenses. The secretary shall establish a renewal and late renewal penalty fee as provided in RCW 43.70.250, and the term for renewal of a license under RCW 43.70.280. Failure to renew invalidates the license and all privileges granted by it. The board shall determine by rule when a license shall be canceled for failure to renew and shall establish prerequisites for relicensing.

NEW SECTION. Sec. 14. A new section is added to chapter 18.22 RCW to read as follows:

(1) An individual may place his or her license on inactive status. The holder of an inactive license shall not practice podiatric medicine and surgery in this state without first activating the license.

(2) The inactive renewal fee shall be established by the secretary under RCW 43.70.250, but may not exceed twenty-five percent of the active license renewal fee. Failure to renew an inactive license results in cancellation in the same manner as an active license.

(3) An inactive license may be placed in an active status upon compliance with the rules established by the board.

(4) The provisions of this chapter relating to the denial, suspension, and revocation of a license are applicable to an inactive license, except that when proceedings to suspend or revoke an inactive license have been initiated, the license remains inactive until the proceedings have been completed.

Sec. 15. Section 13, chapter 149, Laws of 1955 and RCW 18.22.191 are each amended to read as follows:

The ~~((director of licensing))~~ secretary shall have the power and duty to formulate and prescribe such rules and regulations as may be reasonable in the proper administration of this chapter. In addition to any other authority provided by law, the secretary may:

(1) Set all fees required in this chapter in accordance with RCW 43.70.250;

(2) Establish forms necessary to administer this chapter;

(3) Maintain the official department record of all applicants and licensees.

Sec. 16. Section 10, chapter 38, Laws of 1917 as last amended by section 17, chapter 21, Laws of 1982 and RCW 18.22.210 are each amended to read as follows:

It ~~((shall be deemed))~~ is prima facie evidence of the practice of ~~((podiatry))~~ podiatric medicine and surgery or of holding oneself out as a practitioner of ~~((podiatry))~~ podiatric medicine and surgery within the meaning of this chapter for any person to treat in any manner ailments of the human foot by medical, surgical, or mechanical means or appliances, or to use the title "podiatrist," "podiatric physician and surgeon," or any other words or letters which designate or tend to designate to the public that the person so treating or holding himself or herself out to treat, is a ~~((podiatrist: PROVIDED, HOWEVER, That nothing herein contained shall prohibit a duly licensed physician or surgeon from treating the human foot by medical, surgical or mechanical means or appliances))~~ podiatric physician and surgeon.

Sec. 17. Section 12, chapter 149, Laws of 1955 as last amended by section 19, chapter 21, Laws of 1982 and RCW 18.22.230 are each amended to read as follows:

The following practices, acts, and operations are excepted from the operation of the provisions of this chapter:

(1) The practice of ((podiatry in the discharge of official duties by podiatrists in the United States armed forces, public health service, Veterans Bureau or Bureau of Indian Affairs)) podiatric medicine and surgery by an individual employed by the government of the United States while the individual is engaged in the performance of duties prescribed by the laws and regulations of the United States;

(2) ((Recognized schools of podiatry or colleges of podiatry, and the practice of podiatry by students in such recognized schools or colleges, when acting under the direction and supervision of registered and licensed podiatrists acting as instructors)) The practice of podiatric medicine and surgery by students enrolled in a school approved by the board. The performance of services must be pursuant to a course of instruction or assignments from an instructor and under the supervision of the instructor;

(3) The practice of ~~((podiatry))~~ podiatric medicine and surgery by licensed ~~((podiatrists))~~ podiatric physicians and surgeons of other states or countries while appearing ~~((as clinicians at meetings of the Washington state podiatry association or component parts thereof, or at meetings sanctioned by them))~~ at educational seminars;

(4) The use of roentgen and other rays for making radiograms or similar records of the feet or portions thereof, under the supervision of a licensed ~~((podiatrist))~~ podiatric physician and surgeon or a physician;

(5) The practice of ~~((podiatry))~~ podiatric medicine and surgery by externs, interns, and residents in training programs approved by the American ~~((Podiatry))~~ Podiatric Medical Association;

(6) The performing of podiatric services by persons not licensed under this chapter when performed under the supervision of a licensed podiatrist if those services are authorized by board ~~((regulation))~~ rule or other law to be so performed;

(7) The treatment of ailments of the feet by physicians licensed under chapter 18.57 or 18.71 RCW, or other licensed health professionals practicing within the scope of their licenses;

(8) The domestic administration of family remedies or treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denomination.

***NEW SECTION. Sec. 18. A new section is added to chapter 18.22 RCW to read as follows:**

The secretary, members of the board, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any acts performed in the course of their duties under this chapter.

*Sec. 18 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 19. A new section is added to chapter 18.22 RCW to read as follows:

This chapter shall be known as the Podiatric Physician and Surgeon Practice Act.

NEW SECTION. Sec. 20. The following acts or parts of acts are each repealed:

(1) Section 18, chapter 38, Laws of 1917, section 3, chapter 77, Laws of 1973, section 4, chapter 21, Laws of 1982 and RCW 18.22.030;

(2) Section 4, chapter 149, Laws of 1955, section 5, chapter 77, Laws of 1973, section 6, chapter 21, Laws of 1982 and RCW 18.22.050;

(3) Section 3, chapter 97, Laws of 1965, section 8, chapter 77, Laws of 1973, section 17, chapter 30, Laws of 1975 1st ex. sess., section 12, chapter 21, Laws of 1982, section 12, chapter 7, Laws of 1985 and RCW 18.22.081;

(4) Section 5, chapter 38, Laws of 1917, section 11, chapter 77, Laws of 1973 and RCW 18.22.130;

(5) Section 11, chapter 149, Laws of 1955, section 15, chapter 77, Laws of 1973 and RCW 18.22.185; and

(6) Section 28, chapter 77, Laws of 1973 and RCW 18.22.930.

Passed the House February 13, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 23, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 23, 1990.

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

"I am returning herewith, without my approval as to section 18, Substitute House Bill No. 2792 entitled:

"AN ACT Relating to podiatric physicians and surgeons."

Section 18 of this bill restates substantially the immunity from liability extended by RCW 18.130.300 (The Uniform Disciplinary Act) to the secretary, members of the board or individuals acting on their behalf. RCW 18.130.300 provides immunity based on "official acts performed in the course of their duties" for members of a variety of health care boards. Section 18 of this bill would extend immunity only to the Washington State Podiatric Medical Board for "any act performed in the course of their duties."

Neither the bill nor its legislative history provides further explanation of the change in immunity extended by section 18, nor a justification for such change to members of this particular health care board.

In order to maintain consistency, I have vetoed section 18 of this bill.

With the exception of section 18, Substitute House Bill No. 2792 is approved."

CHAPTER 148

[Substitute House Bill No. 2375]

ALL KIDS CAN LEARN INCENTIVE GRANTS

AN ACT Relating to ALL KIDS CAN LEARN incentive grants; adding new sections to Title 28A RCW; and creating a new section.

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

NEW SECTION. Sec. 1. As we face a more complex society and increasing demands are placed on schools and the services they provide for children, it is important that each school and school district determine the role it is to play. In addition to determining their roles, school districts need to be able to implement the plans established using research and practices that work. School districts need incentives to develop and implement mission plans that produce more learning for more students. To develop their visions, school districts must determine what it is that they want and what it is that they have or know. These determinations will enable school districts to develop a vision of what the school districts are trying to accomplish and enable all parties involved to direct all activities in each school in the school district to make the vision come true.