

NEW SECTION, Sec. 8. The sum of four hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the firearms range account of the general fund to the interagency committee for outdoor recreation for the purposes of providing grants for firearms range facilities.

Passed the Senate March 5, 1990.

Passed the House March 1, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

## CHAPTER 196

[Substitute House Bill No. 2917]

### PHYSICIAN ASSISTANTS

AN ACT Relating to physician assistants; amending RCW 18.71A.010, 18.71A.020, 18.71A.030, 18.71A.050, 18.71A.060, 18.71A.070, 69.50.101, 18.71.015, and 18.71.030; reenacting and amending RCW 18.71A.040; adding a new section to chapter 18.71A RCW; and repealing RCW 18.71A.080.

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

Sec. 1. Section 1, chapter 30, Laws of 1971 ex. sess. as last amended by section 1, chapter 113, Laws of 1988 and RCW 18.71A.010 are each amended to read as follows:

(1) "~~((Physician's))~~ Physician assistant" means a person who is (~~((enrolled in, or who has satisfactorily completed, a board approved training program designed to prepare persons))~~ licensed by the board to practice medicine to a limited extent only under the supervision of a physician as defined in chapter 18.71 RCW and who is academically and clinically prepared to provide health care services and perform diagnostic, therapeutic, preventative, and health maintenance services.

(2) "Board" means the board of medical examiners.

(3) "Practice medicine" shall have the meaning defined in RCW 18.71.011.

(4) "Secretary" means the secretary of health or the secretary's designee.

(5) "Department" means the department of health.

Sec. 2. Section 2, chapter 30, Laws of 1971 ex. sess. and RCW 18.71A.020 are each amended to read as follows:

(1) The board shall adopt rules (~~((and regulations))~~ fixing the qualifications and the educational and training requirements for persons who may be employed as ((physician's)) physician assistants or who may be enrolled in any ((physician's)) physician assistant training program. The requirements shall include completion of an accredited physician assistant training program approved by the board and eligibility to take an examination approved by the board, provided such examination tests subjects substantially

equivalent to the curriculum of an accredited physician assistant training program. Physician assistants licensed by the board on the effective date of this 1990 act shall continue to be licensed.

(2)(a) The board shall ~~(, in addition,)~~ adopt rules ~~((and regulations))~~ governing the extent to which ~~((physician's))~~:

(i) Physician assistant~~(s)~~ students may practice medicine during training; and

(ii) Physician assistants may practice after successful completion of a physician assistant training course.

(b) Such ~~((regulations))~~ rules shall provide:

~~((1))~~ (i) That the practice of a ~~((physician's))~~ physician assistant shall be limited to the performance of those services for which he or she is trained; and

~~((2))~~ (ii) That each ~~((physician's))~~ physician assistant 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.

Sec. 3. Section 3, chapter 30, Laws of 1971 ex. sess. and RCW 18.71A.030 are each amended to read as follows:

A ~~((physician's))~~ physician assistant as defined in this chapter may practice medicine in this state only after authorization by the board and only to the extent permitted by the board. A ~~((physician's))~~ physician assistant shall be subject to discipline under chapter ~~((18-72))~~ 18.130 RCW.

Sec. 4. Section 4, chapter 30, Laws of 1971 ex. sess. as last amended by section 61, chapter 7, Laws of 1985 and by section 113, chapter 259, Laws of 1986 and RCW 18.71A.040 are each reenacted and amended to read as follows:

No physician practicing in this state shall ~~((utilize the services of))~~ employ or supervise a ~~((physician's))~~ physician 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))~~ employ or supervise a ~~((physician's))~~ physician assistant. The application shall be jointly submitted by the physician and physician assistant and shall be accompanied by a fee determined by the ~~((director))~~ secretary as provided in RCW ~~((43-24-086;))~~ 43.70.250. The joint application shall detail the manner and extent to which the ~~((physician's))~~ physician assistant would ~~((be used))~~ practice and be supervised, shall detail the education, training, and experience of the ~~((physician's))~~ physician 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))~~ practice of the ~~((physician's))~~ physician 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))~~ secretary as provided in RCW ~~((43.24.086))~~ 43.70.250. Whenever it appears to the board that a ~~((physician's))~~ physician assistant is ~~((being-utilized))~~ practicing 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 chapter 18.130 RCW.

Sec. 5. Section 5, chapter 30, Laws of 1971 ex. sess. as amended by section 114, chapter 259, Laws of 1986 and RCW 18.71A.050 are each amended to read as follows:

No physician who ~~((uses the services of))~~ supervises a ~~((physician's))~~ physician 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: 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))~~ physician assistant in ~~((his))~~ the physician's employ.

Sec. 6. Section 6, chapter 30, Laws of 1971 ex. sess. as amended by section 21, chapter 77, Laws of 1973 and RCW 18.71A.060 are each amended to read as follows:

No health care services may be performed under this chapter in any of the following areas:

(1) The measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses or frames for the aid thereof.

(2) The prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training or orthoptics.

(3) The prescribing of contact lenses for, or the fitting or adaptation of contact lenses to, the human eye.

(4) Nothing in this section shall preclude the performance of routine visual screening.

(5) The practice of dentistry or dental hygiene as defined in chapters 18.32 and 18.29 RCW respectively. The exemptions set forth in RCW 18.32.030, paragraphs (1) and (8), shall not apply to a ~~((physician's))~~ physician assistant.

(6) The practice of chiropractic as defined in chapter 18.25 RCW including the adjustment or manipulation of the articulations of the spine.

(7) The practice of podiatry as defined in chapter 18.22 RCW.

Sec. 7. Section 3, chapter 190, Laws of 1975 1st ex. sess. as amended by section 58, chapter 158, Laws of 1979 and RCW 18.71A.070 are each amended to read as follows:

There shall be appointed by the (~~director of licensing~~) secretary an agent whose title shall be "medical practice investigator", who shall have the duty and shall be authorized to enter the clinic, office, or premises where a (~~physician's~~) physician assistant is employed for the purpose of inspecting the registration and utilization of any (~~physician's~~) physician assistant employed therein. Said investigator may serve and execute any notice or process issued under the authority of this chapter and shall perform any other duty prescribed by the (~~director~~) secretary or the board, including assisting other agencies in enforcing the provisions of the law regulating the practice of medicine(~~(: PROVIDED, That funds must be included in the department's 1975-77 operational budget for this program).~~)).

Sec. 8. Section 69.50.101, chapter 308, Laws of 1971 ex. sess. as last amended by section 429, chapter 9, Laws of 1989 1st ex. sess. and RCW 69.50.101 are each amended to read as follows:

As used in this chapter:

(a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(1) a practitioner, or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

(c) "Drug enforcement administration" means the federal drug enforcement administration in the United States Department of Justice, or its successor agency.

(d) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through V of Article II.

(e) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(f) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(g) "Department" means the department of health.

(h) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper

selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(i) "Dispenser" means a practitioner who dispenses.

(j) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(k) "Distributor" means a person who distributes.

(l) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(m) "Immediate precursor" means a substance which the state board of pharmacy has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

(n) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for his or her own use or the preparation, compounding, packaging, or labeling of a controlled substance:

(1) by a practitioner as an incident to ((his)) administering or dispensing of a controlled substance in the course of his or her professional practice, or

(2) by a practitioner, or by ((his)) an authorized agent under ((his)) the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(o) "Marihuana" means all parts of the plant of the genus Cannabis L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted

therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(p) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause 1, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(q) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(r) "Opium poppy" means the plant of the genus *Papaver* L., except its seeds, capable of producing an opiate.

(s) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(t) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(u) "Practitioner" means:

(1) A physician under chapter 18.71 RCW, a physician assistant under chapter 18.71A RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a chiropodist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathy and surgery in any state of the United States.

(v) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(w) "Secretary" means the secretary of health or the secretary's designee.

(x) "State", when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(y) "Ultimate user" means a person who lawfully possesses a controlled substance for his or her own use or for the use of a member of his or her household or for administering to an animal owned by him or her or by a member of his or her household.

(z) "Board" means the state board of pharmacy.

NEW SECTION. Sec. 9. Section 2, chapter 233, Laws of 1977 ex. sess., section 7, chapter 322, Laws of 1985 and RCW 18.71A.080 are each repealed.

NEW SECTION. Sec. 10. A new section is added to chapter 18.71A RCW to read as follows:

Any physician assistant acupuncturist currently licensed by the board may continue to perform acupuncture under the physician assistant license as long as he or she maintains licensure as a physician assistant.

Sec. 11. Section 2, chapter 284, Laws of 1961 as last amended by section 1, chapter 116, Laws of 1987 and RCW 18.71.015 are each amended to read as follows:

There is hereby created a board of medical examiners consisting of six individuals licensed to practice medicine in the state of Washington, one individual who is (~~registered~~) licensed as a (~~physician's~~) physician assistant under chapter 18.71A RCW (~~who shall be entitled to vote only on matters directly related to physicians' assistants~~), and (~~one individual who is not a physician~~) two individuals who are not physicians, to be known as the Washington state board of medical examiners.

The board shall be appointed by the governor. (~~The members of the first board shall be appointed within thirty days after March 21, 1961, to serve the following terms: One member for one year, one member for two years, one member for three years, one member for four years, one member for five years, and the physician's assistant for a term of five years, from the date of their appointment, or until their successors are duly appointed and~~

~~qualified:))~~ On expiration of the term of any member, the governor shall appoint for a period of five years an individual of similar qualifications to take the place of such member. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been appointed and shall have qualified.

Each member of the board shall be a citizen of the United States, must be an actual resident of this state, and, if a physician, must have been licensed to practice medicine in this state for at least five years.

The board shall meet as soon as practicable after appointment and elect a ~~((chairman))~~ chair and a ~~((secretary))~~ vice-chair from its members. Meetings shall be held at least four times a year and at such place as the board shall determine and at such other times and places as the board deems necessary. A majority of the board members serving shall constitute a quorum for the transaction of board business.

It shall require the affirmative vote of a majority of ~~((the members))~~ a quorum of the board to carry any motion or resolution, to adopt any rule, to pass any measure, or to authorize or deny the issuance of any certificate.

Each member of the board shall be compensated in accordance with RCW 43.03.240 and in addition thereto shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060. Any such expenses shall be paid from funds appropriated to the department ~~((of licensing))~~.

Any member of the board may be removed by the governor for neglect of duty, misconduct, or malfeasance or misfeasance in office.

Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor.

Sec. 12. Section 1, chapter 2, Laws of 1983 as last amended by section 4, chapter 48, Laws of 1988 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, naturopathy 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 or her 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 or she 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)~~), however, the performance of such services be only pursuant to a regular course of instruction or assignments from his or her 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)~~), however, the performance of such services shall be only pursuant to his or her duties as a trainee;

(9) The practice of medicine by a person who is regularly enrolled in a ((physician's)) physician assistant program approved by the board(~~(-PROVIDED, HOWEVER, That)~~), however, the performance of such services be only pursuant to a regular course of instruction in said program(~~(-AND PROVIDED FURTHER, That)~~) and 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)) licensed physician 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)~~), however, 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)~~) and 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;

(14) The provision of clean, intermittent bladder catheterization for students by public school district employees or private school employees as provided for in RCW 18.88.295 and 28A.31.160.

Passed the House March 5, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

## CHAPTER 197

[House Bill No. 2555]

### ANIMAL REMEDY ACT REPEAL

AN ACT Relating to the Washington animal remedy act; and repealing RCW 15.52.010, 15.52.050, 15.52.060, 15.52.070, 15.52.080, 15.52.090, 15.52.100, 15.52.110, 15.52.120, 15.52.130, 15.52.140, 15.52.150, 15.52.160, 15.52.170, 15.52.180, 15.52.320, 15.52.330, 15.52.340, and 15.52.900.

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

**NEW SECTION.** Sec. 1. The following acts or parts of acts are each repealed:

- (1) Section 15.52.010, chapter 11, Laws of 1961 and RCW 15.52.010;
- (2) Section 15.52.050, chapter 11, Laws of 1961 and RCW 15.52.050;
- (3) Section 15.52.060, chapter 11, Laws of 1961 and RCW 15.52.060;
- (4) Section 15.52.070, chapter 11, Laws of 1961 and RCW 15.52.070;
- (5) Section 15.52.080, chapter 11, Laws of 1961 and RCW 15.52.080;
- (6) Section 15.52.090, chapter 11, Laws of 1961 and RCW 15.52.090;
- (7) Section 15.52.100, chapter 11, Laws of 1961 and RCW 15.52.100;
- (8) Section 15.52.110, chapter 11, Laws of 1961 and RCW 15.52.110;
- (9) Section 15.52.120, chapter 11, Laws of 1961 and RCW 15.52.120;
- (10) Section 15.52.130, chapter 11, Laws of 1961 and RCW 15.52.130;
- (11) Section 15.52.140, chapter 11, Laws of 1961 and RCW 15.52.140;
- (12) Section 15.52.150, chapter 11, Laws of 1961 and RCW 15.52.150;
- (13) Section 15.52.160, chapter 11, Laws of 1961 and RCW 15.52.160;
- (14) Section 15.52.170, chapter 11, Laws of 1961 and RCW 15.52.170;