

or negligent conduct: PROVIDED, HOWEVER, That this section shall apply only to liability alleged in the contraction of hepatitis ((and)), malaria, and acquired immune deficiency disease and shall not apply to any transaction in which the blood donor receives compensation: PROVIDED FURTHER, That this section shall only apply where the person, firm or corporation rendering the above service shall have maintained records of donor suitability and donor identification similar to those specified in sections 73.301 and 73.302(c) as now written or hereafter amended in Title 42, Public Health Service Regulations adopted pursuant to the Public Health Service Act, 42 U.S.C. 262: PROVIDED FURTHER, That nothing in this section shall be considered by the courts in determining or applying the law to any blood transfusion occurring before June 10, 1971 and the court shall decide such case as though this section had not been passed.

NEW SECTION. Sec. 2. The department of social and health services shall provide a written report to the senate committee on human services and corrections and the house of representatives committee on social and health services by January 1, 1986, providing a description of the current policies and procedures utilized by blood banks for detecting the presence of acquired immune deficiency disease in potential donors, the utilization of such procedures, costs of administering the procedures, and statistics on the number of cases of acquired immune deficiency disease reported as a result of the blood banks' screening procedures and information acquired as a result of transfusions. The department shall have the authority to collect data from blood banks, as necessary to develop the report.

Passed the Senate March 18, 1985.

Passed the House April 17, 1985.

Approved by the Governor May 16, 1985.

Filed in Office of Secretary of State May 16, 1985.

CHAPTER 322

[Senate Bill No. 3829]

PHYSICIAN LICENSURE—ACUPUNCTURE LICENSURE

AN ACT Relating to medical practice; amending RCW 18.71.050, 18.71.070, 18.71.095, and 18.71A.080; reenacting and amending RCW 18.71.040 and 18.71.080; and reenacting RCW 18.71.090.

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

Sec. 1. Section 35, chapter 202, Laws of 1955 as amended by section 61, chapter 30, Laws of 1975 1st ex. sess. and by section 6, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.040 are each reenacted and amended to read as follows:

Every applicant for a certificate to practice medicine and surgery shall pay a fee determined by the director as provided in RCW ((43.24.085 as

~~now or hereafter amended. In addition to the application fee provided for herein, every applicant for licensure by examination shall pay an examination fee of one hundred dollars, which sum shall be refunded in the event the board determines that the applicant is not eligible for examination. In addition to the application fee provided for herein, every applicant for licensure by reciprocity or waiver of examination shall pay a fee of fifty dollars. The director shall charge a fee of fifteen dollars for license certifications)~~ 43.24.086.

Sec. 2. 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:

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

(2) That ~~((he))~~ the applicant has completed ~~((one))~~ two years of post-graduate medical training in a program acceptable to the board, provided that applicants graduating before the effective date of this 1985 act may complete only one year of post-graduate medical training;

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

(4) 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))~~ the applicant's license to practice medicine is not at the time of the application revoked or suspended by any licensing agency and that ~~((he))~~ the applicant 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.

Nothing in this section shall be construed as prohibiting the board from requiring such additional information from applicants as it deems necessary.

Sec. 3. Section 6, chapter 192, Laws of 1909 as last amended by section 10, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.070 are each amended to read as follows:

With the exception of those applicants granted licensure through the provisions of RCW 18.71.090 or 18.71.095, applicants for licensure must successfully complete an examination administered by the board to determine their professional qualifications. The board shall prepare and give, or

approve the preparation and giving of, an examination which shall cover those general subjects and topics, a knowledge of which is commonly and generally required of candidates for the degree of doctor of medicine conferred by approved colleges or schools of medicine in the United States. Notwithstanding any other provision of law, 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.

The board may by rule establish the passing grade for the examination (~~(, and in so doing may grant credit based on experience. In no event, however, shall credit for experience exceed five percent of the total possible grade)~~).

Examination results shall be part of the records of the board and shall be permanently kept with the applicant's file.

Sec. 4. Section 36, chapter 202, Laws of 1955 as last amended by section 53, chapter 158, Laws of 1979 and by sections 54 and 55, chapter 158, Laws of 1979 and RCW 18.71.080 are each reenacted and amended to read as follows:

Every person licensed to practice medicine in this state shall register with the director of licensing annually, and pay an annual renewal registration fee determined by the director as provided in RCW (~~(43.24.085 as now or hereafter amended, on or before the first day of July of each year)~~) 43.24.086. The board may establish rules and regulations governing mandatory continuing education requirements which shall be met by physicians applying for renewal of licenses. Any failure to register and pay the annual renewal registration fee shall render the license invalid, but such license shall be reinstated upon written application therefor to the director, and payment to the state of a penalty fee determined by the director as provided in RCW (~~(43.24.085 as now or hereafter amended)~~) 43.24.086, together with all delinquent annual license renewal fees: **PROVIDED, HOWEVER,** That any person who fails to renew ((his)) the license for a period of three years, shall in no event be entitled to renew ((his)) the license under this section. Such a person in order to obtain a license to practice medicine in this state, shall file an original application as provided for in this chapter, along with the requisite fee therefor. The board, in its sole discretion, may permit such applicant to be licensed without examination if it is satisfied that such applicant meets all the requirements for licensure in this state, and is competent to engage in the practice of medicine.

Sec. 5. Section 11, chapter 134, Laws of 1919 as last amended by section 63, chapter 30, Laws of 1975 1st ex. sess. and by section 12, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.090 are each reenacted to read as follows:

Any applicant who meets the requirements of RCW 18.71.050 and has been licensed under the laws of another state, territory, or possession of the

United States, or of any province of Canada, or an applicant who has satisfactorily passed examinations given by the national board of medical examiners may, in the discretion of the board, be granted a license without examination on the payment of the fees required by this chapter: PROVIDED, That ~~((he))~~ the applicant must file with the board a copy of ~~((his))~~ the license certified by the proper authorities of the issuing state to be a full, true copy thereof, and must show that the standards, eligibility requirements and examinations of that state are at least equal in all respects to those of this state.

Sec. 6. 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 or the secretary of corrections, issue a limited license to practice medicine in this state to persons who have been accepted for employment by the department of social and health services or the department of corrections 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 or the department of corrections.

(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))~~ two years 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 or her duties as a resident physician and shall not authorize ~~((him))~~

the physician 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 chapter 18.72 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)~~) determined by the director as provided in RCW 43.24.086 and, in the event the license applied for is issued, a license fee at the rate provided for renewals of licenses generally. 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. 7. Section 2, chapter 233, Laws of 1977 ex. sess. and RCW 18.71A.080 are each amended to read as follows:

(1) The performance of acupuncture for the purpose of demonstration, therapy, or the induction of analgesia by a person licensed under this chapter shall be within the scope of practice authorized: PROVIDED, HOWEVER, That a person licensed to perform acupuncture under this section shall only do so under the direct supervision of a licensed physician.

(2) The board shall determine the qualifications of a person authorized to perform acupuncture under subsection (1) of this section. (~~(In establishing a procedure for certification of such practitioners the board shall consider a license or certificate which acknowledges that the person has the qualifications to practice acupuncture issued by the government of the Republic of China (Taiwan), the Peoples' Republic of China, British Crown Colony of Hong Kong, Korea, Great Britain, France, the Federated Republic of Germany (West Germany), Italy, Japan, or any other country or state which has generally equivalent standards of practices of acupuncture as determined by the board as evidence of such qualification:))~~)

(3) As used in this section "acupuncture" means the insertion of needles into the human body by piercing the skin of the body for the purpose of relieving pain, treating disease, or to produce analgesia, or as further defined by rules and regulations of the board.

Passed the Senate April 23, 1985.

Passed the House April 16, 1985.

Approved by the Governor May 16, 1985.

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CHAPTER 323

[Senate Bill No. 3851]

MINORS IN LICENSED LIQUOR PREMISES—CLASS EXPANDED

AN ACT Relating to presence of persons eighteen years of age or older on licensed premises; and amending RCW 66.44.316.

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

Sec. 1. Section 1, chapter 96, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 136, Laws of 1984 and RCW 66.44.316 are each amended to read as follows:

It is lawful for:

(1) Professional musicians, professional disc jockeys, or professional sound or lighting technicians actively engaged in support of professional musicians or professional disc jockeys, eighteen years of age and older, to enter and to remain in any premises licensed under the provisions of Title 66 RCW, but only during and in the course of their employment as musicians, disc jockeys, or sound or lighting technicians;

(2) Persons eighteen years of age and older performing janitorial services to enter and remain on premises licensed under the provisions of Title 66 RCW when the premises are closed but only during and in the course of their performance of janitorial services; ~~((and))~~

(3) Employees of amusement device companies, which employees are eighteen years of age or older, to enter and to remain in any premises licensed under the provisions of Title 66 RCW, but only during and in the course of their employment for the purpose of installing, maintaining, repairing, or removing an amusement device. For the purposes of this section amusement device means coin-operated video games, pinball machines, juke boxes, or other similar devices; and

(4) Security and law enforcement officers, and fire fighters eighteen years of age or older to enter and to remain in any premises licensed under Title 66 RCW, but only during and in the course of their official duties and only if they are not the direct employees of the licensee. However, the application of the subsection to security officers is limited to casual, isolated