

---

**SUBSTITUTE SENATE BILL 5829**

---

**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Thibaudeau and Winsley)

READ FIRST TIME 03/05/03.

1           AN ACT Relating to nursing technicians; reenacting and amending RCW  
2 18.130.040; adding new sections to chapter 18.79 RCW; and declaring an  
3 emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5           NEW SECTION. **Sec. 1.** The legislature finds a need to provide  
6 additional work-related opportunities for nursing students. Nursing  
7 students enrolled in bachelor of science programs or associate degree  
8 programs, working within the limits of their education, gain valuable  
9 judgment and knowledge through expanded work opportunities.

10           NEW SECTION. **Sec. 2.** (1) "Nursing technician" means a nursing  
11 student employed in a hospital licensed under chapter 70.41 RCW or a  
12 nursing home licensed under chapter 18.51 RCW, who:

13           (a) Is currently enrolled in good standing in a nursing program  
14 approved by the commission and has not graduated;

15           (b) Is a graduate of a nursing program approved by the commission  
16 who graduated within the past thirty days.

17           (2) No person may practice or represent oneself as a nursing

1 technician by use of any title or description of services without being  
2 registered under this chapter, unless otherwise exempted by this  
3 chapter.

4 (3) The commission may adopt rules to implement this act.

5 NEW SECTION. **Sec. 3.** (1) Nursing technicians are authorized to  
6 perform specific nursing functions within the limits of their  
7 education, up to their skill and knowledge, but they may not:

8 (a) Administer chemotherapy, blood or blood products, intravenous  
9 medications, or scheduled drugs, or carry out procedures on central  
10 lines;

11 (b) Assume ongoing responsibility for assessments, planning,  
12 implementation, or evaluation of the care of patients;

13 (c) Function independently, act as a supervisor, or delegate tasks  
14 to licensed practical nurses, nursing assistants, or unlicensed  
15 personnel; or

16 (d) Perform or attempt to perform nursing techniques or procedures  
17 for which the nursing technician lacks the appropriate knowledge,  
18 experience, and education.

19 (2) Nursing technicians may function only under the direct  
20 supervision of a registered nurse who agrees to act as supervisor and  
21 is immediately available to the nursing technician. The supervising  
22 registered nurse must have an unrestricted license with at least two  
23 years of clinical practice in the setting where the nursing technician  
24 works.

25 (3) Nursing technicians may only perform specific nursing functions  
26 based upon and limited to their education and when they have  
27 demonstrated the ability and been verified to safely perform these  
28 functions by the nursing program in which the nurse technician is  
29 enrolled. The nursing program providing verification is immune from  
30 liability for any nursing function performed or not performed by the  
31 nursing technician.

32 (4) Nursing technicians are responsible and accountable for their  
33 specific nursing functions.

34 NEW SECTION. **Sec. 4.** (1) Applications for registration must be  
35 submitted on forms provided by the secretary. The secretary may  
36 require any information and documentation that reasonably relates to

1 the need to determine whether the applicant meets the criteria for  
2 registration provided for in chapter 18.130 RCW. Each applicant shall  
3 pay a fee determined by the secretary under RCW 43.70.250. The fee  
4 must accompany the application.

5 (2) An applicant for registration as a nursing technician shall  
6 submit:

7 (a) A signed statement from the applicant's nursing program  
8 verifying enrollment in, or graduation from, the nursing program; and

9 (b) A signed statement from the applicant's employer certifying  
10 that the employer understands the role of the nursing technician and  
11 agrees to meet the requirements of subsection (4) of this section.

12 (3) The secretary shall issue a registration to an applicant who  
13 has met the requirements for registration or deny a registration to an  
14 applicant who does not meet the requirements, except that proceedings  
15 concerning the denial of registration based on unprofessional conduct  
16 or impairment are governed by the uniform disciplinary act, chapter  
17 18.130 RCW.

18 (4) The employer:

19 (a) Shall not require the nursing technician to work beyond his or  
20 her education and training;

21 (b) Shall verify that the nursing technician continues to qualify  
22 as a nursing technician as described in section 2 of this act;

23 (c) Shall advise the department and nursing program of any  
24 practice-related action taken against the nursing technician; and

25 (d) Shall maintain documentation of the specific nursing functions  
26 the nursing technician is authorized to perform.

27 NEW SECTION. **Sec. 5.** The department shall investigate complaints  
28 of violations of sections 3 and 4 of this act by an employer. Failure  
29 of an employer to comply with sections 3 and 4 of this act is  
30 punishable by a civil penalty not to exceed one thousand dollars per  
31 infraction. The department shall maintain records of all employers  
32 that have violated sections 3 and 4 of this act. The secretary shall  
33 adopt rules necessary to implement this section.

34 NEW SECTION. **Sec. 6.** The secretary shall establish by rule the  
35 procedural requirements and fees for renewal of the registration.  
36 Failure to renew invalidates the registration and all privileges

1 granted by the registration. For renewal of registration, a nursing  
2 technician must attest that he or she continues to qualify as a nursing  
3 technician as described in section 2 of this act.

4 **Sec. 7.** RCW 18.130.040 and 2002 c 223 s 6 and 2002 c 216 s 11 are  
5 each reenacted and amended to read as follows:

6 (1) This chapter applies only to the secretary and the boards and  
7 commissions having jurisdiction in relation to the professions licensed  
8 under the chapters specified in this section. This chapter does not  
9 apply to any business or profession not licensed under the chapters  
10 specified in this section.

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

- 13 (i) Dispensing opticians licensed under chapter 18.34 RCW;
- 14 (ii) Naturopaths licensed under chapter 18.36A RCW;
- 15 (iii) Midwives licensed under chapter 18.50 RCW;
- 16 (iv) Ocularists licensed under chapter 18.55 RCW;
- 17 (v) Massage operators and businesses licensed under chapter 18.108  
18 RCW;
- 19 (vi) Dental hygienists licensed under chapter 18.29 RCW;
- 20 (vii) Acupuncturists licensed under chapter 18.06 RCW;
- 21 (viii) Radiologic technologists certified and X-ray technicians  
22 registered under chapter 18.84 RCW;
- 23 (ix) Respiratory care practitioners licensed under chapter 18.89  
24 RCW;
- 25 (x) Persons registered under chapter 18.19 RCW;
- 26 (xi) Persons licensed as mental health counselors, marriage and  
27 family therapists, and social workers under chapter 18.225 RCW;
- 28 (xii) Persons registered as nursing pool operators under chapter  
29 18.52C RCW;
- 30 (xiii) Nursing assistants registered or certified under chapter  
31 18.88A RCW;
- 32 (xiv) Health care assistants certified under chapter 18.135 RCW;
- 33 (xv) Dietitians and nutritionists certified under chapter 18.138  
34 RCW;
- 35 (xvi) Chemical dependency professionals certified under chapter  
36 18.205 RCW;

1 (xvii) Sex offender treatment providers certified under chapter  
2 18.155 RCW;

3 (xviii) Persons licensed and certified under chapter 18.73 RCW or  
4 RCW 18.71.205;

5 (xix) Denturists licensed under chapter 18.30 RCW;

6 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

7 (xxi) Surgical technologists registered under chapter 18.215 RCW;

8 and

9 (xxii) Recreational therapists.

10 (b) The boards and commissions having authority under this chapter  
11 are as follows:

12 (i) The podiatric medical board as established in chapter 18.22  
13 RCW;

14 (ii) The chiropractic quality assurance commission as established  
15 in chapter 18.25 RCW;

16 (iii) The dental quality assurance commission as established in  
17 chapter 18.32 RCW;

18 (iv) The board of hearing and speech as established in chapter  
19 18.35 RCW;

20 (v) The board of examiners for nursing home administrators as  
21 established in chapter 18.52 RCW;

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

24 (vii) The board of osteopathic medicine and surgery as established  
25 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
26 18.57A RCW;

27 (viii) The board of pharmacy as established in chapter 18.64 RCW  
28 governing licenses issued under chapters 18.64 and 18.64A RCW;

29 (ix) The medical quality assurance commission as established in  
30 chapter 18.71 RCW governing licenses and registrations issued under  
31 chapters 18.71 and 18.71A RCW;

32 (x) The board of physical therapy as established in chapter 18.74  
33 RCW;

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

36 (xii) The nursing care quality assurance commission as established  
37 in chapter 18.79 RCW governing licenses and registrations issued under  
38 that chapter;

1 (xiii) The examining board of psychology and its disciplinary  
2 committee as established in chapter 18.83 RCW; and

3 (xiv) The veterinary board of governors as established in chapter  
4 18.92 RCW.

5 (3) In addition to the authority to discipline license holders, the  
6 disciplining authority has the authority to grant or deny licenses  
7 based on the conditions and criteria established in this chapter and  
8 the chapters specified in subsection (2) of this section. This chapter  
9 also governs any investigation, hearing, or proceeding relating to  
10 denial of licensure or issuance of a license conditioned on the  
11 applicant's compliance with an order entered pursuant to RCW 18.130.160  
12 by the disciplining authority.

13 (4) All disciplining authorities shall adopt procedures to ensure  
14 substantially consistent application of this chapter, the Uniform  
15 Disciplinary Act, among the disciplining authorities listed in  
16 subsection (2) of this section.

17 NEW SECTION. **Sec. 8.** Sections 1 through 6 of this act are each  
18 added to chapter 18.79 RCW.

19 NEW SECTION. **Sec. 9.** If any provision of this act or its  
20 application to any person or circumstance is held invalid, the  
21 remainder of the act or the application of the provision to other  
22 persons or circumstances is not affected.

23 NEW SECTION. **Sec. 10.** This act is necessary for the immediate  
24 preservation of the public peace, health, or safety, or support of the  
25 state government and its existing public institutions, and takes effect  
26 immediately.

--- END ---