
HOUSE BILL 1863

State of Washington

67th Legislature

2022 Regular Session

By Representative Macri

Prefiled 01/07/22.

1 AN ACT Relating to authorizing the prescriptive authority of
2 psychologists; amending RCW 18.83.010, 18.83.035, 18.83.050,
3 18.83.080, 18.83.090, 18.64.011, and 18.79.260; reenacting and
4 amending RCW 69.50.101; adding new sections to chapter 18.83 RCW;
5 creating a new section; and providing an effective date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that:

8 (1) One in five adults experience a mental illness each year and
9 more than half of adults report that the COVID-19 pandemic has had a
10 negative impact on their mental health;

11 (2) More than half of people with a mental health condition did
12 not receive any treatment in the last year;

13 (3) According to the 2017 behavioral health workforce assessment
14 report, Washington state has a lack of prescribers comfortable with
15 prescribing psychiatric medications to support the behavioral health
16 needs of the state;

17 (4) Washington state has experience credentialing health
18 professions, such as advanced registered nurse practitioners, to
19 safely prescribe a variety of medications, including psychotropics;

20 (5) The training program for advanced registered nurse
21 practitioners has been shown to excel in training prescribers;

1 (6) A local accredited institution is creating a masters in
2 clinical psychopharmacology program for psychologists and it will be
3 substantially equivalent to the education required of an advanced
4 practice psychiatric nurse; and

5 (7) Five other states, the department of defense, and the Indian
6 health service have all successfully credentialed psychologists to
7 safely prescribe psychotropic medications.

8 **Sec. 2.** RCW 18.83.010 and 1994 c 35 s 1 are each amended to read
9 as follows:

10 ~~((When used in this chapter:~~

11 ~~(1) The "practice))~~ The definitions in this section apply
12 throughout this chapter unless the context clearly requires
13 otherwise.

14 (1) "Board" means the examining board of psychology.

15 (2) "Clinical experience" means a period of supervised clinical
16 training and practice in which clinical diagnoses and interventions
17 are learned and which is conducted and supervised as part of the
18 training program.

19 (3) "Clinical prescribing fellowship" means an intensive and
20 closely supervised experience in prescribing psychology with a
21 minimum of 100 patients for no less than 500 hours. The prescribing
22 psychology fellowship is the final stage of practical training, which
23 takes place after the completion of the didactic curriculum, at the
24 postdoctoral level, and after becoming a licensed psychologist.

25 (4) "Department" means the department of health.

26 (5) "Practice of psychology" means the observation, evaluation,
27 interpretation, and modification of human behavior by the application
28 of psychological principles, methods, and procedures for the purposes
29 of preventing or eliminating symptomatic or maladaptive behavior and
30 promoting mental and behavioral health. It includes, but is not
31 limited to, providing the following services to individuals,
32 families, groups, organizations, and the public, whether or not
33 payment is received for services rendered:

34 (a) Psychological measurement, assessment, and evaluation by
35 means of psychological, neuropsychological, and psychoeducational
36 testing;

37 (b) Diagnosis and treatment of mental, emotional, and behavioral
38 disorders, and psychological aspects of illness, injury, and
39 disability; and

1 (c) Counseling and guidance, psychotherapeutic techniques,
2 remediation, health promotion, and consultation within the context of
3 established psychological principles and theories.

4 This definition does not include the teaching of principles of
5 psychology for accredited educational institutions, or the conduct of
6 research in problems of human or animal behavior.

7 ~~((Nothing in this definition shall be construed as permitting the
8 administration or prescribing of drugs or in any way infringing upon
9 the practice of medicine and surgery as defined in chapter 18.71 RCW.~~

10 ~~(2-))~~ (6) "Prescribing psychologist" means a person who holds an
11 active license to engage in the practice of psychology under this
12 chapter and holds an active certificate to exercise prescriptive
13 authority under the standards of section 3 of this act.

14 (7) "Prescription" has the same meaning as defined in RCW
15 18.64.011.

16 (8) "Prescriptive authority" means the authority of a prescribing
17 psychologist to prescribe, administer, discontinue, and distribute
18 psychotropic medications recognized or customarily used in the
19 diagnosis, treatment, and management of individuals with psychiatric,
20 mental, cognitive, nervous, emotional, developmental, or behavioral
21 disorders identified in the most recent edition of a widely accepted
22 classification system of mental disorders, as identified by the
23 secretary. The term includes ordering and obtaining necessary
24 laboratory tests, procedures, and diagnostic examinations.

25 (9) "Psychotropic medication" means substances recognized as
26 drugs, including controlled substances used to treat mental
27 illnesses, in the official United States pharmacopoeia, official
28 homeopathic pharmacopoeia of the United States, official national
29 formulary, or any respective supplement to those publications.

30 (10) "Secretary" means the secretary of health.

31 ~~((3) "Board" means the examining board of psychology.~~

32 ~~(4) "Department" means the department of health.))~~

33 NEW SECTION. Sec. 3. A new section is added to chapter 18.83
34 RCW to read as follows:

35 (1) A psychologist who is licensed under this chapter may apply
36 for certification as a prescribing psychologist to allow the
37 psychologist to exercise prescriptive authority.

38 (2) The board shall certify an applicant as a prescribing
39 psychologist if the applicant demonstrates to the board, by official

1 transcript or other official evidence satisfactory to the board, that
2 the applicant:

3 (a) Holds a current license as a psychologist under this chapter;

4 (b) Holds a doctorate degree obtained from an integrated program
5 of graduate study in psychology, as defined by rules of the board;

6 (c) Has successfully completed a master's degree in clinical
7 psychopharmacology awarded by an education program that meets the
8 criteria established in subsection (3) of this section;

9 (d) Has successfully completed a supervised clinical experience
10 in physical assessment comprised of no less than 80 hours. This
11 clinical experience must be supervised by a medical provider licensed
12 to conduct independent physical assessments including physical
13 examinations with instruction in the proper use of instruments used
14 in physical examination;

15 (e) Has successfully completed a clinical prescribing fellowship
16 to obtain clinical experience sufficient to attain competency in the
17 psychopharmacological treatment of a diverse patient population under
18 the supervision of qualified practitioners, to be comprised of no
19 less than 500 hours and 100 individual patients. Qualified
20 supervisors are licensed health care providers with specialized
21 training and experience in the management of psychotropic medication
22 who are licensed in Washington state or pursuant to a substantially
23 equivalent licensing provision of the law of another state, as
24 established by the board, including physicians, osteopathic
25 physicians, psychiatric nurse practitioners, or prescribing
26 psychologists; and

27 (f) Has passed an examination relevant to establishing competence
28 for prescribing as developed by a nationally recognized organization
29 and approved by the board.

30 (3) To meet the criteria under subsection (2)(c) of this section
31 for educational programs, the educational program must be an
32 accredited program within a regionally accredited institution of
33 higher education that is approved by the United States department of
34 education. The program must satisfy the requirements to become
35 designated an education and training program in clinical
36 psychopharmacology according to standards adopted by the board, which
37 may use the standards of an association with relevant education and
38 training program standards, such as the American psychological
39 association. The program must be established and administered in
40 accordance with the board's standards, including any guidelines

1 established by an association approved by the board and must
2 demonstrate that all content is covered and that students achieve
3 clinical competency in all areas.

4 (a) The necessary prerequisites for the educational program shall
5 be determined by the institution that offers the degree.

6 (b) The didactic portion of the educational program shall be at
7 least two years of full-time education, a minimum of 400 contact
8 hours, or the equivalent thereof, and shall include sufficient
9 biomedical education to ensure the necessary knowledge and skills to
10 prescribe psychotropic medications in a safe and effective manner.
11 The didactic portion of the educational program must consist of an
12 appropriate number of didactic hours to assure acquisition of the
13 necessary knowledge and skills to prescribe in a safe and effective
14 manner including, but not limited to:

15 (i) Science prerequisites, including human anatomy and human
16 physiology, and a course in biology;

17 (ii) Basic science, including human anatomy, human physiology,
18 biochemistry, and genetics;

19 (iii) Functional neuroscience, including neuroanatomy,
20 neurophysiology, and neurochemistry;

21 (iv) Physical examinations, including the measurement and
22 interpretation of vital signs and neurological, cardiovascular,
23 respiratory, abdominal, eye, ear, nose, throat, gastrointestinal,
24 genitourinary, integumentary, allergic and immunologic, and
25 musculoskeletal examinations;

26 (v) Interpretation of laboratory tests, including therapeutic
27 drug monitoring, blood and urine tests, radiology, electrocardiogram,
28 brain electrophysiology, neuroimaging techniques, and applied
29 genetics;

30 (vi) Pathological basis of disease, including pathophysiology of
31 common clinical cardiovascular, respiratory, gastrointestinal,
32 hepatic, neurological, and endocrine conditions;

33 (vii) Clinical medicine, including clinical manifestations,
34 differential diagnosis, and laboratory or radiological evaluation of
35 commonly encountered medical conditions, including patients with
36 complex medical needs and comorbidities, and medical emergencies and
37 their management;

38 (viii) Clinical neurotherapeutics, including electrophysiology,
39 electroconvulsive therapy and noninvasive interventions, including
40 transcranial magnetic stimulation, neurofeedback, and biofeedback;

1 (ix) Systems of care, including coordination of care with other
2 medical specialties, consultations and referrals, and coordination
3 and consultation in long-term care;

4 (x) Pharmacology, including pharmacokinetics and drug delivery
5 systems, pharmacodynamics, neuropharmacology, toxicology, and
6 mechanisms of medication interactions;

7 (xi) Clinical pharmacology, including major drug classes and
8 nutritional supplements;

9 (xii) Psychopharmacology, including sedatives and hypnotics,
10 antidepressants, antipsychotics, mood stabilizers, anxiolytics,
11 stimulants, medications for drug dependence, medications for drug
12 adverse effects, pediatric psychopharmacology, geriatric
13 psychopharmacology, including medications for cognitive impairment
14 and polypharmacy, issues of diversity and cultural competence in
15 pharmacological practice, clinical decision making and standard
16 practice guidelines, and guidelines for prescribing controlled
17 substances;

18 (xiii) Psychopharmacology research, including phases of drug
19 development, clinical trials in psychiatry, and critical evaluation
20 of evidence;

21 (xiv) Professional, ethical, and legal issues, including
22 conflicts of interest and relationships with the industry, scope of
23 practice issues, diversity and equity issues related to treatment
24 access and adherence and documentation, including nomenclature,
25 abbreviations, and prescription writing.

26 (4) The board may waive certain requirements for applicants who
27 have obtained relevant training and experience including
28 psychologists who are dually licensed as physicians, nurse
29 practitioners, or other health professionals with comparable
30 prescriptive authority in Washington.

31 (5) The board may offer a certificate in prescriptive authority
32 by endorsement to an applicant who has a current and unrestricted
33 license to practice psychology and a current and unrestricted
34 certificate in prescriptive authority from another state, or training
35 from the United States department of defense demonstration project or
36 other similar program developed and operated by any branch of the
37 armed forces that imposes substantially equivalent educational and
38 training requirements as those contained in this chapter and required
39 by the board. Upon payment of the required fees, compliance with
40 relevant statutory provisions, and the approval of the application,

1 the applicant may be certified by endorsement pursuant to this
2 chapter. The board may consider an applicant's experience in
3 prescribing in another state as meeting a portion of the requirements
4 necessary to obtain provisional certification or certification under
5 this chapter, but also shall require additional education and
6 supervision if the board deems it necessary to meet the education and
7 training requirements imposed by this chapter.

8 (6) A certificate issued under this section may be renewed in
9 accordance with RCW 18.83.090.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.83
11 RCW to read as follows:

12 (1) Prescribing psychologists may exercise prescriptive authority
13 as provided in this chapter.

14 (2) A psychologist may not exercise prescriptive authority unless
15 the psychologist holds a valid certificate as a prescribing
16 psychologist under section 3 of this act.

17 (3) When prescribing psychotropic medication for a patient, a
18 prescribing psychologist must maintain an ongoing collaborative
19 relationship with a health care practitioner who oversees the
20 patient's general medical care to ensure that necessary medical
21 examinations are conducted and that the psychotropic medication is
22 appropriate for the patient's medical condition. The prescribing
23 psychologist and the health care practitioner shall coordinate the
24 patient's ongoing care.

25 (4) A prescribing psychologist may not prescribe opioid
26 medications.

27 (5) Each prescription issued by a prescribing psychologist must:

28 (a) Comply with all applicable state and federal laws and
29 regulations; and

30 (b) Be identified as written by the prescribing psychologist in a
31 manner determined by the board.

32 (6) A record of all prescriptions must be maintained in the
33 patient's record.

34 (7) A prescribing psychologist may not delegate the authority to
35 prescribe drugs and controlled substances to any other person.

36 (8) A prescribing psychologist who is authorized to prescribe
37 controlled substances must submit to the board, in a timely manner,
38 the prescribing psychologist's drug enforcement agency registration
39 number.

1 **Sec. 5.** RCW 18.83.035 and 1989 c 226 s 1 are each amended to
2 read as follows:

3 There is created the examining board of psychology which shall
4 examine the qualifications of applicants for licensing. The board
5 shall consist of seven psychologists, one expert on psychiatric
6 prescribing, and two public members, all appointed by the governor.
7 The public members shall not be and have never been psychologists or
8 in training to be psychologists; they may not have any household
9 member who is a psychologist or in training to be a psychologist;
10 they may not participate or ever have participated in a commercial or
11 professional field related to psychology, nor have a household member
12 who has so participated; and they may not have had within two years
13 before appointment a substantial financial interest in a person
14 regulated by the board. Each psychologist member of the board shall
15 be a citizen of the United States who has actively practiced
16 psychology in the state of Washington for at least three years
17 immediately preceding appointment and who is licensed under this
18 chapter. One board member shall have specialized training and
19 experience in the management of psychotropic medication to provide
20 expertise on psychopharmacology and psychiatric prescribing. This
21 appointed board member should be either a prescribing psychologist,
22 physician or osteopathic physician with special knowledge of
23 psychopharmacology, psychiatric nurse practitioner, or pharmacist
24 with expertise in psychopharmacology. Board members shall be
25 appointed for a term of five years, except that the terms of the
26 existing appointees shall be adjusted by the governor so that no more
27 than two members' terms expire each year with all subsequent
28 appointments for a five-year term. Upon the death, resignation, or
29 removal of a member, the governor shall appoint a successor to serve
30 for the unexpired term. The board shall elect one of its members to
31 serve as chairperson.

32 **Sec. 6.** RCW 18.83.050 and 2004 c 262 s 8 are each amended to
33 read as follows:

34 (1) The board shall adopt such rules as it deems necessary to
35 carry out its functions.

36 (2) The board shall examine the qualifications of applicants for
37 licensing under this chapter, to determine which applicants are
38 eligible for licensing under this chapter and shall forward to the
39 secretary the names of applicants so eligible.

1 (3) The board shall administer examinations to qualified
2 applicants on at least an annual basis. The board shall determine the
3 subject matter and scope of the examination, except as provided in
4 RCW 18.83.170. The board may allow applicants to take the examination
5 upon the granting of their doctoral degree before completion of their
6 internship for supervised experience.

7 (4) The board shall:

8 (a) Develop and implement procedures for reviewing the education
9 and training credentials of applicants for certification as a
10 prescribing psychologist;

11 (b) Certify an applicant as a prescribing psychologist if the
12 applicant meets the qualifications of section 3 of this act;

13 (c) Adopt rules, in consultation with the Washington state
14 medical commission, to establish standards for the certification of
15 prescribing psychologists in accordance with section 3 of this act
16 and their exercise of prescriptive authority under this chapter; and

17 (d) Adopt rules for denying, modifying, suspending, or revoking
18 the certification of a prescribing psychologist. The board may
19 require remediation of any deficiencies in the training or practice
20 pattern of the prescribing psychologist when, in the judgment of the
21 board, such deficiencies could reasonably be expected to jeopardize
22 the health, safety, or welfare of the public.

23 (5) The board shall maintain a current list of every prescribing
24 psychologist's license and certification numbers and the drug
25 enforcement agency registration number.

26 (6) (a) The board shall transmit to the pharmacy quality assurance
27 commission an initial list of prescribing psychologists. The list
28 must contain:

29 (i) The name of each prescribing psychologist;

30 (ii) Each prescribing psychologist's identification number
31 assigned by the board; and

32 (iii) The effective date of each prescribing psychologist's
33 certification.

34 (b) The board shall promptly notify the pharmacy quality
35 assurance commission of:

36 (i) Any additions to the initial list as new prescribing
37 psychologists are certified; and

38 (ii) The termination, suspension, or reinstatement of any
39 prescribing psychologist's certification.

1 (7) The board shall keep a complete record of its own
2 proceedings, of the questions given in examinations, of the names and
3 qualifications of all applicants, and the names and addresses of all
4 licensed psychologists. The examination paper of such applicant shall
5 be kept on file for a period of at least one year after examination.

6 ~~((+5+))~~ (8) The board shall, by rule, adopt a code of ethics for
7 psychologists which is designed to protect the public interest.

8 ~~((+6+))~~ (9) The board may require that persons licensed under
9 this chapter as psychologists obtain and maintain professional
10 liability insurance in amounts determined by the board to be
11 practicable and reasonably available.

12 **Sec. 7.** RCW 18.83.080 and 1996 c 191 s 66 are each amended to
13 read as follows:

14 The board shall forward to the secretary the name of each
15 applicant entitled to a license or certificate as a prescribing
16 psychologist under this chapter. The secretary shall promptly issue
17 to such applicant a license authorizing such applicant to use the
18 title "psychologist" or a certificate authorizing such applicant to
19 use the title "prescribing psychologist". Each licensed psychologist
20 shall keep his or her psychologist license and, if applicable,
21 prescribing psychologist certificate displayed in a conspicuous place
22 in his or her principal place of business.

23 **Sec. 8.** RCW 18.83.090 and 2009 c 492 s 6 are each amended to
24 read as follows:

25 (1) The board shall establish rules governing mandatory
26 continuing education requirements which shall be met by any
27 psychologist applying for a psychologist license renewal or a
28 prescribing psychologist certificate renewal.

29 (2) The office of crime victims advocacy shall supply the board
30 with information on methods of recognizing victims of human
31 trafficking, what services are available for these victims, and where
32 to report potential trafficking situations. The information supplied
33 must be culturally sensitive and must include information relating to
34 minor victims. The board shall disseminate this information to
35 licensees by: Providing the information on the board's website;
36 including the information in newsletters; holding trainings at
37 meetings attended by organization members; or ~~((through))~~ another
38 distribution method determined by the board. The board shall report

1 to the office of crime victims advocacy on the method or methods it
2 uses to distribute information under this subsection.

3 (3) Administrative procedures, administrative requirements, and
4 fees for renewal and reissue of licenses and certificates shall be
5 established as provided in RCW 43.70.250 and 43.70.280.

6 (4) (a) The board shall establish rules for the renewal of a
7 prescribing psychologist certificate issued under section 3 of this
8 act at the time of the renewal of the psychologist's license to
9 practice psychology.

10 (b) Each applicant for renewal of a prescribing psychologist
11 certificate shall present satisfactory evidence to the board
12 demonstrating the completion of continuing education instruction
13 relevant to prescriptive authority during the previous three-year
14 renewal period.

15 **Sec. 9.** RCW 18.64.011 and 2021 c 78 s 1 are each amended to read
16 as follows:

17 The definitions in this section apply throughout this chapter
18 unless the context clearly requires otherwise.

19 (1) "Administer" means the direct application of a drug or
20 device, whether by injection, inhalation, ingestion, or any other
21 means, to the body of a patient or research subject.

22 (2) "Business licensing system" means the mechanism established
23 by chapter 19.02 RCW by which business licenses, endorsed for
24 individual state-issued licenses, are issued and renewed utilizing a
25 business license application and a business license expiration date
26 common to each renewable license endorsement.

27 (3) "Chart order" means a lawful order for a drug or device
28 entered on the chart or medical record of an inpatient or resident of
29 an institutional facility by a practitioner or his or her designated
30 agent.

31 (4) "Closed door long-term care pharmacy" means a pharmacy that
32 provides pharmaceutical care to a defined and exclusive group of
33 patients who have access to the services of the pharmacy because they
34 are treated by or have an affiliation with a long-term care facility
35 or hospice program, and that is not a retailer of goods to the
36 general public.

37 (5) "Commission" means the pharmacy quality assurance commission.

38 (6) "Compounding" means the act of combining two or more
39 ingredients in the preparation of a prescription. Reconstitution and

1 mixing of (a) sterile products according to federal food and drug
2 administration-approved labeling does not constitute compounding if
3 prepared pursuant to a prescription and administered immediately or
4 in accordance with package labeling, and (b) nonsterile products
5 according to federal food and drug administration-approved labeling
6 does not constitute compounding if prepared pursuant to a
7 prescription.

8 (7) "Controlled substance" means a drug or substance, or an
9 immediate precursor of such drug or substance, so designated under or
10 pursuant to the provisions of chapter 69.50 RCW.

11 (8) "Deliver" or "delivery" means the actual, constructive, or
12 attempted transfer from one person to another of a drug or device,
13 whether or not there is an agency relationship.

14 (9) "Department" means the department of health.

15 (10) "Device" means instruments, apparatus, and contrivances,
16 including their components, parts, and accessories, intended (a) for
17 use in the diagnosis, cure, mitigation, treatment, or prevention of
18 disease in human beings or other animals, or (b) to affect the
19 structure or any function of the body of human beings or other
20 animals.

21 (11) "Dispense" means the interpretation of a prescription or
22 order for a drug, biological, or device and, pursuant to that
23 prescription or order, the proper selection, measuring, compounding,
24 labeling, or packaging necessary to prepare that prescription or
25 order for delivery.

26 (12) "Distribute" means the delivery of a drug or device other
27 than by administering or dispensing.

28 (13) "Drug" and "devices" do not include surgical or dental
29 instruments or laboratory materials, gas and oxygen, therapy
30 equipment, X-ray apparatus or therapeutic equipment, their component
31 parts or accessories, or equipment, instruments, apparatus, or
32 contrivances used to render such articles effective in medical,
33 surgical, or dental treatment, or for use or consumption in or for
34 mechanical, industrial, manufacturing, or scientific applications or
35 purposes. "Drug" also does not include any article or mixture covered
36 by the Washington pesticide control act (chapter 15.58 RCW), as
37 enacted or hereafter amended, nor medicated feed intended for and
38 used exclusively as a feed for animals other than human beings.

39 (14) "Drugs" means:

1 (a) Articles recognized in the official United States
2 pharmacopoeia or the official homeopathic pharmacopoeia of the United
3 States;

4 (b) Substances intended for use in the diagnosis, cure,
5 mitigation, treatment, or prevention of disease in human beings or
6 other animals;

7 (c) Substances (other than food) intended to affect the structure
8 or any function of the body of human beings or other animals; or

9 (d) Substances intended for use as a component of any substances
10 specified in (a), (b), or (c) of this subsection, but not including
11 devices or their component parts or accessories.

12 (15) "Health care entity" means an organization that provides
13 health care services in a setting that is not otherwise licensed by
14 the state to acquire or possess legend drugs. Health care entity
15 includes a freestanding outpatient surgery center, a residential
16 treatment facility, and a freestanding cardiac care center. "Health
17 care entity" does not include an individual practitioner's office or
18 a multipractitioner clinic, regardless of ownership, unless the owner
19 elects licensure as a health care entity. "Health care entity" also
20 does not include an individual practitioner's office or
21 multipractitioner clinic identified by a hospital on a pharmacy
22 application or renewal pursuant to RCW 18.64.043.

23 (16) "Hospice program" means a hospice program certified or paid
24 by medicare under Title XVIII of the federal social security act, or
25 a hospice program licensed under chapter 70.127 RCW.

26 (17) "Institutional facility" means any organization whose
27 primary purpose is to provide a physical environment for patients to
28 obtain health care services including, but not limited to, services
29 in a hospital, long-term care facility, hospice program, mental
30 health facility, drug abuse treatment center, residential
31 habilitation center, or a local, state, or federal correction
32 facility.

33 (18) "Labeling" means the process of preparing and affixing a
34 label to any drug or device container. The label must include all
35 information required by current federal and state law and pharmacy
36 rules.

37 (19) "Legend drugs" means any drugs which are required by any
38 applicable federal or state law or regulation to be dispensed on
39 prescription only or are restricted to use by practitioners only.

1 (20) "Long-term care facility" means a nursing home licensed
2 under chapter 18.51 RCW, an assisted living facility licensed under
3 chapter 18.20 RCW, or an adult family home licensed under chapter
4 70.128 RCW.

5 (21) "Manufacture" means the production, preparation,
6 propagation, compounding, or processing of a drug or other substance
7 or device or the packaging or repackaging of such substance or
8 device, or the labeling or relabeling of the commercial container of
9 such substance or device, but does not include the activities of a
10 practitioner who, as an incident to his or her administration or
11 dispensing such substance or device in the course of his or her
12 professional practice, personally prepares, compounds, packages, or
13 labels such substance or device. "Manufacture" includes the
14 distribution of a licensed pharmacy compounded drug product to other
15 state licensed persons or commercial entities for subsequent resale
16 or distribution, unless a specific product item has approval of the
17 commission. The term does not include:

18 (a) The activities of a licensed pharmacy that compounds a
19 product on or in anticipation of an order of a licensed practitioner
20 for use in the course of their professional practice to administer to
21 patients, either personally or under their direct supervision;

22 (b) The practice of a licensed pharmacy when repackaging
23 commercially available medication in small, reasonable quantities for
24 a practitioner legally authorized to prescribe the medication for
25 office use only;

26 (c) The distribution of a drug product that has been compounded
27 by a licensed pharmacy to other appropriately licensed entities under
28 common ownership or control of the facility in which the compounding
29 takes place; or

30 (d) The delivery of finished and appropriately labeled compounded
31 products dispensed pursuant to a valid prescription to alternate
32 delivery locations, other than the patient's residence, when
33 requested by the patient, or the prescriber to administer to the
34 patient, or to another licensed pharmacy to dispense to the patient.

35 (22) "Manufacturer" means a person, corporation, or other entity
36 engaged in the manufacture of drugs or devices.

37 (23) "Nonlegend" or "nonprescription" drugs means any drugs which
38 may be lawfully sold without a prescription.

1 (24) "Person" means an individual, corporation, government,
2 governmental subdivision or agency, business trust, estate, trust,
3 partnership or association, or any other legal entity.

4 (25) "Pharmacist" means a person duly licensed by the commission
5 to engage in the practice of pharmacy.

6 (26) "Pharmacy" means every place properly licensed by the
7 commission where the practice of pharmacy is conducted.

8 (27) "Poison" does not include any article or mixture covered by
9 the Washington pesticide control act (chapter 15.58 RCW), as enacted
10 or hereafter amended.

11 (28) "Practice of pharmacy" includes the practice of and
12 responsibility for: Interpreting prescription orders; the
13 compounding, dispensing, labeling, administering, and distributing of
14 drugs and devices; the monitoring of drug therapy and use; the
15 initiating or modifying of drug therapy in accordance with written
16 guidelines or protocols previously established and approved for his
17 or her practice by a practitioner authorized to prescribe drugs; the
18 participating in drug utilization reviews and drug product selection;
19 the proper and safe storing and distributing of drugs and devices and
20 maintenance of proper records thereof; the providing of information
21 on legend drugs which may include, but is not limited to, the
22 advising of therapeutic values, hazards, and the uses of drugs and
23 devices.

24 (29) "Practitioner" means a physician, dentist, veterinarian,
25 nurse, prescribing psychologist, or other person duly authorized by
26 law or rule in the state of Washington to prescribe drugs.

27 (30) "Prescription" means an order for drugs or devices issued by
28 a practitioner duly authorized by law or rule in the state of
29 Washington to prescribe drugs or devices in the course of his or her
30 professional practice for a legitimate medical purpose.

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

33 (32) "Shared pharmacy services" means a system that allows a
34 participating pharmacist or pharmacy pursuant to a request from
35 another participating pharmacist or pharmacy to process or fill a
36 prescription or drug order, which may include but is not necessarily
37 limited to preparing, packaging, labeling, data entry, compounding
38 for specific patients, dispensing, performing drug utilization
39 reviews, conducting claims adjudication, obtaining refill

1 authorizations, reviewing therapeutic interventions, or reviewing
2 chart orders.

3 (33) "Wholesaler" means a corporation, individual, or other
4 entity which buys drugs or devices for resale and distribution to
5 corporations, individuals, or entities other than consumers.

6 **Sec. 10.** RCW 18.79.260 and 2020 c 80 s 18 are each amended to
7 read as follows:

8 (1) A registered nurse under his or her license may perform for
9 compensation nursing care, as that term is usually understood, to
10 individuals with illnesses, injuries, or disabilities.

11 (2) A registered nurse may, at or under the general direction of
12 a licensed physician and surgeon, dentist, osteopathic physician and
13 surgeon, naturopathic physician, optometrist, podiatric physician and
14 surgeon, physician assistant, advanced registered nurse practitioner,
15 prescribing psychologist, or midwife acting within the scope of his
16 or her license, administer medications, treatments, tests, and
17 inoculations, whether or not the severing or penetrating of tissues
18 is involved and whether or not a degree of independent judgment and
19 skill is required. Such direction must be for acts which are within
20 the scope of registered nursing practice.

21 (3) A registered nurse may delegate tasks of nursing care to
22 other individuals where the registered nurse determines that it is in
23 the best interest of the patient.

24 (a) The delegating nurse shall:

25 (i) Determine the competency of the individual to perform the
26 tasks;

27 (ii) Evaluate the appropriateness of the delegation;

28 (iii) Supervise the actions of the person performing the
29 delegated task; and

30 (iv) Delegate only those tasks that are within the registered
31 nurse's scope of practice.

32 (b) A registered nurse, working for a home health or hospice
33 agency regulated under chapter 70.127 RCW, may delegate the
34 application, instillation, or insertion of medications to a
35 registered or certified nursing assistant under a plan of care.

36 (c) Except as authorized in (b) or (e) of this subsection, a
37 registered nurse may not delegate the administration of medications.
38 Except as authorized in (e) of this subsection, a registered nurse
39 may not delegate acts requiring substantial skill, and may not

1 delegate piercing or severing of tissues. Acts that require nursing
2 judgment shall not be delegated.

3 (d) No person may coerce a nurse into compromising patient safety
4 by requiring the nurse to delegate if the nurse determines that it is
5 inappropriate to do so. Nurses shall not be subject to any employer
6 reprisal or disciplinary action by the nursing care quality assurance
7 commission for refusing to delegate tasks or refusing to provide the
8 required training for delegation if the nurse determines delegation
9 may compromise patient safety.

10 (e) For delegation in community-based care settings or in-home
11 care settings, a registered nurse may delegate nursing care tasks
12 only to registered or certified nursing assistants or home care aides
13 certified under chapter 18.88B RCW. Simple care tasks such as blood
14 pressure monitoring, personal care service, diabetic insulin device
15 set up, verbal verification of insulin dosage for sight-impaired
16 individuals, or other tasks as defined by the nursing care quality
17 assurance commission are exempted from this requirement.

18 (i) "Community-based care settings" includes: Community
19 residential programs for people with developmental disabilities,
20 certified by the department of social and health services under
21 chapter 71A.12 RCW; adult family homes licensed under chapter 70.128
22 RCW; and assisted living facilities licensed under chapter 18.20 RCW.
23 Community-based care settings do not include acute care or skilled
24 nursing facilities.

25 (ii) "In-home care settings" include an individual's place of
26 temporary or permanent residence, but does not include acute care or
27 skilled nursing facilities, and does not include community-based care
28 settings as defined in (e)(i) of this subsection.

29 (iii) Delegation of nursing care tasks in community-based care
30 settings and in-home care settings is only allowed for individuals
31 who have a stable and predictable condition. "Stable and predictable
32 condition" means a situation in which the individual's clinical and
33 behavioral status is known and does not require the frequent presence
34 and evaluation of a registered nurse.

35 (iv) The determination of the appropriateness of delegation of a
36 nursing task is at the discretion of the registered nurse. Other than
37 delegation of the administration of insulin by injection for the
38 purpose of caring for individuals with diabetes, the administration
39 of medications by injection, sterile procedures, and central line
40 maintenance may never be delegated.

1 (v) When delegating insulin injections under this section, the
2 registered nurse delegator must instruct the individual regarding
3 proper injection procedures and the use of insulin, demonstrate
4 proper injection procedures, and must supervise and evaluate the
5 individual performing the delegated task weekly during the first four
6 weeks of delegation of insulin injections. If the registered nurse
7 delegator determines that the individual is competent to perform the
8 injection properly and safely, supervision and evaluation shall occur
9 at least every ninety days thereafter.

10 (vi)(A) The registered nurse shall verify that the nursing
11 assistant or home care aide, as the case may be, has completed the
12 required core nurse delegation training required in chapter 18.88A or
13 18.88B RCW prior to authorizing delegation.

14 (B) Before commencing any specific nursing tasks authorized to be
15 delegated in this section, a home care aide must be certified
16 pursuant to chapter 18.88B RCW and must comply with RCW 18.88B.070.

17 (vii) The nurse is accountable for his or her own individual
18 actions in the delegation process. Nurses acting within the protocols
19 of their delegation authority are immune from liability for any
20 action performed in the course of their delegation duties.

21 (viii) Nursing task delegation protocols are not intended to
22 regulate the settings in which delegation may occur, but are intended
23 to ensure that nursing care services have a consistent standard of
24 practice upon which the public and the profession may rely, and to
25 safeguard the authority of the nurse to make independent professional
26 decisions regarding the delegation of a task.

27 (f) The nursing care quality assurance commission may adopt rules
28 to implement this section.

29 (4) Only a person licensed as a registered nurse may instruct
30 nurses in technical subjects pertaining to nursing.

31 (5) Only a person licensed as a registered nurse may hold herself
32 or himself out to the public or designate herself or himself as a
33 registered nurse.

34 **Sec. 11.** RCW 69.50.101 and 2020 c 133 s 2 and 2020 c 80 s 43 are
35 each reenacted and amended to read as follows:

36 The definitions in this section apply throughout this chapter
37 unless the context clearly requires otherwise.

1 (a) "Administer" means to apply a controlled substance, whether
2 by injection, inhalation, ingestion, or any other means, directly to
3 the body of a patient or research subject by:

4 (1) a practitioner authorized to prescribe (or, by the
5 practitioner's authorized agent); or

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

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

12 (c) "Board" means the Washington state liquor and cannabis board.

13 (d) "CBD concentration" has the meaning provided in RCW
14 69.51A.010.

15 (e) "CBD product" means any product containing or consisting of
16 cannabidiol.

17 (f) "Commission" means the pharmacy quality assurance commission.

18 (g) "Controlled substance" means a drug, substance, or immediate
19 precursor included in Schedules I through V as set forth in federal
20 or state laws, or federal or commission rules, but does not include
21 hemp or industrial hemp as defined in RCW 15.140.020.

22 (h)(1) "Controlled substance analog" means a substance the
23 chemical structure of which is substantially similar to the chemical
24 structure of a controlled substance in Schedule I or II and:

25 (i) that has a stimulant, depressant, or hallucinogenic effect on
26 the central nervous system substantially similar to the stimulant,
27 depressant, or hallucinogenic effect on the central nervous system of
28 a controlled substance included in Schedule I or II; or

29 (ii) with respect to a particular individual, that the individual
30 represents or intends to have a stimulant, depressant, or
31 hallucinogenic effect on the central nervous system substantially
32 similar to the stimulant, depressant, or hallucinogenic effect on the
33 central nervous system of a controlled substance included in Schedule
34 I or II.

35 (2) The term does not include:

36 (i) a controlled substance;

37 (ii) a substance for which there is an approved new drug
38 application;

39 (iii) a substance with respect to which an exemption is in effect
40 for investigational use by a particular person under Section 505 of

1 the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or
2 chapter 69.77 RCW to the extent conduct with respect to the substance
3 is pursuant to the exemption; or

4 (iv) any substance to the extent not intended for human
5 consumption before an exemption takes effect with respect to the
6 substance.

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

10 (j) "Department" means the department of health.

11 (k) "Designated provider" has the meaning provided in RCW
12 69.51A.010.

13 (l) "Dispense" means the interpretation of a prescription or
14 order for a controlled substance and, pursuant to that prescription
15 or order, the proper selection, measuring, compounding, labeling, or
16 packaging necessary to prepare that prescription or order for
17 delivery.

18 (m) "Dispenser" means a practitioner who dispenses.

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

21 (o) "Distributor" means a person who distributes.

22 (p) "Drug" means (1) a controlled substance recognized as a drug
23 in the official United States pharmacopoeia/national formulary or the
24 official homeopathic pharmacopoeia of the United States, or any
25 supplement to them; (2) controlled substances intended for use in the
26 diagnosis, cure, mitigation, treatment, or prevention of disease in
27 individuals or animals; (3) controlled substances (other than food)
28 intended to affect the structure or any function of the body of
29 individuals or animals; and (4) controlled substances intended for
30 use as a component of any article specified in (1), (2), or (3) of
31 this subsection. The term does not include devices or their
32 components, parts, or accessories.

33 (q) "Drug enforcement administration" means the drug enforcement
34 administration in the United States Department of Justice, or its
35 successor agency.

36 (r) "Electronic communication of prescription information" means
37 the transmission of a prescription or refill authorization for a drug
38 of a practitioner using computer systems. The term does not include a
39 prescription or refill authorization verbally transmitted by
40 telephone nor a facsimile manually signed by the practitioner.

1 (s) "Immature plant or clone" means a plant or clone that has no
2 flowers, is less than twelve inches in height, and is less than
3 twelve inches in diameter.

4 (t) "Immediate precursor" means a substance:

5 (1) that the commission has found to be and by rule designates as
6 being the principal compound commonly used, or produced primarily for
7 use, in the manufacture of a controlled substance;

8 (2) that is an immediate chemical intermediary used or likely to
9 be used in the manufacture of a controlled substance; and

10 (3) the control of which is necessary to prevent, curtail, or
11 limit the manufacture of the controlled substance.

12 (u) "Isomer" means an optical isomer, but in subsection (gg)(5)
13 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),
14 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and
15 (42), and 69.50.210(c) the term includes any positional isomer; and
16 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term
17 includes any positional or geometric isomer.

18 (v) "Lot" means a definite quantity of marijuana, marijuana
19 concentrates, useable marijuana, or marijuana-infused product
20 identified by a lot number, every portion or package of which is
21 uniform within recognized tolerances for the factors that appear in
22 the labeling.

23 (w) "Lot number" must identify the licensee by business or trade
24 name and Washington state unified business identifier number, and the
25 date of harvest or processing for each lot of marijuana, marijuana
26 concentrates, useable marijuana, or marijuana-infused product.

27 (x) "Manufacture" means the production, preparation, propagation,
28 compounding, conversion, or processing of a controlled substance,
29 either directly or indirectly or by extraction from substances of
30 natural origin, or independently by means of chemical synthesis, or
31 by a combination of extraction and chemical synthesis, and includes
32 any packaging or repackaging of the substance or labeling or
33 relabeling of its container. The term does not include the
34 preparation, compounding, packaging, repackaging, labeling, or
35 relabeling of a controlled substance:

36 (1) by a practitioner as an incident to the practitioner's
37 administering or dispensing of a controlled substance in the course
38 of the practitioner's professional practice; or

39 (2) by a practitioner, or by the practitioner's authorized agent
40 under the practitioner's supervision, for the purpose of, or as an

1 incident to, research, teaching, or chemical analysis and not for
2 sale.

3 (y) "Marijuana" or "marihuana" means all parts of the plant
4 *Cannabis*, whether growing or not, with a THC concentration greater
5 than 0.3 percent on a dry weight basis; the seeds thereof; the resin
6 extracted from any part of the plant; and every compound,
7 manufacture, salt, derivative, mixture, or preparation of the plant,
8 its seeds or resin. The term does not include:

9 (1) The mature stalks of the plant, fiber produced from the
10 stalks, oil or cake made from the seeds of the plant, any other
11 compound, manufacture, salt, derivative, mixture, or preparation of
12 the mature stalks (except the resin extracted therefrom), fiber, oil,
13 or cake, or the sterilized seed of the plant which is incapable of
14 germination; or

15 (2) Hemp or industrial hemp as defined in RCW 15.140.020, seeds
16 used for licensed hemp production under chapter 15.140 RCW.

17 (z) "Marijuana concentrates" means products consisting wholly or
18 in part of the resin extracted from any part of the plant *Cannabis*
19 and having a THC concentration greater than ten percent.

20 (aa) "Marijuana processor" means a person licensed by the board
21 to process marijuana into marijuana concentrates, useable marijuana,
22 and marijuana-infused products, package and label marijuana
23 concentrates, useable marijuana, and marijuana-infused products for
24 sale in retail outlets, and sell marijuana concentrates, useable
25 marijuana, and marijuana-infused products at wholesale to marijuana
26 retailers.

27 (bb) "Marijuana producer" means a person licensed by the board to
28 produce and sell marijuana at wholesale to marijuana processors and
29 other marijuana producers.

30 (cc) "Marijuana products" means useable marijuana, marijuana
31 concentrates, and marijuana-infused products as defined in this
32 section.

33 (dd) "Marijuana researcher" means a person licensed by the board
34 to produce, process, and possess marijuana for the purposes of
35 conducting research on marijuana and marijuana-derived drug products.

36 (ee) "Marijuana retailer" means a person licensed by the board to
37 sell marijuana concentrates, useable marijuana, and marijuana-infused
38 products in a retail outlet.

39 (ff) "Marijuana-infused products" means products that contain
40 marijuana or marijuana extracts, are intended for human use, are

1 derived from marijuana as defined in subsection (y) of this section,
2 and have a THC concentration no greater than ten percent. The term
3 "marijuana-infused products" does not include either useable
4 marijuana or marijuana concentrates.

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

9 (1) Opium, opium derivative, and any derivative of opium or opium
10 derivative, including their salts, isomers, and salts of isomers,
11 whenever the existence of the salts, isomers, and salts of isomers is
12 possible within the specific chemical designation. The term does not
13 include the isoquinoline alkaloids of opium.

14 (2) Synthetic opiate and any derivative of synthetic opiate,
15 including their isomers, esters, ethers, salts, and salts of isomers,
16 esters, and ethers, whenever the existence of the isomers, esters,
17 ethers, and salts is possible within the specific chemical
18 designation.

19 (3) Poppy straw and concentrate of poppy straw.

20 (4) Coca leaves, except coca leaves and extracts of coca leaves
21 from which cocaine, ecgonine, and derivatives or ecgonine or their
22 salts have been removed.

23 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

24 (6) Cocaine base.

25 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
26 thereof.

27 (8) Any compound, mixture, or preparation containing any quantity
28 of any substance referred to in (1) through (7) of this subsection.

29 (hh) "Opiate" means any substance having an addiction-forming or
30 addiction-sustaining liability similar to morphine or being capable
31 of conversion into a drug having addiction-forming or addiction-
32 sustaining liability. The term includes opium, substances derived
33 from opium (opium derivatives), and synthetic opiates. The term does
34 not include, unless specifically designated as controlled under RCW
35 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan
36 and its salts (dextromethorphan). The term includes the racemic and
37 levorotatory forms of dextromethorphan.

38 (ii) "Opium poppy" means the plant of the species *Papaver*
39 *somniferum* L., except its seeds.

1 (jj) "Person" means individual, corporation, business trust,
2 estate, trust, partnership, association, joint venture, government,
3 governmental subdivision or agency, or any other legal or commercial
4 entity.

5 (kk) "Plant" has the meaning provided in RCW 69.51A.010.

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

8 (mm) "Practitioner" means:

9 (1) A physician under chapter 18.71 RCW; a physician assistant
10 under chapter 18.71A RCW; an osteopathic physician and surgeon under
11 chapter 18.57 RCW; an optometrist licensed under chapter 18.53 RCW
12 who is certified by the optometry board under RCW 18.53.010 subject
13 to any limitations in RCW 18.53.010; a dentist under chapter 18.32
14 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a
15 veterinarian under chapter 18.92 RCW; a registered nurse, advanced
16 registered nurse practitioner, or licensed practical nurse under
17 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
18 who is licensed under RCW 18.36A.030 subject to any limitations in
19 RCW 18.36A.040; a psychologist under chapter 18.83 RCW and certified
20 as a prescribing psychologist under section 3 of this act; a
21 pharmacist under chapter 18.64 RCW or a scientific investigator under
22 this chapter, licensed, registered or otherwise permitted insofar as
23 is consistent with those licensing laws to distribute, dispense,
24 conduct research with respect to or administer a controlled substance
25 in the course of their professional practice or research in this
26 state.

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

31 (3) A physician licensed to practice medicine and surgery, a
32 physician licensed to practice osteopathic medicine and surgery, a
33 dentist licensed to practice dentistry, a podiatric physician and
34 surgeon licensed to practice podiatric medicine and surgery, a
35 licensed physician assistant or a licensed osteopathic physician
36 assistant specifically approved to prescribe controlled substances by
37 his or her state's medical commission or equivalent and his or her
38 supervising physician, an advanced registered nurse practitioner
39 licensed to prescribe controlled substances, or a veterinarian

1 licensed to practice veterinary medicine in any state of the United
2 States.

3 (nn) "Prescription" means an order for controlled substances
4 issued by a practitioner duly authorized by law or rule in the state
5 of Washington to prescribe controlled substances within the scope of
6 his or her professional practice for a legitimate medical purpose.

7 (oo) "Production" includes the manufacturing, planting,
8 cultivating, growing, or harvesting of a controlled substance.

9 (pp) "Qualifying patient" has the meaning provided in RCW
10 69.51A.010.

11 (qq) "Recognition card" has the meaning provided in RCW
12 69.51A.010.

13 (rr) "Retail outlet" means a location licensed by the board for
14 the retail sale of marijuana concentrates, useable marijuana, and
15 marijuana-infused products.

16 (ss) "Secretary" means the secretary of health or the secretary's
17 designee.

18 (tt) "State," unless the context otherwise requires, means a
19 state of the United States, the District of Columbia, the
20 Commonwealth of Puerto Rico, or a territory or insular possession
21 subject to the jurisdiction of the United States.

22 (uu) "THC concentration" means percent of delta-9
23 tetrahydrocannabinol content per dry weight of any part of the plant
24 *Cannabis*, or per volume or weight of marijuana product, or the
25 combined percent of delta-9 tetrahydrocannabinol and
26 tetrahydrocannabinolic acid in any part of the plant *Cannabis*
27 regardless of moisture content.

28 (vv) "Ultimate user" means an individual who lawfully possesses a
29 controlled substance for the individual's own use or for the use of a
30 member of the individual's household or for administering to an
31 animal owned by the individual or by a member of the individual's
32 household.

33 (ww) "Useable marijuana" means dried marijuana flowers. The term
34 "useable marijuana" does not include either marijuana-infused
35 products or marijuana concentrates.

36 (xx) "Youth access" means the level of interest persons under the
37 age of twenty-one may have in a vapor product, as well as the degree
38 to which the product is available or appealing to such persons, and
39 the likelihood of initiation, use, or addiction by adolescents and
40 young adults.

1 NEW SECTION. **Sec. 12.** This act takes effect July 1, 2022.

--- **END** ---