

## **UNAUTHORIZED PRACTICE OF MEDICINE**

### **How is the practice of medicine defined?**

An individual is practicing medicine if he or she does one or more of the following:<sup>1</sup>

- Offers or undertakes to diagnose, cure, advise, or prescribe for any human disease, ailment, injury, infirmity, deformity, pain or other condition, physical or mental, real or imaginary, by any means or instrumentality.
- Administers or prescribes drugs or medicinal preparations to be used by any other person.
- Severs or penetrates the tissues of human beings.
- Uses the term “Doctor of Medicine,” “physician,” “surgeon,” “M.D.,” or any combination of those terms used in conduct pertaining to the diagnosis or treatment of human diseases or conditions on cards, books, papers, signs, or other written or printed means of providing information to the public unless use of the term(s) includes a description of another branch of the healing arts for which the individual has a license.

### **What is the unauthorized practice of medicine?**

Any person, including a physician, who practices medicine without a valid license or a valid exemption from the licensure requirements is engaged in the unauthorized practice of medicine.<sup>2</sup> Furthermore, any licensed health care provider, including a physician, who practices beyond the scope of practice authorized by his or her license is engaged in the unauthorized practice of medicine.

### **May a physician be disciplined in connection with the unauthorized practice of medicine?**

Yes. In connection with the unauthorized practice of medicine, a physician may be disciplined for the following, among other things:

- Engaging in the unauthorized practice of medicine.<sup>3</sup>
- Aiding or abetting an unlicensed person to practice medicine.<sup>4</sup>
- Failing to adequately supervise auxiliary staff to ensure that they do not engage in the unauthorized practice of medicine.<sup>5</sup>

---

<sup>1</sup> RCW 18.71.011.

<sup>2</sup> RCW 18.71.021.

<sup>3</sup> See RCW 18.130.190.

<sup>4</sup> RCW 18.130.180(10).

<sup>5</sup> RCW 18.130.180(14).

- Aiding or abetting a licensed health care provider in engaging in the practice of medicine beyond the scope of practice of the provider's licensure.<sup>6</sup>

See **UNPROFESSIONAL CONDUCT.**

**Is the unlicensed practice of medicine a crime?**

Yes. The unlicensed practice of medicine constitutes a gross misdemeanor for a single violation and a Class C felony for each subsequent violation.<sup>7</sup>

**Can a person who practices medicine without a license be fined?**

Yes. A civil fine not exceeding \$1,000 for each day a person engages in the unlicensed practice of medicine may be imposed.<sup>8</sup>

---

<sup>6</sup> RCW 18.130.180(10); See RCW 18.130.180(12); See generally RCW 18.130.190 (prohibiting the unlicensed practice of medicine).

<sup>7</sup> RCW 18.130.190(7).

<sup>8</sup> RCW 18.130.190(3).