



# RULE-1 KING ORDER

**SR-103 (June 2004)**  
(implements RCW 34.05.360)

Agency: Department of Licensing

- Permanent Rule
- Emergency Rule

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) July 1, 2006 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** To implement the statutory requirements of chapter 18.210 RCW, requiring continuing education for licensed on-site wastewater treatment system designers and certified local health department inspectors.

**Citation of existing rules affected by this order: None**

Repealed:  
Amended:  
Suspended:

**Statutory authority for adoption:** RCW 18.43.035

**Other authority :** RCW 18.210

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR 06-06-059 on February 28, 2006 (date).  
Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
e-mail \_\_\_\_\_

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

**Date adopted:** April 27, 2006

**NAME (TYPE OR PRINT)**

George A. Twiss

**SIGNATURE**

**TITLE**

Executive Director

**CODE REVISER USE ONLY**

CLERK OF THE OFFICE  
STATE OF WASHINGTON  
FILED

MAY 1 2006

TIME 1:42:41 AM/PM

WSR 06 11 18

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	<u>13</u>	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	<u>13</u>	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

## NEW CHAPTER 196-34 WAC

### CONTINUING EDUCATION OF LICENSED PROFESSIONAL ON-SITE WASTEWATER TREATMENT SYSTEM DESIGNERS AND CERTIFIED INSPECTORS

(New Section)

**WAC 196-34-100 Purpose and Effective Date.** The purpose of the continuing education requirement is to encourage licensed on-site wastewater treatment system designers (designers) and certificate of competency holders (inspectors), under Chapter 18.210 RCW, to maintain competency in their practice. On July 1, 2007 and thereafter, all designers and inspectors must meet these requirements as a condition of continued licensure/certification under chapter 18.210 RCW.

(New Section)

**WAC 196-34-105 Definitions.** Terms used in this chapter are defined as follows:

1. Professional Development Hour (PDH) – An hour engaged in a qualifying activity.
2. Continuing Education Unit (CEU) - Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 Professional Development Hours.
3. College/Unit Semester/Quarter Hour – Completion of courses in college level curriculums satisfactory to the Board.
4. Qualifying Activity - Any activity that is related to on-site wastewater treatment systems or will help the designer or inspector to maintain their competency as an on-site wastewater treatment system professional.
5. Year – that 12-month period between the renewal and expiration of a credential for a designer or inspector.
6. Board – The Board of Registration for Professional Engineers and Land Surveyors.

(New Section)

**WAC 196-34-110 Requirements.** Starting July 1, 2006, all designers and inspectors, wishing to maintain active practice must accumulate 45 PDH for any given three-year period. Starting July 1, 2007 the PDH accumulated by designers and inspectors are subject to audit by the Board. Those individuals, who practice as both a designer and inspector, need only accumulate a total of 45 PDH for the three-year period.

(New Section)

**WAC 196-34-115 Qualifying Activities.** The Board believes that designers and inspectors under provisions of Chapter 18.210 RCW should have the discretion to make independent choices on what activities help them to be improved practitioners. The Board will not provide advance approvals for selected activities or vendors. The Board expects designers and inspectors to seek out qualifying activities that can be demonstrated to the Board as relevant to his or her continuing education as a designer or inspector.

(New Section)

**WAC 196-34-120 Units.** Qualifying activities earned and applied to one of the following categories may not be applied to another category.

1. College hours:
  - a. Completion of 1 college semester hour 45 PDH
  - b. Completion of 1 college quarter hour 30 PDH
2. 1 Continuing Education Unit 10 PDH
3. For publication or presentation of each:
  - a. Authored technical paper or article 10 PDH
  - b. Authored book 30 PDH
4. Obtaining a patent 10 PDH
5. Membership in professional/technical societies or government committees or boards. 2 ½ PDH  
(Not to exceed a total of 5 PDH /year)
6. For each hour of attendance in a professional or technical society meetings with an informational program. 1 PDH  
(Not to exceed a total of 5 PDH/year)
7. For each hour of attendance at meetings or hearings of the Board or On-site Advisory Committee. 1 PDH  
(Not to exceed a total of 7 ½ PDH/year)
8. For each hour of preparation and subsequent presentation (\*) of a professional development program at seminars, professional/technical meetings, conventions or conferences. 1 PDH  
(Not to exceed 10 PDH/year)  
(\* ) *This credit does not apply to full-time faculty.*

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| 9. Completion of the continuing education requirements for maintaining a credential as a Registered Sanitarian.  | 10 PDH |
| 10. For each hour of participation in committees of organizations whose purpose is to develop codes, standards, examinations and regulations.  | 1 PDH  |
| 11. For each hour of participation in an activity involving substantial and organized peer interaction, excluding time spent during regular employment.<br>(Not to exceed a total of 5 PDH/year)                                   | 1 PDH  |
| 12. For each hour of participation in organized courses, including employer provided courses, on environmental health topics/first aid/safety, technical or management skills.   | 1 PDH  |
| 13. For each hour of participation in sessions or courses, sponsored by technical or professional societies, organizations or the Board.   | 1 PDH  |
| 14. For each hour of self-study.<br>(Not to exceed a total of 5 PDH/year)  | 1 PDH  |
| 15. For each hour of work, outside normal duties of employment that involves participation in other recognized professional activities.<br>(i.e. a designer working with a land surveyor)<br>(Not to exceed a total of 2 PDH/year) | 1 PDH  |

(New Section)

**WAC 196-34-125 Activities that do not qualify for PDH credits.** The following are not considered qualifying activities:

1. Taking courses, specialized instruction or meeting performance criteria that were conditions of a board order.
2. Attendance or testimony at legislative hearings.
3. Attendance or testimony at city or county council meetings/hearings.
4. Attendance or testimony at civil or criminal trials.
5. Time spent fund raising for scholarships or other society purposes or lobbying for legislation.
6. Attendance at gatherings that are primarily social in nature.
7. Membership and/or attendance in service club meetings.

(New Section)

**WAC 196-34-130 Determination of Credit.** The Board is the final authority with respect to claimed qualifying activities and the respective PDH credit. Qualifying activity becomes eligible for credit upon completion of the given activity. Credits gained in excess of the 15 PDH annual requirement may be carried forward to the next renewal period.

(New Section)

**WAC 196-34-135 Record Keeping and Audits.** The designer or inspector is responsible for maintaining records to be used to support credits claimed. Records should include date of activity, instructor's name, description of activity, number of contact hours and location. The designer or inspector is required to keep their records of continuing education covering the cumulative time in the current renewal period plus the three years before the last renewal. All continuing education records and supporting documentation must be furnished to the Board upon request.

If an audit disqualifies credits that were reported to the Board by a designer or inspector and results in the licensee failing to complete the PDH requirements, the Board may require the shortage to be made up over a period of time established by the Board.

(New Section)

**WAC 196-34-140 Non-compliance with Continuing Education.**

1. A designer or inspector who fails to comply with the requirements of this chapter is subject to disciplinary action by the Board.
2. A designer or inspector who, through the course of an audit, is discovered to have falsified continuing education documentation to the Board is subject to disciplinary action by the Board.

(New Section)

**WAC 196-34-145 Waiver.** The Board may grant a waiver to the time requirement for collection of continuing education to designers or inspectors who qualify. A request for a waiver must be made in writing and clearly state the justification and include any necessary documentation required by the Board. All waivers expire on the next date of license/certificate renewal unless the Board grants an extension.

The Board may grant waivers for:

- a. Physical disability, prolonged illness, or other extenuating circumstances that pose a personal hardship.
- b. Individuals who have been placed on active military duty for at least 120 days.

(New Section)

**WAC 196-34-150 Exemption.** Designers or inspectors who have been approved for "Inactive Status" as provided in WAC 196-34-155 are exempt from the requirement of collecting continuing education.

(New Section)

**WAC 196-34-155 Inactive Status.** Any designer or inspector who signs a Board approved affirmation that they are not engaged in the practice as an on-site wastewater treatment system professional is eligible for inactive status. Those with inactive status are prohibited from any practice as an on-site wastewater treatment system professional as provided in chapter 18.210 RCW. A designer or inspector on inactive status may reinstate their license to active status by written request to the Board and payment of any applicable fees. In the first year of reactivated practice the designer or inspector may be required by the Board to collect an additional 15 PDH.

(New Section)

**WAC 196-34-160 Comity/Out-of-Jurisdiction Resident** The continuing education requirements, as provided for in this chapter, may be satisfied when the Board can verify that a designer or inspector has satisfied continuing education requirements in another jurisdiction recognized by the Board, as being equivalent to the requirements of this chapter.