
HOUSE BILL 1967

State of Washington

66th Legislature

2019 Regular Session

By Representative Reeves

Read first time 02/08/19. Referred to Committee on Consumer Protection & Business.

1 AN ACT Relating to requiring licensing and background
2 investigations for in-home service providers; amending RCW
3 18.235.020; adding a new chapter to Title 18 RCW; and prescribing
4 penalties.

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

6 NEW SECTION. **Sec. 1.** The definitions in this section apply
7 throughout this chapter unless the context clearly requires
8 otherwise.

9 (1) "Department" means the department of licensing.

10 (2) "Director" means the director of licensing.

11 (3) "In-home service provider" means any person hired or employed
12 to enter another person's residence for the purposes of:

13 (a) Set up, installation, or repair of: A household appliance;
14 furniture; heating, air-conditioning, ventilation, plumbing, or
15 electrical systems; and cable, telephone, satellite, internet, or
16 other telecommunications systems; or

17 (b) Renovating, remodeling, repairing, or rehabilitating a
18 residence when occupied.

19 NEW SECTION. **Sec. 2.** An applicant must meet the following
20 minimum requirements to obtain an in-home service provider license:

1 (1) Be at least eighteen years of age;

2 (2) Not have been convicted of a crime in any jurisdiction, if
3 the director determines that the applicant's particular crime
4 directly relates to his or her capacity to perform the duties of an
5 in-home service provider and the director determines that the license
6 should be withheld to protect the citizens of Washington state. The
7 director must make her or his determination to withhold a license
8 because of previous convictions notwithstanding the restoration of
9 employment rights act, chapter 9.96A RCW;

10 (3) Satisfy the training requirements established by the
11 director; and

12 (4) Pay the required nonrefundable fee for each application.

13 NEW SECTION. **Sec. 3.** (1) Applications for licenses required
14 under this chapter must be filed with the director on a form provided
15 by the director. The director may require any information and
16 documentation that reasonably relates to the need to determine
17 whether the applicant meets the criteria.

18 (2) Applicants for licenses under this chapter must complete a
19 records check through the Washington state patrol criminal
20 identification system. The director may accept proof of a recent
21 national crime information center/III criminal background report or
22 any national or interstate criminal background report to accelerate
23 the licensing and endorsement process. The director is authorized to
24 periodically perform a background investigation of licensees to
25 identify criminal convictions subsequent to the renewal of a license.

26 NEW SECTION. **Sec. 4.** (1) The director must issue an in-home
27 service provider license card to each licensed in-home service
28 provider.

29 (2) The license card may not be used as security clearance.

30 (3) An in-home service provider must carry the license card when
31 performing the duties of an in-home service provider and must exhibit
32 the card upon request.

33 NEW SECTION. **Sec. 5.** (1) The department may issue a temporary
34 license card after an applicant has completed the required prelicense
35 training and submitted a full and complete application for an in-home
36 service provider license to the department. The temporary
37 registration card is valid for a maximum period of thirty days. The

1 temporary license card permits the applicant to perform the duties of
2 an in-home service provider.

3 (2) Upon expiration of a temporary license card or upon the
4 receipt of a permanent license card or notification from the
5 department that a permanent license is being withheld from an
6 applicant, the applicant must discontinue use of the temporary
7 license card.

8 NEW SECTION. **Sec. 6.** The director must adopt rules establishing
9 prelicense training requirements. The prelicense training must
10 include, at a minimum, the topics of cultural competency and sexual
11 harassment prevention and awareness.

12 NEW SECTION. **Sec. 7.** An employer must notify the director
13 within thirty days after the termination of employment of any
14 employee who is a licensed in-home service provider for allegations
15 of unprofessional conduct.

16 NEW SECTION. **Sec. 8.** In addition to the unprofessional conduct
17 described in RCW 18.235.130, the director may take disciplinary
18 action for the following conduct, acts, or conditions:

19 (1) Violating any of the provisions of this chapter or the rules
20 adopted under this chapter;

21 (2) Not meeting the qualifications set forth in this chapter; and

22 (3) Being certified as not in compliance with a support order as
23 provided in RCW 74.20A.320.

24 NEW SECTION. **Sec. 9.** The director or the director's designee
25 has the following authority in administering this chapter:

26 (1) To adopt, amend, and rescind rules as deemed necessary to
27 carry out this chapter;

28 (2) To enter into contracts for professional services determined
29 to be necessary for adequate enforcement of this chapter; and

30 (3) To adopt standards of professional conduct or practice.

31 NEW SECTION. **Sec. 10.** A person including, but not limited to,
32 consumers, licensees, corporations, organizations, and state and
33 local governmental agencies, may submit a written complaint to the
34 department charging a license holder or applicant with unprofessional
35 or unlawful conduct and specifying the grounds for the charge. If the

1 director determines that the complaint merits investigation, or if
2 the director has reason to believe, without a formal complaint, that
3 a license holder or applicant may have engaged in unprofessional or
4 unlawful conduct, the director must investigate to determine if there
5 has been unprofessional or unlawful conduct. A person who files a
6 complaint under this section in good faith is immune from suit in any
7 civil action related to the filing or contents of the complaint.

8 NEW SECTION. **Sec. 11.** (1) If the director believes a license
9 holder or applicant may be unable to practice with reasonable skill
10 and safety to the public by reason of any mental or physical
11 condition, a statement of charges must be served on the license
12 holder or applicant and notice must also be issued providing an
13 opportunity for a hearing. The hearing must be limited to the sole
14 issue of the capacity of the license holder or applicant to practice
15 with reasonable skill or safety. If the director determines that the
16 license holder or applicant is unable to practice with reasonable
17 skill and safety for one of the reasons stated in this subsection,
18 the director must impose such sanctions as are deemed necessary to
19 protect the public.

20 (2) In investigating or adjudicating a complaint or report that a
21 license holder or applicant may be unable to practice with reasonable
22 skill or safety by reason of a mental or physical condition, the
23 department may require a license holder or applicant to submit to a
24 mental or physical examination by one or more licensed or certified
25 health professionals designated by the director. The cost of the
26 examinations ordered by the department must be paid by the
27 department. In addition to any examinations ordered by the
28 department, the licensee may submit physical or mental examination
29 reports from licensed or certified health professionals of the
30 license holder's or applicant's choosing and expense. Failure of the
31 license holder or applicant to submit to examination when directed
32 constitutes grounds for immediate suspension or withholding of the
33 license, consequent upon which a default and final order may be
34 entered without the taking of testimony or presentations of evidence,
35 unless the failure was due to circumstances beyond the person's
36 control. A determination by a court of competent jurisdiction that a
37 license holder or applicant is mentally incompetent or mentally ill
38 is presumptive evidence of the license holder's or applicant's
39 inability to practice with reasonable skill and safety. An individual

1 affected under this section must at reasonable intervals be afforded
2 an opportunity to demonstrate that the individual can resume
3 competent practice with reasonable skill and safety to the public.

4 (3) For the purpose of subsection (2) of this section, an
5 applicant or license holder governed by this chapter, by making
6 application, practicing, or filing a license renewal, is deemed to
7 have given consent to submit to a mental, physical, or psychological
8 examination if directed in writing by the department and further to
9 have waived all objections to the admissibility or use of the
10 examining health professional's testimony or examination reports by
11 the director on the grounds that the testimony or reports constitute
12 hearsay or privileged communications.

13 NEW SECTION. **Sec. 12.** (1) Upon a finding that a license holder
14 or applicant has committed unprofessional or unlawful conduct or is
15 unable to practice with reasonable skill and safety due to a physical
16 or mental condition, the director may issue an order providing for
17 one or any combination of the following:

- 18 (a) Revocation of the license;
- 19 (b) Suspension of the license for a fixed or indefinite term;
- 20 (c) Restriction or limitation of the practice;
- 21 (d) Requiring the satisfactory completion of a specific program
22 of remedial education or treatment;
- 23 (e) Monitoring of the practice by a supervisor approved by the
24 director;
- 25 (f) Censure or reprimand;
- 26 (g) Compliance with conditions of probation for a designated
27 period of time;
- 28 (h) Withholding a license request;
- 29 (i) Other corrective action; or
- 30 (j) Assessing administrative penalties.

31 (2) Any of the actions under this section may be totally or
32 partly stayed by the director. All costs associated with compliance
33 with orders issued under this section are the obligation of the
34 license holder or applicant.

35 NEW SECTION. **Sec. 13.** (1) If an order for payment of a fine is
36 made as a result of a hearing and timely payment is not made as
37 directed in the final order, the director may enforce the order for
38 payment in the superior court in the county in which the hearing was

1 held. This right of enforcement is in addition to any other rights
2 the director may have as to a licensee ordered to pay a fine but does
3 not limit a licensee's ability to seek judicial review.

4 (2) In an action for enforcement of an order of payment of a
5 fine, the director's order is conclusive proof of the validity of the
6 order of payment of a fine and the terms of payment.

7 NEW SECTION. **Sec. 14.** The director, in implementing and
8 administering the provisions of this chapter, must act in accordance
9 with the administrative procedure act, chapter 34.05 RCW.

10 NEW SECTION. **Sec. 15.** The director must immediately suspend a
11 license issued under this chapter if the holder has been certified
12 pursuant to RCW 74.20A.320 by the department of social and health
13 services as a person who is not in compliance with a support order.
14 If the person has continued to meet all other requirements for
15 reinstatement during the suspension, reissuance of the license must
16 be automatic upon the director's receipt of a release issued by the
17 department of social and health services stating that the person is
18 in compliance with the order.

19 NEW SECTION. **Sec. 16.** The uniform regulation of business and
20 professions act, chapter 18.235 RCW, governs unlicensed practice, the
21 issuance and denial of licenses, and the discipline of licensees
22 under this chapter.

23 NEW SECTION. **Sec. 17.** An applicant with military training or
24 experience satisfies the training or experience requirements of this
25 chapter unless the director determines that the military training or
26 experience is not substantially equivalent to the standards of this
27 state.

28 **Sec. 18.** RCW 18.235.020 and 2017 c 281 s 37 are each amended to
29 read as follows:

30 (1) This chapter applies only to the director and the boards and
31 commissions having jurisdiction in relation to the businesses and
32 professions licensed under the chapters specified in this section.
33 This chapter does not apply to any business or profession not
34 licensed under the chapters specified in this section.

1 (2) (a) The director has authority under this chapter in relation
2 to the following businesses and professions:
3 (i) Auctioneers under chapter 18.11 RCW;
4 (ii) Bail bond agents and bail bond recovery agents under chapter
5 18.185 RCW;
6 (iii) Camping resorts' operators and salespersons under chapter
7 19.105 RCW;
8 (iv) Commercial telephone solicitors under chapter 19.158 RCW;
9 (v) Cosmetologists, barbers, manicurists, and estheticians under
10 chapter 18.16 RCW;
11 (vi) Court reporters under chapter 18.145 RCW;
12 (vii) Driver training schools and instructors under chapter 46.82
13 RCW;
14 (viii) Employment agencies under chapter 19.31 RCW;
15 (ix) For hire vehicle operators under chapter 46.72 RCW;
16 (x) In-home service providers under chapter 18.--- RCW (the new
17 chapter created in section 19 of this act);
18 (xi) Limousines under chapter 46.72A RCW;
19 (~~(xi)~~) (xii) Notaries public under chapter 42.45 RCW;
20 (~~(xii)~~) (xiii) Private investigators under chapter 18.165 RCW;
21 (~~(xiii)~~) (xiv) Professional boxing, martial arts, and wrestling
22 under chapter 67.08 RCW;
23 (~~(xiv)~~) (xv) Real estate appraisers under chapter 18.140 RCW;
24 (~~(xv)~~) (xvi) Real estate brokers and salespersons under
25 chapters 18.85 and 18.86 RCW;
26 (~~(xvi)~~) (xvii) Scrap metal processors, scrap metal recyclers,
27 and scrap metal suppliers under chapter 19.290 RCW;
28 (~~(xvii)~~) (xviii) Security guards under chapter 18.170 RCW;
29 (~~(xviii)~~) (xix) Sellers of travel under chapter 19.138 RCW;
30 (~~(xix)~~) (xx) Timeshares and timeshare salespersons under
31 chapter 64.36 RCW;
32 (~~(xx)~~) (xxi) Whitewater river outfitters under chapter 79A.60
33 RCW;
34 (~~(xxi)~~) (xxii) Home inspectors under chapter 18.280 RCW;
35 (~~(xxii)~~) (xxiii) Body artists, body piercers, and tattoo
36 artists, and body art, body piercing, and tattooing shops and
37 businesses, under chapter 18.300 RCW; and
38 (~~(xxiii)~~) (xxiv) Appraisal management companies under chapter
39 18.310 RCW.

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

3 (i) The state board for architects established in chapter 18.08
4 RCW;

5 (ii) The Washington state collection agency board established in
6 chapter 19.16 RCW;

7 (iii) The state board of registration for professional engineers
8 and land surveyors established in chapter 18.43 RCW governing
9 licenses issued under chapters 18.43 and 18.210 RCW;

10 (iv) The funeral and cemetery board established in chapter 18.39
11 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

12 (v) The state board of licensure for landscape architects
13 established in chapter 18.96 RCW; and

14 (vi) The state geologist licensing board established in chapter
15 18.220 RCW.

16 (3) In addition to the authority to discipline license holders,
17 the disciplinary authority may grant or deny licenses based on the
18 conditions and criteria established in this chapter and the chapters
19 specified in subsection (2) of this section. This chapter also
20 governs any investigation, hearing, or proceeding relating to denial
21 of licensure or issuance of a license conditioned on the applicant's
22 compliance with an order entered under RCW 18.235.110 by the
23 disciplinary authority.

24 NEW SECTION. **Sec. 19.** Sections 1 through 17 of this act
25 constitute a new chapter in Title 18 RCW.

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