

WAC 246-232-005 Deliberate misconduct. (1) Any licensee; certificate of registration holder; applicant for a license or certificate of registration; employee of a licensee or certificate of registration holder or applicant; or any contractor (including a supplier or consultant), subcontractor, employee of a contractor or subcontractor of any licensee or certificate of registration holder or applicant for a license or certificate of registration; who knowingly provides to any licensee, applicant, certificate holder, contractor, or subcontractor, any components, equipment, materials, or other goods or services that relate to a licensee's, certificate holder's, or applicant's activities in chapters 246-220 through 246-254 WAC, may not:

(a) Engage in deliberate misconduct that causes or would have caused, if not detected, a licensee, certificate of registration holder, or applicant to be in violation of any rule or order; or any term, condition, or limitation of any license issued by the department; or

(b) Deliberately submit to the department, a licensee, certificate of registration holder, an applicant, or a licensee's, certificate holder's, or applicant's contractor or subcontractor, information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the department.

(2) A person who violates subsection (1)(a) or (b) of this section may be subject to enforcement action under chapter 70A.388 RCW.

(3) For the purposes of subsection (1)(a) of this section, deliberate misconduct by a person means an intentional act or omission that the person knows:

(a) Would cause a licensee, certificate of registration holder, or applicant to be in violation of any rule or order; or any term, condition, or limitation, of any license issued by the department; or

(b) Constitutes a violation of a requirement, procedure, instruction, contract, purchase order, or policy of a licensee, certificate of registration holder, applicant, contractor, or subcontractor.

[Statutory Authority: RCW 70A.388.040 and 70A.388.110. WSR 22-19-084, § 246-232-005, filed 9/20/22, effective 10/21/22.]