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SENATE BILL 6138

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State of Washington

54th Legislature

1996 Regular Session

By Senator Kohl

Read first time 01/08/96. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to license revocation of massage practitioners; and  
2 amending RCW 18.108.085.

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

4 **Sec. 1.** RCW 18.108.085 and 1995 c 353 s 2 are each amended to read  
5 as follows:

6 (1) In addition to any other authority provided by law, the  
7 secretary may:

8 (a) Adopt rules, in accordance with chapter 34.05 RCW necessary to  
9 implement this chapter;

10 (b) Set all license, examination, and renewal fees in accordance  
11 with RCW 43.70.250;

12 (c) Establish forms and procedures necessary to administer this  
13 chapter;

14 (d) Issue a license to any applicant who has met the education,  
15 training, and examination requirements for licensure; and

16 (e) Hire clerical, administrative, and investigative staff as  
17 necessary to implement this chapter, and hire individuals licensed  
18 under this chapter to serve as examiners for any practical  
19 examinations.

1 (2) The Uniform Disciplinary Act, chapter 18.130 RCW, governs the  
2 issuance and denial of licenses and the disciplining of persons under  
3 this chapter. The secretary shall be the disciplining authority under  
4 this chapter.

5 (3) Any license issued under this chapter to a person who is or has  
6 been convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or  
7 9A.88.090 or equivalent local ordinances shall automatically be revoked  
8 by the secretary upon receipt of a certified copy of the court  
9 documents reflecting such conviction. No further hearing or procedure  
10 is required, and the secretary has no discretion with regard to the  
11 revocation of the license. The revocation shall be effective even  
12 though such conviction may be under appeal, or the time period for such  
13 appeal has not elapsed. However, upon presentation of a final  
14 appellate decision overturning such conviction (~~(or upon completion of~~  
15 ~~a prostitution prevention and intervention program under RCW 43.63A.720~~  
16 ~~through 43.63A.740, 9.68A.105, and 9A.88.120)), the license shall be~~  
17 reinstated, unless grounds for disciplinary action have been found  
18 (~~(pursuant to))~~ under chapter 18.130 RCW. Unless an applicant  
19 demonstrates that he or she has completed a prostitution prevention and  
20 intervention program under RCW 43.63A.720 through 43.63A.740,  
21 9.68A.105, and 9A.88.120, no license may be granted under this chapter  
22 to any person who has been convicted of violating RCW 9A.88.030,  
23 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances  
24 within the eight years immediately preceding the date of application.  
25 For purposes of this subsection, "convicted" does not include a  
26 conviction that has been the subject of a pardon, annulment, or other  
27 equivalent procedure based on a finding of innocence, but does include  
28 convictions for offenses for which the defendant received a deferred or  
29 suspended sentence, unless the record has been expunged according to  
30 law.

31 (4) The secretary shall keep an official record of all proceedings  
32 under this chapter, a part of which record shall consist of a register  
33 of all applicants for licensure under this chapter, with the result of  
34 each application.

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