

**RCW 18.118.030 Applicants for regulation—Information.** After July 26, 1987, if appropriate, applicant groups shall explain each of the following factors to the extent requested by the legislative committees of reference:

- (1) A definition of the problem and why regulation is necessary:
    - (a) The nature of the potential harm to the public if the business profession is not regulated, and the extent to which there is a threat to public health and safety;
    - (b) The extent to which consumers need and will benefit from a method of regulation identifying competent practitioners, indicating typical employers, if any, of practitioners in the profession; and
    - (c) The extent of autonomy a practitioner has, as indicated by:
      - (i) The extent to which the profession calls for independent judgment and the extent of skill or experience required in making the independent judgment; and
      - (ii) The extent to which practitioners are supervised;
  - (2) The efforts made to address the problem:
    - (a) Voluntary efforts, if any, by members of the profession to:
      - (i) Establish a code of ethics; or
      - (ii) Help resolve disputes between practitioners and consumers;
- and
- (b) Recourse to and the extent of use of applicable law and whether it could be strengthened to control the problem;
  - (3) The alternatives considered:
    - (a) Regulation of business employers or practitioners rather than employee practitioners;
    - (b) Regulation of the program or service rather than the individual practitioners;
    - (c) Registration of all practitioners;
    - (d) Certification of all practitioners;
    - (e) Other alternatives;
    - (f) Why the use of the alternatives specified in this subsection would not be adequate to protect the public interest; and
    - (g) Why licensing would serve to protect the public interest;
  - (4) The benefit to the public if regulation is granted:
    - (a) The extent to which the incidence of specific problems present in the unregulated profession can reasonably be expected to be reduced by regulation;
    - (b) Whether the public can identify qualified practitioners;
    - (c) The extent to which the public can be confident that qualified practitioners are competent:
      - (i) Whether the proposed regulatory entity would be a board composed of members of the profession and public members, or a state agency, or both, and, if appropriate, their respective responsibilities in administering the system of registration, certification, or licensure, including the composition of the board and the number of public members, if any; the powers and duties of the board or state agency regarding examinations and for cause revocation, suspension, and nonrenewal of registrations, certificates, or licenses; the promulgation of rules and canons of ethics; the conduct of inspections; the receipt of complaints and disciplinary action taken against practitioners; and how fees would be levied and collected to cover the expenses of administering and operating the regulatory system;

(ii) If there is a grandfather clause, whether such practitioners will be required to meet the prerequisite qualifications established by the regulatory entity at a later date;

(iii) The nature of the standards proposed for registration, certification, or licensure as compared with the standards of other jurisdictions;

(iv) Whether the regulatory entity would be authorized to enter into reciprocity agreements with other jurisdictions; and

(v) The nature and duration of any training including, but not limited to, whether the training includes a substantial amount of supervised field experience; whether training programs exist in this state; if there will be an experience requirement; whether the experience must be acquired under a registered, certificated, or licensed practitioner; whether there are alternative routes of entry or methods of meeting the prerequisite qualifications; whether all applicants will be required to pass an examination; and, if an examination is required, by whom it will be developed and how the costs of development will be met;

(d) Assurance of the public that practitioners have maintained their competence:

(i) Whether the registration, certification, or licensure will carry an expiration date; and

(ii) Whether renewal will be based only upon payment of a fee, or whether renewal will involve reexamination, peer review, or other enforcement;

(5) The extent to which regulation might harm the public:

(a) The extent to which regulation will restrict entry into the profession:

(i) Whether the proposed standards are more restrictive than necessary to insure safe and effective performance; and

(ii) Whether the proposed legislation requires registered, certificated, or licensed practitioners in other jurisdictions who migrate to this state to qualify in the same manner as state applicants for registration, certification, and licensure when the other jurisdiction has substantially equivalent requirements for registration, certification, or licensure as those in this state; and

(b) Whether there are similar professions to that of the applicant group which should be included in, or portions of the applicant group which should be excluded from, the proposed legislation;

(6) The maintenance of standards:

(a) Whether effective quality assurance standards exist in the profession, such as legal requirements associated with specific programs that define or enforce standards, or a code of ethics; and

(b) How the proposed legislation will assure quality:

(i) The extent to which a code of ethics, if any, will be adopted; and

(ii) The grounds for suspension or revocation of registration, certification, or licensure;

(7) A description of the group proposed for regulation, including a list of associations, organizations, and other groups representing the practitioners in this state, an estimate of the number of practitioners in each group, and whether the groups represent different levels of practice; and

(8) The expected costs of regulation:

(a) The impact registration, certification, or licensure will have on the costs of the services to the public; and

(b) The cost to the state and to the general public of implementing the proposed legislation. [1987 c 514 § 6.]