

Training. [Order 5, § 299-08-030, filed 5/13/74.] Decodified under RCW 34.04.050(5). Later promulgation, see Title 139.

299-08-040

Instructors. [Order 3, § 299-08-040, filed 1/22/74, effective 7/1/74.] Decodified under RCW 34.04.050(5). Later promulgation, see Title 139.

WAC 299-08-010 through 299-08-040 Repealed.
See Disposition Table at beginning of this chapter.

Title 308 WAC

LICENSING, DEPARTMENT OF

(Formerly: Motor Vehicles, Dept. of and Licenses,
Dept. of)

Chapters

- 308-04 General provisions.
- 308-11 Regulation of auctioneers.
- 308-12 Architects.
- 308-16 Barbers, barber shops, and barber colleges.
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- 308-36 Dental hygienists.
- 308-37 Dentistry--License display--Reports--Records--Inventory requirements--Prescribing practices.
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- 308-138 Osteopathic physicians and surgeons.
- 308-138A Osteopathic physicians' assistants.
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- 308-140 Charitable solicitations.
- 308-300 Consolidated licensing system for grocery related business.
- 308-400 Standardized filing forms--Uniform Commercial Code.

Chapter 308-04 WAC

GENERAL PROVISIONS

WAC

- 308-04-001 Appointment of director--Agency documents.

WAC 308-04-001 Appointment of director--Agency documents. John Gonzalez was appointed director of the department of licensing on January 14, 1981. All documents issued after that date in the name of the director in the disposition and performance of the official business of the department of licensing shall be considered to have been issued by him or at his direction whether his name, or the name of the former director, appears on the document.

This rule is adopted to ratify the use of thousands of forms now in the department's inventory which have been preprinted with the name of the former director's name, the replacement of which would result in the unnecessary expenditure of state funds. [Statutory Authority: RCW 43.17.060, 43.24.040, and 46.01.160. 81-07-045 (Order DOL 622), § 308-04-001, filed 3/16/81.]

Chapter 308-11 WAC

REGULATION OF AUCTIONEERS

WAC

- 308-11-001 Fees.
- 308-11-010 Definitions.
- 308-11-040 Application for license as auctioneer.
- 308-11-050 Surety bond or trust account required.
- 308-11-060 Advance notice of cancellation or termination required.
- 308-11-080 Trainee auctioneer.
- 308-11-100 Records.
- 308-11-120 Inspection and audit.

WAC 308-11-001 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>TITLE OF FEE</u>	<u>FEE</u>
Auctioneer—initial application (resident)	\$150.00
Auctioneer—initial application (nonresident)	150.00
Auctioneer—renewal	150.00
Auctioneer—renewal penalty	50.00
Auctioneer Trainee—initial application	25.00
Auctioneer Trainee—renewal	15.00
Auctioneer Trainee—renewal penalty	10.00
Duplicate license	5.00
Certification	10.00

[Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-001, filed 11/9/82.]

WAC 308-11-010 Definitions. Words and terms used in these rules shall have the same meaning as each has under chapter 205, Laws of 1982, unless otherwise specifically provided in these rules or the context in which they are used clearly indicates that they be given some other meaning. [Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-010, filed 11/9/82.]

WAC 308-11-040 Application for license as auctioneer. Each applicant for an auctioneer license shall file an application with the department of licensing, on a form prescribed by the director. [Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-040, filed 11/9/82.]

WAC 308-11-050 Surety bond or trust account required. (1) An auctioneer's license shall not be issued by the department unless the applicant has first filed with the department an approved surety bond, or has established an approved trust account in lieu of bond, in the minimum amount of five thousand dollars in conformance with the requirements of section 10, chapter 205, Laws of 1982, and the requirements of this chapter.

(2) Each licensee must maintain such a surety bond, or trust account, in an active status at all times during the period of licensure.

(3) (a) No bond filed shall be approved unless it expressly provides that it will be effective for one year following the effective date of its cancellation or termination, whether because of expiration, suspension, or revocation of the license, or otherwise, as to any covered act or acts and omission or omissions of the licensee occurring on, or prior to, the effective date of cancellation or termination.

(b) No trust account shall satisfy the requirements of section 10, chapter 205, Laws of 1982, unless by the express terms of the trust the trust account shall remain open and active, and at least five thousand dollars shall remain on deposit therein, for not less than one year following the effective date of its cancellation or termination, whether because of the expiration, suspension or revocation, or otherwise, as to any covered act or acts or

omission or omissions of the licensee occurring on, or prior to, the effective date of cancellation or termination.

(c) Subject to the requirement of subsection (b) above, each surety bond or trust account shall be deemed terminated upon the expiration or revocation of the license in connection with which the bond was issued, or the account created: *Provided*, That for the purposes only of this section a license shall not be deemed expired, suspended, or revoked so long as the licensee may continue to act as an auctioneer pursuant to the provisions of chapter 34.04 RCW or any court order issued pursuant thereto. [Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-050, filed 11/9/82.]

WAC 308-11-060 Advance notice of cancellation or termination required. No cancellation of any surety bond issued, or trust account created, for the purpose of this chapter shall be effective unless the company issuing the bond, or the qualified public depository holding the account, shall have first given ten days advance written notice of the cancellation or termination to the department and to the licensee, together with the reason for the cancellation or termination: *Provided*, That no such notice shall be required when the termination of the bond or trust account is due to the expiration or revocation of the subject license. [Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-060, filed 11/9/82.]

WAC 308-11-080 Trainee auctioneer. (1) Each applicant for an auctioneer trainee license shall file an application with the department on the form prescribed by the director.

(2) Licenses issued to a trainee auctioneer shall be valid only as to the trainee's activity while employed by, and supervised by, an employer who is a licensed auctioneer.

(3) In the event the license of the auctioneer employing the trainee shall be revoked, suspended for a period of time to exceed six months, expire or otherwise terminate, the trainee's license shall automatically terminate at that time also. If the license of the employing auctioneer is suspended for a period of less than six months, the license of the trainee shall not terminate but the trainee may not operate under the license until the trainee's employer's license has been reinstated.

(4) The trainee's license shall terminate immediately upon termination of the trainee's employment with the employing auctioneer. The trainee shall return the trainee's license to the department forthwith upon such termination of employment.

(5) A trainee must apply for, and obtain, a new and separate license to act as a trainee auctioneer respecting each employing auctioneer by whom the trainee is employed. No trainee auctioneer may hold more than one license as a trainee auctioneer at the same time. [Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c

205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-080, filed 11/9/82.]

WAC 308-11-100 Records. The following requirements and prohibitions apply to all records and documents required to be maintained by chapter 205, Laws of 1982, or elsewhere in these rules:

(1) They shall be maintained in accordance with generally accepted accounting practices.

(2) No person shall make any false or misleading statement, or make any false or misleading entry, or wilfully fail to make any entry required to be maintained or made, in any such record or document.

(3) No person shall wilfully fail to produce any such record or document for inspection by the department. [Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-100, filed 11/9/82.]

WAC 308-11-120 Inspection and audit. All records required to be maintained by an auctioneer by chapter 205, Laws of 1982, or these rules, together with any other business or other types of records of the auctioneer which may be related to activity as an auctioneer or necessary to a full understanding of such records, and any auction mart or other premise used for the purpose of conducting an auction, together with any personal property which may be the subject of, or related to, an auction shall be subject to inspection and audit at any reasonable time, with or without notice upon demand by the department, for the purposes of determining compliance or noncompliance with the provisions of chapter 205, Laws of 1982, and these rules.

If records requested by the department are not immediately available because they are not physically present upon the premises at the time the demand is made, they shall be procured and produced to the department as soon as possible, but in any event within twenty-four hours, by the licensee.

A reasonable time for the conduct of such inspection and audit shall be:

(1) If the records or items to be inspected or audited are located anywhere upon a premise any portion of which is open for business or to the public [or members and guests], then at any time the premises are so open, or at which they are usually open; or

(2) If the records or items to be inspected or audited are not located upon a premise set out in section (1) above, then any time between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday. [Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-120, filed 11/9/82.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

Chapter 308-12 WAC ARCHITECTS

WAC
308-12-300 Repealed.
308-12-311 Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-12-300 Registration renewal fee. [Order PL 205, § 308-12-300, filed 11/5/75; Order PL 163, § 308-12-300, filed 3/18/74.] Repealed by 81-18-044 (Order PL 383), filed 8/28/81. Statutory Authority: RCW 43.24.085.

WAC 308-12-300 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-12-311 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Qualifying & Design Examination	\$100.00
Initial Professional Exam	\$ 60.00
Initial Registration or Renewal	\$ 30.00
Late Registration Renewal Penalty	\$ 30.00
Reciprocity Application Fee	\$160.00
Reexamination - Qualifying Examination	
(one section)	\$ 20.00
(two sections)	\$ 40.00
(three sections)	\$ 60.00
(four sections)	\$ 80.00
(Design Exam)	\$ 70.00
(Professional Exam)	\$ 90.00
Replacement Certificate	\$ 15.00
Administering Exam for Other States	\$ 30.00

[Statutory Authority: RCW 43.24.085. 81-18-044 (Order PL 383), § 308-12-311, filed 8/28/81; 79-04-024 (Order PL-300), § 308-12-311, filed 3/21/79.]

Chapter 308-16 WAC BARBERS, BARBER SHOPS, AND BARBER COLLEGES

WAC
308-16-211 Scoring for practical examination—Permit.
308-16-212 Scoring for practical examination—Journeyman.
308-16-215 Reexaminations.
308-16-216 Partial written reexaminations.
308-16-217 Permittees—Partial examination.
308-16-218 Applications for examination.
308-16-440 Catalog or brochure.
308-16-450 Minimum cancellation and refund policy.
308-16-460 Enrollment agreement (contract) checklist.
308-16-470 Bonding.

WAC 308-16-211 Scoring for practical examination—Permit. All applicants at a permit barber examination must obtain a grade average of 65% in each category of the practical examination, to wit: haircutting, shaving, massaging, shampooing and conditioning

of barber tools. The final score for each category will be based upon the scores given to the applicant by the majority of the examiners or be based upon the average of the scores of all examiners, whichever score is greater. A failure to obtain a final score of at least 65% in any one category will result in a failure of the entire practical examination. In the case of a failure of the examination and upon a proper retest, the applicant will be required to perform all categories of the practical examination. [Statutory Authority: RCW 18.15.056. 81-03-015 (Order PL 365), § 308-16-211, filed 1/9/81; Order PL 193, § 308-16-211, filed 6/12/75.]

WAC 308-16-212 Scoring for practical examination—Journeyman. All applicants for a journeyman practical examination must obtain a grade average of 75% in each category of the practical examination, to wit: Haircutting, shaving, massaging, shampooing and conditioning of barber tools. The final score for each category [will] [shall] be based upon the scores given to the applicant by the majority of the examiners or be based upon the average of the scores of all the examiners, whichever is greater. A failure to obtain a final score of [at least] 75% in any one category will result in [a] failure of the [entire practical] examination[.] [In the case if a failure of the examination] and upon a proper retest, the applicant will be required to perform those categories of the practical examination in which the applicant previously failed. [Statutory Authority: RCW 18.15.056. 81-03-015 (Order PL 365), § 308-16-212, filed 1/9/81; Order PL 193, § 308-16-212, filed 6/12/75.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-16-215 Reexaminations. Applicants for barber examination shall be permitted to take that category of the examination, both written and practical, [examination] which they have failed to pass: *Provided, however,* That all examinations shall be completed within one year of the date of original application. If more than one year has elapsed, a new application shall be submitted and all portions of the written and practical examinations successfully completed. [Statutory Authority: RCW 18.15.056. 81-03-015 (Order PL 365), § 308-16-215, filed 1/9/81; Order 12, § 308-16-215, filed 9/12/68.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-16-216 Partial written reexaminations. An applicant retaking the written barber examination, consisting of five branches, shall be reexamined only in those branches in which s/he has failed to receive a

passing grade of 75%. [Statutory Authority: RCW 18.15.056. 81-03-015 (Order PL 365), § 308-16-216, filed 1/9/81; Order 14, § 308-16-216, filed 3/14/69.]

WAC 308-16-217 Permittees—Partial examination. A permit barber, upon examination for a journeyman barber license, shall [only] be required to take and successfully pass [only] the practical portion of the examination. [Statutory Authority: RCW 18.15.056. 81-03-015 (Order PL 365), § 308-16-217, filed 1/9/81; Order 14, § 308-16-217, filed 3/14/69.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-16-218 Applications for examination. Applications for examination or reexamination and licensing must be received, complete in all respects including required fees, no later than 15 days prior to the beginning date of the next scheduled examination. [Statutory Authority: RCW 18.15.056. 81-03-015 (Order PL 365), § 308-16-218, filed 1/9/81.]

WAC 308-16-440 Catalog or brochure. Each school must provide a catalog or brochure to all prospective students and every person currently enrolled in the program. The catalog or brochure should contain sufficient information to enable a prospective student to make an informed decision about enrolling and should avoid inaccurate, false, misleading or exaggerated statements. At a minimum, each catalog or brochure must include the following information:

- (1) The date of publication and year(s) for which the catalog or brochure is effective;
- (2) The name and address of the school;
- (3) The names of the owner(s) or governing body;
- (4) A calendar of the school year showing legal holidays, beginning and ending dates of each quarter, term or semester where applicable;
- (5) The school's normal hours of operation and instruction;
- (6) The school's policy on enrollments and the specific criteria or requirements for admission;
- (7) The school's policy on attendance, tardiness and student conduct;
- (8) The school's grading system and policies;
- (9) The educational objectives of the program, along with a summary of the requirements for licensure as a barber and a statement that a license is required to practice this occupation;
- (10) An outline showing the subject or units in the program, the type of work or skill to be learned and the number of clock hours to be spent on each subject or unit;
- (11) A description of the available space, facilities and equipment at the school and the class size;
- (12) A detailed schedule of all fees, including charges for tuition, books, supplies, tools, rentals or deposits and the methods or terms of payment accepted by the school;

(13) A copy of the school's refund policy which must at a minimum comply with WAC 308-16-450;

(14) A clear statement that the school does NOT guarantee employment and an accurate description of any placement or job counseling services offered by the school;

(15) An explanation of any scholarship or tuition waiver policies;

(16) Any other material facts concerning the school which are likely to affect the student's decision to enroll. [Statutory Authority: RCW 18.15.056 and 18.15.090. 82-08-064 (Order PL 394), § 308-16-440, filed 4/7/82.]

WAC 308-16-450 Minimum cancellation and refund policy. The intent of this section is to establish minimum cancellation and refund standards for the protection of both students and schools. An individual school, however, may wish to adopt a more liberal standard and the department encourages such practices. This policy shall not apply to any school accredited by an accrediting association recognized by the commission for vocational education pursuant to RCW 28B.05.040(5).

The school must state its policy and schedule of refunds in clear language that can be easily understood. The policy shall apply to all terminations, for any reason, by either party and must be set forth both in the catalog or brochure and in the student enrollment agreement.

(1) Enrollment agreements. The enrollment agreement form must clearly outline the obligations of both the school and the student, and provide details of the cancellation and refund policy of the school. A copy of the enrollment agreement and other data covering student costs must be furnished the applicant before any payment is made. No enrollment agreement is binding until it has been accepted in writing by an appropriate official at the school and signed by the student or the student's legal guardian.

(2) Catalog. The school's refund policy must also be printed in the school catalog.

(3) Termination date. The school may require notice of cancellation or withdrawal to be given by certified mail provided this requirement is stated in the enrollment agreement. The school may also require that notice be made by parent or guardian if the student is below legal age. The termination date for refund computation purposes shall in all cases be the last date of actual attendance by the student, unless a student fails, without timely written explanation to proper school authorities, to attend classes for a period of ten days during which classes are in session, the school may officially terminate the student from the program or course of instruction, and shall compute any refund due the student using the last date of actual attendance plus 10 days.

(4) Refund policy. Every refund policy for cancellations and terminations must, as a minimum, comply with the following requirements:

(a) Any applicant who is rejected by the school, or who requests a refund within 3 days of signing an enrollment agreement or making an initial payment, shall

be entitled to a refund of all monies paid, less any standard application fee, not to exceed twenty-five dollars.

(b) Any applicant who requests a refund more than 3 days after signing an enrollment agreement or making an initial payment, but before entering school and starting the course, shall be entitled to refund of all monies paid, minus a fee of ten percent of the tuition.

(c) Any student terminating training after entering the school and beginning the program shall be entitled to a refund of a percentage of the tuition paid on the number of hours the student was enrolled in the program as set forth in the following table:

No. Hours Enrolled	% Tuition to be Refunded by the School
1-156	80%
157-312	60%
313-624	40%
625-936	20%
More than 937	0%

(d) Any student disabled by prolonged illness or accident after completing 937 hours shall be permitted to withdraw from the school for a period of up to 90 days and resume training without additional charge above the original contract price upon proper certification by the student's attending physician.

(5) Any student enrolled in a school who subsequently withdraws, cancels or transfers shall be provided with a written statement of all charges assessed and paid as well as with a copy of the student's final monthly report showing the number of hours completed.

(6) Any moneys due the applicant or student shall be refunded within thirty days after the student's cancellation or termination.

(7) Items of extra expense to the student, such as instructional supplies or equipment, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other extra charges for which the student has contracted or paid in advance need not be considered in tuition refund computations provided they are separately shown on the enrollment agreement, catalog, or in other published data furnished to the student before enrollment, and provided further that the student received the complete materials or services during the period the student was actually enrolled. When items of major extra expense are separately shown for this purpose the school must also state its policy for reasonable settlement of such charges in the event of early termination of the student and in no event shall the charges be more than the actual value of the materials or services used by the student.

(8) No promissory notes or contracts for tuition may be sold, assigned or discounted to third parties, unless the student, the student's guardian and/or financial sponsor is notified of such sale or assignment. [Statutory Authority: RCW 18.15.056 and 18.15.090. 82-08-064 (Order PL 394), § 308-16-450, filed 4/7/82.]

WAC 308-16-460 Enrollment agreement (contract) checklist. A contractual relationship exists between a

school and its applicant or student. The terms of such agreements are considered to be of substantial importance and should be clearly understood by all concerned parties, including unsophisticated applicants and parents. Therefore, a school is required to utilize a written enrollment agreement clearly outlining the obligations of the school and the student, including details of the school's refund policy, and to provide a copy of the agreement to the applicant before any payment is made. It is not necessary for the various elements to be stated in any special phraseology or listed in any particular sequence, so long as the overall document conveys the terms of the agreement in a manner that can be easily understood by the average person.

(1) Requirement elements. These elements must be included in each enrollment agreement. A copy of the agreement must be furnished to the applicant before any payment is made. Since each applicant should be fully informed as to the nature of the obligation, responsibilities and rights under the contract before signing it, the applicant should also have a copy of the school's catalog and other necessary supporting documents detailing the services outlined in the agreement.

(a) Title. Identified as a contract or agreement.

(b) School. Name and address of the school to be attended.

(c) Course or program. Course or program title as identified in the catalog.

(d) Time required. Number of clock hours and number of weeks or months normally required for completion.

(e) Tuition and costs:

(i) Total tuition for the course. If subject to change, the tuition for the period which the agreement covers (e.g., quarter, semester, etc.) and the number and length of such periods required for completion must be clearly disclosed.

(ii) Books and supplies. May be estimated if necessary. A separate listing must be provided the applicant if these costs are included in the tuition charge.

(iii) Other costs. Specify other costs and charges made by the school. If the course requires purchase of items or services from outside sources, this fact must also be specified.

(iv) Payment. Methods and terms of payment. Must comply with Federal Truth-In-Lending and state retail installment sales contract requirements.

(f) Starting date. Scheduled class starting date.

(g) Class schedule. All day, morning, afternoon, evening, split or other time of class attendance.

(h) Termination by school. Grounds for termination by the school prior to completion (such as insufficient progress, nonpayment, failure to comply with rules, etc.).

(i) Cancellation or termination by student. How to cancel or voluntarily terminate the agreement.

(j) Refund policy. Details of the school's refund policy for cancellations and terminations which, as a minimum,

complies with the cancellation and refund policy stated in WAC 308-16-450.

(k) Employment or tuition assistance. Employment guarantee disclaimer. Amount of any scholarship or tuition assistance to be furnished to the student.

(l) Effective date. Not binding until signed by the student or his guardian and accepted in writing by the designated school official authorized in writing and policy to accept such contracts and agreements and that the effective date of the contract shall not precede the date upon which all parties have signed the contract.

(m) Acknowledgments. Acknowledgment that signers have read and received a copy of the contract must appear on the contract in 8 pt. boldface type.

(n) Signatures. Date and signature of applicant (and parent or other sponsor if applicant is below legal age).

(o) School signature. Acceptance date and signature of appropriate official at the school.

(p) Other elements. Other elements required by other state, local or federal governmental bodies.

(i) Conditional elements. The contract must also disclose and outline any other conditions, circumstances, or qualifications imposed by the school. [Statutory Authority: RCW 18.15.056 and 18.15.090. 82-08-064 (Order PL 394), § 308-16-460, filed 4/7/82.]

WAC 308-16-470 Bonding. (1) The amount of the bond shall be ten percent of the preceding year's gross tuition charges derived from students receiving educational services in Washington, but not in excess of seventy-five thousand dollars. Schools not having been in operation prior to the date of their initial licensure shall base their bond amount upon their estimated receipts.

(2) In lieu of the surety bond provided for herein, the school may furnish, file and deposit with the department, cash or other negotiable security. Such deposits in lieu of a bond shall be in the amount of such proportions as required in subsection (1) of this section. The following types of deposits are acceptable:

(a) Escrow amount which provides the state of Washington with a recourse against the assets in the account as it would have against an insurance company on a bond.

(b) Certificate of deposit or government securities with a power of attorney which authorizes the state of Washington to have full recourse to the assets of the instrument as it would to an insurance company on a bond. The bank will assume the responsibility of keeping the instrument safe and would not release the same to the owner of the school unless the department advises for a release.

(c) Irrevocable letter of credit from a bank, made payable to the department and deposited with the agency as would a bond.

(d) Any other negotiable security acceptable to the director. [Statutory Authority: RCW 18.15.056 and 18.15.090. 82-08-064 (Order PL 394), § 308-16-470, filed 4/7/82.]

**Chapter 308-24 WAC
BEAUTY CULTURE**

WAC

308-24-300	Definitions.
308-24-305	Demonstrations and contests.
308-24-310	Repealed.
308-24-320	Recording student hours.
308-24-330	Credit allowed on transfer of training.
308-24-340	Student restrictions.
308-24-345	Curriculum for cadet instructors.
308-24-370	Application and examinations.
308-24-380	Repealed.
308-24-382	Examination for licensing.
308-24-384	Scope of examinations.
308-24-395	Instructor examination for licensing.
308-24-403	Licensing out of state applicants without examination.
308-24-404	Licensing out of state applicants with examination.
308-24-430	Standard requirements for maintenance and operation of licensed shops or schools.
308-24-510	Catalog or brochure.
308-24-520	Minimum cancellation and refund policy.
308-24-530	Enrollment agreement (contract) checklist.
308-24-540	Bonding.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-24-310	Trainee students. [Statutory Authority: RCW 18.18-.020, 79-12-001 (Order P.L. 319), § 308-24-310, filed 11/8/79; Order PL 152, § 308-24-310, filed 10/11/73.] Repealed by 82-21-036 (Order PL 409), filed 10/15/82. Statutory Authority: RCW 18.18.020.
308-24-380	Examination for licensing. [Order PL 279, § 308-24-380, filed 12/19/77; Order PL 212, § 308-24-380, filed 11/5/75; Order PL 152, § 308-24-380, filed 10/11/73.] Repealed by 81-09-031 (Order PL 376), filed 4/13/81. Statutory Authority: RCW 18.18.020.

WAC 308-24-300 Definitions. (1) The words "three hundred hours of instruction and practice" as used in RCW 18.18.210 shall mean: A total of three hundred hours of classroom instruction at a licensed cosmetology school, consisting of a combination of formal instruction, supervised study, and supervised practice.

(2) The words "his or her own family" as used in RCW 18.18.260 shall mean: Licensee's husband or wife, licensee's children and all other immediate relatives of the licensee.

(3) The word "student" as used in RCW 18.18.050, and 18.18.210 shall mean a person who is enrolled in a 2,000 hour course of instruction in a licensed cosmetology school. In all other cases, the word "student" as used in chapter 18.18 RCW shall mean those individuals enrolled in all or part of the 2,000 hour cosmetology course, 500 hour manicurist course or 500 hour cadet instructor course in a licensed cosmetology school.

(4) Practice of manicuring as used in RCW 18.18.010(4) also includes:

(a) Hand and arm massage when performed in conjunction with a manicure. Arm massage not to extend beyond the elbow.

(b) Foot and leg massage when performed in conjunction with a pedicure. Leg massage not to extend beyond the knee.

(c) Facial makeup to include: Application of false and semi-permanent eyelashes; temporary removal of facial hair when performed in conjunction with facials; tinting eyelashes and brows; and arching brows.

(d) Applying, caring and removal of artificial nails.

(5) The words "shop," "shops," "licensed shop," or "licensed shops" as used in this chapter includes both cosmetology shops and manicurist shops as defined in RCW 18.18.010(7) and 18.18.010(8).

(6) In accordance with the 1982 revision of chapter 18.18 RCW the term "cosmetology operator" shall now mean cosmetology manager operator and "manicurist" shall now mean manicurist manager operator. [Statutory Authority: RCW 18.18.020, 82-21-036 (Order PL 409), § 308-24-300, filed 10/15/82; 79-12-001 (Order P.L. 319), § 308-24-300, filed 11/8/79; Order PL 279, § 308-24-300, filed 12/19/77; Order PL 152, § 308-24-300, filed 10/11/73.]

WAC 308-24-305 Demonstrations and contests. (1) Any person who represents a manufacturer, wholesaler, retailer or distributor and who for the purpose of advertising, promoting or selling any cosmetology lotion, compound, preparation, substances, equipment or supplies, may perform demonstrations of the use [or] [of] application of the item, incident to the original, retail sale of the item, provided that if a person is to be used as a model, then such person must:

(a) Voluntarily agree to serve as a demonstration model; and,

(b) Not be subject to any charge or fee for such demonstration.

However, if the demonstrator does not hold a Washington state cosmetology instructor operator license, then any such demonstration in a cosmetology school must be performed in the presence of and under the direct supervision of a duly licensed Washington state cosmetology instructor operator.

(2) A licensee, or person who does not hold a Washington state cosmetology license, may demonstrate equipment, materials, products, hairstyling, hairwaving, or haircutting in conjunction with any state-wide or regional cosmetology or hairdressing trade show provided:

(a) The demonstration is confined to the explanation or application of cosmetics, hair products, hairstyling, haircutting or other aspects of the cosmetology industry, and,

(b) The cosmetology or hairdressing trade show is conducted or designed primarily for the benefit of licensed cosmetologists or others qualified in the profession, and

(c) If the demonstration requires the use of a person as a model, then the person servicing as a model must:

(i) Voluntarily agree to serve as a demonstration model, and

(ii) Not be subject to any charge or fee for such demonstration.

(3) State-wide or regional contests or competition, involving a branch of cosmetology, may be conducted in places other than licensed cosmetology schools or shops, provided:

(a) The contest or competition is held for the primary purpose of generating interest in and enhancing the cosmetology profession; and,

(b) All contestants are currently licensed as cosmetologists or registered as cosmetology students; and,

(c) The general safety and sanitation regulations governing schools and shops are met; and,

(d) If the contestants are required to use a person to serve as a model, then such person must:

(i) Voluntarily agree to serve as the contestant's model; and,

(ii) Not be subject to any charge or fee for the services received from the contestant.

(4) Persons or firms desiring to conduct demonstrations other than those authorized by WAC 308-24-305(1) and (2) may request the director's approval of such demonstrations. Request must be made in writing to the director at least thirty days prior to the planned demonstration date, indicating the time, place, purpose and conduct of such demonstration. [Statutory Authority: RCW 18.18.020. 81-03-016 (Order PL 366), § 308-24-305, filed 1/9/81; Order PL 279, § 308-24-305, filed 12/19/77.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-24-310 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-24-320 Recording student hours. (1) Each licensed school shall record registered students' instructional hours and requirements monthly on forms provided by the director. All original copies of the monthly reports of students' hours and requirements shall be retained in the school files so long as the student is registered and undergoing instruction in that school, with the exception of the original final report which is taken to examination. The original shall be submitted to the examining committee and a copy retained by the school. All retained reports will be made available by the school at the request of students, cosmetology executive secretary or authorized representatives. In cases of separation or transfer of students, schools shall report the instructional hours and requirements earned not later than 10 days following the date of student's separation or transfer from the school.

Cadet instructor hours must be recorded daily by accomplishment and kept on file in the school along with progress reports and evaluations. The original summary of hours and final evaluation of satisfactory completion must be submitted to the examining committee at the time of examination.

(2) Only instructor operators or managers and the individual students will attest to the correctness of the monthly reports.

(3) Fractional hours, if recorded on the monthly reports shall be in increments of no less than 15 minutes, i.e., 1/4, 1/2, 3/4 hours or 15, 30 or 45 minutes.

(4) No student will be given credit for more than eight hours of instruction in any one day. A student will be given credit daily for all hours of attendance in a licensed cosmetology school. Each practical and theory requirement completed shall be credited daily. School's disciplinary policies should not affect hours and requirements which have already been completed.

(5) A duplicate copy of the student's monthly instruction report will be furnished to the student at the completion of each month.

(6) At the time of application for examination, the school shall submit a report of hours and requirements to date of application for each candidate. Such report to be submitted with list of all candidates. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-320, filed 10/15/82; 81-03-016 (Order PL 366), § 308-24-320, filed 1/9/81; Order PL 279, § 308-24-320, filed 12/19/77; Order PL 152, § 308-24-320, filed 10/11/73.]

WAC 308-24-330 Credit allowed on transfer of training. (1) A licensed manicurist or a registered student of a manicurist course of instruction desiring to enroll in a 2,000 hour cosmetology course, may be given credit in the cosmetology course, as determined by the examining committee; but such credit shall not exceed the number of hours and operations as set forth in the curriculum.

(2) A registered student enrolled in a 2,000 hour cosmetology course desiring to enroll in a manicurist course, may be given credit in the manicuring course, as determined by the examining committee; but such credit shall not exceed the number of hours and operations as set forth in the curriculum.

(3) An individual applying for license as a cosmetologist, manicurist or instructor who may have been licensed by another state, but who does not meet this state's requirements for licensing, may be given credit in a cosmetology, manicurist or cadet instructor course as determined by the examining committee, but such credit shall not exceed the number of hours and operations as set forth in the curriculum. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-330, filed 10/15/82; Order PL 152, § 308-24-330, filed 10/11/73.]

WAC 308-24-340 Student restrictions. (1) Students enrolled in a cosmetology course of instruction who have completed more than 300 hours of instruction and practice in a cosmetology school shall wear a badge which must meet the following requirements:

- (a) Be greater than 1 1/2" X 1 1/2" in dimensions;
- (b) Include the phrase "over 300 hours;"
- (c) Display the student's name.

(2) Students having less than 300 hours of instruction and practice in a cosmetology course of instruction shall not be allowed to wear any type of badge other than a name identification.

(3) Student training shall not exceed eight hours in any one day.

(4) A student enrolled in the manicurist course of instruction having more than 100 hours of instruction and practice in such course shall wear a badge which must meet the following requirements:

(a) It must be greater than 1 1/2" X 1 1/2" in dimensions;

(b) Include the phrase "manicurist over 100 hours;"

(c) Display the student's name.

(5) Students having less than 100 hours of instruction and practice in the manicurist course shall not be allowed to wear any type of badge other than a name identification.

(6) No charge shall be made for the student's work or services until the student has completed the following:

(a) Cosmetology student, 300 hours of instruction and training as a cosmetologist in a licensed cosmetology school.

(b) Manicurist student, 100 hours of instruction and training as a manicurist in a licensed cosmetology school.

(7) All students enrolled in a cosmetology operator or manicurist course of instruction at a licensed cosmetology school must wear washable, professional type of apparel while in attendance at such school. Students are expected to maintain a neat and clean appearance at all times while in attendance and undergoing training at a licensed school.

(8) Students enrolled in the cadet instructor course will wear a badge displaying their name and the words "cadet instructor." [Statutory Authority: RCW 18.18-.020. 82-21-036 (Order PL 409), § 308-24-340, filed 10/15/82; Order PL 279, § 308-24-340, filed 12/19/77; Order PL 152, § 308-24-340, filed 10/11/73.]

WAC 308-24-345 Curriculum for cadet instructors. Licensed cosmetology schools wishing to offer training for cadet instructors are required to develop and maintain an appropriate curriculum. This curriculum should be based on a minimum of 500 hours of training and study in the areas shown below:

(1) 150 hours of training in instructional methods covering the following subjects or units;

(a) 30 hours on methods of teaching cosmetology: (Vocational Education, Unit 1)

(i) lesson planning;

(ii) student learning principles;

(iii) classroom management;

(iv) 4 step method.

(b) 30 hours on occupational analysis and advisory committees: (Vocational Education, Unit II)

(i) develop system for analysis;

(ii) charting and categorizing;

(iii) validating;

(iv) organizing and working with advisory committees.

(c) 30 hours on course organization: (Vocational Education, Unit III)

(i) develop instruction from analysis;

(ii) organize and prioritize;

(iii) group and sequence learning units;

(iv) test and evaluate;

(v) teaching aids.

(d) 30 hours on student leadership development: (Vocational Education, Unit XXIII)

(i) how to be effective;

(ii) Vocational Industrial Clubs of America or student leadership organization;

(iii) personality and conduct;

(iv) interpersonal relationships;

(v) customer relations.

(e) 30 hours on one of the following topics or units;

(i) testing and rating (Unit IX);

(ii) shop organization and management (Unit X);

(iii) audio visual materials (Unit XXII);

(iv) philosophy of vocational education (Unit XVIII);

(v) techniques in individualized instruction (Unit XXIV).

(2) 350 hours of training in clinic supervision and management covering the application of teaching techniques as follows:

(i) practical classroom and clinic services;

(ii) dispensary inventory and maintenance;

(iii) reception area management.

(A) use of cash register;

(B) telephone techniques;

(C) student practical assignments.

(3) Cadet instructors are considered to be students and cannot be used to satisfy the minimum instructor requirements or to replace a licensed instructor required by RCW 18.18.170. Cadet instructors must be under the direct supervision of a licensed instructor operator at all times. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-345, filed 10/15/82.]

WAC 308-24-370 Application and examinations.

(1) Applications for student registration, except for those students registered under authority of RCW 18.18.010(14), (16) and (17), must be accompanied by a copy (or certification) of the applicant's high school diploma, or a copy of the applicant's GED test results.

(2) Applications for special student registrations must be accompanied by a copy of the letter of agreement between the student's senior high school (or prep school) and the licensed cosmetology school. When these students apply for examination and licensing, each will then be required to produce a copy (or certification) of his or her high school diploma.

(3) Students must submit application[s] for examination and licensing to be received, complete in all respects including required fees, no later than 45 calendar days prior to the beginning date of the scheduled examination. Licensed schools may allow a student to submit an application for cosmetology instructor, manager operator or manicurist manager operator examination before actual completion of the required minimum training hours, provided, the school owner or manager may reasonably expect or anticipate that such student will have completed the required number of training hours by the beginning date of the examination for which application is made.

(4) Generally examinations will be scheduled to be conducted during the months of January, March, May,

July, September, and November of each year. In January of each year the examining committee will determine the beginning date for each examination period for the following calendar year. Thereafter this schedule of examination[s] will be furnished to each licensed cosmetology school and will be available to any person upon request.

(5) An individual who has filed an application and is subsequently scheduled for examination should notify the director, in writing, if he/she is unable to appear for the scheduled examination. Failure to give such notification at least seven days before the scheduled examination date will result in total forfeiture of the application and examination fee. Conversely, seven day's notice will cause the applicant to be rescheduled for the next examination.

(6) Applications for a shop or school license will be submitted at least thirty days prior to the proposed opening date and will be accompanied with diagram, sketch or drawing of the entire floor plan for the proposed establishment. This floor plan should show or identify: Outside entrances; restrooms; and, to the extent applicable, waiting rooms; storage rooms; dispensary; any other rooms; styling or work stations, dryers, shampoo bowls, facial area; facial equipment; sinks, manicure equipment; manicure work stations; and any other major items of fixed or mobile equipment. These floor plan drawings will be used by the department in determining whether the proposed shop or school has sufficient space and equipment to adequately perform the services to be offered to the public and to ensure that the shop or school will provide the facilities and equipment as set forth in chapter 18.18 RCW and the rules adopted under the authority thereof. Additionally, these drawings will be used as a guide during the precicensing inspection. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-370, filed 10/15/82; 79-12-001 (Order P.L. 319), § 308-24-370, filed 11/8/79; Order PL 279, § 308-24-370, filed 12/19/77; Order PL 152, § 308-24-370, filed 10/11/73.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-24-380 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-24-382 Examination for licensing. (1) All applicants must at their scheduled time for examination, present the admittance card or letter previously sent to them by the division of professional licensing. Applicants must appear for the practical portion of the examination in washable, professional uniforms of one of the following types:

- (a) A white uniform dress, or
- (b) A white tunic or jacket and a white or dark colored skirt, or
- (c) A white tunic or jacket and white or dark colored slacks or pants.

(2) Applicants for cosmetology operator or manicurist examination, who submitted their application prior to the completion of the minimum hours of instruction, must at the time of examination present written certification that they have completed the minimum curriculum and training as prescribed by chapter 18.18 RCW and chapter 308-24 WAC.

(3) It is the applicant's responsibility to furnish or procure the individual supplies and equipment required for the practical examination. Also, it is the sole responsibility of the cosmetology operator or manicurist applicant to provide a suitable model upon which the applicant will be required to demonstrate certain skills or techniques during the practical examination phase. These models must meet the following requirements:

- (a) Be at least 15 years of age;
- (b) The model's hair must be clean and of sufficient length that a minimum of one inch may be removed by cutting and with sufficient hair remaining so that examinee may perform the services or functions as set forth in WAC 308-24-380(5)(a).
- (c) The model's fingernails must have not less than one-eighth inch of free edge. Free edge is defined as the end portion of the nail plate extending over the fingertip.
- (d) The model must be free from any infectious or contagious disease of the head, scalp, hair, face, neck, hands or nails such as acne, tinea or herpes simplex. The examining committee reserves the right to disqualify any model who, in their opinion, may be a carrier of an infectious or contagious disease.

NOTE: Applicants are prohibited from using any person who is: A registered cosmetology or manicuring student; licensed in any branch of cosmetology; or a cosmetology school owner. Additionally, because of limitation of physical space or facilities, an applicant may only use one individual to serve as the model for all phases of the practical examination for which the applicant is scheduled. [Statutory Authority: RCW 18.18.020. 81-09-031 (Order PL 376), § 308-24-382, filed 4/13/81.]

WAC 308-24-384 Scope of examinations. (1) Written examinations:

- (a) Cosmetology manager operator. The written portion of this examination will include questions relating to the following branches of cosmetology:
 - (i) Hairstyling and shampooing;
 - (ii) Hair coloring and bleaching;
 - (iii) Permanent waving and chemical hair relaxing;
 - (iv) Hair shaping;
 - (v) Scalp and hair treatments;
 - (vi) Manicuring and pedicuring;
 - (vii) Facials, makeup and theory of massage;
 - (viii) Anatomy and physiology as it pertains to cosmetology;
 - (ix) Hygiene, sanitation and sterilization;
 - (x) Salon management, state cosmetology laws and regulations, professional ethics and other practices of cosmetology.

(b) Manicurist manager operator. The written portion of this examination will include questions relating to the following branches of manicuring:

- (i) Manicuring as defined in RCW 18.18.010(3);
- (ii) Hygiene, sanitation and sterilization;
- (iii) Anatomy and physiology as it pertains to manicuring, pedicuring, and facials;
- (iv) Salon management, state cosmetology law and regulations, professional ethics and other practices of manicuring.

(c) Cosmetology instructor operator. The written portion of this examination will include questions relating to educational psychology, instructional planning, principles and methods of teaching, training aids, testing and evaluation and state cosmetology law and regulations.

(2) Practical examinations:

(a) Cosmetology manager operator. The practical portion of this examination may include an actual demonstration of or in the following functions or branches:

- (i) Facials;
- (ii) Scalp treatments;
- (iii) Haircuts (razor, scissor dry or scissor wet);
- (iv) Shampooing;
- (v) Hair coloring and bleaching;
- (vi) Fingerwaves;
- (vii) Permanent waving;
- (viii) Chemical straightening;
- (ix) Thermal curling or waving;
- (x) Hairstyling;
- (xi) Manicuring.

(b) Manicurist manager operator. The practical portion of this examination may include an actual demonstration of or in the following functions or branches:

- (i) Manicuring;
- (ii) Pedicuring;
- (iii) Facial treatments including makeup;
- (iv) Arches/lash/brow treatments.

(c) Cosmetology instructor operator. The practical portion of this examination will be graded based upon applicant's demonstration of teaching skills and the lesson plans submitted as directed by the examining committee.

(3) The examination shall consist of written questions and answers and practical tests. Passing grades shall be based on the standard of one hundred percent. An applicant who receives a passing grade of not less than seventy-five percent in all branches, shall be entitled to a license. Those applicants who do not obtain a score of seventy-five percent in all branches of the examination will fail the examination.

(4) Any applicant for instructor, cosmetology or manicurist license having failed the examination may apply for reexamination at the next scheduled examination upon payment of reexamination fee. Such applicants will be reexamined in those branches failed. However, if the applicant again fails to successfully pass the examination, he or she may be required to return to an approved cosmetology school for additional instruction, as determined by the committee, before he may be reexamined in those branches. Any applicant who fails to obtain the additional training to be reexamined and be

licensed within three years following original examination date, shall be required to take the entire licensing examination.

(5) (a) The examining committee recognizes that there are many textbooks offering instruction in the theory and practice of cosmetology and does not intend to endorse any one textbook or to limit the textbooks any licensed school may use to instruct its students. Therefore, in the event a dispute arises over the answer to the test question, the committee will rely on the majority of information found in the Standard Textbook of Cosmetology, Milady Publishing Corp., 1981 Edition; West's Textbook of Cosmetology, West Publishing Co., 1981 Edition; or the Professional Cosmetologist, West Publishing Co., 1979 Edition, as the authority in determining which answers may be credited as correct or incorrect.

(b) Textbook authority for instructor operator examination will be Cosmetology Teacher Training Manual, published by Milady Publishing Corp., copyright revision 1977. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-384, filed 10/15/82; 81-09-031 (Order PL 376), § 308-24-384, filed 4/13/81.]

WAC 308-24-395 Instructor examination for licensing. It is the sole responsibility of the cadet instructor to furnish all necessary equipment and supplies needed to take the practical examination. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-395, filed 10/15/82.]

WAC 308-24-403 Licensing out of state applicants without examination. (1) Applicants may be issued a license as a cosmetology operator, manager operator, instructor operator, manicurist manager operator, or manicurist without examination provided their qualifications, training and experience obtained in any state, territory, possession or foreign country are substantially equal to the prerequisites for such licensing in the state of Washington. Applicants seeking license must submit the following for review and determination as to whether they meet the licensing requirements of this state:

(a) Completed application form and fee.

(b) Certification by the state or country as to: The professional training or schooling obtained; results of any examination for licensing; and, the record of any cosmetologist, hairdressing or manicurist license issued to applicant and the period such license was active or valid.

(c) Evidence of graduation from an accredited high school or, in the case of foreign schooling, evidence of completion of a course of instruction equivalent to a high school education in the United States. Applicants who have not graduated from high school, or an equivalent foreign school, may submit evidence of GED test scores as substitute support for the high school graduation requirement.

(d) Summary of all cosmetology work experience acquired by applicant since first obtaining a cosmetology license.

(2) When determining whether applicants meet the training requirements (2000 hours for cosmetology operator or 500 hours for manicurist) the committee will generally recognize hour-for-hour training and will give credit for 100 training hours for each three months of full time employment as a licensee outside the state of Washington, provided such experience was obtained within two years prior to the date of application.

(3) Each applicant for licensing without examination may be required to appear before a member of the examining committee for the purpose[s] of confirming or ascertaining that all requirements for licensing have been met and that the individual is sufficiently knowledgeable of Washington state's cosmetology licensing act and the rules and regulations adopted thereunder.

(4) Individuals that claim training and experience was acquired in a foreign country and who support their application with evidence or certifications as set forth above will be required to furnish an official English language transcript of such documents, at their own expense. Additionally, such individuals may be tested by the committee member to determine if the applicant has the ability to read, write and understand basic English language. [Statutory Authority: RCW 18.18.020. 81-03-016 (Order PL 366), § 308-24-403, filed 1/9/81; 79-12-001 (Order PL 319), § 308-24-403, filed 11/8/79; Order PL 279, § 308-24-403, filed 12/19/77.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-24-404 Licensing out of state applicants with examination. (1) Those individuals seeking licensing who have only partially met the required professional training or experience requirements of this state may be required to take the practical and/or written examination normally required for the type of licensing applied for.

(2) These applicants will normally be given the same credit for training and experience as set forth in WAC 308-24-403. However, because of failure to fully meet state standards the examining committee will then determine if additional training and/or examination is required. [Statutory Authority: RCW 18.18.020. 81-03-016 (Order PL 366), § 308-24-404, filed 1/9/81; Order PL 279, § 308-24-404, filed 12/19/77.]

WAC 308-24-430 Standard requirements for maintenance and operation of licensed shops or schools. (1) Water supply. An adequate supply of hot and cold running water of safe, sanitary quality must be provided in shampoo area, dispensary and in toilet facilities in licensed premises.

(2) Waste disposal. Waste water from fixtures must be discharged into sewers where available, or suitable facilities must be installed in accordance with ordinance[s] or rules and regulations as prescribed by the local health [officer] [offices].

(3) Plumbing. Plumbing fixtures shall be of impervious material and of a type which is readily accessible for

cleaning. They shall be installed in accordance with the plumbing ordinances of the area and installed so as not to constitute a cross connection.

(4) Floors. They shall consist of hardwood, tile or composition, or be suitably covered and be maintained in good repair, provided that such covering or surface shall be free from cracks, holes, and crevices which may collect dirt and hair. There shall be no accumulation of dust or dirt on floors. Hair droppings shall be removed immediately after completion of each haircut.

(5) Walls, ceilings, and fixtures. Ceilings and walls shall be kept in good repair and clean at all times. Shelves, furniture and fixtures shall be kept clean and free of dust, dirt and hair droppings.

(6) Lighting. Lighting fixtures shall be in sufficient number and properly placed so as to provide adequate lighting on all working surfaces. This lighting may be obtained by either natural or artificial light or a combination of both. Light fixtures shall be washed at sufficient intervals to be kept clean.

(7) Cabinets. Cabinets shall be provided for storage of clean linen and towels. These shall have tight fitting doors and shall be kept closed to protect the linen and towels from dust and dirt.

(8) Receptacle for used towels. A covered receptacle (need not be air tight) which can be readily emptied and cleansed shall be provided exclusively for soiled towels and linen.

(9) Refuse. Each work station shall have a waste basket or similar container that must be emptied and cleansed daily.

(10) Garbage disposal. All garbage shall be kept in a covered container and disposed of at frequent intervals so as not to create an unsanitary condition.

(11) Brushes, combs, and implements. Brushes, combs, shears, clippers and other implements shall be thoroughly cleansed and sanitized after each patron. Hair must be removed before sanitizing.

(12) Protective papers and linens. A clean towel, not previously used for any purpose since laundering shall be placed on the head rest of facial chairs before any patron reclines in that chair. A clean towel will be placed between the head and shampoo bowl when a patron is reclined in the chair for shampooing. A paper strip or clean towel shall be placed completely around the neck of each customer before any apron or hair cloth or any other protective device is fastened around the neck.

(13) Towels. Towels and other linens used in any licensed shop or school shall be washed after every use. A clean towel shall be used for each patron. Towels shall not be washed and dried on the premises except in suitable automatic washers and dryers. Drying towels on lines in shops or schools is prohibited. If towels are self-laundered in suitable automatic washers and dryers, sufficient hot water, detergent, and bleaching agents are to be used for each washing.

(14) Creams, lotions, and fluids. Individual amounts of lotion must be poured into a clean container and applied with individual pieces of clean gauze or cotton. Creams and other semi-solid substances must be removed from the container with a spatula. Powder must

be applied to patrons from bottles or dispenser. Use of brush for dusting powder is prohibited. Waving fluids shall be dispensed from suitable containers in a manner which prevents contamination of unused fluid. All containers must be covered when not in use and maintained in a clean dust-free manner.

(15) Hair nets, clippies, etc. Hair nets, clippies, pins, rollers, etc., must be washed in a warm detergent solution and kept in a clean, dust-proof storage cabinet when not in use.

(16) Permanent waving. Permanent wave end papers and neck strips must not be reused. All permanent wave rods and supplies shall be thoroughly cleaned and stored in a covered container when not in use.

(17) Toilet facilities. Every licensed shop and school shall provide adequate toilet facilities for the use of its customers, employees and/or students. Separate toilet facilities for men and women will be maintained within each licensed school. Toilet facilities will be maintained within each licensed shop or adjacent thereto ("Adjacent thereto" is defined to mean: In a commercial building — on the same floor and within a reasonable distance; or in a residence — in close proximity to the shop and within the residential structure). The toilet rooms shall have a commode, lavatory, soap dispenser, single service sanitary towels and waste basket. The rooms shall be lighted and ventilated. Toilet rooms and fixtures shall be kept clean and in good repair.

(18) Ventilation. All rooms in licensed shops or schools must have good ventilation. Where no windows are available for ventilation, there must be mechanical means for proper ventilation.

(19) Fixtures. Equipment in licensed shops or schools shall be of professional quality and kept immaculately clean.

(20) Dispensary. In each licensed shop or school there shall be a designated, separate and appropriate area for purposes of storing and dispensing cosmetic, manicuring or hairdressing supplies. This area will also contain the necessary facilities[,] equipment and sink required for the cleansing and sanitizing of brushes, combs, rollers, pins, clippies and such other type equipment or implements.

(21) Work stands. Work stands shall be maintained in a neat, orderly manner. Equipment which has been used shall not be left lying on the work stand[s], but shall be placed in a container for items to be washed and sanitized. Storage drawers in work stations shall be lined with a washable or disposable material and kept free of hair and in a clean, sanitary condition.

(22) Wet sterilizer. The container must be filled with sufficient sterilizer fluid to completely cover all articles placed therein for sanitizing. Fresh solution to be made daily.

(23) Shampoo bowls. Shall be [cleaned] [cleansed] immediately after use, including removal of loose hair from trap, and tints and dyes when spilled.

(24) Pets. Except for "seeing-eye" animals accompanying [in] patrons, dogs, cats or pets of any kind shall not be allowed in a licensed shop or school.

(25) Booths. Licensees electing to rent or lease booths or other defined areas within their licensed shop, have the primary and direct responsibility of ensuring that all such individuals (to whom they rent or lease space) while performing services within the licensee's shop:

(a) Hold the appropriate and current license issued by the state of Washington that [authorizes] [authorized] the person to perform the services being offered to the public; and

(b) Complying with all other provisions of the law regulating the practice of cosmetology, hairdressing or manicuring (chapter 18.18 RCW) and the rules adopted thereunder (chapter 308-24 WAC).

(26) If a licensed cosmetology school is operated in connection with another business, it must be separated by solid floor-to-ceiling partition. [Statutory Authority: RCW 18.18.020. 81-03-016 (Order PL 366), § 308-24-430, filed 1/9/81; 79-12-001 (Order PL 319), § 308-24-430, filed 11/8/79; Order PL 279, § 308-24-430, filed 12/19/77; Order PL 152, § 308-24-430, filed 10/11/73.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-24-510 Catalog or brochure. Each school must provide a catalog or brochure to all prospective students and every person currently enrolled in the program. The catalog or brochure should contain sufficient information to enable a prospective student to make an informed decision about enrolling and should avoid inaccurate, false, misleading or exaggerated statements. At a minimum, each catalog or brochure must include the following information:

(1) The date of publication and year(s) for which the catalog or brochure is effective;

(2) The name and address of the school;

(3) The names of the owner(s) or governing body;

(4) A calendar of the school year showing legal holidays, beginning and ending dates of each quarter, term or semester where applicable;

(5) The school's normal hours of operation and instruction;

(6) The school's policy on enrollments and the specific criteria or requirements for admission;

(7) The school's policy on attendance, tardiness and student conduct;

(8) The school's grading systems and policies;

(9) The educational objectives of the program, along with a summary of the requirements for licensure as a cosmetology operator and a statement that a license is required to practice this occupation;

(10) An outline showing the subject or units in the program, the type of work or skill to be learned and the number of clock hours to be spent on each subject or unit;

(11) A description of the available space, facilities and equipment at the school and the class size;

(12) A detailed schedule of all fees, including charges for tuition, books, supplies, tools, rentals or deposits and the methods or terms of payment accepted by the school;

(13) A copy of the school's refund policy which must at a minimum comply with WAC 308-24-520;

(14) A clear statement that the school does not guarantee employment and an accurate description of any placement or job counseling services offered by the school;

(15) An explanation of any scholarship or tuition waiver policies;

(16) Any other material facts concerning the school which are likely to affect the student's decision to enroll. [Statutory Authority: RCW 18.18.020 and 18.18.070. 82-08-063 (Order PL 395), § 308-24-510, filed 4/7/82.]

WAC 308-24-520 Minimum cancellation and refund policy. The intent of this section is to establish minimum cancellation and refund standards for the protection of both students and schools. An individual school, however, may wish to adopt a more liberal standard and the department encourages such practices. This policy shall not apply to any school accredited by an accrediting association recognized by the commission for vocational education pursuant to RCW 28B.05.040(5).

The school must state its policy and schedule of refunds in clear language that can be easily understood. The policy shall apply to all terminations, for any reason, by either party and must be set forth both in the catalog or brochure and in the student enrollment agreement.

(1) Enrollment agreements. The enrollment agreement form must clearly outline the obligations of both the school and the student, and provide details of the cancellation and refund policy of the school. A copy of the enrollment agreement and other data covering student costs must be furnished the applicant before any payment is made. No enrollment agreement is binding until it has been accepted in writing by an appropriate official at the school and signed by the student or the student's legal guardian.

(2) Catalog. The school's refund policy must also be printed in the school catalog.

(3) Termination date. The school may require notice of cancellation or withdrawal to be given by certified mail provided this requirement is stated in the enrollment agreement. The school may also require that notice be made by parent or guardian if the student is below legal age. The termination date for refund computation purposes shall in all cases be the last date of actual attendance by the student, unless a student fails, without timely written explanation to proper school authorities, to attend classes for a period of ten days during which classes are in session, the school may officially terminate the student from the program or course of instruction, and shall compute any refund due the student using the last date of actual attendance plus 10 days.

(4) Refund policy. Every refund policy for cancellations and terminations must, as a minimum, comply with the following requirements:

(a) Any applicant who is rejected by the school, or who requests a refund within three days of signing an enrollment agreement or making an initial payment, shall be entitled to a refund of all monies paid, less any standard application fee, not to exceed twenty-five dollars;

(b) Any applicant who requests a refund more than three days after signing an enrollment agreement or making an initial payment, but before entering school and starting the course, shall be entitled to refund of all monies paid, minus a fee of ten percent of the tuition.

(c) Any student terminating training after entering the school and beginning the program shall be entitled to a refund of a percentage of the tuition paid on the number of hours the student was enrolled in the program as set forth in the following table:

% of Time Enrolled	% Tuition to be Refunded by School
0.1- 4.9%	80%
5.0- 9.9%	70%
10.0-14.9%	60%
15.0-24.9%	50%
25.0-49.9%	30%
Over 50%	0%

(d) Any student disabled by prolonged illness or accident after completing 1000 hours shall be permitted to withdraw from the school for a period of up to 90 days and resume training without additional charge above the original contract price upon proper certification by the student's attending physician.

(5) Any student enrolled in a school who subsequently withdraws, cancels or transfers shall be provided with a written statement of all charges assessed and paid as well as with a copy of the student's final monthly report showing the number of hours completed.

(6) Any monies due the applicant or student shall be refunded within thirty days after the student's cancellation or termination.

(7) Items of extra expense to the student, such as instructional supplies or equipment, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other extra charges for which the student has contracted or paid in advance need not be considered in tuition refund computations provided they are separately shown on the enrollment agreement, catalog, or in other published data furnished to the student before enrollment, and provided further that the student received the complete materials or services during the period the student was actually enrolled. When items of major extra expense are separately shown for this purpose the school must also state its policy for reasonable settlement of such charges in the event of early termination of the student and in no event shall the charges be more than the actual value of the materials or services used by the student.

(8) No promissory notes or contracts for tuition may be sold, assigned or discounted to third parties, unless the student, the student's guardian and/or financial sponsor is notified of such sale or assignment. [Statutory

Authority: RCW 18.18.020 and 18.18.070. 82-08-063 (Order PL 395), § 308-24-520, filed 4/7/82.]

WAC 308-24-530 Enrollment agreement (contract) checklist. A contractual relationship exists between a school and its applicant or student. The terms of such agreements are considered to be of substantial importance and should be clearly understood by all concerned parties. Therefore, a school is required to utilize a written enrollment agreement clearly outlining the obligations of the school and the student, including details of the school's refund policy, and to provide a copy of the agreement to the applicant before any payment is made. It is not necessary for the various elements to be stated in any special phraseology or listed in any particular sequence, so long as the overall document conveys the terms of the agreement in a manner that can be easily understood by the average person.

(1) Required elements. These elements must be included in each enrollment agreement. A copy of the agreement must be furnished to the applicant before any payment is made. Since each applicant should be fully informed as to the nature of the obligation, responsibilities and rights under the contract before signing it, the applicant should also have a copy of the school's catalog and other necessary supporting documents detailing the services outlined in the agreement.

(a) Title. Identified as a contract or agreement.

(b) School. Name and address of the school to be attended.

(c) Course or program. Course or program title is identified in the catalog.

(d) Time required. Number of clock hours and number of weeks or months normally required for completion.

(e) Tuition and costs:

(i) Total tuition for the course. If subject to change, the tuition for the period which the agreement covers (e.g., quarter, semester, etc.) and the number and length of such periods required for completion must be clearly disclosed.

(ii) Books and supplies. May be estimated if necessary. A separate listing must be provided the applicant if these costs are included in the tuition charge.

(iii) Other costs. Specify other costs and charges made by the school. If the course requires purchase of items or services from outside sources, this fact must also be specified.

(iv) Payment. Method and terms of payment. Must comply with federal truth-in-lending and state retail installment sales contract requirements.

(f) Starting date. Scheduled class starting date.

(g) Class schedule. All day, morning, afternoon, evening, split or other time of class attendance.

(h) Termination by school. Grounds for termination by the school prior to completion (such as insufficient progress, nonpayment, failure to comply with rules, etc.).

(i) Cancellation or termination by student. How to cancel or voluntarily terminate the agreement.

(j) Refund policy. Details of the school's refund policy for cancellations and terminations which, as a minimum, complies with the cancellation and refund policy stated in WAC 308-24-520.

(k) Employment of tuition assistance. Employment guarantee disclaimer. Amount of any scholarship or tuition assistance to be furnished to the student.

(l) Effective date. Not binding until signed by the student or his guardian and accepted in writing by the designated school official authorized in writing and policy to accept such contracts and agreements and that the effective date of the contract shall not precede the date upon which all parties have signed the contract.

(m) Acknowledgement. Acknowledgement that signers have read and received a copy of the contract must appear on the contract in 8 pt boldface type.

(n) Signatures. Date and signature of applicant (and parent or other sponsor if applicant is below legal age).

(o) School signature. Acceptance date and signature of appropriate official at the school.

(p) Other elements. Other elements required by other state, local or federal governmental bodies.

(q) Conditional elements. The contract must also disclose and outline any other conditions, circumstances, or qualifications imposed by the school. [Statutory Authority: RCW 18.18.020 and 18.18.070. 82-08-063 (Order PL 395), § 308-24-530, filed 4/7/82.]

WAC 308-24-540 Bonding. (1) The amount of the bond shall be ten percent of the preceding year's gross tuition charges derived from students receiving educational services in Washington, but not in excess of seventy-five thousand dollars. Schools not having been in operation prior to the date of their initial licensure shall base their bond amount upon their estimated receipts.

(2) In lieu of the surety bond provided for herein, the school may furnish, file and deposit with the department, cash or other negotiable security. Such deposits in lieu of a bond shall be in the amount of such proportions as required in subsection (1) of this section. The following types of deposits are acceptable:

(a) Escrow amount which provides the state of Washington with a recourse against the assets in the account as it would have against an insurance company on a bond.

(b) Certificate of deposit or government securities with a power of attorney which authorizes the state of Washington to have full recourse to the assets of the instrument as it would to an insurance company on a bond. The bank will assume the responsibility of keeping the instrument safe and would not release the same to the owner of the school unless the department advises for a release.

(c) Irrevocable letter of credit from a bank, made payable to the department and deposited with the agency as would a bond.

(d) Any other negotiable security acceptable to the director. [Statutory Authority: RCW 18.18.020 and 18.18.070. 82-08-063 (Order PL 395), § 308-24-540, filed 4/7/82.]

Chapter 308-25 WAC
DENTAL HYGIENISTS

WAC

308-25-010	Application for examination.
308-25-020	The examination.
308-25-030	Examination results.
308-25-040	Examination review procedures.
308-25-050	Renewal of licenses.
308-25-060	Dental hygienist—Fees.
308-25-070	Dismissal from examination.

WAC 308-25-010 Application for examination. (1) To be eligible for the dental hygiene examination the applicant must have attained the age of eighteen years or be going to attain such age before the date of the examination, and must be a graduate from a dental hygiene school approved by the director of the department of licensing. The director adopts those standards of the American Dental Association's Commission on Accreditation which were relevant to accreditation of dental hygiene schools and current January 1981 and has approved all and only those dental hygiene schools which were accredited by the commission as of January 1981. Other dental hygiene schools which apply for director's approval and which meet these adopted standards to the director's satisfaction will be approved, but it is the responsibility of a school to apply for approval and of a student to ascertain whether or not a school has been approved by the director.

(2) Application blanks for the examination may be secured from the Division of Professional Licensing, P.O. Box 9649, Olympia, Washington, upon request. The application must be completed in every respect and must reach the division of professional licensing in Olympia, at least sixty days prior to the examination. The application must include:

- (a) The required examination fee;
- (b) either the national board IBM card or a notarized copy of the national board certificate. Applicants who have not passed the national board will be given a Washington state written examination;
- (c) two photos of the applicant taken within the year immediately preceding the application.

(3) The only acceptable proof of graduation from an approved dental hygiene school is an official transcript from such school, or a verified list of graduating students from the dean or director of the dental hygiene school. The verified list of candidates will only be acceptable from applicants who have graduated within 45 days of the examination date for which they are applying. An applicant may complete application requirements and be scheduled for the examination before graduation, but no applicant will be admitted to the examination unless the official transcript or the verified list from the dean or director has been received by the division of professional licensing of the department of licensing on or before the day of the examination.

(4) Upon establishing examination eligibility, the division of professional licensing will mail to each applicant examination forms, instructions and schedule. It is imperative that the applicant bring this information to

the examination as it will be used by the director or the director's authorized agent throughout the practical examination.

(5) Applicants will be required to furnish documentary evidence of malpractice liability insurance covering their performance during the examination. [Statutory Authority: RCW 43.24.020 and 43.24.024, 82-11-068 (Order PL 398), § 308-25-010, filed 5/14/82; 82-06-043 (Order 672), § 308-25-010, filed 3/2/82.]

WAC 308-25-020 The examination. The dental hygiene examination will consist of a written section and a practical section.

(1) Written examination: The written examination will cover ten (10) subject areas including inorganic chemistry, physiology, anatomy, bacteriology, anesthesia, radiography, materia medica, dental histology, principles of nursing and hygiene, and restorative dentistry: *Provided*, That a certificate granted by the National Board of Dental Hygiene Examinations may be accepted in lieu of the written examination: *Provided further*, That such applicant may also be required to successfully complete a written examination covering anesthesia, restorative dentistry, or other kindred subjects.

(2) Practical examination: The practical examination will be a clinical demonstration of a prophylaxis case to consist of the removal of deposits from and the polishing of the surfaces of the teeth.

(i) Patients must be attained by the applicant and be at least eighteen years of age with a minimum of twenty-four teeth. It is not recommended that patients be selected who have advanced stages of periodontal involvement, such as 6 mm sulcus depth with moderate degrees of alveolar bone loss. Patients must have sufficient supragingival and subgingival calculus and stain to provide a suitable test. Applicant will be required to furnish radiographs and a patient health history as specified. If case is not adequate for testing the applicant's competency, patient will be rejected. [Statutory Authority: RCW 43.24.020 and 43.24.024, 82-11-068 (Order PL 398), § 308-25-020, filed 5/14/82; 82-06-043 (Order 672), § 308-25-020, filed 3/2/82.]

WAC 308-25-030 Examination results. (1) In order to pass the examination the applicant must attain:

(a) An average grade of 65% in the written examination section, OR submit proof of successful completion of National Board of Dental Hygiene Examination and 65% in any required additional written examination; and

(b) an average grade of 75% in the practical examination.

(2) Applicants who fail either section of the examination (practical or written) may retake the section they failed (practical or written) by again completing an application and submitting the appropriate fee to the division of professional licensing.

(3) Applicants who fail to appear for examination will forfeit the examination fee. [Statutory Authority: RCW 43.24.020 and 43.24.024, 82-11-068 (Order PL 398), § 308-25-030, filed 5/14/82; 82-06-043 (Order 672), § 308-25-030, filed 3/2/82.]

WAC 308-25-040 Examination review procedures.

(1) Each individual who takes the examination for licensure as a dental hygienist and does not pass the examination will be provided, upon written request, information indicating the areas of the examination in which performance was deficient.

(2) Any unsuccessful applicant, after being advised by the department of licensing of the areas of deficiency in the examination, may request review of the examination results. This request must be in writing and must be received by the department of licensing within 45 days of notification of the examination results. The request must state the reason or reasons why the applicant feels the results the examination are in question. The director [or] [of] the director's authorized agent will consider the following to be adequate reasons for consideration for review and possible modification of examination results:

(a) A showing of a significant procedural error in the examination process;

(b) evidence of bias, prejudice or discrimination in the examination process;

(c) other significant errors which result in substantial disadvantage to the applicant.

(3) Any applicant who is not satisfied with the result of the review of the examination may appeal the decision and may request a formal hearing to be held before the director or an administrative law judge pursuant to the Administrative Procedure Act. Such hearing must be requested within 20 days of receipt of the result of the director's or the director's authorized agent's review of the examination results. [Statutory Authority: RCW 43.24.020 and 43.24.024. 82-11-068 (Order PL 398), § 308-25-040, filed 5/14/82; 82-06-043 (Order 672), § 308-25-040, filed 3/2/82.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-25-050 Renewal of licenses. The annual license renewal date for the licensed dental hygienists is hereby changed to coincide with the licensee's birthdate. [Statutory Authority: RCW 43.24.020 and 43.24.024. 82-06-043 (Order 672), § 308-25-050, filed 3/2/82.]

WAC 308-25-060 Dental hygienist--Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application	\$ 50.00
Reciprocity application	50.00
License renewal	20.00

[Statutory Authority: RCW 43.24.020 and 43.24.024. 82-06-043 (Order 672), § 308-25-060, filed 3/2/82.]

WAC 308-25-070 Dismissal from examination. Any applicant whose conduct interferes with the evaluation of professional competency by the director or the director's authorized agent may be dismissed from examination

and all of his or her work will be rejected. Such conduct will include but not be limited to the following:

(a) Giving or receiving aid, either directly or indirectly, during the examination process.

(b) Failure to follow directions relative to the conduct of the examination, including termination of procedures. [Statutory Authority: RCW 43.24.020 and 43.24.024. 82-06-043 (Order 672), § 308-25-070, filed 3/2/82.]

**Chapter 308-26 WAC
DISPENSING OPTICIANS**

WAC

308-26-017 Dispensing optician examination.
308-26-020 Fees.

WAC 308-26-017 Dispensing optician examination.

(1) Every qualified applicant shall pass an examination with a score of at least seventy percent in each of the three examination sections: Written contact lenses, written basic optical concepts to include anatomy and physiology, and practical. Subject to subsection (2), any applicant obtaining a score of less than 70% in any section will only be required to retake the section(s) in which a grade of less than 70% was obtained.

(2) Applicants failing an examination section, other than the practical section, may retake the section(s) failed after five months. An applicant failing the practical section must wait for one year when the complete examination is administered by the dispensing optician examining committee. Examination sections passed will be valid for a period of thirteen months; applicants failing to successfully pass failed section(s) within thirteen months shall be subject to subsequent reexamination on all three sections. [Statutory Authority: RCW 18.34.080. 82-11-056 (Order PL 397), § 308-26-017, filed 5/13/82.]

WAC 308-26-020 Fees. The following fees shall be charged by the professional licensing division of the department of licensing.

Title of Fee	Fee
Practical examination	\$30.00
Written basic optical concepts examination	10.00
Written contact lenses examination	10.00
License renewal	25.00
Renewal penalty	10.00
Duplicate license	3.00

[Statutory Authority: RCW 18.34.070. 82-21-035 (Order PL 408), § 308-26-020, filed 10/15/82; Order PL 220, § 308-26-020, filed 11/5/75.]

**Chapter 308-33 WAC
EMPLOYMENT AGENCIES--FEE SCHEDULES**

WAC

308-33-011 Fees.
308-33-015 Repealed.

- 308-33-020 Director's review of fees.
 308-33-030 Manner of setting forth fees in agency contracts.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-33-015 Request for excess fees. [Order PL-142, § 308-33-015, filed 1/24/73.] Repealed by 81-02-031 (Order PL 359), filed 1/5/81. Statutory Authority: RCW 19.31.070.

WAC 308-33-011 Fees. (1) The fees which employment agencies may contract to charge applicants shall not be regulated. However, no agency shall use a fee schedule or contract which has not been approved for use by the director as provided for in RCW 19.31.050.

(2) Although fees are not regulated, no employment agency shall require by contract or otherwise that an applicant make payments in any one month period in an amount which exceeds the applicant's anticipated gross earnings for that period.

(3) In the event of termination within sixty days of the start of employment, an applicant shall be required to pay no more than twenty percent of the gross earnings actually received, or the full placement fee set forth in the contract with the agency, whichever is less.

If the employment is terminated after sixty days, the applicant shall be obligated for the full placement fee set forth in the contract with the agency.

(4) The applicant may submit payroll information to the agency within seventy days after employment for re-evaluation to reflect a fee based on actual gross earnings for the first sixty days. [Statutory Authority: RCW 19.31.070. 81-02-031 (Order PL 359), § 308-33-011, filed 1/5/81; Order PL 272, § 308-33-011, filed 7/26/77, effective 9/21/77; Order PL 243, § 308-33-011, filed 4/1/76; Order PL-142, § 308-33-011, filed 1/24/73. Formerly WAC 308-33-010.]

WAC 308-33-015 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-33-020 Director's review of fees. The fee schedules will be reviewed by the director with the assistance of the advisory board every twelfth month after the effective date of this amendatory rule, or sooner if the director determines it necessary. Failure to review the fee schedules, however, shall in no way affect the validity or effectiveness of the existing and director-approved fee schedules. [Statutory Authority: RCW 19.31.070. 81-02-031 (Order PL 359), § 308-33-020, filed 1/5/81; Order PL-142, § 308-33-020, filed 1/24/73; Order 337001, § 308-33-020, filed 2/26/70, effective 4/1/70.]

WAC 308-33-030 Manner of setting forth fees in agency contracts. (1) The fee to be charged an applicant, under usual circumstances, must be set forth in the employment agency contract only under the following headings:

- (a) Monthly salary.
- (b) The range of agency's fee expressed in dollars.
- (c) Agency's fee as a percentage of the expected monthly compensation.

(2) An agency must set forth additional information concerning its fees within its contract as required by law and the rules in support thereof.

(3) Agencies may not indicate, either orally or in writing, that their contract and fee schedules have been "approved" or in any way "recommended" by the state. However, a licensee may indicate that their contracts are "approved for use." [Statutory Authority: RCW 19.31.070. 81-02-031 (Order PL 359), § 308-33-030, filed 1/5/81; Order PL-142, § 308-33-030, filed 1/24/73; Order 337001, § 308-33-030, filed 2/26/70, effective 4/1/70.]

**Chapter 308-34 WAC
 DRUGLESS THERAPEUTICS**

WAC

- 308-34-010 Definitions.
 308-34-020 Scope and purpose.
 308-34-030 Provisional approval.
 308-34-040 Full approval.
 308-34-050 Eligibility.
 308-34-060 Application procedure.
 308-34-070 Standards.
 308-34-080 Review procedures.

WAC 308-34-010 Definitions. (1) Director. As used in these rules, director means the director of the department of licensing.

(2) Chartered drugless school. As used in chapter 18.36 RCW, chartered drugless school means a naturopathic school or college approved by the director under this chapter. [Statutory Authority: Chapter 18.36 RCW. 82-09-043 (Order PL 396), § 308-34-010, filed 4/14/82.]

WAC 308-34-020 Scope and purpose. (1) The minimum educational requirements for licensure to practice drugless therapeutics in Washington is graduation from a naturopathic school or college approved by the director which teaches adequate courses in all subjects necessary to the practice of drugless therapeutics.

(2) The purpose of these rules is to provide a set of standards and procedures by which naturopathic schools or colleges may obtain approval by the director in order that graduates of those schools may be permitted to take examinations for license. [Statutory Authority: Chapter 18.36 RCW. 82-09-043 (Order PL 396), § 308-34-020, filed 4/14/82.]

WAC 308-34-030 Provisional approval. The director may grant provisional approval to a naturopathic school or college which has been in continuous operation for at least one year. Provisional approval may be granted for a period not to exceed two and one-half years and may not be renewed or extended. Provisional approval shall not imply nor assure eventual approval.

(1) In order to obtain provisional approval, a naturopathic school or college must demonstrate compliance with, or adequate planning and resources to achieve compliance with, the standards contained in this chapter and chapter 18.36 RCW.

(2) The procedures for application, examination, review and revocation of provisional approval shall be the same as those specified for approval in this chapter. [Statutory Authority: Chapter 18.36 RCW. 82-09-043 (Order PL 396), § 308-34-030, filed 4/14/82.]

WAC 308-34-040 Full approval. (1) The director may grant full approval to a naturopath school or college which has demonstrated that it complies with the standards contained in this chapter and chapter 18.36 RCW.

(2) After approval by the director, periodic reports may be required. Failure to conform to or maintain established standards may result in loss of approval. No school or college shall receive approval for a period longer than five years. Prior to the expiration of the period of approval, the school or college must apply to the director for renewal of approval. The director shall review the application and make a final decision of approval or disapproval in not more than eleven months.

(3) If a naturopathic school or college fails to maintain the required standards or fails to report significant institutional changes within ninety days of the change including changes in location, the director may revoke or suspend approval. The director may contact a naturopathic school or college at any time, either through a representative or evaluation committee, to audit, inspect or gather information concerning the operating of the school or college. [Statutory Authority: Chapter 18.36 RCW. 82-09-043 (Order PL 396), § 308-34-040, filed 4/14/82.]

WAC 308-34-050 Eligibility. (1) In order to apply for provisional approval, a naturopathic school or college must have been in continuous operation for a period of at least one year.

(2) In order to apply for full approval, a naturopathic school or college must have been in continuous operation for a period of at least three years.

(3) In order to apply for either provisional or full approval, a naturopathic school or college must have met the provisions of the Educational Service Registration Act chapter 28B.05 RCW or equivalent standards of the state in which the school is located. [Statutory Authority: Chapter 18.36 RCW. 82-09-043 (Order PL 396), § 308-34-050, filed 4/14/82.]

WAC 308-34-060 Application procedure. Naturopathic schools or colleges seeking approval shall apply to the director on a form or in a manner prescribed by the director. [Statutory Authority: Chapter 18.36 RCW. 82-09-043 (Order PL 396), § 308-34-060, filed 4/14/82.]

WAC 308-34-070 Standards. The following standards shall be used by the director in considering a naturopathic school's or college's application for approval:

(1) Objectives. The objectives of the institution shall be clearly stated and address the preparation for the drugless physician to provide patient care. The implementation of the objectives should be apparent in the

administration of the institution, individual course objectives, and in the total program leading to graduation.

(2) Organization. The institution shall be incorporated under the laws of the state of its residence as an education corporation. Control shall be vested in a board of directors composed of drugless physicians and others. Under no circumstances shall more than one-third of the directors have administrative or instructional positions in the college. The directors must demonstrate collective responsibility in their knowledge of, and policy decisions consistent with, the objectives of the college; support of college programs and active participation in college governance; and selection and oversight of the chief administrative officer.

(3) Administration. The education and experience of directors, administrators, supervisors, and instructors should be sufficient to ensure that the student will receive educational services consistent with institutional objectives. The administration of the institution shall be such that the lines of authority are clearly drawn. The institution shall present with its application a catalog and a brief, narrative explanation of how the administration of the institution is, or is to be, organized and how the administrative responsibility for each of the following is, or is to be, managed:

- (a) Faculty and staff recruitment;
- (b) Personnel records management;
- (c) Faculty pay scale and policies;
- (d) Standards and practices relating to evaluation, improvement of instruction, promotion, retention and tenure;
- (e) Admissions policies including procedures used to solicit students;
- (f) Development and administration of policies governing rejection and retention of students, job placement, and student counseling and advising services;
- (g) Curriculum requirements;
- (h) Tuition and fee policies; and
- (i) Financial management policies.

(4) Financial condition. The institution shall demonstrate its financial stability by submitting certified audits once every three years and, reports, or other appropriate evidence annually.

(5) Records. The institution shall maintain an adequately detailed system of records for each student beginning with application credentials through the entire period of attendance. The records, including matriculation, attendance, grades, disciplinary action and financial accounts, shall be the permanent property of the institution, except insofar as RCW 28B.05.190 applies, to be safeguarded from all hazards and not to be loaned or destroyed.

(6) Educational credentials.

(a) Upon satisfactory completion of the educational program, the student shall receive a degree from the institution indicating that the course of study has been satisfactorily completed by the student.

(b) In addition, for each student who graduates or withdraws, the institution shall prepare, permanently file, and make available a transcript that specifies all

courses completed. Each course entry shall include a title, the number of credits awarded, and a grade. The transcript shall separately identify all credits awarded by transfer, or examination.

(c) Upon request, all student records and transcripts shall be made available to the director.

(7) Catalog. The institution shall publish a current catalog at least every two years containing the following information:

- (a) Name and address of the school;
- (b) Date of publication;
- (c) Admission requirements and procedures;
- (d) A statement of tuition and other fees or charges for which a student is responsible and a statement on refund policies;
- (e) A school calendar designating the beginning and ending dates of each term, vacation periods, holidays, and other dates of significance to students;
- (f) Objectives of the institution;
- (g) A list of trustees (directors), administrative officers and faculty members including titles and academic qualifications;
- (h) A statement of policy about standards of progress required of students, including the grading system, minimum satisfactory grades, conditions for interruption for unsatisfactory progress, probation, and re-entry, if any;
- (i) A description of each course indicating the number of hours and course content, and its place in the total program;
- (j) A description of facilities and major equipment, including library, laboratory and clinical training facilities;
- (k) Statements on the nature and availability of student financial assistance, counseling, housing, and placement services, if any;
- (l) A statement indicating whether the school is recognized by other agencies or associations for the licensing or certification of drugless physicians; and
- (m) Any other material facts concerning the institution which is reasonably likely to affect the decision of the potential student.

(8) Admission policies and procedures. The institution shall not deny admission to a prospective student because of sex, race, color, religion, physical handicap and/or ethnic origin.

(9) Attendance. The institution shall have stated policy relative to attendance.

(10) Curriculum. The curriculum of the institution shall be designed and presented to meet or exceed the statutory requirements of length and content. Each student shall attend a minimum of 4000 hours of classroom instructions, including clinical training. The following standards are intended not as an exact description of an institution's curriculum, but rather as guidelines for the typical acceptable program. It is expected that the actual program taught by each institution will be prepared by the academic departments of the institution to meet the needs of their students and will exceed the outline present here. The policy has been adopted to preserve the autonomy and uniqueness of each institution, and to

encourage innovative and experimental programs enhancing the quality of drugless therapeutics education.

- (a) Basic science
 - Anatomy (includes histology and embryology)
 - Physiology
 - Pathology
 - Biochemistry
 - Public health (includes public health, genetics, microbiology, immunology)
 - Naturopathic philosophy
 - Pharmacology
- (b) Clinical sciences
 - (i) Diagnostic courses
 - Physical diagnosis
 - Clinical diagnosis
 - Laboratory diagnosis
 - Radiological diagnosis
 - (ii) Therapeutic courses
 - Materia medica (botanical medicine)
 - Homeotherapeutics
 - Nutrition
 - Physical medicine (includes mechanical and manual manipulation, hydrotherapy, and electrotherapy)
 - Psychological medicine
 - (iii) Specialty courses
 - Organ systems (cardiology, dermatology, endocrinology, EENT, gastroenterology)
 - Human development (gynecology, obstetrics, pediatrics, geriatrics)
 - Jurisprudence
 - Medical emergencies
 - Office procedures
 - (iv) Clinical externship/preceptorship
- (11) Academic standards. The institution must regularly evaluate the quality of its instruction and have a clearly defined set of standards of competence required of its students. Promotion to each successive phase of the program and graduation shall be dependent on mastery of the knowledge and skills presented in the program.
- (12) Faculty. Faculty members shall be qualified by training and experience to give effective instruction in the subject(s) taught; advanced degrees in their respective disciplines are expected. The faculty should participate in development and evaluation of curriculum instructional methods and facilities; student discipline, welfare, and counseling; establishment of administrative and educational policies; scholarly and professional growth. Provisions shall be made to allow and encourage faculty involvement in these noninstructional functions, including a plan for peer observation and evaluation among faculty. The institution shall not discriminate on the basis of sex, race, age, color, religion, physical handicap, or national or ethnic origin in the recruitment and hiring of faculty. The institution shall have stated policies on faculty hiring, compensation, fringe benefits, tenure, retirement, firing, grievance and appeals procedures. The institution shall submit to the director for each faculty member a resume which includes the following information.
 - (a) Academic rank or title;

(b) Degree(s) held, the institution(s) that conferred the degree(s), the date(s) thereof, and whether earned or honorary;

(c) Other qualifying training or experience;

(d) Name and course number of each course taught;

(e) Other noninstructional responsibilities, if any, and the proportion of the faculty member's time devoted to them; and

(f) The length of time associated with the institution.

(13) Library. The library shall be staffed, equipped and organized to adequately support the instruction, and research of students and faculty.

(14) Clinical training. The clinical facilities shall be adequate in size, number and resources to provide all aspects of drugless therapeutics diagnosis and treatment. There shall be properly equipped rooms for consultation, physical examination and therapy, and a pharmacy, laboratory, and radiological equipment each consistent with the definition of practice in chapter 18.36 RCW as now or hereafter amended. A licensed and adequately experienced drugless physician must be present in the clinic at all times which the clinic is open and in direct supervision of and have final decision in the diagnosis and treatment of patients by students.

(15) Physical plant, materials and equipment. The institution shall own or enjoy the full use of buildings and equipment adequate to accommodate the instruction of its students, and administrative and faculty offices. There shall be adequate facilities of the safekeeping of valuable records. The plant and grounds, equipment and facilities shall be maintained in an efficient, sanitary, and presentable condition. All laws relating to safety and sanitation and other regulations concerning public buildings shall be observed. There shall be sufficient personnel employed to carry out proper maintenance.

(16) Cancellation and refund policy. The institution shall maintain a fair and equitable policy in reference to refund of the unused portion of tuition fees and other charges in the event a student fails to enter the course, or withdraws at any time prior to completion of the course. Such a policy shall be in keeping with generally accepted practices of institutions of higher education.

(17) Other information. The applicant institution shall provide any other information about the institution and its programs required by the director. [Statutory Authority: Chapter 18.36 RCW. 82-09-043 (Order PL 396), § 308-34-070, filed 4/14/82.]

WAC 308-34-080 Review procedures. The director may send a representative or an examining or evaluation committee to inspect any institution requesting approval. Such inspections may be at any reasonable time during the normal operating hours of the institution. The report of the representative or committee and the institution's response shall be submitted as part of the documentation necessary for the director's action on the institution's application. [Statutory Authority: Chapter 18.36 RCW.

82-09-043 (Order PL 396), § 308-34-080, filed 4/14/82.]

Chapter 308-36 WAC

DENTAL HYGIENISTS

WAC

308-36-020 through 308-36-080 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-36-020 Applications for examination. [Statutory Authority: RCW 18.29.030 and 18.32.040. 81-08-043 (Order PL 374), § 308-36-020, filed 3/31/81; Order PL 277, § 308-36-020, filed 11/17/77; Order PL 266, § 308-36-020, filed 3/24/77; Order PL 168, § 308-36-020, filed 5/10/74; Order PL 112, § 308-36-020, filed 6/25/71; Order, § 308-36-020, filed 12/3/69; § 308-36-020, filed 4/14/67; Rules 2 and 3, filed 6/30/64.] Repealed by 82-07-094 (Order PL 393), § filed 3/24/82. Statutory Authority: RCW 18.32.040.
- 308-36-030 Reciprocity—Temporary permit—Etc. [Rule 4, filed 6/30/64.] Repealed by 82-07-094 (Order PL 393), § filed 3/24/82. Statutory Authority: RCW 18.32.040.
- 308-36-040 Examination fee. [Rule 5, filed 6/30/64.] Repealed by 82-07-094 (Order PL 393), § filed 3/24/82. Statutory Authority: RCW 18.32.040.
- 308-36-050 The examination. [Statutory Authority: RCW 18.29.030 and 18.32.040. 80-03-063 (Order PL 335), § 308-36-050, filed 2/26/80; 79-09-071 (Order PL 312), § 308-36-050, filed 8/29/79; Order PL 237, § 308-36-050, filed 2/18/76; Order PL 184, § 308-36-050, filed 2/10/75; Order PL 168, § 308-36-050, filed 5/10/74; Order PL 127, § 308-36-050, filed 6/22/72; Order PL 112, § 308-36-050, filed 6/25/71; Order, § 308-36-050, filed 12/3/69; § 308-36-050, filed 4/14/67; Rules 6, 8, 9, 10 and 11, filed 6/30/64.] Repealed by 82-07-094 (Order PL 393), § filed 3/24/82. Statutory Authority: RCW 18.32.040.
- 308-36-060 Examination results. [Statutory Authority: RCW 18.29.030 and 18.32.040. 80-18-009 (Order 363), § 308-36-060, filed 11/24/80; Order PL 266, § 308-36-060, filed 3/24/77; Order PL 168, § 308-36-060, filed 5/10/74; Order PL 112, § 308-36-060, filed 6/25/71; Order, § 308-36-060, filed 12/3/69; Rules 7 and 12, filed 6/30/64.] Repealed by 82-07-094 (Order PL 393), § filed 3/24/82. Statutory Authority: RCW 18.32.040.
- 308-36-065 Examination review procedures. [Statutory Authority: RCW 18.29.030 and 18.32.040. 80-18-009 (Order 363), § 308-36-065, filed 11/24/80; 80-05-063 (Order PL 342), § 308-36-065, filed 4/22/80.] Repealed by 82-07-094 (Order PL 393), § filed 3/24/82. Statutory Authority: RCW 18.32.040.
- 308-36-070 Renewal of licenses. [Order PL 170, § 308-36-070, filed 5/21/74.] Repealed by 82-07-094 (Order PL 393), § filed 3/24/82. Statutory Authority: RCW 18.32.040.
- 308-36-080 Dental hygienist—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-36-080, filed 9/25/80; Order PL 218, § 308-36-080, filed 11/5/75.] Repealed by 82-07-094 (Order PL 393), § filed 3/24/82. Statutory Authority: RCW 18.32.040.

WAC 308-36-020 through 308-36-080 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 308-37 WAC

DENTISTRY--LICENSE DISPLAY--REPORTS--
RECORDS--INVENTORY REQUIREMENTS--
PRESCRIBING PRACTICES

WAC

308-37-100	Display of licenses.
308-37-110	Maintenance and retention of patient records.
308-37-120	Report of patient injury or mortality.
308-37-130	Inventory and recording requirements for all prescription drugs.
308-37-140	Prescribing, dispensing or distributing drugs.

WAC 308-37-100 Display of licenses. The license of any dentist, dental hygienist or other individual licensed pursuant to the laws of Washington to engage in any activity being performed in the premises under the supervision or control of a licensed dentist, shall be displayed in a place visible to individuals receiving services in the premises, and readily available for inspection by any designee of the dental disciplinary board. [Statutory Authority: RCW 18.32.640. 81-06-013 (Order PL 373), § 308-37-100, filed 2/20/81.]

WAC 308-37-110 Maintenance and retention of patient records. Any dentist who treats patients in the state of Washington shall maintain complete treatment records regarding patients treated. These records shall include, but shall not be limited to x-rays, treatment plans, patient charts, patient histories, correspondence, financial data and billing. These records shall be retained by the dentist for five years in an orderly, accessible file and shall be readily available for inspection by the dental disciplinary board or its authorized representative: *Provided*, That x-rays or copies of records may be forwarded to a second party upon the patient's or authorized agent's written request. Also, office records shall state the date on which the records were released, method forwarded and to whom, and the reason for the release. A reasonable fee may be charged the patient to cover mailing and clerical costs. [Statutory Authority: RCW 18.32.640. 82-07-043 (Order PL 392), § 308-37-110, filed 3/17/82; 81-06-013 (Order PL 373), § 308-37-110, filed 2/20/81.]

WAC 308-37-120 Report of patient injury or mortality. All licensees engaged in the practice of dentistry shall submit a complete report of any patient mortality or other incident which results in temporary or permanent physical or mental injury requiring hospitalization of said patient during, or as a direct result of dental procedures or anesthesia related thereto. This report shall be submitted to the dental disciplinary board within thirty days of the occurrence. [Statutory Authority: RCW 18.32.640. 81-06-013 (Order PL 373), § 308-37-120, filed 2/20/81.]

WAC 308-37-130 Inventory and recording requirements for all prescription drugs. Every dentist shall maintain an inventory of all legend drugs and controlled substances that he or she has prescribed or dispensed. This inventory shall include the date prescribed or the

date dispensed, the name of the patient prescribed or dispensed to, the name of the medication, and the dosage and amount of the medication prescribed or dispensed. An accurate record of the medication prescribed or dispensed will be clearly indicated on the patient history. [Statutory Authority: RCW 18.32.640. 81-06-013 (Order PL 373), § 308-37-130, filed 2/20/81.]

WAC 308-37-140 Prescribing, dispensing or distributing drugs. No dentist shall prescribe, dispense or distribute any controlled substance or legend drug for other than dentally-related conditions. [Statutory Authority: RCW 18.32.640. 81-06-013 (Order PL 373), § 308-37-140, filed 2/20/81.]

Chapter 308-38 WAC

GUIDELINES FOR DELEGATION OF DUTIES TO
PERSONS NOT LICENSED AS DENTISTS

WAC

308-38-100	Purpose.
308-38-110	Definitions.
308-38-120	Acts that may be performed by unlicensed persons.
308-38-130	Acts that may not be performed by unlicensed persons.
308-38-140	Acts that may be performed by licensed dental hygienists under general supervision.
308-38-150	Acts that may be performed by licensed dental hygienists under close supervision.
308-38-160	Acts that may not be performed by dental hygienists.

WAC 308-38-100 Purpose. The purpose of this chapter is to establish guidelines on delegation of duties to persons who are not licensed to practice dentistry. The dental laws of Washington state authorized the delegation of certain duties to nondentist personnel and prohibit the delegation of certain other duties. By statute, the duties that may be delegated to a person not licensed to practice dentistry may be performed only under the supervision of a licensed dentist. The degree of supervision required to assure that treatment is appropriate and does not jeopardize the systemic or oral health of the patient varies with, among other considerations, the nature of the procedure and the qualifications of the person to whom the duty is delegated. The dentist is ultimately responsible for the services performed in his or her office and this responsibility cannot be delegated. The board therefore, in order to promote the welfare of the state and to protect the health and well-being of the people of this state, finds that it is necessary to adopt the following definitions and regulations. [Statutory Authority: RCW 18.32.640. 81-17-054 (Order PL 382), § 308-38-100, filed 8/18/81.]

WAC 308-38-110 Definitions. (1) "Dental disciplinary board" shall mean the board created by RCW 18.32.560.

(2) "Dental examining board" shall mean the board created by RCW 18.32.035.

(3) "Director" shall mean the director of the department of licensing.

(4) "Close supervision" shall mean that a licensed dentist whose patient is being treated has personally diagnosed the condition to be treated and has personally authorized the procedures to be performed. A dentist shall be physically present in the treatment facility while the procedures are performed. Close supervision does not require a dentist to be physically present in the operatory; however, an attending dentist must be in the treatment facility and be capable of responding immediately in the event of an emergency.

(5) "Treatment facility" means a dental office or connecting suite of offices, dental clinic, room or area with equipment to provide dental treatment, or the immediately adjacent rooms or areas. A treatment facility does not extend to any other area of a building in which the treatment facility is located.

(6) "General supervision" means supervision of dental procedures based on examination and diagnosis of the patient and subsequent instructions given by a licensed dentist but not requiring the physical presence of the supervising dentist in the treatment facility during the performance of those procedures.

(7) "Unlicensed person" means a person who is neither a dentist duly licensed pursuant to the provisions of chapter 18.32 RCW nor a dental hygienist duly licensed pursuant to the provisions of chapter 18.29 RCW.

(8) "Oral prophylaxis" means the preventive dental procedure of scaling and polishing which includes complete removal of calculus, soft deposits, plaque, stains and the smoothing of unattached tooth surfaces. The objective of this treatment shall be creation of an environment in which hard and soft tissues can be maintained in good health by the patient.

(9) "Coronal polishing" means a procedure limited to the removal of plaque and stain from exposed tooth surfaces, utilizing an appropriate rotary instrument with rubber cap or brush and a polishing agent.

This procedure shall not be intended or interpreted as an oral prophylaxis as defined in WAC 308-38-110(8) a procedure specifically reserved to performance by a licensed dentist or dental hygienist. Coronal polishing may, however, be performed by dental assistants under close supervision as a portion of the oral prophylaxis. In all instances, however, a licensed dentist shall determine that the teeth need to be polished and are free of calculus or other extraneous material prior to performance of coronal polishing by a dental assistant.

(10) "Root planing" means the process of instrumentation by which the unattached surfaces of the root are made smooth by the removal of calculus and/or deposits.

(11) "Periodontal soft tissue curettage" means the closed removal of tissue lining the periodontal pocket, not involving the reflection of a flap.

(12) "Debridement at the periodontal surgical site" means curettage and/or root planing after reflection of a flap by the supervising dentist. This does not include cutting of osseous tissues.

(13) "Luxation" is defined as an integral part of the surgical procedure of which the end result is extraction of a tooth. Luxation is not a distinct procedure in and of

itself. It is the dislocation or displacement of a tooth or of the temporomandibular articulation.

(14) "Incising" is defined as part of the surgical procedure of which the end result is removal of oral tissue. Incising, or the making of an incision, is not a separate and distinct procedure in and of itself.

(15) "Elevating soft tissues" is defined as part of a surgical procedure involving the use of the periosteal elevator to raise flaps of soft tissues. Elevating soft tissue is not a separate and distinct procedure in and of itself.

(16) "Suturing" is defined as the readaption of soft tissue by means of stitches as a phase of an oral surgery procedure. Suturing is not a separate and distinct procedure in and of itself. [Statutory Authority: RCW 18.32-.640, 81-17-054 (Order PL 382), § 308-38-110, filed 8/18/81.]

WAC 308-38-120 Acts that may be performed by unlicensed persons. A dentist may allow an unlicensed person to perform the following acts under the dentist's close supervision: (1) Oral inspection, with no diagnosis.

(2) Patient education in oral hygiene.

(3) Place and remove the rubber dam.

(4) Hold in place and remove impression materials after the dentist has placed them.

(5) Take impressions solely for diagnostic and opposing models.

(6) Take impressions and wax bites solely for study casts.

(7) Remove the excess cement after the dentist has placed a permanent or temporary inlay, crown, bridge or appliance, or around orthodontic bands.

(8) Perform coronal polish.

(9) Give fluoride treatments.

(10) Place periodontal packs.

(11) Remove periodontal packs or sutures.

(12) Placement of a matrix and wedge for a silver restoration after the dentist has prepared the cavity.

(13) Place a temporary filling (as ZOE) after diagnosis and examination by the dentist.

(14) Apply tooth separators as for placement for Class III gold foil.

(15) Fabricate, place, and remove temporary crowns or temporary bridges.

(16) Pack and medicate extraction areas.

(17) Deliver a sedative drug capsule to patient.

(18) Place topical anesthetics.

(19) Placement of retraction cord.

(20) Polish restorations at a subsequent appointment.

(21) Select denture shade and mold.

(22) Acid etch.

(23) Apply sealants.

(24) Place dental x-ray film and expose and develop the films.

(25) Take intra-oral and extra-oral photographs.

(26) Take health histories.

(27) Take and record blood pressure and vital signs.

(28) Give preoperative and postoperative instructions.

(29) Assist in the administration of nitrous oxide analgesia or sedation, but shall not start the administration of the gases and shall not adjust the flow of the gases

unless instructed to do so by the dentist. Patients must never be left unattended while nitrous oxide-oxygen analgesia or sedation is administered to them. The dentist must be present at chairside during the entire administration of nitrous oxide and oxygen analgesia or sedation if any other central nervous system depressant has been given to the patient. This regulation shall not be construed to prevent any person from taking appropriate action in the event of a medical emergency.

(30) Select orthodontic bands for size.

(31) Place and remove orthodontic separators.

(32) Prepare teeth for the bonding or orthodontic appliances.

(33) Fit and adjust headgear.

(34) Remove fixed orthodontic appliances.

(35) Remove and replace archwires and orthodontic wires.

(36) Take a facebow transfer for mounting study casts. [Statutory Authority: RCW 18.32.640. 81-17-054 (Order PL 382), § 308-38-120, filed 8/18/81.]

WAC 308-38-130 Acts that may not be performed by unlicensed persons. No dentist shall allow an unlicensed person who is in his or her employ or is acting under his or her supervision or direction to perform any of the following procedures. (1) Any removal of or addition to the hard or soft natural tissue of the oral cavity.

(2) Any placing of permanent or semi-permanent restorations in natural teeth.

(3) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws, or adjacent structure.

(4) Any administration of general or injected local anesthetic of any nature in connection with a dental operation.

(5) Any oral prophylaxis, except coronal polishing as a part of oral prophylaxis as defined in WAC 308-38-110(9) and 308-38-120(8).

(6) Any scaling procedure.

(7) The taking of any impressions of the teeth or jaws, or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliances, or prosthesis. Not prohibited are the taking of impressions solely for diagnostic and opposing models or taking wax bites solely for study casts.

(8) Intra-orally adjust occlusal of inlays, crowns, and bridges.

(9) Intra-orally finish margins of inlays, crowns, and bridges.

(10) Cement or recement, permanently, any cast restoration or stainless steel crown.

(11) Incise gingiva or other soft tissue.

(12) Elevate soft tissue flap.

(13) Luxate teeth.

(14) Curette to sever epithelial attachment.

(15) Suture.

(16) Establish occlusal vertical dimension for dentures.

(17) Try-in of dentures set in wax.

(18) Insertion and post-insertion adjustments of dentures.

(19) Endodontic treatment — open, extirpate pulp, ream and file canals, establish length of tooth, and fill root canal. [Statutory Authority: RCW 18.32.640. 81-17-054 (Order PL 382), § 308-38-130, filed 8/18/81.]

WAC 308-38-140 Acts that may be performed by licensed dental hygienists under general supervision. A dentist may allow a dental hygienist duly licensed pursuant to the provisions of chapter 18.29 RCW to perform the following acts under the dentist's general supervision:

(1) Oral inspection and measuring of periodontal pockets, with no diagnosis.

(2) Patient education in oral hygiene.

(3) Take intra-oral and extra-oral radiographs.

(4) Apply topical preventive or prophylactic agents.

(5) Polish and smooth restorations.

(6) Oral prophylaxis and removal of deposits and stains from the surfaces of the teeth.

(7) Record health histories.

(8) Take and record blood pressure and vital signs.

(9) Perform sub-gingival and supra-gingival scaling.

(10) Perform root planing. [Statutory Authority: RCW 18.32.640. 81-17-054 (Order PL 382), § 308-38-140, filed 8/18/81.]

WAC 308-38-150 Acts that may be performed by licensed dental hygienists under close supervision. In addition to the acts performed under section WAC 308-38-120, a dentist may allow a dental hygienist duly licensed pursuant to the provisions of chapter 18.29 RCW to perform the following acts under the dentist's close supervision:

(1) Perform soft-tissue curettage.

(2) Give injections of a local anesthetic.

(3) Place restorations into the cavity prepared by the dentist, and thereafter could carve, contour, and adjust contacts and occlusion of the restoration.

(4) Administer nitrous oxide analgesia.

(5) Apply sealants. [Statutory Authority: RCW 18.32.640. 81-17-054 (Order PL 382), § 308-38-150, filed 8/18/81.]

WAC 308-38-160 Acts that may not be performed by dental hygienists. No dentist shall allow a dental hygienist duly licensed pursuant to the provisions of chapter 18.29 RCW who is in his or her employ or is acting under his or her supervision or direction to perform any of the following procedures:

(1) Any surgical removal of tissue of the oral cavity, except for soft-tissue curettage, as defined in WAC 308-38-110(11).

(2) Any prescription of drugs or medications requiring the written order or prescription of a licensed dentist or physician.

(3) Any diagnosis for treatment or treatment planning.

(4) The taking of any impression of the teeth or jaw, or the relationship of the teeth or jaws, for the purpose

of fabricating any intra-oral restoration, appliances, or prosthesis. Not prohibited are the taking of impressions solely for diagnostic and opposing models or taking wax bites solely for study casts.

(5) Intra-orally adjust occlusal of inlays, crowns, and bridges.

(6) Intra-orally finish margins of inlays, crowns, and bridges.

(7) Cement or recement, permanently, any cast restorations or stainless steel crowns.

(8) Incise gingiva or other soft tissue.

(9) Elevate soft tissue flap.

(10) Luxate teeth.

(11) Curette to sever epithelial attachment.

(12) Suture.

(13) Establish occlusal vertical dimension for dentures.

(14) Try-in of dentures set in wax.

(15) Insertion and post-insertion adjustments of dentures.

(16) Endodontic treatment — open, extirpate pulp, ream and file canals, establish length of tooth, and fill root canal. [Statutory Authority: RCW 18.32.640. 81-17-054 (Order PL 382), § 308-38-160, filed 8/18/81.]

Chapter 308-39 WAC

GUIDELINES FOR SAFE ADMINISTRATION OF ANESTHETIC AGENTS FOR DENTAL PROCEDURES

WAC

308-39-100	Purpose.
308-39-110	Definitions.
308-39-120	Standards for dental administration of anesthesia.

WAC 308-39-100 Purpose. The purpose of this chapter is to establish guidelines upon which the safety of administration of anesthetic agents can be measured. The dental laws of the state of Washington permit any licensed dentist to administer such agents. Morbidity and mortality can be associated therewith. Training, experience, adequate equipment and competent staff can minimize such risk. The dental disciplinary board is empowered and directed to identify unsafe practices, equipment and conditions and direct corrective action. These guidelines represent the basis upon which unsafe dental anesthesia practices would be judged. The board therefore, in order to promote the welfare of the state and to protect the health and well-being of the people of this state, finds it necessary to adopt the following definitions and standards. [Statutory Authority: RCW 18.32.640. 81-06-013 (Order PL 373), § 308-39-100, filed 2/20/81.]

WAC 308-39-110 Definitions. (1) "Dental disciplinary board" shall mean the board created by RCW 18.32.560.

(2) "Dental examining board" shall mean the board created by RCW 18.32.035.

(3) "Director" shall mean the director of the department of licensing.

(4) "General anesthesia" is a controlled state of unconsciousness, accompanied by a partial or complete loss of protective reflexes, including the inability to independently maintain an airway and respond purposefully to physical stimulation or verbal command, produced by a pharmacologic or non-pharmacologic method, or combination thereof.

(5) "Sedation" is a depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command, produced by pharmacologic or non-pharmacologic method, or combination thereof.

(6) "Regional anesthesia" consists of the use of any drug, element, or other material which results in a state of insensibility of a circumscribed area, or the loss of sensation of some definite, localized area, without inhibition of conscious processes. [Statutory Authority: RCW 18.32.640(1). 82-16-087 (Order PL 403), § 308-39-110, filed 8/4/82. Statutory Authority: RCW 18.32.640. 81-06-013 (Order PL 373), § 308-39-110, filed 2/20/81.]

WAC 308-39-120 Standards for dental administration of anesthesia. The dental disciplinary board adopts the following guidelines for its use when considering and investigating complaints and charges of malpractice, unsafe conditions and practices involving the dental administration of anesthesia; and for analyzing anesthesia equipment, staff, procedures and training:

(1) A dentist currently licensed in the state of Washington who has a minimum of one year of training in anesthesiology and related subjects beyond the undergraduate dental school level, or its equivalent, sponsored by an accredited hospital or an accredited dental school; or is eligible to take the examination for certification, or has been certified, (a) as a fellow in general anesthesia of the American Society of Dental Anesthesiologists according to the standards as of January 1, 1982, or (b) by the American Association of Oral and Maxillofacial Surgeons according to the standards as of December 1979 shall be presumed adequately prepared to use or administer general anesthesia;

(2) Successful completion of a course with a minimum of sixty clock hours instruction beyond the undergraduate dental school level sponsored by an accredited hospital or accredited dental school, including instruction in safety and management of emergencies, shall be considered necessary in order for a dentist to administer sedation other than nitrous oxide alone, nitrous oxide in combination with a single oral drug, or a single oral drug alone.

(3) A dentist will be presumed eligible to administer nitrous oxide alone, nitrous oxide in combination with a single oral drug, or a single oral drug alone, if he or she has successfully completed a course containing a minimum of fourteen clock hours of either undergraduate dental school or post graduate instruction. This instruction must include actual experience with the administration of nitrous oxide.

(4) When using local or regional anesthetic agents for dental patients the dentist shall be capable of reasonably handling procedure problems and emergencies incident to the use and administration of local anesthetic agents.

Dentists who comply with the above-listed guidelines or who can show evidence of competence and skill by virtue of experience and/or comparable alternate training, shall be presumed by the dental disciplinary board to have appropriate credentials for the use of anesthetics.

Dentists shall be capable of managing and treating any untoward reaction or emergency incident to the administration of any regional anesthesia, sedation, or general anesthesia that he/she may administer. The dentist should have certification in CPR with a periodic update not to exceed two years. The dentist shall be responsible for the competence of his/her staff in cardiopulmonary resuscitation. [Statutory Authority: RCW 18.32.640(1), 82-16-087 (Order PL 403), § 308-39-120, filed 8/4/82. Statutory Authority: RCW 18.32.640, 81-06-013 (Order PL 373), § 308-39-120, filed 2/20/81.]

Chapter 308-40 WAC DENTISTRY

WAC

308-40-020	Prescriptions.
308-40-101	Application procedure.
308-40-102	Examination content.
308-40-103	Dismissal from examination.
308-40-104	Examination results.
308-40-105	Examination review procedures.
308-40-110	Foreign trained dentists.

WAC 308-40-020 Prescriptions. Every dentist who operates a dental office in the state of Washington must write a valid prescription to the dental laboratory or dental technician with whom he or she intends to place an order for the making, repairing, altering or supplying of artificial restorations, substitutes or appliances to be worn in the human mouth. A separate prescription must be submitted to the dental laboratory or dental technician for each patient's requirements. Such prescriptions, to be valid, must be written in duplicate and contain the date, the name and address of the dental laboratory or the dental technician, the name and address of the patient, description of the basic work to be done, the signature of the dentist serving the patient for whom the work is being done and the dentist's license certificate number. The original prescription shall be referred to the dental laboratory or the dental technician and the carbon copy shall be retained for five years, by the dentist, in an orderly, accessible file and shall be readily available for inspection by the director of licenses or his authorized representative. [Statutory Authority: RCW 18.32.040, 82-04-024 (Order PL 391), § 308-40-020, filed 1/26/82; Order, § 2, filed 3/23/60.]

WAC 308-40-101 Application procedure. (1) To be eligible for the dental examination, the applicant must be a graduate from a dental school approved by the Washington state board of dental examiners. The board

of dental examiners adopts those standards of the American Dental Association's Commission on Accreditation which were relevant to accreditation of dental schools and current in January 1981 and has approved all and only those dental schools which were accredited by the commission as of January 1981. Other dental schools which apply for board approval and which meet these adopted standards to the board's satisfaction will be approved, but it is the responsibility of a school to apply for approval and of a student to ascertain whether or not a school has been approved by the board.

(2) Applications for the examination may be secured from the Division of Professional Licensing, P.O. Box 9649, Olympia, Washington 98504. The application must be completed in every respect, and reach the division of professional licensing in Olympia at least sixty days prior to the examination.

(3) Applicants who are not citizens or resident aliens in the United States[,] must attain full citizenship or resident alien status within six years from issuance of the license, or the license will be cancelled;

(4) The only acceptable proof of graduation from an approved dental school is an official transcript from such school, or a verified list of graduating students from the dean of the dental school. The verified list of students will only be acceptable from applicants who have graduated within 45 days of the examination for which they are applying. An applicant may complete his other application requirements and be scheduled for the examination before he has graduated, but no applicant will be admitted to the examination unless the official transcript or the verified list from the dean has been received by the division of professional licensing of the department of licensing on or before the first day of the examination.

(5) In case of applicant having previously been in practice, the board requires a sworn statement covering history of practice for a five-year period immediately preceding application for this examination. This statement must accompany the application when returning it to the division of professional licensing.

(6) Upon establishing examination eligibility, the division of professional licensing will mail to each applicant examination forms, instructions and schedule. It is imperative that the applicant bring this information to the examination as it will be used by the board throughout the practical examination. [Statutory Authority: RCW 18.32.040, 82-04-024 (Order PL 391), § 308-40-101, filed 1/26/82. Statutory Authority: RCW 18.29-.030 and 18.32.040, 81-08-043 (Order PL 374), § 308-40-101, filed 3/31/81; 80-05-063 (Order PL 342), § 308-40-101, filed 4/22/80. Statutory Authority: RCW 18.32.040, 79-04-011 (Order 295, Resolution 295), § 308-40-101, filed 3/13/79.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-40-102 Examination content. (1) The examination will consist of:

(a) Theory: National board only accepted.

(b) Practical:

(i) Restorative examination: The restorative examination shall consist of an amalgam restoration, a cast gold restoration and a gold foil restoration. Proper radiographs are required for each cavity selection.

Amalgam Class II -

Cast gold restoration - Three or more surfaces.

Gold foil - Class II, III or V

(ii) Prosthetic: Candidates will be evaluated in the area of prosthetics.

(iii) The board may, at its discretion, give an examination in oral diagnosis and treatment planning, or any other phase of dentistry. Candidate[s] will receive information concerning such examination.

(2) Each applicant must furnish his or her own patient for all phases of the practical examination. Patients must be at least eighteen years of age. The state board of dental examiners and the school of dentistry assume no responsibility regarding work done on patients. Candidates will be required to furnish documentary evidence of malpractice and liability insurance for the examination.

(3) An assistant will be permitted to assist the applicant at the chair. Dentists or undergraduate dental students, hygienists, undergraduate hygienists are not acceptable as assistants. Assistants must complete a form of eligibility. [Statutory Authority: RCW 18.32.040. 82-04-024 (Order PL 391), § 308-40-102, filed 1/26/82; 79-04-011 (Order 295, Resolution 295), § 308-40-102, filed 3/13/79.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-40-103 Dismissal from examination. Any applicant whose conduct interferes with the evaluation of professional competency by the board may be dismissed from the examination and all work will be rejected. Such conduct shall include but not be limited to the following:

(a) Presentation of purported carious lesions which are artificially created, whether or not the applicant created them.

(b) Presentation of radiographs which have been mislabeled, altered, or contrived to represent other than the patient's true condition, whether or not the misleading radiograph was created by the applicant.

(c) Giving or receiving aid, either directly or indirectly, during the examination process.

(d) Failure to follow directions relative to the conduct of the examination, including termination of treatment procedures. [Statutory Authority: RCW 18.32.040. 82-04-024 (Order PL 391), § 308-40-103, filed 1/26/82.]

WAC 308-40-104 Examination results. (1) In order to pass the examination the applicant must have a score of 75 in each of the restorative procedures. An overall average of 75 for the entire examination must be achieved.

(2) Applicants will be required to retake the entire examination even though a passing score may have been received on any portion of the examination.

(3) Applicants who fail the examination may apply for reexamination by completing application and submitting the appropriate fee to the division of professional licensing.

(4) Applicants who fail to appear for examination forfeit the examination fee. [Statutory Authority: RCW 18.32.040. 82-04-024 (Order PL 391), § 308-40-104, filed 1/26/82.]

WAC 308-40-105 Examination review procedures.

(1) Each individual who takes the practical examination for licensure as a dentist and does not pass the examination will be provided, upon written request, information indicating the areas of the practical examination in which his or her performance was deficient.

(2) Any unsuccessful applicant, after being advised by the board of the areas of deficiency in the examination, may request review by the board of his or her examination results. This request must be in writing and must be received by the board within 45 days of notification of the examination results. The request must state the reason or reasons why the applicant feels the results of the examination should be changed. The board will consider the following to be adequate reasons for consideration for review and possible modification of examination results:

(a) A showing of a significant procedural error in the examination process;

(b) evidence of bias, prejudice or discrimination in the examination process;

(c) other significant errors which result in substantial disadvantage to the applicant.

(3) Any applicant who is not satisfied with the result of the examination review may appeal the board's decision and may request a formal hearing to be held before the board pursuant to the Administrative Procedure Act. Such hearing must be requested within 20 days of receipt of the result of the board's review of the examination results. [Statutory Authority: RCW 18.32.040. 82-04-024 (Order PL 391), § 308-40-105, filed 1/26/82. Statutory Authority: RCW 18.29.030 and 18.32.040. 80-18-009 (Order 363), § 308-40-105, filed 11/24/80; 80-05-063 (Order PL 342), § 308-40-105, filed 4/22/80.]

WAC 308-40-110 Foreign trained dentists. The following requirements apply to persons who are graduates of dental schools or colleges not accredited by the American Dental Association Commission on Accreditation.

(1) A person who has issued to him or her a degree of doctor of dental medicine or doctor of dental surgery by a foreign dental school listed by the World Health Organization, or by a foreign dental school approved by the board of examiners, shall be eligible to take the examination given by the board in the theory and practice of the science of dentistry upon furnishing all of the following:

- (a) A certified copy of dental school diploma.
 - (b) Official dental school transcript.
 - (c) Proof of identification by an appropriate governmental agency; provided, however, that alternate arrangements may be made for political refugees.
- (2) Examination by the board of a foreign trained dental applicant shall be a progression examination given in English in the following sequence:
- (a) Passing scores on national board examinations, parts I and II.
 - (b) Satisfactory performance on a preclinical examination in all portions of the restorative examination. This portion will be completed on a typodont.
 - (c) Satisfactory performance on a clinical examination required of all candidates for dental licensure including the prosthetic/oral diagnosis and treatment planning examination.

(3) When an applicant for a license has received a passing grade equivalent to that required of other applicants in the examination of the kind set forth in subsection (2)(a) and (b), he or she shall be exempt from reexamination in that subject in subsequent examinations before the board held within a two-year period from the date of the examination in which he or she obtained such passing grade. Should an applicant fail the preclinical examination in restorative, the examiners shall determine if remedial training is required and the applicant shall furnish proof of such training before being allowed to retake that portion of the examination.

(4) The licensure examination for foreign trained dental applicants shall be held by the board at least once a year with such additional examinations as the board desires to hold. The time and place of the examination shall be fixed by the board at least six months prior to the date that the examination is to be held. [Statutory Authority: RCW 18.32.040. 82-04-024 (Order PL 391), § 308-40-110, filed 1/26/82; Order PL 253, § 308-40-110, filed 7/13/76; Order PL 194, § 308-40-110, filed 7/2/75.]

Chapter 308-42 WAC PHYSICAL THERAPISTS

WAC	
308-42-045	Examination.
308-42-060	Reciprocity—Recommendation to director.

WAC 308-42-045 Examination. (1) The examination acceptable to and approved for use under the provisions of RCW 18.74.035 shall be the examination for physical therapists as prepared by the Professional Examining Service of New York. A passing score is 70% of the raw score with not less than 60% raw score on all three examination parts.

(2) A passing score, as defined above, obtained in a PES exam within three years prior to the date of registration application and verified by the Interstate Reporting Service of the Professional Examining Service of New York, will satisfy the written examination requirements. [Statutory Authority: RCW 18.74.020. 81-19-

071 (Order PL 384), § 308-42-045, filed 9/15/81; Order PL 191, § 308-42-045, filed 5/29/75.]

WAC 308-42-060 Reciprocity—Recommendation to director. (1) Before recommending to the director that reciprocity be extended to any individual licensed to practice physical therapy under the law of another state, territory, or District of Columbia, the examining committee shall determine the qualifications of the applicant as prescribed by law, based in part on the Professional Examining Service examination. A score of 70% of the raw score with not less than 60% raw score on all three examination parts, verified, by the Interstate reporting Service of the Professional Examining Service of New York, shall be considered passing for the purposes of reciprocity outlined in RCW 18.74.060.

(2) If the decision to extend reciprocity is based on an examination other than the Professional Examining Service, the examining committee shall determine if such examination was equivalent to that required by the laws of this state.

(3) The committee shall not recommend to the director that a person be registered as a physical therapist under the reciprocity provisions of RCW 18.74.060, unless said applicant shall have taken and passed the Professional Examining Service examination, or other examination equivalent to that required by the laws of this state.

(4) All applicants who have been denied reciprocity must apply for registration in Washington and receive a probationary certificate before engaging in the practice of physical therapy. [Statutory Authority: RCW 18.74-.020. 81-19-071 (Order PL 384), § 308-42-060, filed 9/15/81; Order PL 191, § 308-42-060, filed 5/29/75; Order 704207, § 308-42-060, filed 8/7/70, effective 9/15/70.]

Chapter 308-48 WAC FUNERAL DIRECTORS AND EMBALMERS

WAC	
308-48-140	Reciprocity.

WAC 308-48-140 Reciprocity. To qualify for licensure by reciprocity, an applicant must furnish proof satisfactory to the department that his professional education and experience are comparable to the minimum requirements set out in RCW 18.39.035 and 18.39.045, including proof that the applicant:

(1) Is currently licensed in good standing in another state or territory of the United States;

(2) Has successfully completed the national board examination and the public health and state law portions of the Washington examination;

(3) Has completed 60 semester or 90 quarter hours of study at an accredited college or institution of higher learning or the equivalent;

(4) For a funeral director's license, has completed at least a one year apprenticeship under a licensed funeral director in the state where originally licensed;

(5) For an embalmer's license, has completed a two year apprenticeship under the supervision of a licensed embalmer and graduated from a school of mortuary science recognized by the board.

Applicants may substitute a year of full time employment as a licensed funeral director or embalmer for each required year of apprenticeship. Additional full time experience as a funeral director or embalmer may be used to substitute for the educational requirement at the rate of two years of employment for each year of college required. [Statutory Authority: RCW 18.39.130, as amended by SHB 871, 83-01-111 (Order PL 416), § 308-48-140, filed 12/21/82; Order 700801, § 308-48-140, filed 8/25/70.]

Chapter 308-50 WAC

REGULATION AND PRACTICE OF HEARING AID FITTERS AND DISPENSERS

WAC

- 308-50-055 Repealed.
- 308-50-080 Temporary or itinerant activities prohibited.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-50-055 Medical certification. [Order PL 190, § 308-50-055, filed 5/23/75.] Repealed by 81-09-030 (Order PL 375), filed 4/13/81. Statutory Authority: RCW 18.35.140.

WAC 308-50-055 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-50-080 Temporary or itinerant activities prohibited. Except as otherwise provided in these rules and regulations, it is prohibited to test the hearing of the public or to fit and dispense hearing aids at temporary or itinerant locations in this state unless WAC 308-50-110 and 308-50-130 are followed. [Statutory Authority: RCW 18.35.140, 81-09-030 (Order PL 375), § 308-50-080, filed 4/13/81; Order PL 159, § 308-50-080, filed 2/8/74.]

Chapter 308-51 WAC

MESSAGE BUSINESSES AND MESSAGE OPERATORS--LICENSING

WAC

- 308-51-010 Applications.

WAC 308-51-010 Applications. (1) Applications for an original license or renewal of a license to practice as a massage operator or to conduct a massage business shall be made to the Division of Professional Licensing, 12th and Franklin Streets, P.O. Box 9649, Olympia, Washington 98504. (Telephone number (206) 753-0776.)

(2) Application forms shall be prepared by the director and shall provide for the statement of all information required for the license in question. An applicant for the

issuance or renewal of a massage operator's license and/or a massage business license shall be required to furnish the director with satisfactory evidence to establish that all requirements for the license have been fulfilled by the applicant, including the requirement that he is of good moral character and has not been convicted of, or forfeited bond for, a crime involving lewdness or moral turpitude or a crime involving possession, use, or distribution of any controlled substance except marihuana.

(b) An applicant may establish proof of age by submitting a photocopy of his birth certificate. If it is not reasonably possible to obtain a photocopy of the birth certificate, an affidavit attesting to the date and place of birth may be accepted by the director in lieu of such photocopy.

(3) The term "applicant" as used in chapter 280, Laws of 1975 1st ex. sess. and chapter 18.108 RCW, relating to massage business license, is defined to include and shall be applied as follows to:

- (a) The owner, in case of sole proprietorship.
- (b) All partners, in case of a general or limited partnership.
- (c) A corporation, which may apply through its chief executive officer. [Statutory Authority: RCW 18.108-.020, 81-11-005 (Order PL 379), § 308-51-010, filed 5/11/81; Order PL 255, § 308-51-010, filed 8/20/76; Order PL 231, § 308-51-010, filed 10/30/75.]

Chapter 308-52 WAC

MEDICAL EXAMINERS

WAC

- 308-52-020 Repealed.
- 308-52-040 Foreign medical graduates.
- 308-52-110 Repealed.
- 308-52-120 Approved United States and Canadian medical schools.
- 308-52-132 Emergency narcotic administration.
- 308-52-135 Physician assistant prescriptions.
- 308-52-137 Repealed.
- 308-52-138 Physician assistants—Program approval.
- 308-52-139 Physician assistant—Registration.
- 308-52-140 Physician assistant—Utilization.
- 308-52-141 Physician assistants—Responsibility of supervising physician.
- 308-52-144 Repealed.
- 308-52-160 Physician assistant applications—Denial.
- 308-52-201 General continuing medical education requirements.
- 308-52-205 Categories of creditable continuing medical education activities.
- 308-52-211 Continuing medical education clock hour credit requirement.
- 308-52-215 Prior activity approval not required.
- 308-52-221 Certification of compliance.
- 308-52-250 Repealed.
- 308-52-255 Post graduate medical training defined.
- 308-52-406 CME requirements during cycle revision.
- 308-52-504 Acupuncture—Definition.
- 308-52-570 X-rays and laboratory tests.
- 308-52-580 Ethical considerations.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-52-020 Requirement for processing reciprocal applications. [Rules (part), filed 12/18/63.] Repealed by 81-03-

- 079 (Order PL 369), filed 1/21/81. Statutory Authority: RCW 18.71.017.
- 308-52-110 Reciprocity or waiver applications for license. [Order PL 136, § 308-52-110, filed 11/16/72; Rules (part), filed 1/12/65.] Repealed by 81-03-079 (Order PL 369), filed 1/21/81. Statutory Authority: RCW 18.71.017.
- 308-52-137 Physicians' assistants—Classification. [Statutory Authority: RCW 18.71A.020. 78-04-029 (Order PL 285, Resolution 78-140), § 308-52-137, filed 3/14/78.] Repealed by 81-03-078 (Order PL 368), filed 1/21/81. Statutory Authority: RCW 18.71A.020.
- 308-52-144 Physicians' assistants—Simultaneous registration of type C assistants. [Statutory Authority: RCW 18.71A.020. 78-04-029 (Order PL 285, Resolution 78-140), § 308-52-144, filed 3/14/78.] Repealed by 81-03-078 (Order PL 368), filed 1/21/81. Statutory Authority: RCW 18.71A.020.
- 308-52-250 Internship defined. [Order 146, § 308-52-250, filed 8/16/73.] Repealed by 81-03-079 (Order PL 369), filed 1/21/81. Statutory Authority: RCW 18.71.017.

WAC 308-52-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-52-040 Foreign medical graduates. (1) Except in unusual circumstances, which shall be considered individually by the board, all graduates of foreign medical schools who were not licensed in another state prior to 1958 must have obtained the certificate granted by the educational council for foreign medical graduates or must qualify for exemption as provided for in other sections of these rules and regulations.

(2) A United States citizen or resident alien who has obtained his medical education in a medical school outside the United States, Canada, or Puerto Rico shall be eligible for licensure in the state of Washington if he has satisfied the following requirements:

(a) Has completed all of the formal academic requirements for graduation from a medical school outside the United States, provided that such medical school provides a resident course of professional instruction equivalent to that required under RCW 18.71.055 for approval of United States and Canadian schools. An internship and/or social service in a foreign country shall not be considered to be a part of the formal academic requirements.

(b) Has successfully completed one academic year of supervised clinical training in a program approved by the board. Approval of such program shall be based on the following requirements:

(i) The program shall be sponsored by a board-approved United States medical school.

(ii) The school must provide supervision equivalent to that given undergraduate medical students.

(iii) Admission to such a program shall be contingent upon review of the applicant's academic achievement, completion of the formal academic curriculum of the foreign medical school, and the attainment of a score satisfactory to the medical school in a qualifying examination acceptable to the board such as part 1 of the national board examination, or day-1 of flex examination, or the ECFMG examination.

(iv) The program must include experience in each of the major clinical disciplines.

(c) Has completed the postgraduate clinical hospital training required by the board of all applicants for licensure.

(d) Has passed the examination required by the board of all applicants for licensure.

(3) Satisfaction of the requirements of section (2) of these rules and regulations shall substitute for the completion of any foreign internship and/or social service required by the foreign medical school or government as a condition to the awarding of a medical degree or licensure, and no such requirements shall be a condition of licensure as a physician in this state.

(4) Certification by the ECFMG shall not be a condition of licensure as a physician in this state for candidates who have successfully completed the requirements of section (2) of these rules and regulations.

(5) All persons issued a license to practice medicine and surgery by the board of medical examiners shall possess all the rights and privileges thereof, including the use of the title "doctor of medicine" and the initials "M.D."

(6) Graduates of foreign medical schools who do not qualify for licensure under these rules and regulations will be required to meet the rules previously adopted by the board. [Statutory Authority: RCW 18.71.017. 81-03-079 (Order PL 369), § 308-52-040, filed 1/21/81; Order PL 240, § 308-52-040, filed 2/19/76; Order PL 183, § 308-52-040, filed 2/10/75; Order PL 136, § 308-52-040, filed 11/16/72; Rules (part), filed 12/18/63.]

WAC 308-52-110 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-52-120 Approved United States and Canadian medical schools. For the purposes of the Medical Practice Act the board approves those medical schools listed as accredited medical schools in the United States set forth in Appendix II, Table I, and as accredited schools in Canada set forth in Appendix III, Table I, as published in the Journal of the American Medical Association for March 7, 1980. [Statutory Authority: RCW 18.71.017. 81-03-079 (Order PL 369), § 308-52-120, filed 1/21/81; Order PL-278, § 308-52-120, filed 11/16/77.]

WAC 308-52-132 Emergency narcotic administration. (1) When approved by the board in the physician assistant utilization plan, a physician may issue a standing written order, authorizing his or her physician assistant to administer a Schedule II narcotic controlled substance to the physician's patient in severe pain as an emergency pain relieving measure while efforts are being made to contact a physician or transport the patient for further emergency medical care.

(2) The authorization shall only be for the direct administration of a narcotic to a patient in an emergency. A physician must personally issue any prescription for Schedule II controlled substances which are not directly administered to a patient in an emergency pursuant to this regulation.

(3) A record of the emergency narcotic administration shall be maintained which shall include the date, time, patient's name, name of the physician assistant, name and strength of narcotic drug administered and nature of emergency. [Statutory Authority: RCW 18.71A.020. 81-03-078 (Order PL 368), § 308-52-132, filed 1/21/81.]

WAC 308-52-135 Physician assistant prescriptions.

A physician assistant may issue written or oral prescriptions as provided herein when approved by the board and assigned by the supervising physician.

(1) Except for schedule two controlled substances as listed under federal and state controlled substances acts, a physician assistant may issue prescriptions for a patient who is under the care of the physician responsible for the supervision of the physician assistant.

(a) Written prescriptions shall be written on the blank of the supervising physician and shall include the name, address and telephone number of the physician. The prescription shall also bear the name and address of the patient and the date on which the prescription was written.

(b) The physician assistant shall sign such a prescription by signing his or her own name followed by the letters "P.A." and registration number.

(2) A physician assistant employed or extended privileges by a hospital nursing home or other health care institution may, if permissible under the by-laws, rules and regulations of the institution, write medical orders, except those for schedule two controlled substances, for inpatients under the care of the physician responsible for his supervision.

(3) To be authorized to issue prescriptions for schedule three through five controlled substances, a physician assistant must be registered with the board of pharmacy and the drug enforcement administration.

(4) The registration of a physician assistant who issues a prescription in violation of these provisions shall be subject to revocation or suspension.

(5) Physician assistants may dispense prescriptive medications from office supplies provided the quantities dispensed are limited to treatment for forty-eight hours. The physician assistant shall comply with the state laws concerning prescription labeling requirements. [Statutory Authority: RCW 18.71A.020. 82-03-022 (Order PL 390), § 308-52-135, filed 1/14/82; 79-10-041 (Order PL 317), § 308-52-135, filed 9/13/79; Order PL 264, § 308-52-135, filed 3/15/77.]

WAC 308-52-137 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-52-138 Physician assistants--Program approval. No physician shall be entitled to register a physician assistant who has not successfully completed a program of training approved by the board in accordance with these rules.

(1) Standards. The board will establish standards by which programs designed to produce the various types of physician assistants shall be judged. If the council of

medical education of the American medical association has defined "essentials" for such program, these shall be regarded as minimal criteria.

(2) Procedure.

(a) In order for a program for training physician assistants to be considered for approval by the board, the director of the program shall submit to the board a description of the course of training offered, including subjects taught and methods of teaching, entrance requirements, clinical experience provided, etc. The director of the program shall also advise the board concerning the medical skills which are attained in such course, and the methods by which the proficiency of the students in those skills was tested or ascertained. The board may require such additional information from program sponsors as it desires.

(b) The board will approve programs in terms of the skills attained by its graduates and the specialty for which the physician assistant is trained.

(c) Reapproval. Each approved program will be reexamined at intervals, not to exceed three years. Approval will be continued or withdrawn following each reexamination.

(d) Registry. A registry of approved programs shall be maintained by the board at the division of professional licensing in Olympia, Washington, which shall be available upon request to interested persons. [Statutory Authority: RCW 18.71A.020. 81-03-078 (Order PL 368), § 308-52-138, filed 1/21/81; 78-04-029 (Order PL 285, Resolution 78-140), § 308-52-138, filed 3/14/78.]

WAC 308-52-139 Physician assistant--Registration. (1) Classification. Each physician assistant will be classified according to the specialty or content of his or her training program.

(2) Registration procedure. All applications shall be made to the board on forms supplied by the board. Applications shall not be reviewed or approved until the forms and supporting documents are complete. Applications shall be made jointly by the physician and the assistant. An application which clearly meets the board's requirements may receive interim approval by the board's executive secretary or assistant executive secretary providing the physician supervisor is licensed and in good standing in the state of Washington and that evidence is submitted to document the required education and training of the physician assistant. Such interim approval shall be subject to final action by the board's application committee at its next regular meeting. Applications which do not clearly meet the board's guidelines will be reviewed at the committee meeting, which review may include an interview. Applications may also be considered at any regular meeting of the board.

(3) Registration renewal. Each registered assistant and the registering physician shall be required to submit an application for renewal of their registration at least sixty days prior to the expiration of the registration. Application for renewal shall be submitted on forms provided by the board. A statement must be made concerning any changes in utilization requested, which

will be subject to approval of the board. Registration renewals will be issued to expire on the physician assistant's next birth anniversary date.

(4) Change of registration. In the event that a physician assistant who is currently registered desires to become associated with another physician, such transfer may be accomplished administratively, providing that the new physician supervisor is licensed and in good standing in the state of Washington and that evidence is submitted to document the continuing competence of the physician assistant. Application for transfer of registration shall be made on forms provided by the board and may also be considered at any regular meeting of the board or its committee.

(5) Utilization plan. The application for registration of a physician assistant must include a detailed plan describing the manner in which the physician assistant will be utilized. The board will grant specific approval for the tasks which may be performed by the specialized physician assistants based upon the curriculum of the program from which the assistant graduated as contained in the files of the board. In the case of family practice (primary care) and pediatric physician assistants, the board will issue a list of tasks which physician assistants are commonly trained to perform, with the expectation that the physician sponsor will be responsible for determining which of the tasks the physician assistant will perform and at what level of supervision. No assistant shall be registered to perform tasks not contained in the program approval, or in the case of family practice and pediatric physician assistants, the board list, unless evidence satisfactory to the board is submitted demonstrating that he or she has been trained in that function and his or her competence has been properly and adequately tested. Request for approval of newly acquired skills may be considered at any regular meeting of the board or the application committee. [Statutory Authority: RCW 18.71A.020. 82-24-013 (Order PL 412), § 308-52-139, filed 11/19/82; 81-03-078 (Order PL 368), § 308-52-139, filed 1/21/81; 80-15-031 (Order PL-353), § 308-52-139, filed 10/8/80; 78-04-029 (Order PL 285, Resolution 78-140), § 308-52-139, filed 3/14/78.]

WAC 308-52-140 Physician assistant--Utilization.

(1) Limitations, number.

(a) No physician shall supervise more than two graduate physician assistants without special authorization by the board.

(b) The number of physician assistants in excess of two who may be supervised by a single physician in settings as outlined in section three of this regulation shall be established by the board on an individual basis.

(2) Limitations, geographic.

(a) No physician assistant shall be utilized in a place geographically separated from the supervising physician's primary place for meeting patients without the express permission of the board. The "primary place for meeting patients" shall be defined to include the physician's office, the institution(s) in which his or her patients are hospitalized or the homes of patients for whom

a physician-patient relationship has already been established.

(b) Special permission may be granted to utilize a physician assistant in a place remote from the physician's primary place for meeting patients if:

(i) There is a demonstrated need for such utilization.

(ii) Adequate provision for immediate communication between the physician and his or her physician assistant exists.

(iii) A mechanism has been developed to provide for the establishment of a direct patient-physician relationship between the supervising physician and patients who may be seen initially by the physician assistant.

(iv) The responsible physician spends at least one-half day per week in the remote office.

(v) The provisions of WAC 308-52-141(2) are met.

(vi) The waiting room, offices and examining rooms of all facilities approved as remote sites must have posted a printed announcement that the (named) sponsor is responsible for all care rendered, and that the (named) individual providing the care is a physician assistant. Identification of the clinic on the outside facade must include the names of the physician sponsor and the physician assistant.

(3) Limitations, health care institutions. A physician assistant working in or for a hospital, clinic, long term care facility, or other health care organization shall be registered and supervised by a supervising physician in the same manner as any other physician assistant and his or her functions shall be limited to those approved by the board. His or her responsibilities, if any, to other physicians must be defined in the application for registration. The physician may be permitted, at the discretion of the board, to utilize the physician assistant in a manner consistent with the standards set forth in WAC 308-52-150 Physician assistant-utilization for a nonsponsoring physician.

(4) Limitations, trainees. An individual enrolled in a training program for physician assistants may function only in direct association with his preceptorship physician or a delegated alternate physician in the immediate clinical setting, or, as in the case of specialized training in a specific area, an alternate preceptor approved by the program. They may not function in a remote location or in the absence of the preceptor. [Statutory Authority: RCW 18.71A.020. 82-24-013 (Order PL 412), § 308-52-140, filed 11/19/82; 82-03-022 (Order PL 390), § 308-52-140, filed 1/14/82; 81-03-078 (Order PL 368), § 308-52-140, filed 1/21/81; 78-04-029 (Order PL 285, Resolution 78-140), § 308-52-140, filed 3/14/78.]

Reviser's note: WAC 308-52-150 is a nonexistent section as of the filing of Order PL 412 filed under WSR 82-24-013, filed January 14, 1982.

WAC 308-52-141 Physician assistants--Responsibility of supervising physician. It shall be the responsibility of the supervising physician to insure that:

(1) The best interests of his patients are served by the utilization of a physician assistant.

(2) Adequate supervision and review of the work of the physician assistant is provided.

(a) The supervising physician shall review and countersign pertinent notes and orders concerning patient care provided by the physician assistant, if such care is rendered without direct consultation with the physician[.] The time period for such review and countersignature shall be established in the utilization plan and will depend upon the practice setting. Patient charts which reflect physician assistant care rendered with direct physician consultation need not be countersigned.

(b) In the temporary absence of the supervising physician, the physician assistant may carry out those tasks for which he is registered, if the supervisory and review mechanisms noted above are provided by a delegated alternate physician supervisor.

(c) The physician assistant may not function as such if these supervisory and review functions are impossible.

(3) The physician assistant employed by him, at all times when meeting or treating patients, wears an identifying badge in a prominent place on his person identifying him as a physician assistant.

(4) No physician's assistant in his employ advertises himself in any manner which would tend to mislead the public generally or the patients of the physician as to his role.

(5) The physician's assistant in his employ performs only those tasks which have been authorized by the board. If the physician assistant is being trained to perform additional tasks beyond those authorized, such training may be carried out only under the direct, personal supervision of the supervising physician or a qualified person designated by him. [Statutory Authority: RCW 18.71A.020. 81-03-078 (Order PL 368), § 308-52-141, filed 1/21/81; 78-04-029 (Order PL 285, Resolution 78-140), § 308-52-141, filed 3/14/78.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-52-144 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-52-160 Physician assistant applications--Denial. (1) Applications may only be denied or modified by a vote of the board. The executive secretary or application committee may refer an application to the board without giving approval.

(2) An application by a physician to supervise a physician assistant may be denied or modified under any of the following conditions:

(a) The physician assistant has not graduated from an approved program or a foreign medical school acceptable to the board;

(b) The utilization plan submitted does not meet the requirements for utilization or supervision as outlined in the regulations;

(c) The physician assistant is found to not be physically or mentally capable of safely carrying on the practice of medicine. The board may require any applicant to submit to such examination or examinations as it deems

necessary to determine an applicant's physical and/or mental capability to safely practice medicine;

(d) The physician assistant's registration or other professional license(s) has been revoked, suspended or restricted by any licensing agency, or he or she has been guilty of any conduct which would constitute grounds for refusal, revocation or suspension of such registration under the laws of the state of Washington.

(e) The utilization plan delegates to the physician assistant tasks for which he or she is not adequately trained to perform;

(f) The physician sponsor or alternate has had his or her license revoked or suspended, or restricted to such degree that it could reasonably affect his or her ability to properly supervise a physician assistant. A physician's mental or physical impairment could also affect his or her ability to supervise;

(g) The physician assistant has filed with the board, any false, fraudulent or forged statement or documents for the purpose of obtaining the registration.

(3) In the event an application is denied or modified, the physician applying may request a hearing to present evidence as to why the application should be approved. Only the sponsoring physician may appeal a board decision: *Provided, however,* That if the decision reflects on the character, competence or conduct of the physician assistant, he or she will be given the opportunity to exonerate him or herself. [Statutory Authority: RCW 18.71A.020. 82-24-013 (Order PL 412), § 308-52-160, filed 11/19/82.]

WAC 308-52-201 General continuing medical education requirements. (1) All registered physician assistants will be required to show evidence of fifty credit hours of continuing medical education by their registration renewal date in 1982.

(2) In lieu of fifty hours of continuing medical education the board will accept a current certification with the National Commission for the Certification of Physician Assistants and will consider approval of other programs as they are developed.

(3) If a registered physician assistant fails to meet the requirements because of illness or other extenuating circumstances, each case will be considered by the board on an individual basis. When circumstances justify it, the board may grant an extension of time. [Statutory Authority: RCW 18.71A.020. 82-03-022 (Order PL 390), § 308-52-201, filed 1/14/82; 81-03-078 (Order PL 368), § 308-52-201, filed 1/21/81.]

WAC 308-52-205 Categories of creditable continuing medical education activities. (1) The board approves the following categories of creditable continuing medical education activities for physician assistants. A minimum of twenty credit hours must be earned in category I.

- | | |
|-------------|--|
| Category I | Continuing medical education activities with accredited sponsorship |
| Category II | Continuing medical education activities with nonaccredited sponsorship and other meritorious learning experience |

(2) The board adopts the standards approved by the American Academy of Physician Assistants for the evaluation of continuing medical education requirements in determining the acceptance and category of any continuing medical education experience. [Statutory Authority: RCW 18.71A.020. 81-03-078 (Order PL 368), § 308-52-205, filed 1/21/81.]

WAC 308-52-211 Continuing medical education clock hour credit requirement. (1) The credits must be earned in the year preceding application for renewal of registration.

(2) One clock hour shall equal one credit hour for the purpose of satisfying the fifty hour continuing medical education requirement. [Statutory Authority: RCW 18.71A.020. 81-03-078 (Order PL 368), § 308-52-211, filed 1/21/81.]

WAC 308-52-215 Prior activity approval not required. (1) It will not be necessary for a physician assistant to inquire into the prior approval of any continuing medical education. The board will accept any continuing medical education that reasonably falls within these regulations and relies upon each individual physician assistant's integrity in complying with this requirement.

(2) Continuing medical education program sponsors need not apply for nor expect to receive prior board approval for a formal continuing medical education program. The continuing medical education category will depend solely upon the accredited status of the organization or institution. The number of creditable hours may be determined by counting the contact hours of instruction and rounding to the nearest quarter hour. The board relies upon the integrity of program sponsors to present continuing medical education for physician assistants that constitutes a meritorious learning experience. [Statutory Authority: RCW 18.71A.020. 81-03-078 (Order PL 368), § 308-52-215, filed 1/21/81.]

WAC 308-52-221 Certification of compliance. (1) In conjunction with the application for renewal of registration a physician assistant shall submit an affidavit of compliance with the fifty hour continuing medical education requirement on a form supplied by the board.

(2) The board reserves the right to require a physician assistant to submit evidence in addition to the affidavit to demonstrate compliance with the fifty hour continuing medical education requirement. Accordingly, it is the responsibility of a physician assistant to maintain evidence of such compliance. [Statutory Authority: RCW 18.71A.020. 81-03-078 (Order PL 368), § 308-52-221, filed 1/21/81.]

WAC 308-52-250 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-52-255 Post graduate medical training defined. For the purposes of this chapter, post graduate medical training shall be considered to mean clinical training approved by the board in general medicine or

surgery, or a recognized specialty or sub-specialty in the field of medicine or surgery. The training must be acquired after completion of a formal course of undergraduate medical instruction outlined in RCW 18.71-.055. This definition shall be considered to include, but not be limited to, internships, residencies and fellowships in medical or surgical subjects. [Statutory Authority: RCW 18.71.017. 81-03-079 (Order PL 369), § 308-52-255, filed 1/21/81.]

WAC 308-52-406 CME requirements during cycle revision. (1) The current three year CME cycle will be revised so that approximately one-third of the licensed physicians will report their CME in each calendar year.

(2) During the implementation of the revised CME cycle, physicians must show evidence of continuing medical education as follows:

(a) Current licensees as of January 1, 1982.

(i) Physicians whose last name initial is A through G must have obtained at least fifty hours of CME by their renewal date in 1983.

(ii) Physicians whose last name initial is H through O must have obtained at least one hundred hours of CME by their renewal date in 1984.

(iii) Physicians whose last name initial is P through Z must have obtained one hundred and fifty hours by their renewal date in 1985.

(b) New licensees. Applicants who qualify for licensure after January 1, 1982 will comply with the CME requirements then in effect.

(3) CME category maximum. Physicians who report fifty or one hundred hours of CME shall reduce the CME category maximum in WAC 308-52-415 on a prorata basis as follows:

(a) For fifty hours requirement a maximum of thirty category I hours and a maximum of twenty credit hours in each of the other categories will be accepted.

(b) For one hundred hours requirement a maximum of sixty category I hours and forty credit hours in each of the other categories will be accepted.

(4) After the revision is complete in 1985 all physicians will report one hundred and fifty hours every three years as required by WAC 308-52-405. [Statutory Authority: RCW 18.71.080. 81-23-051 (Order PL 386), § 308-52-406, filed 11/18/81.]

WAC 308-52-504 Acupuncture--Definition. (1) Acupuncture is a traditional system of medical theory, oriental diagnosis and treatment used to promote health and treat organic or functional disorders, by treating specific acupuncture points or meridians. Acupuncture includes the following techniques:

(a) Use of acupuncture needles to stimulate acupuncture points and meridians.

(b) Use of electrical, mechanical or magnetic devices to stimulate acupuncture points and meridians.

(c) Moxibustion.

(d) Acupressure.

(e) Cupping.

(f) Gwa hsa (dermal friction technique).

(g) Infra-red.

- (h) Sonopuncture.
- (i) Laser puncture.
- (j) Dietary advice.
- (k) Manipulative therapies.
- (l) Point injection therapy (aqua puncture).

These terms are to be understood within the context of the original medical art of acupuncture, and as the board defines them. [Statutory Authority: RCW 18.71A.020. 82-24-013 (Order PL 412), § 308-52-504, filed 11/19/82.]

WAC 308-52-570 X-rays and laboratory tests. X-ray and laboratory tests are not approved techniques for use by physicians' acupuncture assistants, and use of such techniques is expressly prohibited. [Statutory Authority: RCW 18.71A.020. 82-24-013 (Order PL 412), § 308-52-570, filed 11/19/82; 79-06-055 (Order PL 301), § 308-52-570, filed 5/22/79.]

WAC 308-52-580 Ethical considerations. The following acts and practices are unethical and unprofessional conduct warranting appropriate disciplinary action:

(1) The division or "splitting" of fees with other professionals or nonprofessionals as prohibited by chapter 19.68 RCW. Specifically, a person authorized by this board shall not:

(a) Employ another to so solicit or obtain, or remunerate another for soliciting or obtaining, patient referrals.

(b) Directly or indirectly aid or abet an unlicensed person to practice acupuncture or medicine or to receive compensation therefrom.

(2) Use of testimonials, whether paid for or not, to solicit or encourage use of the registrant's services by members of the public.

(3) Making or publishing, or causing to be made or published, any advertisement, offer, statement or other form of representation, oral or written, which directly or by implication is false, misleading or deceptive.

(4) Representation of the physician's acupuncture assistant, by the assistant or the supervising physician, as a physical therapist, chiropractor, drugless healer or masseur except when the assistant is licensed as such. [Statutory Authority: RCW 18.71A.020. 82-24-013 (Order PL 412), § 308-52-580, filed 11/19/82; 79-06-055 (Order PL 301), § 308-52-580, filed 5/22/79.]

Chapter 308-53 WAC

OPTOMETRY--ANNUAL LICENSE OR REGISTRATION RENEWAL FEE

WAC

308-53-080	Examination subjects.
308-53-085	Grading examinations.
308-53-130	Courses not presumed to qualify.
308-53-151	Credit for CPR training.
308-53-215	Contact lens advertising.
308-53-230	Renting space from and practicing on premises of commercial (mercantile) concern.

WAC 308-53-080 Examination subjects. Every qualified applicant for a license as an optometrist shall successfully pass an examination. The board may choose to include, but need not be limited to, the following subjects: Contact lenses; Washington state law; perimetry; pathology; visual training; ocular anatomy and physiology; optometric theory and methods; social, legal, economic and ethics of optometry; ocular pharmacology; lensometer; retinoscopy; biomicroscopy slit lamp; tonometry; radiuscope; and oral interview and case history.

Every applicant will take a written examination section on contact lenses, Washington state law, perimetry and pathology slides. Applicants not having satisfactorily passed the National Board of Examiners in Optometry examination will also take a written examination section on visual training, ocular anatomy and physiology, theory and methods of optometry, social, legal, economics and ethics of optometry, ocular pathology and ocular pharmacology.

Every applicant will take a practical examination section on: lensometer, retinoscopy, biomicroscopy slit lamp, tonometry and radiuscope. Every applicant will take a practical oral interview and case history section. [Statutory Authority: RCW 18.54.070(5). 82-12-077 (Order PL 399), § 308-53-080, filed 6/2/82; 80-01-088 (Order PL 326), § 308-53-080, filed 12/28/79.]

WAC 308-53-085 Grading examinations. To successfully pass the examination, an applicant whom has satisfactorily passed the National Board of Examiners in Optometry examination must obtain the following:

(1) Pass at least two of the following subjects on the written section with a score of at least sixty percent; contact lenses, perimetry, pathology slides. Washington state law does not require a minimum passing score but that score will be included in calculating a total average score; and

(2) Pass the practical examination section with at least a seventy-five percent average score; and

(3) Pass the practical oral interview and case history section with at least a seventy-five percent score; and

(4) Obtain a total average score of at least seventy-five percent.

An applicant who has not satisfactorily passed the National Board of Examiners in Optometry examination must obtain the following:

(1) Pass at least six of the following subjects on the written sections with a score of at least sixty percent: Contact lenses, perimetry, pathology slides, visual training, ocular anatomy and physiology, theory and methods of optometry, ocular pathology and ocular pharmacology. Washington state law and social, legal, economic and ethics of optometry do not require a minimum passing score but these scores will be included in calculating a total average score; and

(2) Pass the practical examination section with at least a seventy-five percent average score; and

(3) Pass the practical oral interview and case history section with at least a seventy-five percent score; and

(4) Obtain a total average score of at least seventy percent. [Statutory Authority: RCW 18.54.070(5). 82-12-077 (Order PL 399), § 308-53-085, filed 6/2/82.]

WAC 308-53-130 Courses not presumed to qualify.

Commercially sponsored courses or courses devoted to techniques involving a single product or device will not be presumed to qualify as continuing education courses. Additionally, continuing education courses shall exhibit relevancy to the usual and customary practice of optometry and must have a definite correlation to subjects taught or offered in accredited colleges or schools of optometry approved by the board of optometry. However, such courses may be granted continuing education credit upon approval by the board. [Statutory Authority: RCW 18.54.070(5). 81-06-012 (Order PL 367), § 308-53-130, filed 2/20/81; Order PL 239, § 308-53-130, filed 3/3/76.]

WAC 308-53-151 Credit for CPR training. On or after January 1, 1983, continuing education credit, up to five credit hours yearly, may be granted for training obtained in a cardio-pulmonary resuscitation (CPR) course where such training is provided by a currently certified CPR instructor. A request for credit must include the name of the instructor, by whom the instructor is certified, and information regarding current certification at the time of the course, and the date and location of the course. [Statutory Authority: RCW 18.54.070(5). 82-12-077 (Order PL 399), § 308-53-151, filed 6/2/82.]

WAC 308-53-215 Contact lens advertising. Where contact lens prices are advertised, such advertisement shall clearly state: (a) The type of contact lens or lenses offered at the price(s) advertised and any exclusions or limitations therein; (b) whether examinations, dispensing, related supplies and/or other service charges are included or excluded in the advertised price(s); and (c) the manufacturer, laboratory of origin or brand name of the contact lenses. [Statutory Authority: RCW 18.54.070(5). 81-06-012 (Order PL 367), § 308-53-215, filed 2/20/81.]

WAC 308-53-230 Renting space from and practicing on premises of commercial (mercantile) concern. Where a doctor of optometry rents or buys space from and practices optometry on the premises of a commercial or mercantile concern:

(1) The practice must be owned by the doctor of optometry solely or in conjunction with other licensed doctors of optometry, and in every phase be under the exclusive control of the doctor(s) of optometry. The prescription files must be the sole property of the doctor(s) of optometry.

(2) The space must be definite and distinct from space occupied by other occupants of the premises and by the commercial or mercantile concern itself.

(3) All signs, advertising and display must be separate and distinct from that of the other occupants and of the

commercial or mercantile concern itself, and have the name of the doctor(s) of optometry and the words "doctor of optometry" prominently displayed in connection therewith. Any verbal or spoken advertisement or announcement advertising an optometrist on the premises of a commercial or mercantile concern shall not make references which could reasonably convey the impression that the optometric practice is controlled by or part of the commercial or mercantile concern.

(4) There must be displayed on any part of the premises occupied by the doctor of optometry or in any advertising of such doctor of optometry no legends such as "optical department," "optical center," "optometrical department," or any others which could reasonably convey the impression that the optometric practice is controlled by or part of the commercial or mercantile concern.

(5) In any written advertisement or announcement which uses the name of a commercial or mercantile concern to indicate the location of an optometric practice, the name(s) of the licensed doctor(s) of optometry owning the practice must be in larger type than the name of the commercial or mercantile concern.

(6) A written notice, of a size and type reasonably expected to attract the attention of the public, shall be put in a conspicuous place where the public will be exposed to it before professional services have been contracted for; this notice shall, in plain and simple terms, explain the relationship between the doctor of optometry and the commercial concern. The notice must express that the doctor of optometry is not controlled by the commercial concern in his professional practices, and must clearly describe the amount of responsibility that the commercial concern takes for the professional services rendered by the doctor of optometry.

Examples follow; these are not exhaustive:

John Smith, O.D., is a lessee, not an employee, of the store. He is solely responsible for his professional activities.

The store accepts no responsibility for the actions of John Smith, O.D., its lessee.

John Smith, O.D., is a lessee of the store, not an employee. As a part of the lease, he has agreed to follow the store's policy of "guaranteed satisfaction or your money back." (Obviously, only if this is true.)

Washington law prohibits the store from controlling or owning the practice of a licensed doctor of optometry. Accordingly, the store can assume no responsibility for Dr. Smith's professional services.

The store is responsible for filling your optical prescription. It is not responsible for the professional services of Dr. Smith, its lessee. (If the store operates the optical dispensary.) [Statutory Authority: RCW 18.54.070(5). 81-06-012 (Order PL 367), § 308-53-230, filed 2/20/81; 78-02-030 (Order PL 281), § 308-53-230, filed 1/17/78; Order PL-271, § 308-53-230, filed 7/25/77.]

Chapter 308-54 WAC
NURSING HOME ADMINISTRATOR

WAC

308-54-120	Grading examinations.
308-54-130	Courses of study.
308-54-140	Approval of courses of study.

WAC 308-54-120 Grading examinations. (1) Every candidate for a nursing home administrator's license shall be required to pass the examination for such license at a grade of at least seventy-five percent.

(2) The board shall determine a method of grading each examination separately, and shall apply such method uniformly to all candidates taking that examination.

(3) The board or the department shall not disclose the individual's score to anyone other than the applicant himself, unless requested to do so, in writing, by the applicant.

(4) The applicant will be notified, in writing, the scores received on his examination. [Statutory Authority: RCW 18.52.100. 81-14-037 (Order PL 381), § 308-54-120, filed 6/29/81; Order PL 107, § 308-54-120, filed 3/3/71.]

WAC 308-54-130 Courses of study. A course of study provided to satisfy the continuing education requirement of licensed nursing home administrators must meet the following conditions before approval by the board can be considered:

(1) Such program shall qualify as an approved course of instruction as defined in WAC 308-54-140; and

(2) Such program shall consist of a minimum of three hours of organized instruction with the exception of board-approved correspondence courses of study; and

(3) Such program may include the following general subject areas or their equivalents, and must be oriented to the nursing home administrator and reasonably related to the administrator of nursing homes:

(a) Applicable standards of environmental health and safety

(b) Local health and safety regulations

(c) General administration

(d) Psychology of patient care

(e) Principles of medical care

(f) Personal and social care

(g) Therapeutic and supportive care and services in long-term care

(h) Departmental organization and management

(i) Community inter-relationships; and

(4) Such program shall issue certificates of attendance or other evidence satisfactory to the board. [Statutory Authority: RCW 18.52.100(14) and 18.52.110(2). 82-20-092 (Order PL 407), § 308-54-130, filed 10/6/82. Statutory Authority: RCW 18.52.100(14) and 18.52.110. 80-01-057 (Order PL 328), § 308-54-130, filed 12/20/79; Order PL 265, § 308-54-130, filed

3/21/77; Order PL 260, § 308-54-130, filed 12/10/76; Order PL 107, § 308-54-130, filed 3/3/71.]

WAC 308-54-140 Approval of courses of study. (1) Programs of study sponsored by any accredited universities or colleges which carry recognized academic credit may be deemed acceptable and approved for continuing education credit: *Provided, however,* That the course meets the conditions set forth in WAC 308-54-130(2) and 308-54-130(4) and provided that such course of study shall register for approval at least 45 days prior to the course offering to allow sufficient time for the course of study to be approved prior to offering.

(2) Programs of study sponsored by the following may be deemed acceptable and approved for continuing education credit, provided, however, that the course meets the conditions set forth in WAC 308-54-130(2) and 308-54-130(4) and provided that such course of study shall register for approval at least 45 days prior to the course offering to allow sufficient time for the course of study to be approved prior to offering:

American college of nursing home administrators
American college of hospital administrators
Washington state health facilities association
Washington association of homes for the aging
United nursing homes, inc.

Any state long-term care association which is recognized by the licensing authority of its state as a qualified professional association or educational organization.

(3) Any course of study sponsored by an educational institution, association, professional society, or organization other than an accredited college or university may be approved by the board for continuing education credit: *Provided, however:*

(a) Such course of study meets the conditions set forth in WAC 308-54-130(2) - 308-54-130(4); and

(b) Such course of study shall register for approval at least 45 days prior to the course offering to allow sufficient time for the course of study to be approved prior to offering.

(4) In certain circumstances the board reserves the right to approve courses, without registration, taken outside the state of Washington, if, in the opinion of the board, the course clearly meets the conditions of WAC 308-54-130(2) - 308-54-130(4). Approval will be based upon proof of time, place, curriculum, faculty, and other factors the board may require. Also, in special circumstances, the board may consider requests for continuing education credit for courses of study upon petition to the board. [Statutory Authority: RCW 18.52.100(14) and 18.52.110(2). 82-20-092 (Order PL 407), § 308-54-140, filed 10/6/82. Statutory Authority: RCW 18.52.100(14) and 18.52.110. 80-01-057 (Order PL 328), § 308-54-140, filed 12/20/79; Order PL 260, § 308-54-140, filed 12/10/76; Order PL 186, § 308-54-140, filed 3/19/75; Order PL 107, § 308-54-140, filed 3/3/71.]

Chapter 308-61 WAC

ABANDONED AND INOPERATIVE VEHICLES

WAC

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WAC 308-61-010 Definitions—General. (1) **Department.** The department of licensing of the state of Washington.

(2) **Director.** The director of the department of licensing.

(3) **Destroy.** To destroy means the dismantling, disassembling or wrecking of a vehicle with the intent of never again operating such as a vehicle, or the sustaining of damage to a vehicle either (a) to the extent that the cost of repairing it exceeds its fair market value immediately prior to the accident or occurrence, or (b) to the extent that the cost of repairing it plus its salvage value in its damaged condition exceeds or approximately equals the market value of the vehicle in its repaired or restored condition.

(4) **Demolish.** To demolish means the rendering of vehicle salvage into recyclable metals, for example, by means of an hydraulic baler and shears or a shredder operated by a licensed scrap processor.

(5) **Secure area.** A secure area is a place of safety for vehicle [storage and is an area completely enclosed by fence of sufficient] height and construction to prevent access by the general public, with a gate which can be locked. The fence shall be at least six feet high with at least two strands of barbed wire placed along the top, bringing the total combined height to eight feet or more.

(6) **Licensee.** A licensee is a person, firm, partnership, association or corporation holding a valid license or registration issued by the department as a registered disposer, wrecker, hulk hauler, or scrap processor as defined in WAC 308-61-030.

(7) **Written bid.** A written bid means a form approved (supplied) by the department in connection with the sale of abandoned vehicles.

(8) **Impounded and abandoned vehicles** – For the purpose of this chapter an impounded vehicle shall be a vehicle taken into custody and stored up to 5 days at the direction of an enforcement officer pursuant to RCW 46.61.565 or 46.52.180. After the 5th day if a vehicle

has not been reclaimed by the owner, a registered disposer may declare a vehicle abandoned and proceed as provided by RCW 46.52.114.

(9) **Acquire** – Shall be construed to mean physical custody together with proof of ownership as provided under WAC 308-61-230.

(10) **Custody** – Shall mean the possession of a vehicle in which there is equitable ownership but for which ownership documents required in WAC 308-61-230 have not been received, or a vehicle placed for safekeeping by a law enforcement officer or others. [Statutory Authority: RCW 46.52.115 and 46.80.140. 82-12-037 (Order DOL 683), § 308-61-010, filed 5/27/82. Statutory Authority: RCW 46.52.115. 79-10-012 (Order 554-DOL), § 308-61-010, filed 9/7/79; Order MV 451, § 308-61-010, filed 9/26/77; Order MV 174, § 308-61-010, filed 10/19/73.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-61-030 Established place of business. An established place of business at the location shown on the original application or change of address notice shall be maintained by each licensee in accordance with the following requirements:

(1) **Registered disposer.** A registered disposer's established place of business is a building or separate part thereof for keeping records and a secure area used only by the licensee for storing vehicles where the registered disposer is available for the purpose of allowing owners to claim vehicles at least five days a week during posted periods of at least four hours duration between 8 a.m. and 8 p.m. Each place of business shall be capable of operation separately from any other business.

(2) **Wrecker.** A wrecker's established place of business is a building or enclosure which the owner occupies either continuously or at regular intervals and where his books and records are kept available for inspection during normal business hours and destroying of vehicles is accomplished and which must conform with local zoning regulations.

(3) **Hulk hauler.** A hulk hauler's established place of business is an address at which he receives mail and can normally be reached.

(4) **Scrap processor.** A scrap processor's established place of business is a place where (a) vehicles may be stored lawfully, (b) hydraulic balers, shears or shredders for recycling salvage may be used lawfully, and (c) there is a building in which the scrap processor's license is conspicuously displayed and where all records required of the scrap processor are available for inspection. [Statutory Authority: RCW 46.52.115 and 46.80.140. 82-12-037 (Order DOL 683), § 308-61-030, filed 5/27/82; Order MV 451, § 308-61-030, filed 9/26/77; Order MV 174, § 308-61-030, filed 10/19/73.]

WAC 308-61-100 Registered disposers—Application. (1) The application for registration of tow truck

operators to dispose of abandoned vehicles and vehicle hulks shall contain:

(a) A statement as to whether the applicant has previously been registered to dispose of abandoned vehicles or abandoned automobile hulks. If the applicant has been so registered, then the registration number shall be shown.

(b) A statement as to whether the applicant currently has a towing or storage contract with any unit of government and giving the name of such governmental unit if a contract exists.

(c) A statement as to whether the applicant has previously engaged in the vehicle towing or storage business under a different name. If the applicant has, the name, addresses, and dates of the business shall appear. If the applicant has been under a different personal name in said business, that name shall be given.

(d) A statement as to the applicant's solvency.

(e) A statement and description of facilities exclusively available to the applicant for the storage of abandoned vehicles or automobile hulks.

(f) A description of each towing vehicle equipped with a lifting mechanism and used by the applicant in his business. Such description shall include the make, year, model or other adequate description, and identification number of the vehicle and the regular Washington license plates assigned to it.

(g) A statement as to whether the applicant has ever had a business license suspended or revoked and, if so, an explanation of the circumstances.

(h) A statement setting forth the applicant's standard fee schedule for towing, storage and other charges. (The department shall be notified within ten days of any changes.)

(i) A statement of the hours available for towing services. If a towing operator has more than one place of business, he shall list hours for each location.

(2) An applicant shall appear for a personal interview if requested by the department. [Statutory Authority: RCW 46.52.115 and 46.80.140, 82-12-037 (Order DOL 683), § 308-61-100, filed 5/27/82. Statutory Authority: RCW 46.52.115, 79-10-012 (Order 554-DOL), § 308-61-100, filed 9/7/79; Order MV 174, § 308-61-100, filed 10/19/73.]

WAC 308-61-110 Registered disposers--General procedures and requirements. All registered disposers shall comply with all statutes, rules and regulations relative to the handling and disposition of abandoned vehicles and automobile hulks, and shall make reports in such form and frequency as may be required.

(1) **Additional places of business.** The address of each place of business operated under the same name and within a single county shall be attached to the registration application. Such additional places of business may be operated under one permit; no additional bond or insurance will be required for such premises so long as each additional place of business is covered by the bond and insurance. The provisions of subsection (5) shall apply to each and every such location: *Provided, however,* That each business location of a registered disposer shall

be operated exclusively under one specific name and shall include a secure area for vehicles in his custody only.

(2) **Change of address.** The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(3) **Changes in ownership.** Any change of partners or of a corporation's officers' names and addresses, aside from a total sale of the business, shall be reported to the department, in writing, within ten days of such change. A complete sale of business requires a full application from the new owner(s).

(4) **Insurance coverage.** Pursuant to RCW 46.52.108(5) each registered disposer shall file a certificate from an insurance company for:

(a) Insurance to protect vehicle owners under a garagekeeper legal liability policy for vehicles in his care, custody and control including, but not limited to, fire and theft in the amount of \$10,000.00 for vehicles in custody.

(b) A minimum of \$50,000.00 general liability insurance coverage for each occurrence including bodily injury or property damage.

(c) The amount of insurance required shall be applicable to each location at which vehicles are held in care, custody and control or where the business as a registered disposer is conducted. It shall be incumbent upon each registered disposer for insurance purposes to provide the necessary information for coverage at each location as determined by annual gross receipts, number of employees, number of vehicles used in the business or other means determined to be appropriate for providing public protection proportionate to the size of each business location.

(d) An insurer shall notify the department at least 10 days prior to cancellation of a policy.

(5) **Storage areas.** Vehicles in the custody of a registered disposer shall be kept entirely within a secure area owned or operated by the registered disposer. The fencing requirement may be waived in writing by the department where, due to topography, a fence would be impracticable and the storage area is secure without a fence: *Provided, however,* That vehicles in the custody of a registered disposer shall be kept entirely within the secure area exclusively owned or operated by such registered disposer.

(6) **Business hours.** Each registered disposer shall post his business hours in a place conspicuous to the public when the business is closed and each shall be available for the purpose of releasing vehicles at least five days a week for posted periods of at least four hours' duration between the hours of 8 a.m. and 8 p.m.

(7) **Identification of licensee's vehicles.** All vehicles equipped for lifting or transporting vehicles or hulks which are operated on the highways of the state shall display the licensee's name, city in which the licensee's established place of business is located, and current business telephone number of such licensee. Such information shall be painted on or permanently affixed to both sides of the vehicle. Each letter and numeral shall

be made with at least a half-inch stroke for the width and shall be at least three inches high. See example.



(8) **Fee schedule.** The department shall be notified within ten days of any change in the fee schedule for towing or storage, which schedule was submitted to the department with the application.

(9) **Registration number.** The registered disposer's registration number shall appear on all correspondence regarding the disposition of abandoned vehicles and automobile hulks.

(10) **Required records.** The registered disposer shall keep a transaction file on each vehicle. The transaction file shall contain the following as a minimum:

(a) Authorization to take custody and remove the vehicle or hulk to disposer's established place of business.

(b) Copy of abandoned vehicle report to the department.

(c) Copy of the department-supplied last known names and addresses of registered and legal owners of the vehicle, as required by RCW 46.52.111(2).

(d) Copy of notice sent by the registered disposer to the last known address of the registered and legal owners, as required by RCW 46.52.111(3).

(e) Copy of the advertisement of public auction including the name and dates of the newspaper.

(f) Copy of the affidavit of sale showing the sale date, purchaser, amount of lien and sale price.

(g) Copy of second and third bidder offers.

Transaction file shall be kept for a minimum of three years. [Statutory Authority: RCW 46.52.115 and 46.80-.140. 82-12-037 (Order DOL 683), § 308-61-110, filed 5/27/82. Statutory Authority: RCW 46.52.115. 80-02-053 (Order 573-DOL), § 308-61-110, filed 1/16/80; 79-10-012 (Order 554-DOL), § 308-61-110, filed 9/7/79; Order MV 451, § 308-61-110, filed 9/26/77; Order MV 174, § 308-61-110, filed 10/19/73.]

WAC 308-61-120 Registered disposers--Procedures for taking custody. (1) **Vehicles deemed abandoned.** Vehicles meeting the requirements of RCW 46.52.102 and 46.52.145 may be deemed abandoned vehicles and abandoned junk motor vehicles, respectively. In addition, vehicles left in garage storage may be deemed abandoned in the following manner:

(a) **Fixed contract of storage.** A vehicle stored under a fixed contract of storage may be deemed abandoned on the third day following expiration of the contract. The fact of abandonment shall be reported to the department and Washington state patrol by the fourth day after expiration of the fixed contract of storage.

(b) **Open-ended contract of storage.** A vehicle stored under an open-ended contract of storage may be deemed abandoned at any time by the registered disposer. The fact of abandonment shall be reported to the department and Washington state patrol within twenty-four hours from the time a vehicle is declared abandoned.

The abandoned vehicle may be offered for public sale pursuant to RCW 46.52.111 and 46.52.112 or other appropriate statutory procedures. If offered for sale pursuant to RCW 46.52.111 and 46.52.112, the registered disposer shall in addition notify the owner of the date the vehicle was deemed abandoned.

(c) **Newspapers of general circulation.** Pursuant to RCW 46.52.112, a newspaper of general circulation in a county shall mean a newspaper which is one of the three with the largest circulation in the county where the sale will be conducted. The required ad shall include make, model, year, vehicle identification number and license plate information including the origin of the place if other than Washington.

(2) **Must possess written authority to tow or other evidence of lawful possession.** Unless the registered disposer has appropriate evidence of ownership or lawful possession for every abandoned vehicle, he shall have in his possession a properly executed written authority to tow from the person requesting removal of the vehicle before he may take custody of any vehicle and while he transports such vehicle.

The properly executed written authority to tow or other evidence of lawful possession will suffice in lieu of current license plates or trip permits for such abandoned vehicles.

(3) **Claiming vehicles.** (a) Either a registered or legal owner may claim an abandoned vehicle from a registered disposer by payment of the disposer's charges that have accrued to the time of reclamation. If the vehicle was impounded at the direction of or placed in custody by any law enforcement agency, the registered disposer shall notify such agency of the fact that the vehicle has been claimed, and by whom.

(b) A registered owner who prevails at a hearing shall turn in to the disposer evidence from the district court the impound was held to be invalid. A registered disposer is entitled to collect his impounding costs from the impounding enforcement agency in each case in which he has reimbursed a registered owner because an impound was found to be invalid.

(c) Registered disposers shall maintain a separate trust account for the deposit of cash bonds. Such trust account shall be in an amount which is equal to the total of all deposits on cases still to be tried in district court.

(4) **Surrendering titles.** The registered disposer shall attach to the affidavit of sale any certificate of title voluntarily surrendered to him by the registered or legal owner of an abandoned vehicle. Having the certificate of title in his possession does not relieve the registered disposer of the duty to issue an affidavit of sale to the high bidder at public sale.

(5) Pursuant to RCW 46.52.210 a registered disposer shall upon removal of an abandoned vehicle or hulk from private property, immediately notify the appropriate law

enforcement agency of such private impound by reporting make, model, license plate information, vehicle identification number and place of impound. [Statutory Authority: RCW 46.52.115 and 46.80.140. 82-12-037 (Order DOL 683), § 308-61-120, filed 5/27/82. Statutory Authority: RCW 46.52.115. 79-10-012 (Order 554-DOL), § 308-61-120, filed 9/7/79; Order MV 174, § 308-61-120, filed 10/19/73.]

WAC 308-61-130 Registered disposers--Procedures for sale. (1) **Notice of custody and sale.** Notice of custody and sale given to the registered and legal owners shall describe the abandoned vehicle or hulk by make, model, year and vehicle identification number, and shall state the amount of the lien for towing and storage, and the date and place of public sale if the vehicle is not reclaimed within fifteen days after notice was mailed to such owner.

If the department or its authorized agent has received application for transfer of title prior to the registered disposer's request for owner information for an abandoned vehicle in his custody, and so notifies the registered disposer prior to the date of public sale, the registered disposer shall send appropriate notice to the latest owner of record even though the department has given him the name and address of a previous owner of record.

When the registered disposer notifies a later owner of record, he may include the cost of notice to both previous and present owners of record in his actual costs of sale.

(2) **Vehicles registered out of state.** Abandoned vehicles registered in other states may be sold under the same procedures for the disposition of abandoned vehicles registered in this state. A copy of the notice of custody and sale shall be sent to the department of motor vehicles in the state in which the vehicle was last registered.

If license plates or registration certificates are not on an abandoned vehicle in the custody of a registered disposer or garage keeper, he shall conduct a thorough examination of the vehicle to determine its make, model, year and vehicle identification number, and to locate information leading to the name of the registered and legal owner and the state in which the vehicle was last registered. The department may require an inspection by the Washington state patrol to verify the vehicle identification number of such vehicle. All such information shall be reported to the department, which will communicate with such other states as may be necessary to determine whether the registered and legal owner information is available for the vehicle.

When all reasonable efforts to obtain the owner information have proved unsuccessful, including proof of efforts to follow clues and mail notices to registered and legal owners the vehicle may be disposed of in accordance with all procedures except that the notification of the registered and legal owners by certified or registered mail may be omitted if no clue to their addresses can be found. A record of all steps taken to locate the owner(s)

of the vehicle shall be kept by the person having custody thereof for a period of three years.

(3) **Examination by potential bidders.** (a) The registered disposers shall make vehicles offered for public sale available for examination by potential bidders for a time period of not less than three hours prior to the sale. Such time period for vehicle examination shall be included in the published ad required under RCW 46.52.112.

(b) The second and third highest bidder on each vehicle may submit a written bid to the registered disposer. The bid shall be on the abandoned vehicle bid forms available from the department. Vehicles shall be sold to the highest bidder but if the high bidder defaults the next highest bidder, if known, shall have the right to purchase for the amount of his bid and this process shall continue until the vehicle is sold or no bidder remains. Bids submitted in writing shall be retained for inspection in the records of the registered disposer for not less than three years.

(c) To implement the procedures set forth in this section, registered disposers shall post a public notice of the bidding procedures which shall clearly set forth to prospective bidders the availability of bid forms for the second and third highest bidders and other information as provided by the department.

(4) **May bid himself.** The registered disposer may bid on the abandoned vehicle. If his is the high bid and the bid exceeds the amount of his lien and actual costs of sale, he shall transmit the excess half to the county treasurer and half to the state treasurer as he would if the high bid was made by a person other than himself.

The registered disposer may not elect to retain the vehicle if the high bid does not meet the amount of his lien plus his actual costs of sale. If a registered disposer intends to engage in the business of reselling vehicles he acquires he shall first obtain a vehicle dealer license as required in chapter 46.70 RCW.

(5) **Actual costs of sale.** In addition to charges specified in the fee schedule on file with the department, the registered disposer may charge against the registered owner or include in his lien only the actual expenses incurred in the sale of abandoned vehicle or hulk. Such actual expenses may include, by way of example, the amount paid for certified or registered mail, and the amount spent to advertise the sale prorated among the number of vehicles advertised. Any other provable actual costs may be assessed. No registered disposer may charge a flat percentage fee or other fixed amount as his cost of sale or for completing abandoned vehicle reports or other indirect expense in complying with required procedures.

(6) **Permissible charges.** (a) Prior to the public sale the abandoned disposer has a lien against the vehicle in his possession for all actual costs, including charges for towing and storage.

(b) If the amount for which the vehicle is sold at public sale is not sufficient in dollar amount to pay the amount of the lien and the actual costs of sale or two hundred dollars, whichever is less, then the registered

disposer shall have a deficiency claim against the registered owner, on which he may seek a judgment in an appropriate court of law, in an amount which is the lesser of the following:

(i) If the amount of the lien is two hundred dollars or more, then the difference between two hundred dollars and the amount of the successful bid which is less than two hundred dollars;

(ii) If the amount of the lien is two hundred dollars or less, then the difference between the amount of the lien and the amount of the successful bid which is less than the amount of the lien;

(c) After the public sale, no registered disposer shall attempt to procure from the registered owner of any abandoned vehicle payment in an amount in excess of the permitted deficiency claim;

(d) In addition, no registered disposer shall attempt to procure payment for storage of an abandoned vehicle or hulk for more than thirty days after he receives the owner information from the department unless he receives written authority from the registered or legal owner to store such vehicle for a longer period.

(e) RCW 46.52.111 time limits shall be observed except where delay is unavoidable in such instances as when a later owner of record is found, vehicle processing is delayed pending investigation of a vehicle's true identification number [by] [of] law enforcement or other circumstance beyond the control of a registered disposer.

(7) **Subordinate charges.** No registered disposer shall include any charges in the amount of the lien that are not specifically authorized. Subordinate charges such as mechanic fees or prior storage fees claimed by the registered disposer or any third party entity shall not be reflected on the Affidavit of Sale or assessed against the registered owner as a result of the disposition of the abandoned vehicle. [Statutory Authority: RCW 46.52.115 and 46.80.140. 82-12-037 (Order DOL 683), § 308-61-130, filed 5/27/82. Statutory Authority: RCW 46.80.140. 79-10-011 (Order 553-DOL), § 308-61-130, filed 9/7/79; Order MV 451, § 308-61-130, filed 9/26/77; Order MV 174, § 308-61-130, filed 10/19/73.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-61-200 Wreckers--Application for license. An original application for a wrecker license shall be filed with the director on the form provided for this purpose. The application must be endorsed by the chief of police if city is over five thousand population; otherwise, by member of the Washington state patrol. The endorsement certifies that the wrecker has an established place of business at the address shown on the application and that his vehicle(s) are properly identified in accordance with WAC 308-61-220(6).

No license will be renewed unless the wrecker certifies his premises conform to all requirements and that all monthly reports have been submitted to the department. Failure to renew the license prior to June 30 will require

the payment of an original license fee of twenty-five dollars, instead of the ten dollar renewal fee.

Each application shall specify the number of vehicles owned, leased, rented or otherwise operated for towing or transportation of vehicles or hulks in the conduct of his business by the applicant, or wrecker seeking renewal and shall identify such vehicles by make, model, year or other adequate description, and identification number. [Statutory Authority: RCW 46.80.140 and 46.79.080. 82-12-038 (Order DOL 684), § 308-61-200, filed 5/27/82. Statutory Authority: RCW 46.80.140. 79-10-011 (Order 553-DOL), § 308-61-200, filed 9/7/79; Order MV 174, § 308-61-200, filed 10/19/73.]

WAC 308-61-210 Wreckers--Special plates. All vehicles used for towing or transporting vehicles or hulks by a motor vehicle wrecker on the highways of this state in the conduct of his business shall bear regular license plates and, in addition, special wrecker's plates. Wrecker's plates may be obtained at a fee of six dollars which includes \$1.00 for reflectorization under RCW 46.16-.237 for the first set, and three dollars including reflectorization for each additional set.

The wrecker may purchase sets of plates equal in number to the number of vehicles reported on his application as owned, rented, leased and operated by him and used by him for towing or transporting of vehicles or hulks in the conduct of his business. Should the wrecker purchase, lease, or rent additional vehicles for towing or transporting of vehicles or hulks in his business during the course of the year, he shall so inform the department and may, at the department's discretion, obtain additional plates for such vehicles.

Each vehicle [used] for towing or transporting of vehicles or hulks shall display both wrecker plates assigned to it, provided that when any vehicle being towed does not have valid license plates, wrecker plates may be split, with one being displayed on the front of the towing vehicle and the other on the rear of the vehicle being towed. [Statutory Authority: RCW 46.80.140 and 46.79.080. 82-12-038 (Order DOL 684), § 308-61-210, filed 5/27/82. Statutory Authority: RCW 46.80.140. 79-10-011 (Order 553-DOL), § 308-61-210, filed 9/7/79; Order MV 174, § 308-61-210, filed 10/19/73.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-61-220 Wreckers--General procedures and requirements. All wreckers shall comply with all rules and regulations relative to the handling of vehicles to be wrecked or dismantled.

(1) **Enclosure.** The activities of a motor vehicle wrecker shall be conducted entirely within his established place of business. A physical barrier shall designate the boundary of the wrecking yard except that, where necessary to obscure public view of the premises, such premises shall be enclosed by a sight-obstructing wall or fence at least eight feet high.

(a) Where required, such sight-obstructing wall or fence shall be painted or stained in neutral shade to blend with surrounding premises. Any fence should be made of chain link with slats or other construction that will prevent public view of the premises.

(b) A living hedge of equal height and sufficient density to prevent view of the premises may be substituted for the wall or fence.

(c) All enclosures and barriers shall be kept in good repair. Dying portions of any hedge shall be replaced.

(d) Reasonable consideration shall be given to the topography of the land by enforcement personnel when inspecting premises for such fence, enclosure or barrier.

(e) Exceptions to this section must be granted in writing by the department.

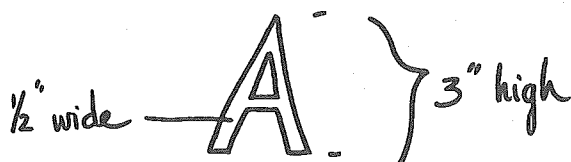
(2) **Additional places of business.** Each licensed wrecker may maintain one or more additional places of business within the same law enforcement jurisdiction, such as a city or county, under the same permit. The wrecker may maintain as many storage yards or sales outlets as needed so long as each is registered with the department. Each wrecking or storage yard shall comply with local zoning regulations and with such other requirements as the department may provide, particularly those in subsection (1) above. Duplicate wrecker's licenses will be issued to be posted at each additional place of business.

(3) **Change of address.** The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(4) **Display of license certificate.** The license certificate of a licensed wrecker shall be displayed conspicuously at each business address(es) and shall be available for periodic inspection by law enforcement officers and authorized representatives of the department.

(5) **Tow car fee.** The licensee of any fixed load vehicle equipped for lifting or towing any disabled, impounded, or abandoned vehicle or part thereof, may pay a twenty-five dollar fee in lieu of tonnage fees as provided in RCW 46.16.079.

(6) **Identification of licensee's vehicles.** All vehicles equipped for lifting or transporting vehicles or hulks which are operated on the highways of this state shall display the licensee's name, the city in which the licensee's established place of business is located, and current business telephone number of such licensee. Such information shall be painted on or permanently affixed to both sides of the vehicle[.] Each letter and numeral shall be made with at least a half-inch stroke for the width and shall be at least three inches high. See example.



(7) **Surrendering license plates.** The wrecker shall remove license plates from vehicles on which he has received ownership documents in the segregated area and surrender such plates to an authorized representative of the department prior to submitting his monthly reports for the month the vehicle is acquired. In all other cases license plates shall be removed within twenty-four hours. All such plates shall be stored in a safe place.

(8) **Major component parts.** Under RCW 46.80.010(3) the term "engines, short blocks, transmissions and drive axles" shall not include cores or parts which are limited to value as scrap metal or for remanufacturing only. The term "seat" shall be interpreted to mean bucket seat.

(9) A physical barrier shall be provided for the segregated storage of vehicles in custody and awaiting approved ownership documents as provided under WAC 308-61-230. There will be no dismantling or parts removal in this area. The physical barrier may be portable, made of substantial posts and connected by a chain, cable, barbed wire, or of other equally strong construction.

This area can be used for storage of dealer cars or equipment if the wrecker is both a wrecker and a dealer. There shall be no dismantling or parts removal in this area. [Statutory Authority: RCW 46.80.140 and 46.79-.080. 82-12-038 (Order DOL 684), § 308-61-220, filed 5/27/82. Statutory Authority: RCW 46.80.140. 79-10-011 (Order 553-DOL), § 308-61-220, filed 9/7/79; Order MV 174, § 308-61-220, filed 10/19/73.]

WAC 308-61-240 Wreckers--Records and procedures for monthly reports. (1) **Wrecker books and files.** The wrecker shall maintain books and files which shall contain the following:

(a) A record of each vehicle or part acquired giving:

(i) A description of the vehicle or part by make, model, year, and for major component parts vehicle identification number and "yard number" assigned at the time the vehicle or major component part was placed in the wrecking yard;

(ii) The date purchased or acquired by the wrecker, and the name of the person, firm or corporation from which the vehicle or parts were obtained;

(iii) The certificate of title number if registered in a title state, or registration number if a nontitle state or description of document used in lieu of title such as authorizations to dispose and affidavits of sale or bills of sale for vehicle parts; and

(iv) The name of the state and license number in state last registered.

(b) A record of the disposition of the motor, body, and major component parts giving the name of the person purchasing the part(s), if any. Sales to scrap processors shall be accompanied by an invoice or bill of sale, listing each vehicle by its yard number. The wrecker shall retain a copy of such invoice or bill of sale for purposes of inspection for three years; and

(c) A record of each vehicle towed giving:

(i) A description of the vehicle[s] by make, model, year, identification number, license number and name of the owner; and

(ii) A statement giving the place where picked up, destination, and date.

These records will be subject to inspection by authorized representatives of the department and law enforcement officials during regular business hours. The foregoing information shall be entered in the wrecker's records within two business days of the event requiring the entry, such as receipt of a vehicle.

(2) **Must furnish written reports.** By the tenth of the month following receipt of vehicles to be destroyed, each wrecker shall submit a report on the form provided by the department, of all vehicles destroyed, and all vehicles received during the month, whether or not such vehicles have been destroyed. This report shall be made in duplicate. The original shall be sent to the department and the duplicate retained for the wrecker's files. If no vehicles are received to destroy during the month, the monthly report must be sent in stating "none." The report shall give such information for vehicles only as the wrecker is required to keep by subsections (1)(a)(i), (ii), (iii), (iv), and (b), above; it shall be accompanied by properly endorsed certificates of title or [order] [other] adequate evidence of ownership, registration certificates, and receipts for license plates surrendered to an authorized representative of the department: *Provided*, That records on acquisitions and sales of vehicle parts need not be included in reports submitted to the department but records shall be kept for three years from date of purchase and available for inspection.

(3) **Identity of vehicles in yard.** All vehicles placed in the yard shall be identified by a yard number as assigned in the records with numerals marked so as to be clearly visible and legible. If a part of a vehicle is sold which has the number on it, the vehicle shall be renumbered in another location on the vehicle. [Statutory Authority: RCW 46.80.140 and 46.79.080. 82-12-038 (Order DOL 684), § 308-61-240, filed 5/27/82; Order MV 451, § 308-61-240, filed 9/26/77; Order MV 174, § 308-61-240, filed 10/19/73.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-61-260 Wreckers--Selling used vehicles.

(1) Any motor vehicle wrecker who buys motor vehicles for the purpose of sale in an unaltered condition or as a whole vehicle may sell such vehicles if he holds a vehicle dealer's license.

(2) All vehicles acquired for sale under a vehicle dealer's license which are inoperable at the time of acquisition shall be kept inside the wrecking yard and shall be segregated from the remainder of the operation by a continuous physical barrier.

(3) "Inoperable" as used in this section shall mean a vehicle which does not comply with requirements for vehicles used on public streets with regard[s] to brakes, lights, tires, safety glass and other safety equipment. However, for purposes of this section, inoperable shall not include a requirement to be currently licensed. [Statutory Authority: RCW 46.80.140 and 46.79.080.

82-12-038 (Order DOL 684), § 308-61-260, filed 5/27/82. Statutory Authority: RCW 46.80.140. 79-10-011 (Order 553-DOL), § 308-61-260, filed 9/7/79; Order MV 174, § 308-61-260, filed 10/19/73.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-61-270 Wreckers--Additional grounds for denial, suspension, revocation or civil fine assessment--Unlawful practices. In addition to RCW 46.80.110 and WAC 308-61-250, a wrecker's license may be denied, suspended or revoked, or the licensee or applicant may be assessed a civil fine up to five hundred dollars for each violation whenever the wrecker or applicant has committed, or is at the time committing, one of the following unlawful practices:

(1) Misuse of motor vehicle wrecker plates assigned such as renting or loaning for use on vehicle not owned, leased, rented or operated by a licensee or his employee.

(2) Failure to maintain an established place of business which conforms with zoning laws pursuant to RCW 46.80.010.

(3) Failure to make records available during regular business hours to authorized enforcement agencies or officers or employees of the department.

(4) Failure to maintain a segregated storage area as required by WAC 308-61-220(1)(a) [308-61-220(9)] when appropriate acquisition documents are not in the possession of a licensee shall be held in violation of RCW 46.80.110(1). [Statutory Authority: RCW 46.80.140 and 46.79.080. 82-12-038 (Order DOL 684), § 308-61-270, filed 5/27/82. Statutory Authority: RCW 46.80.140. 79-10-011 (Order 553-DOL), § 308-61-270, filed 9/7/79; Order MV 451, § 308-61-270, filed 9/26/77; Order MV 174, § 308-61-270, filed 10/19/73.]

WAC 308-61-320 Hulk hauler--General procedures and requirements. Hulk haulers shall comply with all statutes, rules and regulations relative to the handling of vehicles and vehicle hulks.

(1) **Change of address.** The department shall be notified immediately of any change of mailing address.

(2) **License certificate.** The license certificate shall be carried in the vehicles operated by hulk haulers. If a hulk hauler operates more than one vehicle he shall request additional license certificates for each vehicle. Such certificates shall also be carried for inspection by law enforcement officers.

A license certificate shall not be construed to be an authorization to store vehicle hulks or parts at the licensee's mailing address.

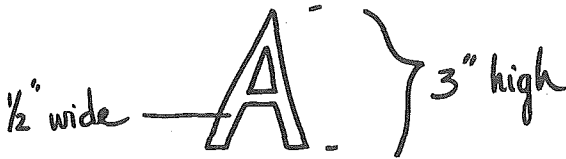
(3) **Tow car fee.** The licensee of any fixed load vehicle equipped for lifting or transporting any disabled, impounded or abandoned vehicle or part thereof, may pay a twenty-five dollar fee in lieu of tonnage fees provided in RCW 46.16.070.

(4) **Inspection of transport vehicle, premises.** (a) Prior to the issuance of a hulk hauler license the vehicle to be

used in transporting vehicle salvage must be inspected by the appropriate law enforcement official to verify compliance with safety requirements applying to transportation of vehicle salvage on the highways of the state.

(b) The premises of the hulk hauler shall be subject to periodic inspection by appropriate law enforcement officers and authorized representatives of the department to confirm storage of vehicle hulks or parts is not taking place.

(5) **Identification of licensee's vehicles.** All vehicles equipped for lifting or transporting vehicles or hulks which are operated on the highways of this state shall display the licensee's name, mailing address, and current business telephone number of such licensee. Such information shall be painted on or permanently affixed to both sides of the vehicle. Each letter and numeral shall be made with at least a half-inch stroke for the width and shall be at least three inches high. See example.



[Statutory Authority: RCW 46.80.140 and 46.79.080. 82-12-038 (Order DOL 684), § 308-61-320, filed 5/27/82. Statutory Authority: RCW 46.79.080. 79-10-010 (Order 552-DOL), § 308-61-320, filed 9/7/79; Order MV 451, § 308-61-320, filed 9/26/77; Order MV 174, § 308-61-320, filed 10/19/73.]

WAC 308-61-400 Scrap processor--Application for license. The application for a scrap processor's license shall contain, in addition to any other information the department may require:

(1) A certification from the chief of police of a city over five thousand population, or from a member of the Washington state patrol in all other areas, that the applicant can be found at the address shown on the application.

(2) Evidence the application is approved by the local government planning and zoning authorities pursuant to the provisions of the State Environmental Act, chapter 43.21C RCW.

A fee of twenty-five dollars shall accompany each original application. The license expires annually on June 30 and may be renewed prior to that date by filing an application and payment of a renewal fee of ten dollars. Failure to renew the license prior to June 30 will require payment of the original license fee of twenty-five dollars, instead of the ten dollar renewal fee. [Statutory Authority: RCW 46.80.140 and 46.79.080. 82-12-038 (Order DOL 684), § 308-61-400, filed 5/27/82. Statutory Authority: RCW 46.79.080. 79-10-010 (Order 552-DOL), § 308-61-400, filed 9/7/79; Order MV 174, § 308-61-400, filed 10/19/73.]

WAC 308-61-420 Scrap processor--General procedures and requirements. All scrap processors shall comply with all statutes, rules and regulations relative to the demolition of vehicles and vehicle hulks.

(1) **Change of address.** The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(2) **Display of license certificate.** The license certificate of the scrap processor shall be displayed conspicuously at the business address shown on the application and shall be available for inspection by law enforcement officers and authorized representatives of the department.

(3) **Inspection of premises.** The premises of the scrap processor shall be subject to periodic inspection by appropriate law enforcement officers and authorized representatives of the department.

(4) **Surrender of license plates.** All license plates coming into the possession of the scrap processor shall be surrendered to an authorized representative of the department at such time as the monthly report under RCW 46.79.020 is forwarded to the department.

(5) **Identification of licensee's vehicles.** All vehicles equipped for lifting or transporting vehicles or hulks shall display the licensee's name, address and current telephone number. Such information shall be painted on or permanently affixed to both sides of the vehicle. Each letter and numeral shall be made with at least a half-inch stroke for the width and shall be at least three inches high. See example.



[Statutory Authority: RCW 46.80.140 and 46.79.080. 82-12-038 (Order DOL 684), § 308-61-420, filed 5/27/82. Statutory Authority: RCW 46.79.080. 79-10-010 (Order 552-DOL), § 308-61-420, filed 9/7/79; Order MV 174, § 308-61-420, filed 10/19/73.]

Chapter 308-77 WAC

SPECIAL FUEL TAX RULES AND REGULATIONS

WAC
308-77-280 Natural gas, propane--Decal as evidence of payment of annual license fees.

WAC 308-77-280 Natural gas, propane--Decal as evidence of payment of annual license fees. (1) All vehicles licensed in Washington as well as all vehicles proportionally registered in Washington which are powered by natural gas or liquefied petroleum gas commonly called propane, shall display at all times a decal issued

by the department as evidence that the annual fee prescribed in RCW 82.38.075 has been paid in lieu of the fuel tax imposed by RCW 82.38.030. This decal shall be displayed in a conspicuous place on the exterior of the vehicle on the rear bumper or near the fuel tank inlet.

(2) Persons engaged in converting vehicles to be powered by natural gas or propane may, at the completion of the conversion, fill the vehicle tank once with this fuel without requiring the decal. The converted vehicle must display the decal as herein required before further fuel acquisitions can be made.

(3) Vehicles displaying a valid temporary registration permit which has been issued pending the completion of vehicle registration may be allowed to purchase fuel without displaying a decal. [Statutory Authority: RCW 82.38.260, 81-14-048 (Order DOL 630), § 308-77-280, filed 6/30/81.]

Chapter 308-78 WAC AIRCRAFT FUEL TAX

WAC

308-78-010	Definitions.
308-78-020	License and bond requirements.
308-78-030	Required reports.
308-78-040	Tax exempt transactions.
308-78-045	Tax exempt use.
308-78-050	Supporting documents for tax exempt transactions.
308-78-060	Tax exempt losses.
308-78-070	Records.
308-78-080	Refunds.

WAC 308-78-010 Definitions. (1) "Aircraft fuel" includes any combustible gas or liquid, which is normally defined as motor vehicle fuel under chapter 82.36 RCW or a special fuel under chapter 82.38 RCW, when it is used to propel an aircraft.

(2) "User" means any person other than a distributor who is licensed to acquire aircraft fuel without payment of the aircraft fuel tax at time of acquisition. [Statutory Authority: RCW 82.42.040, 82-20-093 (Order MV 696), § 308-78-010, filed 10/6/82; Order 69-10-2, § 308-78-010, filed 10/29/69; Rules (part), filed 9/12/67; Emergency Rules (part), filed 7/21/67.]

WAC 308-78-020 License and bond requirements.

(1) Every distributor shall be licensed and bonded as is provided in chapter 82.36 RCW.

(2) Any person, other than a distributor, whose major use of aircraft fuel is for a tax exempt use specified in RCW 82.42.020 or 82.42.030, may be issued an aircraft fuel user license as authority to purchase the fuel without payment of the tax imposed by RCW 82.42.020 at time of purchase. Verification by the aeronautics division of the Washington department of transportation of the tax exempt usage will be required. [Statutory Authority: RCW 82.42.040, 82-20-093 (Order MV 696), § 308-78-020, filed 10/6/82; Order 69-10-2, § 308-78-020, filed 10/29/69; Rule A, filed 9/12/67; Emergency Rule A, filed 7/21/67.]

WAC 308-78-030 Required reports. (1) Every licensed distributor and user of aircraft fuel shall submit to the department of licensing, on or before the 25th day of each month, on forms furnished by the department:

(a) A signed statement showing the total number of gallons of aircraft fuel acquired, sold, delivered, and used during the preceding calendar month;

(b) A report of the number of gallons of aircraft fuel resulting in an increase or decrease of stock in bulk and/or mobile storage facilities;

(c) Such other data as necessary to support the various entries on the reports.

(2) A report shall be rendered each month regardless of whether fuel has been received or dispensed during the immediately preceding calendar month. The department may permit a user whose sole use of aircraft fuel is for tax exempt purposes to submit one annual report in lieu of monthly reports.

(3) In addition to the reports required by subsection (1) of this section, every licensed distributor shall submit a report for each March and September showing the total monthly sales receipts, less state and federal taxes collected, from all sales of aviation fuel to licensed users and unlicensed purchasers. These reports shall be due by the 25th of April and October respectively. [Statutory Authority: RCW 82.42.040, 82-20-093 (Order MV 696), § 308-78-030, filed 10/6/82; Order 69-10-2, § 308-78-030, filed 10/29/69; Rule B, filed 9/12/67; Emergency Rule B, filed 7/21/67.]

WAC 308-78-040 Tax exempt transactions. (See WAC 308-78-080—Refunds) A distributor may sell aircraft fuel without collecting aircraft fuel tax when delivery is made by the distributor:

(1) To a buyer at a point outside the state; or

(2) To a common or contract carrier under a bill of lading naming the distributor as consignor to the buyer outside the state; or

(3) To United States or foreign government agencies; or

(4) To aircraft fuel users licensed by the department; or

(5) Directly into the aircraft fuel tanks of equipment operated by air carriers and supplemental air carriers operating under part 121 of the Federal Aviation Regulations, local service air carriers operating scheduled service under either part 121 or 135 of the Federal Aviation Regulations, and foreign flag carriers; or

(6) To another licensed distributor. [Statutory Authority: RCW 82.42.040, 82-20-093 (Order MV 696), § 308-78-040, filed 10/6/82; Order 69-10-2, § 308-78-040, filed 10/29/69; Rule C, filed 9/12/67; Emergency Rule C, filed 7/21/67.]

WAC 308-78-045 Tax exempt use. Exemption from the aircraft fuel tax may be claimed for the uses specified in RCW 82.42.020 and 82.42.030 subject to the following conditions:

(1) Operation of aircraft by air carriers, supplemental air carriers, and local service commuters shall be exempt from the aircraft fuel tax when such operation is directly

related to the transportation of passengers or cargo within the authority granted by federal or state authorities.

(2) Exemption from the aircraft fuel tax for testing and experimental purposes shall be granted only to persons primarily engaged in manufacture or remanufacture of aircraft and only for flight operations of an experimental aircraft or an aircraft being tested following manufacture or repair prior to delivery to a customer. Fuel used in the operation of an aircraft which is necessary to the conduct of a test or experimental flight of another aircraft is also tax exempt.

(3) Exemption from the aircraft fuel tax for aircraft crew training will be granted in accordance with rules promulgated by the aeronautics division of the Washington department of transportation.

(4) Exemption from the aircraft fuel tax for application of pesticides, herbicides or other agricultural chemicals will be allowed only for fuel consumed while the chemicals are being applied and for flight operations attendant thereto. [Statutory Authority: RCW 82.42.040. 82-20-093 (Order MV 696), § 308-78-045, filed 10/6/82.]

WAC 308-78-050 Supporting documents for tax exempt transactions. (1) The provisions of RCW 82.36-.230 relating to exemptions from motor vehicle fuel tax shall be applicable to the claiming of exemption from aircraft fuel tax. In addition, the department may require the distributor to execute such other certificates as may be particularly appropriate to exemptions from the imposition of the aircraft fuel tax.

(2) The distributor shall retain sales invoices, contracts, purchase orders, bills of lading and other documents in support of the tax exemption claimed. Records must be kept in original form for three years. [Statutory Authority: RCW 82.42.040. 82-20-093 (Order MV 696), § 308-78-050, filed 10/6/82; Order 69-10-2, § 308-78-050, filed 10/29/69; Rule D, filed 9/12/67; Emergency Rule D, filed 7/21/67.]

WAC 308-78-060 Tax exempt losses. Exemption from the aircraft fuel tax shall be allowed a licensed distributor or user for fuel lost or destroyed through fire, lightning, flood, wind storm, explosion, accident, or other casualty, or verified leakage of five hundred gallons or more. Proof of loss must be submitted consisting of documentation substantiating the circumstances surrounding the loss, ownership of the fuel, the exact quantity of the loss, and other documents required by the department to establish the validity of the claim. Exemption from the tax will not be allowed on losses claimed from evaporation, shrinkage, or unknown causes. [Statutory Authority: RCW 82.42.040. 82-20-093 (Order MV 696), § 308-78-060, filed 10/6/82; Order 69-10-2, § 308-78-060, filed 10/29/69; Rule E, filed 9/12/67; Emergency Rule E, filed 7/21/67.]

WAC 308-78-070 Records. (1) Stock records. Every distributor and user shall maintain a complete stock summary of the gallons of aircraft fuel handled each

month which reflects inventories, receipts, sales, use, transfers, loss or gain, and other distribution. The stock summary shall be supported by:

(a) Physical inventories of bulk storage facilities and mobile storage facilities taken at the close of each calendar month;

(b) A record of fuel receipts together with invoices, bills of lading, transfer documents, and other documents relative to the acquisition of fuel;

(c) A record of fuel disbursements supported by sales invoices and other documents relative to the disbursements of fuel.

(2) Invoices. An original invoice shall be issued at the time of each sale, or delivery, and shall show:

(a) An imprinted serial number;

(b) The imprinted name of the distributor;

(c) The date of delivery;

(d) The name and address of the purchaser (address not required on credit card deliveries);

(e) The location of the storage facility from which the fuel was withdrawn;

(f) The type or grade of fuel;

(g) The number of gallons;

(h) The price per gallon and the total amount charged;

(i) The statement: "Ex Washington Aircraft Fuel Tax" for tax exempt sales. The distributor or user license number must be shown for all deliveries other than those made directly into the aircraft fuel tanks of unlicensed exempt carriers.

(3) Own use. Every distributor and user shall maintain a withdrawal record covering this total usage during the month, which contains the same information concerning each withdrawal of aircraft fuel for own use as required in subsections (2)(c), (e), (f), and (g).

(4) Maintenance and audit of records. Every distributor and user shall maintain and keep for a period of not less than three years in their original form such records as the department may require. The department may make such examinations of the records, stocks, facilities, equipment, and aircraft of distributors and users as necessary in carrying out the provisions of chapter 10, Laws of 1967 ex. sess., as amended. If such examination or investigations disclose that any reports filed with the department have shown incorrectly the gallonage of aircraft fuel or the tax accruing thereon, the department may make such changes in subsequent reports and payments as necessary to correct the errors disclosed. [Statutory Authority: RCW 82.42.040. 82-20-093 (Order MV 696), § 308-78-070, filed 10/6/82; Order 69-10-2, § 308-78-070, filed 10/29/69; Rule F, filed 9/12/67; Emergency Rule F, filed 7/21/67.]

WAC 308-78-080 Refunds. (1) Any person claiming a refund for aircraft fuel tax shall file a claim upon forms provided by the department in the same manner and under the same conditions as provided for refund of motor vehicle fuel in RCW 82.36.310.

(2) A refund of aircraft fuel tax, which has been collected, may be claimed on aircraft fuel which has been:

(a) Used for purposes exempted under RCW 82.42-.020 or 82.42.030;

(b) Exported from this state for use outside this state under the same conditions as provided for refund of motor vehicle fuel in RCW 82.36.300. Any aircraft fuel carried from this state in the fuel tank of an aircraft shall not be considered as exported from this state;

(c) Used in equipment, other than aircraft, not licensed to be operated over and along any public highway as provided for refund of motor vehicle fuel in RCW 82.36.280;

(d) Lost or destroyed under the same conditions as provided for tax exempt losses in WAC 308-78-060.

(3) Claims for refund may be filed at any time but not later than thirteen months from the date of purchase of such aircraft fuel under the same conditions as provided for motor vehicle fuel in RCW 82.36.330.

(4) The department may examine the books and records of the claimant in order to establish the validity of any claim for refund under the same conditions as provided for motor vehicle fuel in RCW 82.36.340. [Statutory Authority: RCW 82.42.040. 82-20-093 (Order MV 696), § 308-78-080, filed 10/6/82; Order 69-10-2, § 308-78-080, filed 10/29/69; Rule G, filed 9/12/67; Emergency Rule G, filed 7/21/67.]

**Chapter 308-92 WAC
RECIPROCITY**

WAC

308-92-010 through 308-92-200 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-92-010 Definitions—Reciprocity. [Section 24, subsection 1, filed 3/23/60.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-020 Definitions—Resident. [Section 24, subsection 2, filed 3/23/60.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-030 Definitions—Nonresident. [Section 24, subsection 3, filed 3/23/60.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-040 Definitions—Military forces. [Section 24, subsection 4, filed 3/23/60.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-050 Definitions—Temporary sojourning. [Section 24, subsection 5, filed 3/23/60.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-060 Definitions—Inter-state operation. [Section 24, subsection 7, filed 3/23/60.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-070 Definitions—Intra-state operation. [Section 24, subsection 8, filed 3/23/60.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-080 Proration. [Section 24, subsection 6, filed 3/23/60.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-100 Application of rules numbered WAC 308-92-100 through 308-92-190. [Order MV-161, § 308-92-100, filed 3/21/73.] Repealed by 81-02-030 (Order

- WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-110 Vehicles. [Order MV-161, § 308-92-110, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-120 Resident. [Order MV-161, § 308-92-120, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-130 Exemptions. [Order MV-161, § 308-92-130, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-140 Basic agreement. [Order MV-161, § 308-92-140, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-150 Operation by a resident. [Order MV-161, § 308-92-150, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-160 Borrowed vehicle. [Order MV-161, § 308-92-160, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-170 Change of residence. [Order MV-161, § 308-92-170, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-180 Administration of rules and regulations. [Order MV-161, § 308-92-180, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-190 Interpretation. [Order MV-161, § 308-92-190, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.
- 308-92-200 Applicability of rules to states other than Oregon or Idaho. [Order MV-161, § 308-92-200, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.

WAC 308-92-010 through 308-92-200 Repealed.
See Disposition Table at beginning of this chapter.

**Chapter 308-97 WAC
VEHICLE LICENSE INTERSTATE AND
INTRASTATE PERMITS**

WAC

- 308-97-050 Repealed.
- 308-97-060 Duration, weight limit and converter gear.
- 308-97-080 Repealed.
- 308-97-090 Completing trip permits.
- 308-97-100 Repealed.
- 308-97-125 Display of trip permits.
- 308-97-150 Repealed.
- 308-97-175 Bulk purchase of trip permits.
- 308-97-200 Repealed.
- 308-97-205 Design of trip permit.
- 308-97-210 Repealed.
- 308-97-230 Appointment of vehicle trip permit agents.
- 308-97-250 Repealed.
- 308-97-270 Repealed.
- 308-97-290 Repealed.
- 308-97-330 Repealed.
- 308-97-370 Repealed.
- 308-97-410 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-97-050 "Gross weight" defined. [Order 471-DOL, § 308-97-050, filed 12/30/77; Order MV-369, § 308-97-050, filed 6/24/76.] Repealed by 81-16-010 (Order DOL

- 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
- 308-97-080 "Interstate operation" defined. [Order MV-369, § 308-97-080, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
- 308-97-100 Prerequisites and conditions for interstate permits issued under RCW 46.16.160. [Order MV-369, § 308-97-100, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
- 308-97-150 Prerequisites and conditions for intransit permits issued pursuant to RCW 46.16.160. [Order MV-369, § 308-97-150, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
- 308-97-200 Fees—Both interstate and intransit permits. [Order MV-369, § 308-97-200, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
- 308-97-210 Intransit permits. [Order 471-DOL, § 308-97-210, filed 12/30/77; Order MV-369, § 308-97-210, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
- 308-97-250 Issuance of permit books to authorized users. [Order MV-369, § 308-97-250, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
- 308-97-270 Use of permit books restricted. [Order 472-DOL, § 308-97-270, filed 12/30/77.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
- 308-97-290 Misuse of permits by authorized user. [Order MV-369, § 308-97-290, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
- 308-97-330 Payment of permit fees. [Order MV-369, § 308-97-330, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
- 308-97-370 Maintenance of records by authorized permit users. [Order MV-369, § 308-97-370, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
- 308-97-410 Director may decline to issue permit books. [Order MV-369, § 308-97-410, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.

WAC 308-97-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-97-060 Duration, weight limit and converter gear. A trip permit is valid for:

- (1) Three consecutive calendar days beginning with the first day of operation on Washington highways; and
- (2) for the maximum legal weight of the vehicle as provided under RCW 46.44.041, 46.44.042 and 46.44.050;
- (3) a converter gear actually being utilized to convert a semi-trailer to a full trailer is considered to be an integral part of the trailer. A converter gear being towed that is not supporting a semi-trailer is considered to be a separate vehicle for the purpose of trip permits. [Statutory Authority: RCW 46.16.160. 81-16-010 (Order DOL 634), § 308-97-060, filed 7/24/81.]

WAC 308-97-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-97-090 Completing trip permits. The vehicle operator or designee shall use permanent ink or typewriter to fill in the required information on a trip permit.

Located at the top of the trip permit are blocks containing months of the year and blocks of numbers indicating days of the month. The blocks containing the appropriate month(s) and three consecutive days for which the permit is to be used shall be blotted out (obliterated) with permanent ink. The dates so indicated will be the period for which the permit shall be valid. All blanks on the permit indicate required information or signature and must be completed prior to operation of the vehicle on Washington highways. [Statutory Authority: RCW 46.16.160. 81-16-010 (Order DOL 634), § 308-97-090, filed 7/24/81.]

WAC 308-97-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-97-125 Display of trip permits. The vehicle copy of the trip permit shall be displayed as indicated below. Locations for display are indicated in relation to the vehicle driver when seated in the vehicle.

(1) Passenger cars, and small trucks: Affix permit to the inside lower left corner of the rear window.

(2) Trucks, truck tractors and motor homes: Affix permit to the inside lower right corner of the windshield.

(3) Trailers, semi-trailers, converter gears, motorcycles and mopeds: Permit must be in possession of the vehicle operator (driver) or driver of the power unit pulling it.

NOTE: If display of the permit as prescribed above would obstruct the operator's vision, the permit will be displayed in an alternate location which is visible from outside the vehicle and does not obstruct the operator's view.

[Statutory Authority: RCW 46.16.160. 81-16-010 (Order DOL 634), § 308-97-125, filed 7/24/81.]

WAC 308-97-150 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-97-175 Bulk purchase of trip permits. Trip permits may be purchased in bulk from the Prorate and Fuel Tax Division, Highways-Licenses Bldg., Olympia, WA 98504. Orders must be accompanied by a money order, cashier's or certified check in an amount equal to ten dollars for each permit ordered. The permits may be picked-up in Olympia or will be shipped with delivery charges collect. Street address must be provided for all shipments. [Statutory Authority: RCW 46.16.160. 81-16-010 (Order DOL 634), § 308-97-175, filed 7/24/81.]

WAC 308-97-200 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-97-205 Design of trip permit. The department shall design the trip permit and insure that an

adequate supply of the permits is maintained to meet the needs of the public. Other forms of the permit may be prescribed by the department for issuance via electronic transmission by agents of the department authorized to provide this service to the public. [Statutory Authority: RCW 46.16.160. 81-16-010 (Order DOL 634), § 308-97-205, filed 7/24/81.]

WAC 308-97-210 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-97-230 Appointment of vehicle trip permit agents. The director of the department of licensing or the director's designee may appoint the county auditors or other agents as his or her agent for the purpose of selling vehicle trip permits to the public.

(1) Any person or entity, other than a county auditor or other state agency, desiring to become an agent of the department for the purpose of issuing vehicle trip permits under the provisions of RCW 46.16.160 shall make application to the department on forms to be furnished by the department.

(2) Before appointment of any agent, other than a governmental agency or a governmental agency sub-agent, the department shall require the applicant for appointment as the director's permit agent to execute an agreement with the department to faithfully abide by the requirements of this chapter and RCW 46.16.160; to timely account and pay all permit fees; to subject their books and records to such periodic audit as may be deemed necessary or appropriate by the director or the director's designee; and to pay interest and penalties upon any deficiency disclosed therein. Further, said applicant shall file with the department a surety bond executed by the applicant as principal, with a corporate surety qualified under the provisions of chapter 48.28 RCW, which bond shall be payable to the state conditioned upon the faithful performance of all the requirements of this chapter, RCW 46.16.160, and payment of any and all permit fees, payment of audit assessments, interest and penalties due and to become due thereunder. The bond shall be on a form to be provided by the department. The total amount of the bond or bonds required shall be equivalent to the monetary value of vehicle trip permits issued to such agent as determined by the department.

(3) The filing fee collected for each permit by an agent pursuant to RCW 46.01.140 shall be used by such agent to defray expenses incurred in handling and issuing said permits: *Provided*, That in the event such fee is collected by an agency of the state of Washington, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited as provided by RCW 46.01.140.

(4) As a convenience to the public, issuance of vehicle trip permits may be requested by the permit applicant to be received via collect facsimile or other electronic transmission from an agent specifically authorized by the director or the director's designee to provide such service. When issuance of vehicle trip permits via collect facsimile or other electronic transmission has been so

requested, such agent may collect from the requestor, upon delivery of such facsimile or other electronic transmission, transmission fees in addition to the statutory fees prescribed in RCW 46.16.160. Such transmission fees shall not exceed fees shown on the fee schedule filed with the department by each agent authorized to provide this service. No other fees may be charged by any agent.

(5) Agents will maintain records of transmittals for a period of four calendar years and make these records available to the department or its representative during business hours at the agent's office.

(6) Agent's accounts are subject to audit by the department of licensing. Vehicle trip permits issued to agents which are found to be missing, lost, or otherwise unaccounted for, will result in an assessment against said agent in an amount equal to the administrative fee and excise tax of such permit(s).

(7) Agents shall mail or deliver weekly transmittals to the department by Friday of each week for the seven-day period immediately preceding. Such transmittals shall be accompanied by the appropriate fees and such substantiating documents as may be required by the department.

(8) The director or director's designee may, in the exercise of discretion and after notice, served personally or by certified mail, revoke the appointment of any agent who has failed to comply with, or has violated any of the provisions of RCW 46.16.160, chapter 308-97 WAC, or published procedure, or who shall breach the agreement of appointment. Upon notice of revocation of the agent's appointment, the director or director's designee, shall require the return to the department of any vehicle trip permits then outstanding. [Statutory Authority: RCW 46.16.160. 81-16-010 (Order DOL 634), § 308-97-230, filed 7/24/81. Statutory Authority: RCW 46.01.110. 80-13-001 (Order DOL 591), § 308-97-230, filed 9/4/80.]

WAC 308-97-250 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-97-270 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-97-290 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-97-330 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-97-370 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-97-410 Repealed. See Disposition Table at beginning of this chapter.

Chapter 308-98 WAC SINGLE CAB CARDS

WAC
308-98-010 through 308-98-080 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-98-010 Eligibility. [Order 2, § 308-98-010, filed 11/4/68.] Repealed by 81-18-037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.
- 308-98-020 Applications. [Order 2, § 308-98-020, filed 11/4/68.] Repealed by 81-18-037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.
- 308-98-030 Temporary single cab card permits. [Order 2, § 308-98-030, filed 11/4/68.] Repealed by 81-18-037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.
- 308-98-040 Denials and revocations. [Order 2, § 308-98-040, filed 11/4/68.] Repealed by 81-18-037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.
- 308-98-050 Procedure for reviewing denials and revocations. [Order 2, § 308-98-050, filed 11/4/68.] Repealed by 81-18-037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.
- 308-98-060 Return of canceled single cab cards. [Order 2, § 308-98-060, filed 11/4/68.] Repealed by 81-18-037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.
- 308-98-070 Duplicate single cab cards. [Order 2, § 308-98-070, filed 11/4/68.] Repealed by 81-18-037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.
- 308-98-080 Photostatic copies invalid. [Order 2, § 308-98-080, filed 11/4/68.] Repealed by 81-18-037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.

WAC 308-98-010 through 308-98-080 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 308-100 WAC**DRIVERS' LICENSES--SPECIAL PROVISIONS**

- WAC
- 308-100-010 Vehicles requiring endorsement for their operation.
- 308-100-020 Combination motor vehicles requiring an endorsement for their operation.
- 308-100-050 Fees.
- 308-100-060 Waiver applications and forms.
- 308-100-070 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-100-070 Effective date for endorsement requirements. [Order 1, § 308-100-070, filed 1/5/68.] Repealed by 82-03-046 (Order 668 DOL), filed 1/19/82. Statutory Authority: RCW 46.01.110.

WAC 308-100-010 Vehicles requiring endorsement for their operation. The director of the department of licensing hereby finds that all motor trucks having three axles; truck-tractors having three axles; for-hire vehicles having three or more axles or designed to carry nine or more passengers; crew busses having three or more axles or designed to carry nine or more passengers; state, private and civic organization busses having three or more axles or designed to carry nine or more passengers; school busses; auto stages designed to carry nine or more passengers; and private carrier busses, require special operating skills by the drivers of those vehicles. All persons driving such vehicles must secure from the department of licensing an endorsement on their driver's

license designated as INTERMEDIATE. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-100-010, filed 1/19/82; Order 106 MV, § 308-100-010, filed 8/17/71; Order 691101, § 308-100-010, filed 11/26/69; Order 1, § 308-100-010, filed 1/5/68.]

WAC 308-100-020 Combination motor vehicles requiring an endorsement for their operation. The director of the department of licensing hereby finds that all motor trucks and truck-tractors operated in combination with any semi-trailers or trailers, when such trailers are in excess of 5,000 pounds gross weight, require special operating skills by the drivers of those combination vehicles. All persons driving such combination vehicles must secure from the department of licensing an endorsement on their driver's licenses designated as COMBINATION. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-100-020, filed 1/19/82; Order 106 MV, § 308-100-020, filed 8/17/71; Order 1, § 308-100-020, filed 1/5/68.]

WAC 308-100-050 Fees. The basic fee for the obtaining of an endorsement shall be five dollars or such lesser sum as the director may from time to time require. The examination fee for any person seeking an endorsement, without a waiver, shall be three dollars, which is in addition to the basic five dollar fee. These fees are in addition to the regular drivers' licensing fees. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-100-050, filed 1/19/82; Order 691101, § 308-100-050, filed 11/26/69; Order 1, § 308-100-050, filed 1/5/68.]

WAC 308-100-060 Waiver applications and forms. An application for a waiver from examination must be submitted on forms supplied by the department of licensing. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-100-060, filed 1/19/82; Order 691101, § 308-100-060, filed 11/26/69; Order 1, § 308-100-060, filed 1/5/68.]

WAC 308-100-070 Repealed. See Disposition Table at beginning of this chapter.

Chapter 308-102 WAC**ADMINISTRATION OF THE FINANCIAL RESPONSIBILITY ACT--PROCEDURES**

- WAC
- 308-102-012 Amount of security--Effect of comparative negligence.
- 308-102-013 Repealed.
- 308-102-210 Formal hearing--Time and place.
- 308-102-260 Hearing officer--Duties.
- 308-102-290 Formal hearings--Findings, conclusions and decisions.
- 308-102-295 Formal hearings--Habitual traffic offenders.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-102-013 Amount of security--Exemption because of age of damaged vehicle. [Order 467-DOL, § 308-102-013, filed 12/30/77; Order 228, § 308-102-013, filed

12/31/74.] Repealed by 82-03-046 (Order 668 DOL), filed 1/19/82. Statutory Authority: RCW 46.01.110.

WAC 308-102-012 Amount of security--Effect of comparative negligence. The department may determine the percentage of negligence attributable to any person claiming injury or damage in twenty-five percentile units and then may reduce the amount of security in proportion to that percentage: *Provided*, That the department shall not require security if the person claiming injury or damage is ninety percent or more negligent. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-100-012, filed 1/19/82; Order 228, § 308-102-012, filed 12/31/74.]

WAC 308-102-013 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-102-210 Formal hearing--Time and place. If a timely request for a formal hearing is made, the department shall notify the licensee of the time and place of such hearing in writing, and mail such notice to the last address of record, at least twenty days in advance of the hearing date. The hearing shall be held within a reasonable distance of the county wherein the licensee resides or, if the licensee is a nonresident of Washington, in the county where the accident occurred. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-102-210, filed 1/19/82; Order MV-302, § 308-102-210, filed 3/31/75.]

WAC 308-102-260 Hearing officer--Duties. The hearing officer, in making his/her decision at the formal hearing, shall consider:

- (1) Sworn oral testimony offered by the licensee.
- (2) Sworn oral testimony offered by witnesses on behalf of the licensee.
- (3) Sworn oral testimony offered by the individual(s) who sustained the loss.
- (4) Sworn oral testimony offered by witnesses on behalf of the individual(s) who sustained the loss or offered by the representative of the insurance carrier who has a subrogated interest therein.
- (5) Court records of convictions or bail forfeitures submitted to the department of licensing and arising out of the accident in question.
- (6) Traffic collision reports completed by a police officer who investigated the accident, all reports and other information submitted to the department by the individual(s) who sustained the loss or the insurance carrier who has a subrogated interest therein, records and documents in the possession of the department of which it desires to avail itself, repair estimates, repair and medical bills, towing bills and any other reasonable accounting of a loss proximately arising from an accident or photocopies thereof.

(7) Any other evidence related to the issues before the hearing which have probative value commonly accepted by reasonable, prudent persons in the conduct of their affairs. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-102-260, filed 1/19/82;

Order 466-DOL, § 308-102-260, filed 12/30/77; Order MV-302, § 308-102-260, filed 3/31/75.]

WAC 308-102-290 Formal hearings--Findings, conclusions and decisions. At the conclusion of the formal hearing, the hearing officer shall, as soon as practical, make and enter findings of fact, conclusions of law and an order. They shall either affirm, rescind or modify the terms of the previous departmental order concerning the deposit of security or suspension. If the hearing officer is not authorized to make final determinations, the director or his/her authorized representative(s) shall review the recommendations together with the transcript or recording of the hearing and all evidence of record, and shall enter a final order which affirms, rescinds or modifies the departmental order of suspension. Copies of the findings of fact, conclusions of law and order so entered shall be sent to the licensee.

If the order of the department is affirmed, the department shall suspend the driver's license or nonresident driving privilege of the licensee, but the order of suspension shall carry an effective date of thirty days after the date of mailing, during which time the licensee may comply with the terms of the order.

If the order of the department is reversed, the department shall cancel its previous order.

If the order of the department is modified, the department shall nonetheless suspend the driver's license or nonresident driving privilege of the licensee, but the order of suspension shall carry an effective date of thirty days after the date of mailing, during which time the licensee may comply with the terms of the order. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-102-290, filed 1/19/82; Order MV-349, § 308-102-290, filed 1/28/76; Order MV-302, § 308-102-290, filed 3/31/75.]

WAC 308-102-295 Formal hearings--Habitual traffic offenders. At the formal hearing held by the department to determine whether the driver is a habitual offender, the certified abstract of convictions of traffic offenses or determinations that the indicated traffic infractions occurred shall be prima facie evidence that the person named therein was duly convicted by the court wherein such conviction or holding was made of each offense or infraction shown by such transcript or abstract.

A person may bring a collateral attack on the constitutional validity of the convictions for the traffic offenses giving rise to the proposed license revocation, pursuant to RCW 46.65.020(1): *Provided, however*, That the person collaterally attacking the constitutional validity of any conviction for a traffic offense must prove by clear, cogent and convincing evidence both of the following:

(1) That the person pleaded guilty to a traffic offense for which imprisonment was authorized without having been advised or his or her right to be represented by counsel and or his or her right to have counsel appointed if indigent; and

(2) As the result of the guilty plea, the driver was sentenced to jail and actually served time in jail.

The department may, in addition, consider any records in its possession with respect to any conviction(s) which is (are) being collaterally attacked. [Statutory Authority: RCW 46.01.110. 82-21-002 (Order 697-DOL), § 308-102-295, filed 10/7/82.]

Chapter 308-104 WAC DRIVERS' LICENSES

WAC

308-104-015	Alcoholism treatment.
308-104-020	Repealed.
308-104-025	Effect of accumulation of traffic offenses.
308-104-030	Repealed.
308-104-040	Driver's licenses for identification and identicards.
308-104-050	Waiver of driver education requirement—When granted.
308-104-058	Convictions—Court recommendations.
308-104-100	Occupational driver's license—Person eligible.
308-104-150	Address requests—Terms and fees.
308-104-160	Nonmoving violation defined.
308-104-170	Alcoholism treatment program.
308-104-180	Stay of habitual traffic offender revocation.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-104-020	Point system. [Order 2, § 308-104-020, filed 6/26/68.] Repealed by 82-03-046 (Order 668 DOL), filed 1/19/82. Statutory Authority: RCW 46.01.110.
308-104-030	Effect of point accumulation. [Order 2, § 308-104-030, filed 6/26/68.] Repealed by 82-03-046 (Order 668 DOL), filed 1/19/82. Statutory Authority: RCW 46.01.110.

WAC 308-104-015 Alcoholism treatment. Whenever the department suspends the driving privilege of a person, pursuant to RCW 46.20.291, for the reasons set forth in RCW 46.20.031(4), reinstatement shall be contingent upon the department receiving a report confirming that the person has participated for at least sixty days in an alcoholism treatment program meeting the requirements of WAC 275-15-020(2) or 275-15-020(5). Said report shall be provided by an approved and accredited facility as defined in either WAC 275-15-030(9) or 275-15-030(10).

The treatment report must be completed by an administrator or alcoholism counselor as defined in WAC 275-15-030, on a form provided by the department.

The department may waive the sixty-day treatment requirement in whole or in part upon a showing that the full sixty days of treatment would not be in the best interests of the person's recovery progress. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-015, filed 1/19/82.]

WAC 308-104-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-104-025 Effect of accumulation of traffic offenses. Whenever the official records of the department show that a person has committed at least three traffic offenses within a one-year period, or at least four traffic offenses within a two-year period, the department

may require the person to appear for a driver improvement interview, as provided in chapter 46.20 RCW: *Provided*, That when a person has committed fewer traffic offenses than set forth in this section, the department may require the person to appear for a driver improvement interview or suspend the person's driving privilege when such action appears to be in the interest of the safety of other persons on the highways.

For purposes of this section "traffic offense" means a conviction as defined in RCW 46.20.270, or a finding that a traffic infraction has been committed as defined in RCW 46.63.020. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-025, filed 1/19/82.]

WAC 308-104-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-104-040 Driver's licenses for identification and identicards. No identicard shall be issued, nor shall any Washington state driver's license be issued, unless the applicant therefor shall have satisfied the department regarding his/her identity. In no event shall an applicant be deemed to have satisfied identity requirements of this rule, unless he/she displays or provides the department with at least two of the following:

- (1) An expired or expiring driver's license which contains the signature and/or a photograph of the applicant;
- (2) A valid Washington state identicard;
- (3) A nationally or regionally known credit card containing the signature and/or photograph of the applicant;
- (4) An identification card issued by the United States, any state, or any agency of either of a kind commonly used to identify the members or employees of such government agencies, (including military I.D. cards) and which contain the signature and/or the photograph of the applicant;

(5) Any certificate or other document issued by any governmental agency commonly used for the purpose of establishing identities;

(6) An affidavit of the applicant, or in case the applicant is a minor, an affidavit of his parent or guardian;

(7) Such other documentary evidence as in the opinion of the department clearly establishes the identity of the applicant. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-040, filed 1/19/82; Order 468-DOL, § 308-104-040, filed 12/30/77; Order 691101, § 308-104-040, filed 11/26/69.]

WAC 308-104-050 Waiver of driver education requirement—When granted. No waiver of the traffic safety education course requirement for applicants under the age of 18 years shall be issued unless:

(1) The parent, guardian, or other person having the care, custody and control of the applicant certifies that the applicant is[:]

(a) Unable to take or successfully complete a traffic safety education course and the reasons therefor, and

(b) That there exists an immediate need to operate a motor vehicle. The immediate need shall be set forth in as much detail as possible. For the purpose of meeting this requirement, "an immediate need exists" shall be construed to mean that the capability to drive will reduce or help eliminate the negative consequences of the situation that created the immediate need to drive. If operating a motor vehicle does not reduce the hardship which was created by the situation, "an immediate need" does not exist; and

(2) The waiver is approved by a majority of a three member committee consisting of two department of licensing members which shall include any two of the following: The assistant director for driver services, the administrator of driver control, the administrator of driver improvement, the administrator or assistant administrator(s) for driver operations, and one member who shall be the supervisor of driver and safety education in the office of the superintendent of public instruction or his/her designee. The committee shall have the power to set definite restrictions as to hours of the day and routes or areas of travel permitted under the waiver until the applicant has completed a driver education course or has reached the age of 18 years. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-050, filed 1/19/82; Order 468-DOL, § 308-104-050, filed 12/30/77; Order MV-131, § 308-104-050, filed 4/26/72.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-104-058 Convictions--Court recommendations. The department shall suspend or revoke the license or permit to drive or any nonresident driving privilege of any person convicted of the violation named in RCW 46.61.502 or the violation named in RCW 46.61.504, notwithstanding a court's recommendation to the contrary pursuant to RCW 46.61.515(5)(a), when the department's record shows any one of the following:

(1) The person has within the five years immediately preceding the current conviction:

(a) A previous conviction of driving while under the influence of intoxicating liquor or drugs;

(b) A previous conviction of being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs;

(c) A previous license or permit to drive revocation or nonresident's driving privilege revocation imposed, pursuant to RCW 46.20.308, for refusal to submit to a chemical test or tests to determine alcoholic content of blood;

(d) Been previously placed in a deferred prosecution program for either the offense of driving while under the influence of intoxicating liquor or drugs or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs.

(2) The person was at the time of the arrest for the offense within the terms of a driver improvement probation imposed, pursuant to RCW 46.20.335. [Statutory

Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-058, filed 1/19/82.]

WAC 308-104-100 Occupational driver's license--Person eligible. The department shall issue an occupational driver's license to any person who has had his/her driver's license suspended or revoked because of a conviction or bail forfeiture for any offense relating to motor vehicles, other than negligent homicide, provided, (1) the person is eligible pursuant to the provisions of RCW 46.20.380 and 46.20.391, (2) the person had an unexpired Washington driver's license on the date of conviction for said offense, (3) the person did not have his/her resident driver's license suspended or revoked for any reason on the date of conviction for said offense, (4) the person had not been required on the date of conviction to surrender his/her Washington driver's license to the department for failure to maintain the filing of proof of financial responsibility for the future for said offense, or (5) the person has not within a one-year period been convicted of the violation named in RCW 46.61.502 or the violation named in RCW 46.61.504 regardless of the court's recommendation pursuant to RCW 46.61.515(5)(a). [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-100, filed 1/19/82; Order MV 349, § 308-104-100, filed 1/28/76.]

WAC 308-104-150 Address requests--Terms and fees. The department may respond to written requests for addresses of persons whose driving records are maintained by said department. The individual or agency requesting the address must supply the department with the full name and the driver's license number or date of birth of each person whose address is requested. The department may deny address information to any person or agency when it has reason to believe that releasing such information could result in harm to the safety or well-being of the person whose address has been requested.

The department shall collect in advance a fee of two dollars for each address requested in a single listing up to and including ten addresses, and fifteen cents for each additional address on that single listing: *Provided*, That the addresses will be provided all governmental agencies without charge. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-150, filed 1/19/82.]

WAC 308-104-160 Nonmoving violation defined. A "nonmoving violation" as used in RCW 46.65.020 shall mean any violation or traffic infraction in Title 46 RCW, other than those included in the following list:

- (1) Driving while under the influence of intoxicants or drugs
- (2) Reckless driving
- (3) Hit and run (occupied vehicle)
- (4) Negligent homicide
- (5) Driving while driving privilege suspended or revoked
- (6) Eluding police vehicle
- (7) Racing

- (8) Embracing
- (9) Manslaughter
- (10) Speed too fast for conditions
- (11) Speed 1 to 14 MPH excess
- (12) Speed 15 to 29 MPH excess
- (13) Speed over 29 MPH excess
- (14) Failure to stop
- (15) Disobey road sign
- (16) Improper lane change
- (17) Improper lane travel
- (18) Prohibited turn
- (19) Unnecessary noise
- (20) Negligent driving
- (21) Wrong way on one-way street
- (22) Driving over center line
- (23) Drive wrong side of road
- (24) Straddling centerline
- (25) Failure to yield right of way
- (26) Disobey signalman
- (27) Disobey school patrol
- (28) Driving without lights
- (29) Failure to dim lights
- (30) Following too closely
- (31) Improper turn
- (32) Failure to signal or improper signal
- (33) Passing stopped school bus
- (34) Driving on shoulder or sidewalk
- (35) Violating license restriction(s)
- (36) Carrying passenger improperly
- (37) In physical control of vehicle while under the influence of alcohol or drugs
- (38) Failure to use due care
- (39) Crossing fire hose
- (40) Carry passengers outside vehicle
- (41) Improper backing
- (42) Obstructed vision or control
- (43) Following emergency equipment
- (44) Crossing divider
- (45) Inattention
- (46) Improper mirrors
- (47) Illegal vehicle equipment
- (48) Handle bars over height
- (49) Illegal lights
- (50) Defective equipment (lights, brakes, tires, steering, windshield wipers)
- (51) Violation, RCW 46.20.336
- (52) No goggles, windshield or face shield
- (53) Improper overtaking or passing
- (54) Hit and run (unattended vehicle)
- (55) Impeding traffic
- (56) More persons than provided for on motorcycle
- (57) Operating moped on freeway
- (58) Wearing earphones. [Statutory Authority: RCW 46.01.110. 82-21-002 (Order 697-DOL), § 308-104-160, filed 10/7/82; 82-03-046 (Order 668 DOL), § 308-104-160, filed 1/19/82.]

WAC 308-104-170 Alcoholism treatment program.

- (1) For the purposes of Title 46 RCW, a person shall be

deemed to have undertaken and followed a course of treatment for alcoholism on a program approved by the department of social and health services if he or she has been under said program for at least sixty days: *Provided*, That the department may accept a shorter treatment term upon a showing that the full sixty days of treatment would not be in the best interests of the person's recovery progress.

(2) The term "program approved by the department of social and health services," as used in Title 46 RCW, shall mean an alcoholism treatment program meeting the requirements of WAC 275-15-020(5). [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-170, filed 1/19/82.]

WAC 308-104-180 Stay of habitual traffic offender revocation. When a person's driving privilege has been revoked as the result of a hearing pursuant to chapter 46.65 RCW, the department shall stay the effective date of the revocation only:

(1) When, not more than thirty days after the effective date of the revocation, there is a showing of good cause; or

(2) When the department receives from a superior court an order to stay the effective date of the revocation.

Provided, That in either case above, the person must give and maintain proof of financial responsibility as provided in chapter 46.29 RCW, and pay a ten dollar reinstatement fee as provided in RCW 46.20.311. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-180, filed 1/19/82.]

Chapter 308-115 WAC

MIDWIFERY

WAC	
308-115-010	Repealed.
308-115-020	Repealed.
308-115-030	Repealed.
308-115-040	Repealed.
308-115-050	Definitions.
308-115-060	Application for licensing examination.
308-115-070	Release of examination results.
308-115-080	Failures.
308-115-090	Purpose of accreditation of midwifery educational programs.
308-115-100	Philosophy, purpose and objectives of an accredited midwifery educational program.
308-115-110	Advisory body.
308-115-120	Learning sites.
308-115-130	Staffing and teacher qualifications.
308-115-140	Curriculum.
308-115-150	Students.
308-115-160	Student midwife permit.
308-115-170	Reports to the director of department of licensing by accredited midwifery educational programs.
308-115-180	Application for accreditation.
308-115-190	School survey visits.
308-115-200	Appeal of department of licensing decisions.
308-115-210	Closure of an accredited school of midwifery.
308-115-400	Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-115-010 Examinations for license to practice midwifery. [Order PL 269, § 308-115-010, filed 5/17/77.] Repealed by 82-19-079 (Order PL 406), filed 9/21/82. Statutory Authority: RCW 18.50.135.
- 308-115-020 Assignment of examination numbers to applicants. [Order PL 269, § 308-115-020, filed 5/17/77.] Repealed by 82-19-079 (Order PL 406), filed 9/21/82. Statutory Authority: RCW 18.50.135.
- 308-115-030 Minimum passing score. [Order PL 269, § 308-115-030, filed 5/17/77.] Repealed by 82-19-079 (Order PL 406), filed 9/21/82. Statutory Authority: RCW 18.50.135.
- 308-115-040 Midwives—Examination fee. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-115-040, filed 9/25/80; Order PL 269, § 308-115-040, filed 5/17/77.] Repealed by 82-19-079 (Order PL 406), filed 9/21/82. Statutory Authority: RCW 18.50.135.

WAC 308-115-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-115-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-115-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-115-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-115-050 Definitions. (1) Preceptor. A preceptor is an obstetric practitioner who assumes responsibility for supervising the practical (clinical obstetric) experience of a student midwife. The preceptor shall be physically present whenever the student is managing a birth, and shall evaluate in writing the student's overall performance.

(2) Supervision means the observation and evaluation of a student midwife's practical performance. A supervisor need not be physically present in non-birth situations. However, when a student midwife undertakes managing a birth, the supervisor must be physically present.

(3) Survey visit is an information gathering and observational visit intended to provide the basis for the director's assessment of a school's compliance with all aspects of chapter 18.50 RCW.

(4) Nursing education as used in these rules means completion of courses for credit in a school that is approved to train persons for licensure as registered nurses or licensed practical nurses, or courses in other formal training programs which include instruction in basic nursing skills.

(5) Practical midwifery experience as used in these rules means performance in midwifery functions, prior to obtaining a license, that is verified by affidavit, testimony or other sworn documentation.

(6) Health care provider as used in these rules means any licensed physician who is engaged in active clinical obstetrical practice.

(7) Academic director as used in these rules means the individual who is responsible for planning, organizing and implementing all aspects of the curriculum of a midwifery education program. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-050, filed 9/21/82.]

WAC 308-115-060 Application for licensing examination. (1) All applicants shall file a completed, notarized application, with the application fee specified in WAC 308-115-400, at least 45 days prior to the examination.

(2) Applicants shall request that the school of midwifery send an official transcript directly to the department of licensing, division of professional licensing.

(3) Those who have properly applied to take the midwifery licensing examination and have met all qualifications will be notified of their eligibility to be examined. Upon notification of eligibility, the examination fee specified in WAC 308-115-400 must be submitted. Only applicants so notified will be admitted to the examination.

(4) No fees submitted and processed by the department will be subject to refund.

(5) All applicants shall take the current state licensing examination for midwives.

(6) The minimum passing score on the licensing examination is 75 percent. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-060, filed 9/21/82.]

WAC 308-115-070 Release of examination results.

(1) Applicants shall be notified of examination results. All notices shall be by mail.

(2) Applicants who pass shall receive the results of the examination and instructions for obtaining a license to practice as a midwife.

(3) Applicants who fail shall receive notice of their eligibility to be reexamined, and of the procedure for applying for reexamination.

(4) Each accredited school of midwifery shall receive a statistical report of the test results of applicants who graduated from that school.

(5) Results of the examination will not be released to anyone except as provided above unless release is authorized by the applicant in writing.

(6) The applicant's examination results will be maintained by the department. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-070, filed 9/21/82.]

WAC 308-115-080 Failures. (1) An applicant who has failed the examination may be reexamined if he/she

(a) applies to the department at least 30 days prior to the next scheduled examination, and

(b) pays any required fee as specified in WAC 308-115-400.

(2) If an applicant fails his/her first examination, no additional fee will be required if the candidate is reexamined within one year. Applicants shall pay an examination fee determined by the director for examinations taken after the first reexamination.

(3) Applicants who fail the second retest shall be required to submit evidence to the director of completion of an individualized program of study prior to being permitted to be reexamined. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-080, filed 9/21/82.]

WAC 308-115-090 Purpose of accreditation of midwifery educational programs. The director provides for accreditation of midwifery educational programs for the following reasons:

(1) To ensure that only qualified midwives will be licensed to practice in the state of Washington.

(2) To ensure the safe practice of midwifery by setting minimum standards for midwifery educational programs that prepare persons for licensure as midwives.

(3) To ensure that each midwifery educational program has flexibility to develop and implement its program of study and that it is based on minimum standards for accredited schools of midwifery provided herein.

(4) To ensure that standards for each accredited midwifery program promote self evaluation.

(5) To assure the graduates of accredited schools of their eligibility for taking the licensing examination for midwives. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-090, filed 9/21/82.]

WAC 308-115-100 Philosophy, purpose and objectives of an accredited midwifery educational program. The philosophy, purpose and objectives of an accredited midwifery educational program shall be stated clearly and shall be in written form. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-100, filed 9/21/82.]

WAC 308-115-110 Advisory body. Each institution that offers a midwifery educational program shall appoint an advisory body composed of health professionals, midwives and public members. The group should have a minimum of five members and should meet regularly. Functions of the advisory body shall include but not be limited to the following:

(1) Promoting communication between the community and the school;

(2) Making recommendations on the curriculum, student selection and faculty;

(3) Informing the school about needs in midwifery education and practices; and

(4) Being informed about the school's finances.

In institutions whose advisory bodies are provided for by statute, or rule as in the case of public community colleges, universities and vocational-technical institutes, it can be presumed that the advisory body provided for

meets these requirements. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-110, filed 9/21/82.]

WAC 308-115-120 Learning sites. (1) Learning sites utilized by accredited midwifery educational programs shall:

(a) Include a variety of sites in addition to the school that may be used for student experience. These may include, but need not be limited to, hospitals, clinics, offices of health professionals and health centers.

(b) Provide learning experiences of sufficient number and variety that students can achieve the course/curriculum objectives and requirements of the statute.

(2) Written agreements shall be maintained between the school and any supervising clinicians and faculty. Such agreements shall be reviewed periodically by the parties and shall state the responsibilities and privileges of each party. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-120, filed 9/21/82.]

WAC 308-115-130 Staffing and teacher qualifications. (1) The academic director shall be a midwife licensed under chapter 18.50 RCW or a CRN (nurse midwife) licensed under chapter 18.88 RCW and shall have not less than three years of experience in midwifery clinical practice, or no less than three years experience as a midwifery educator.

(2) The core midwifery/obstetric faculty shall be only licensed midwives, CRNs (nurse midwives), licensed physicians or licensed osteopathic physicians and shall be currently licensed in Washington.

(3) The supporting faculty shall hold a degree in the subject area to be taught.

(4) The clinical faculty shall hold a current license in the area of clinical practice to be taught and shall have professional experience and shall demonstrate expertise in that subject area.

(5) Preceptors shall hold a current license in the state where they practice and shall be currently, legally engaged in active clinical obstetric practice. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-130, filed 9/21/82.]

WAC 308-115-140 Curriculum. (1) The basic curriculum shall be at least three academic years, and shall consist of both didactic and clinical instruction sufficient to meet the educational standards of the school and of chapter 18.50 RCW. However, the school may shorten the length of time for the program after consideration of the student's documented education and experience in the required subjects, if the applicant is a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, or has had previous nursing education or practical midwifery experience. The midwifery training shall not be reduced to a period of less than two academic years, and each student must undertake the care of not less than fifty women in each

of the prenatal, intrapartum and early postpartum periods while enrolled in the school from which the student graduates.

(2) Each school must ensure that the students receive instructions in the following instruction area:

(a) Instruction in basic sciences (including biology, physiology, microbiology, anatomy with emphasis on female reproductive anatomy, genetics and embryology) normal and abnormal obstetrics and gynecology, family planning techniques, childbirth education, nutrition both during pregnancy and lactation, breast feeding, neonatology, epidemiology, community care, and medicolegal aspects of midwifery.

(b) Instruction in basic nursing skills and clinical skills, including but not limited to vital signs, perineal prep, enema, catheterization, aseptic techniques, administration of medications both orally and by injection, local infiltration for anesthesia, venipuncture, administration of intravenous fluids, infant and adult resuscitation, and charting.

(c) Clinical practice in midwifery which includes care of women in the prenatal, intrapartum and early postpartum periods, in compliance with RCW 18.50.040.

(3) Provision shall be made for systematic, periodic evaluation of the curriculum.

(4) Any proposed major curriculum revision shall be presented to the director at least three months prior to implementation. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-140, filed 9/21/82.]

WAC 308-115-150 Students. (1) Written policies and procedures for selection, admission, promotion, graduation and withdrawal of students shall be available.

(2) Courses completed prior to enrollment in the midwifery school should have been completed within ten years of enrollment and must be documented by official transcript in order for reduction of basic requirements to be considered.

(3) Students who seek admission by transfer from another midwifery educational program shall meet the equivalent of the school's current standards for those regularly enrolled.

(4) Each school shall maintain a comprehensive system of student records. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-150, filed 9/21/82.]

WAC 308-115-160 Student midwife permit. (1) A permit may be issued to any individual who has:

(a) Successfully completed an accredited midwifery program as specified in RCW 18.50.040(2)(a) and (b); and

(b) Undertaken the care of not less than fifty women in each of the prenatal, intrapartum and early postpartum periods as required by RCW 18.50.040(2)(c) and by these rules; and

(c) Satisfactorily completed the licensing examination required by RCW 18.50.060; and

(d) Filed a completed application for student midwife permit accompanied by a nonrefundable fee as specified in WAC 308-115-400.

(2) The student midwife permit authorizes the individuals to practice and observe fifty women in the intrapartum period under the supervision of a licensed midwife, licensed physicians or CRN (nurse midwife). [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-160, filed 9/21/82.]

WAC 308-115-170 Reports to the director of department of licensing by accredited midwifery educational programs. (1) An annual report on the program and its progress for the period July 1 to June 30 shall be submitted to the department by each midwifery educational program on forms supplied by the department.

(2) Written notification shall be sent to the department regarding major changes relating to, but not limited to, the following:

(a) Change in the administrator or academic director.

(b) Organizational change.

(c) Changes in extended learning sites.

The information submitted to the department of licensing shall include the reason for the proposed change.

(3) The director may require submission of additional reports. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-170, filed 9/21/82.]

WAC 308-115-180 Application for accreditation. Applicants for accreditation as midwifery educational programs shall:

(1) Apply for accreditation using a form provided by the director.

(2) Comply with the department's accreditation procedures and obtain accreditation before its first class graduates, in order for these graduates to be eligible to take the state licensing examination. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-180, filed 9/21/82.]

WAC 308-115-190 School survey visits. The director's designee shall make survey visits to midwifery educational programs:

(1) At least annually during the first three years of operation, and

(2) At least every two years after the new school's first three years of operation or more often at the discretion of the director. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-190, filed 9/21/82.]

WAC 308-115-200 Appeal of department of licensing decisions. A school of midwifery aggrieved by a department decision affecting its accreditation may appeal the decision pursuant to chapter 18.50 RCW and the Administrative Procedure Act, chapter 34.04 RCW. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-200, filed 9/21/82.]

WAC 308-115-210 Closure of an accredited school of midwifery. (1) When an organization decides to discontinue its school of midwifery, written notification of the planned closure should be sent to the department.

(2) A school in the process of closing shall remain accredited until the students who are enrolled at the time the department receives the notice of planned closure have been graduated, provided that the minimum standards are maintained by the school.

(3) When a closing midwifery school's last students graduate, its accreditation shall terminate.

(4) A closing midwifery school shall provide for safe storage of vital school records and should confer with the director concerning the matter. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-210, filed 9/21/82.]

WAC 308-115-400 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application	\$ 50.00
Examination	150.00
License renewal	35.00
Renewal penalty	50.00
Reexamination (after first retest)	150.00
Duplicate license	5.00
Verification to other states	10.00

[Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-400, filed 9/21/82.]

Chapter 308-120 WAC REGISTERED NURSES

WAC

308-120-100	Definitions.
308-120-160	Repealed.
308-120-161	Qualification/eligibility to write the licensing examination.
308-120-162	Filing of application for licensing examination.
308-120-163	Licensing examination.
308-120-164	Release of results of examination.
308-120-165	Failures—Repeat examination.
308-120-166	Applicants previously licensed in a foreign country.
308-120-168	Licensure by interstate endorsement.
308-120-170	Documents which indicate authorization to practice registered nursing in Washington.
308-120-185	Return to active status from temporary retirement.
308-120-300	Certified registered nurse.
308-120-305	Use of nomenclature.
308-120-310	Repealed.
308-120-315	Certification and certification program.
308-120-320	Repealed.
308-120-325	Board approval of certification programs.
308-120-330	Repealed.
308-120-335	Application requirements for CRN.
308-120-340	Repealed.
308-120-350	Repealed.
308-120-355	Termination of certification by the certification program.
308-120-360	Termination of CRN designation by the board.
308-120-365	CRN recognition at effective date.
308-120-400	CRN prescriptive authorization.

308-120-410	Application requirements for CRN prescriptive authority.
308-120-420	Authorized prescriptions by the CRN.
308-120-430	Termination of prescriptive authorization.
308-120-440	Prescriptive authorization period.
308-120-450	Renewal.
308-120-509	Resources, facilities and services for approved schools of nursing.
308-120-510	Nurse administrator for approved school of nursing.
308-120-511	Faculty for approved schools of nursing.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-120-160	Licensure qualifications and requirements—Examinations. [Statutory Authority: RCW 18.88.080. 78-05-085 (Order PL 288, Resolution 78-143), § 308-120-160, filed 5/2/78; Order PL 196, § 308-120-160, filed 7/25/75; Order PL 153, § 308-120-160, filed 11/26/73; Order PL 124, § 308-120-160, filed 5/26/72.] Repealed by 81-04-007 (Order PL 370), filed 1/27/81. Statutory Authority: RCW 18.88.080.
308-120-310	Certification programs approved by the board. [Order PL 270, § 308-120-310, filed 6/16/77.] Repealed by 82-22-091 (Order PL 410), filed 11/3/82. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140.
308-120-320	Scope of practice of certified registered nurse. [Order PL 270, § 308-120-320, filed 6/16/77.] Repealed by 82-22-091 (Order PL 410), filed 11/3/82. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140.
308-120-330	ARN/SRN registration expiration. [Order PL 270, § 308-120-330, filed 6/16/77.] Repealed by 82-22-091 (Order PL 410), filed 11/3/82. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140.
308-120-340	CRN approved associations and/or certifying boards. [Statutory Authority: RCW 18.88.080. 78-05-085 (Order PL 288, Resolution 78-143), § 308-120-340, filed 5/2/78.] Repealed by 82-22-091 (Order PL 410), filed 11/3/82. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140.
308-120-350	CRN certification program. [Statutory Authority: RCW 18.88.080. 78-05-085 (Order PL 288, Resolution 78-143), § 308-120-350, filed 5/2/78.] Repealed by 82-22-091 (Order PL 410), filed 11/3/82. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140.

WAC 308-120-100 Definitions. (1) "Board" means the Washington state board of nursing.

(2) "School" means an educational unit charged with the responsibility of preparing persons to practice as registered nurses. Three types of basic schools of nursing are distinguished by the certificate awarded to the graduate. Schools of nursing within colleges and universities award the associate degree or baccalaureate degree. Schools of nursing sponsored by a hospital award a diploma.

(3) "Initial approval" of schools of nursing is the approval given a new school of nursing based on its proposed program prior to the admission of its first class.

(4) "Full approval" of a school of nursing is the approval given a school of nursing that meets the requirements of the law and the rules and regulations of the board.

(5) "Conditional approval" of a school of nursing is the approval given a school of nursing that has failed to meet the requirements of the law and the rules and regulations of the board, and it specifies conditions that

must be met within a designated time to rectify the failure.

(6) An "unapproved school of nursing" is a school of nursing that has been removed from the list of approved schools for failure to meet the requirements of the law and the rules and regulations of the board or a school that has never been approved by the board.

(7) "Extended learning sites" refers to any area external to the parent organization selected by faculty for student learning experiences.

(8) "Faculty" means persons who are responsible for the educational program of the school of nursing and who hold faculty appointment in the school.

(9) "Nursing student" is a person currently enrolled in an approved school of nursing.

(10) "Nursing aide" as that phrase is used in RCW 18.88.280 (the Professional Nurse Practice Act) is a nursing student who is employed for the purpose of giving help, assistance and support in the performance of those services which constitute the practice of registered nursing.

(a) "Direction and supervision" – the nursing aide may function only under the "direction and supervision" of the licensed registered nurse. She/he may never function as an independent practitioner or in a supervisory capacity, such as, e.g., head nurse, charge nurse, supervisor, administrator, or private duty nurse. She/he shall not perform duties or functions beyond her/his educational nursing preparation, as determined by the school in which she/he is enrolled. Supervision and direction shall include, but not be limited to, the following:

(i) A delegation of duties with regard to each individual patient, which duties shall be consistent with and shall not be greater than the abilities of the nursing aide, as indicated by her/his level of educational preparation;

(ii) An awareness of the activity of the nursing aide as it occurs; and

(iii) A continuing evaluation of the performance of the nursing aide, and reassignment consistent therewith.

(b) "Responsibilities – employer, school of nursing, and nursing aide:"

(i) Employer. It is the responsibility of the employer of such a nursing aide to obtain evidence of the aide's preparation from the school of nursing in which this student is enrolled.

(ii) School of nursing. It is the responsibility of the school of nursing to furnish the prospective employer of the nursing aide with written evidence of the student's educational preparation. Evidence of the student's educational preparation should include types of patients for whom she/he is prepared to care, specific procedures which she/he can perform, and additional nursing functions which she/he is prepared to do.

(iii) Nursing aide. It is the responsibility of the nursing aide to accept only those assignments which are within the limits of her/his preparation as specified by her/his school of nursing.

(11) "Registered nurse" as used in these rules shall mean a nurse as defined by RCW 18.88.170.

(12) "Nurse administrator" is an individual who meets the qualifications contained in WAC 308-120-

210 and who has been designated as the person primarily responsible for the direction of the program in nursing. Titles for this position may include, among others, dean, director, coordinator or chairperson.

(13) "Definition of terms appearing in RCW 18.88.280" – the terms "direction and supervision," "auxiliary services," and "minor nursing services" are defined as follows:

(a) "Minor nursing services." The techniques and procedures used by the nursing profession are extremely difficult to categorize as major or minor nursing services. The important factor with which this law is concerned is the determination of which nursing person and at what level of preparation that person may perform said technique or procedure in relation to the condition of a given patient, and this kind of determination rests with the registered nurse.

(b) "Auxiliary services" are all those nursing services provided to patients by persons other than the registered nurse, the licensed practical nurse and the nursing student.

(c) "Direction and supervision" shall include, but not be limited to the following:

(i) Delegation of duties with regard to each individual patient, which duties shall be consistent with and shall not be greater than the abilities of the auxiliary personnel, as indicated by their level of education preparation.

(ii) An awareness of the activity of auxiliary personnel.

(iii) A continuing evaluation of the performance of the auxiliary personnel.

(iv) It is the responsibility of the auxiliary person to accept only those assignments which are within the limits of his or her preparation. [Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-100, filed 1/27/81; 80-04-072 (Order PL 339), § 308-120-100, filed 3/27/80; Order PL-124, § 308-120-100, filed 5/26/72.]

WAC 308-120-160 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-120-161 Qualification/eligibility to write the licensing examination. (1) Graduates from Washington state board approved schools of nursing holding a degree/diploma from such a school shall be eligible to write the examination provided all other requirements are met.

(2) Graduates from a nursing school approved by a board of nursing in another U.S. jurisdiction shall be eligible to write the examination provided that:

(a) The nursing school meets the minimum standards approved for state board school of nursing in Washington at the time of the applicant's graduation;

(b) Graduate holds a degree/diploma from the approved school of nursing;

(c) All other requirements are met.

(3) An interim permit (WAC 308-120-170(2)) and a notice of eligibility for admission to the licensing examination may be issued to all new graduates from board approved schools of nursing after filing of a completed

application, payment of the application fee, and official notification from the school certifying that the individual has successfully completed all requirements for the diploma/degree. The results of the licensing examination will not be released until the candidate's official transcript is on file with the board. [Statutory Authority: RCW 18.88.080. 82-01-012 (Order PL 387), § 308-120-161, filed 12/7/81; 81-04-007 (Order PL 370), § 308-120-161, filed 1/27/81.]

WAC 308-120-162 Filing of application for licensure examination. (1) All applicants shall file with the Washington state board of nursing a completed notarized application, with the required fee prior to May 1, for the July examination and December 1 for the February examination.

(2) Applicants shall request the school of nursing to send an official transcript directly to the board of nursing.

(3) Applicants shall also file an examination application, along with the required fee directly with the testing service.

(4) Applicant[s] who have filed the required applications and met all qualifications will be notified of their eligibility, and only such applicants will be admitted to the examination. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-162, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-162, filed 1/27/81.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-120-163 Licensing examination. (1) The current series of the National Council of the State Board of Nursing Registered Nurse Examination (NCLEX) shall be the official examination for registered nurse licensure.

(2) The NCLEX will consist of four two-hour tests with a minimum passing standard score of 1600 for the total examination.

(3) Examinations shall be conducted twice a year, in February and July.

(4) The executive secretary of the board shall negotiate with The National Council of State Boards of Nursing, Inc. (NCSBN) for the use of the NCLEX.)

(5) The examination shall be administered in accord with the NCSBN security measures and contract. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-163, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-163, filed 1/27/81.]

WAC 308-120-164 Release of results of examination. (1) Candidates shall be notified regarding the examination results by mail only.

(2) Candidates who pass shall receive a license to practice as a registered nurse provided all other requirements are met.

(3) Candidates who fail shall receive a letter of notification regarding their eligibility to rewrite the examination.

(4) In addition to a listing of the names of graduates indicating whether each passed or failed the examination, each school of nursing in Washington shall receive a statistical report of the examination results of candidates from that school.

(5) Scores of the examination will not be released to anyone except as provided above unless release is authorized by the candidate in writing.

(6) The candidate's examination results will be maintained in his/her application file in the division of professional licensing, department of licensing. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-164, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-164, filed 1/27/81.]

WAC 308-120-165 Failures—Repeat examination.

(1) The application forms to rewrite the examination and fees shall be filed on or before May 1 for the July examination and December 1 for the February examination.

(2) Candidates who fail[ed] the examination will be permitted to rewrite the examination three times within the two-year period from the month of first writing.

(3) If the candidate fails the first examination, the state will require no additional fee from the candidate who takes the next scheduled examination.

(4) Candidates who fail to pass the examination within the time period specified in (2) above shall be required to complete a program of study approved by the board. Upon successful completion of the approved program, the candidate shall be required to write the entire examination. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-165, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-165, filed 1/27/81.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-120-166 Applicants previously licensed in a foreign country. (1) Applicants for licensure educated in a country outside the United States or its territories shall meet the following requirements for licensure:

(a) Satisfactory completion of a basic nursing education program approved in the country of original licensure.

(i) The nursing education program shall be equivalent to the minimum standards prevailing for state board approved schools of nursing in Washington at the time of graduation.

(ii) Any deficiencies in the nursing program (theory and clinical practice in medical, psychiatric, obstetric,

surgical and pediatric nursing) shall be satisfactorily completed in a state board approved school of nursing.

(b) Satisfactory passage of the screening examination for foreign nurses. As of May 1, 1981, all applicants from countries outside the United States, and never before licensed in one of the United States jurisdictions shall have passed the Commission on Graduates of Foreign Nursing Schools (CGFNS) qualifying examination.

(c) Applicants licensed under the laws of a country outside the United States or its territories shall be required to take the current series of the National Council of State Boards of Nursing Registered Nurse Examination (NCLEX) as provided in WAC 308-120-163: *Provided*, That those persons meeting the requirements of WAC 308-120-168(2) are exempt from this requirement.

(d) All other requirements of the statute and regulation shall be met.

(2) Applicants for examination shall:

(a) File with the board of nursing a completed notarized license application with the required fee prior to May 1 for the July examination and prior to December 1 for the February examination.

(b) Request the school of nursing to submit an official transcript directly to the division of professional licensing.

(c) Applicants shall also file an examination application, along with the required fee directly with the testing service.

(d) Request the licensing agency in the country of original license to submit evidence of licensure.

(e) Submit a notarized copy of the certificate issued by the CGFNS.

(f) If the applicant's original documents (education and licensing) are on file in another state or with the CGFNS, the applicant may request that the state board or the CGFNS send notarized copies in lieu of the originals. [Statutory Authority: RCW 18.88.030(2), 18.88-.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-166, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-166, filed 1/27/81.]

WAC 308-120-168 Licensure by interstate endorsement. (1) A license to practice as a registered nurse in Washington may be issued without examination provided the applicant meets all of the following requirements:

(a) The applicant has graduated and holds a degree/diploma from a state board approved school of nursing preparing candidates for licensure as a registered nurse provided such nursing program is equivalent to the minimum nursing educational standards prevailing for state board approved schools of nursing in Washington at the time of the applicant's graduation.

(i) Applicants who were licensed prior to January 1, 1953 shall have scored at least 75% on the state board examination in the state of original licensure.

(ii) Applicants licensed after January 1, 1953 but before June 1, 1982 shall have passed the state board test

pool examination for registered nurse licensure with a minimum standard score of 350 in each test.

(iii) Applicants licensed after July 1, 1982 shall have passed with a minimum standard score of 1600 for the total examination.

(b) The applicant holds a valid current license to practice as a registered nurse in another state or territory.

(c) The application shall be completed and notarized, the fee must be filed with the application. The fee is not refundable. A notarized copy of a valid current license shall be filed with the application.

(d) Verification of licensure by examination shall be obtained from the state or territory of original licensure. Any fee for verification required by the state or territory of original license shall be paid by the applicant.

(2) Applicants from countries outside the United States who were granted a license in another U.S. jurisdiction or territory prior to December 31, 1971, and who were not required to pass the state board test pool examination shall meet the following requirements:

(a) The nursing education program shall meet the minimum approved standards prevailing for schools of nursing in Washington at the time of the applicant's graduation.

(b) The applicant holds a valid current license to practice as a registered nurse in another U.S. jurisdiction or territory.

(c) The applicant shall submit to the board:

(i) A complete notarized application. The nonrefundable fee must be filed with the application.

(ii) Verification of original licensure obtained in the U.S. jurisdiction or territory.

(iii) Notarized copies of educational preparation and licensure by examination submitted directly from the country of original licensure or from the state board or territory of original U.S. licensure.

(iv) Verification of current nursing practice for three years prior to application for Washington licensure.

(d) The applicant shall meet all requirements of chapter 18.88 RCW and regulations of the board. [Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-168, filed 1/27/81.]

WAC 308-120-170 Documents which indicate authorization to practice registered nursing in Washington. The following documents are the only documents that indicate legal authorization to practice as a registered nurse in Washington.

(1) License. A license is issued upon completion of all requirements for licensure – confers the right to use the title registered nurse and the use of its abbreviation, R.N.

(2) Interim permit. An interim permit may be issued to a graduate from an approved nursing school who has met all qualifications, has filed an application for examination and is eligible for admission to the licensing examination.

(a) This permit expires when a license is issued, when the candidate receives first notice of failure, or within

one year from the date of issuance, whichever is the earliest date. The permit is not renewable.

(b) An applicant who does not write the examination on the date scheduled shall return the permit to the division of professional licensing.

(c) The interim permit authorizes the holder to perform functions of registered nursing as described in chapter 18.88 RCW. It is in violation of the law regulating the practice of registered nursing to use the title "registered nurse." The title "interim permit nurse" or "graduate nurse" may be used.

(3) Limited educational license. A limited educational license may be issued to a person who has been on non-practicing status for three years or more and who wishes to return to active status (see WAC 308-120-185).

(4) Certified registered nurse (CRN) recognition document. A CRN recognition document may be issued to any person who meets the requirements of the board as contained in WAC 308-120-300. Only persons holding this recognition document shall have the right to use the title "certified registered nurse" or the abbreviation "CRN." This document authorizes the CRN to engage in the scope of practice allowed for his or her specialty area and is valid only with a current registered nurse license.

(5) CRN prescriptive authorization document. A CRN prescriptive authorization document may be issued to any person who meets the requirements of the board as contained in WAC 308-120-410. This document authorizes the CRN to prescribe legend drugs within his or her scope of practice and is valid only with a current registered nurse license. [Statutory Authority: RCW 18.88.080. 81-10-026 (Order PL 377), § 308-120-170, filed 4/28/81; Order PL 196, § 308-120-170, filed 7/25/75; Order PL-124, § 308-120-170, filed 5/26/72.]

WAC 308-120-185 Return to active status from temporary retirement. After January 1, 1974, persons on nonpracticing status for three years or more who wish to return to active status shall be issued a limited educational license to enroll in a board approved refresher course. Upon successful completion of the course, the individual's license shall be returned to active status. Nonpracticing means the individual has been on the inactive list for a period of three years or more and does not hold a current license to practice in Washington or in any other United States jurisdiction. [Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-185, filed 1/27/81; 78-05-085 (Order PL 288, Resolution 78-143), § 308-120-185, filed 5/2/78; Order PL 258, § 308-120-185, filed 12/7/76. Formerly WAC 308-120-18001.]

WAC 308-120-300 Certified registered nurse. A certified registered nurse shall:

- (1) Hold a current license to practice as a registered nurse in Washington, and
- (2) Have been granted a certification credential for specialized and advanced nursing practice granted by a

national certifying body whose certification program is approved by the board. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-300, filed 11/3/82; Order PL 270, § 308-120-300, filed 6/16/77.]

WAC 308-120-305 Use of nomenclature. Any person who qualifies under WAC 308-120-300 and whose application for certified registered nurse designation has been approved by the board shall be designated as a certified registered nurse and shall have the right to use the title "certified registered nurse" and the abbreviation "CRN." No other person shall assume such title or use such abbreviation or any other words, letters, signs or figures to indicate that the person using same is a certified registered nurse. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-305, filed 11/3/82; Order PL 270, § 308-120-305, filed 6/16/77.]

WAC 308-120-310 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-120-315 Certification and certification program. (1) Certification is a voluntary form of credentialing, under sponsorship of a national certifying body that recognizes specialized and advanced nursing practice.

(2) A certification program is used by a national certifying body to grant the certification credential. A certification program shall be based on:

(a) A scope of practice statement which shall denote the dimension and boundary, the focus, and the standards of specialized and advanced nursing practice in the area of certification.

(b) A formal program of study requirement in the area of certification which shall:

(i) Be based on measurable objectives that relate directly to the scope of practice;

(ii) include theoretical and clinical content directed to the objectives;

(iii) until July 1, 1984, be acceptable to the board and shall include clinical practice in the area of certification or two years of current practice in the area of certification; and

(iv) after July 1, 1984, be equivalent to at least one academic year. Current practice in the area of certification will not be accepted as a substitute for the formal program of study.

(c) An examination in the area of certification which shall:

(i) Measure the theoretical and clinical content denoted in the scope of practice;

(ii) be developed in accordance with generally accepted standards of validity and reliability; and

(iii) be open only to registered nurses who have successfully completed the program of study referred to in (2)(b) of this rule. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-315, filed 11/3/82.]

WAC 308-120-320 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-120-325 Board approval of certification programs. (1) A certification program being considered for approval shall submit documentation showing that it meets the requirements of WAC 308-120-315(2).

(2) The board shall periodically review each certification program and may discontinue approval in the event that a certification program no longer meets the requirements of WAC 308-120-315(2).

(3) The board shall notify the certification program of pending review and may request that the program submit further information regarding its continued compliance with the provisions of WAC 308-120-315(2). [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-325, filed 11/3/82.]

WAC 308-120-330 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-120-335 Application requirements for CRN. A registered nurse applicant for designation as a CRN shall:

(1) Meet the requirements of WAC 308-120-300.

(2) Submit a completed application on a form furnished by the board.

(3) Submit evidence of certification by a certification program approved by the board.

(4) Submit a nonrefundable fee as specified in WAC 308-120-260. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-335, filed 11/3/82.]

WAC 308-120-340 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-120-350 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-120-355 Termination of certification by the certification program. The CRN shall immediately notify the board of termination of her/his certification from the certification program which was approved by the board. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-355, filed 11/3/82.]

WAC 308-120-360 Termination of CRN designation by the board. CRN designation may be terminated by the board when the CRN has:

(1) Practiced outside the scope of practice denoted for the area of certification, or

(2) Been found in violation of any provision of RCW 18.88.230. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-360, filed 11/3/82.]

WAC 308-120-365 CRN recognition at effective date. Any registered nurse recognized as a CRN on the

effective date of this rule shall continue to be so designated and shall be eligible for renewal of the CRN designation under the provisions of these rules. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-365, filed 11/3/82.]

WAC 308-120-400 CRN prescriptive authorization. (1) A registered nurse licensed under chapter 18.88 RCW when authorized by the board of nursing may prescribe drugs pursuant to applicable state and federal laws.

(2) Dispensing of legend drugs is not an authorized activity under the rules pertaining to prescriptive authority. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-400, filed 11/3/82. Statutory Authority: RCW 18.88.080. 79-09-038 (Order PL-310), § 308-120-400, filed 8/17/79.]

WAC 308-120-410 Application requirements for CRN prescriptive authority. A registered nurse who applies for authorization to prescribe drugs shall:

(1) Be currently designated as a certified registered nurse in Washington;

(2) Have been engaged in clinical practice for one year, either as a requirement of the certification program approved by the board, or practice subsequent to CRN designation;

(3) Provide evidence of completion of thirty contact hours of education in pharmacology and clinical management of drug therapy related to the applicant's scope of practice and which are:

(a) Obtained within a four-year time period immediately prior to the date of application for prescriptive authority. Eight of the thirty contact hours must have been obtained during the year immediately preceding the application.

(b) Derived from the following:

(i) Study within the CRN area of certification;

(ii) Study other than (i) above approved by the board; and

(4) Submit a completed, notarized application on a form provided by the board accompanied by a nonrefundable fee as specified in WAC 308-120-260. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-410, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-410, filed 1/27/81; 79-09-038 (Order PL-310), § 308-120-410, filed 8/17/79.]

WAC 308-120-420 Authorized prescriptions by the CRN. (1) Prescriptions for drugs shall comply with all applicable state and federal laws.

(2) Prescriptions shall be signed by the prescriber with the initials "CRN" and the prescriber's identification number assigned by the board.

(3) Prescriptions for controlled substances in Schedules I through IV are prohibited by RCW 18.88.280(16).

(4) Any CRN with prescriptive authorization who prescribes Schedule V controlled substances shall register with the drug enforcement administration and the pharmacy board. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-420, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-420, filed 1/27/81; 79-09-038 (Order PL-310), § 308-120-420, filed 8/17/79.]

WAC 308-120-430 Termination of prescriptive authorization. Prescriptive authorization may be terminated by the board when the CRN has:

(1) Not maintained current designation as a CRN in the area of certification; or

(2) prescribed outside the CRN scope of practice or for other than therapeutic purposes; or

(3) violated provisions of RCW 18.88.230. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-430, filed 11/3/82. Statutory Authority: RCW 18.88.080. 79-09-038 (Order PL-310), § 308-120-430, filed 8/17/79.]

WAC 308-120-440 Prescriptive authorization period. (1) Prescriptive authorization shall be for a period of two years.

(2) Initial authorization shall expire on the applicant's second birthday following initial authorization.

(3) Subsequent renewal periods shall expire on the applicant's birthday every two years.

(4) Authorization shall be renewed after the applicant meets the requirements of WAC 308-120-450. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-440, filed 11/3/82. Statutory Authority: RCW 18.88.080. 79-09-038 (Order PL-310), § 308-120-440, filed 8/17/79.]

WAC 308-120-450 Renewal. CRN prescriptive authorization shall be renewed every two years. For renewal of prescriptive authorization, the applicant shall:

(1) Maintain current CRN designation.

(2) Provide documentation of eight contact hours of continuing education during the renewal period in pharmacology and clinical management of drug therapy related to applicant's area of certification. This continuing education requirement shall be in addition to that required for renewal of CRN designation. Continuing education shall be derived from any combination of the following, approved by the board:

(a) Formal academic study;

(b) continuing education offerings;

(c) other learning activities.

(3) Submit a completed and notarized renewal application with nonrefundable fee. As specified in WAC 308-120-260. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-450, filed 11/3/82. Statutory Authority: RCW 18.88.080. 79-09-038 (Order PL-310), § 308-120-450, filed 8/17/79.]

WAC 308-120-509 Resources, facilities and services for approved schools of nursing. (1) Classrooms, laboratories and conference rooms shall be available and shall be adequate in size, number and type according to the number of students and the educational purposes for which the rooms are to be used.

(2) Offices shall be available and adequate in size, number and type to provide faculty with opportunity for uninterrupted work and privacy for conferences with students. Offices shall have adequate space for clerical staff, records, files and other equipment.

(3) Extended learning sites:

(a) A variety of sites may be utilized for student experience. These may include, but need not be limited to, hospitals, clinics, offices of health professionals, health centers, nursery schools, elementary and secondary schools, rehabilitation centers, mental health clinics, public health departments, and nursing homes.

(b) Extended learning sites shall provide learning experiences of sufficient number and variety for student achievement of the course/curriculum objectives.

(c) Written agreement shall be maintained between the school and the extended learning sites. Such agreement shall be reviewed periodically and shall state the responsibilities and privileges of each party, which shall include a termination clause.

(d) Extended learning sites shall be approved by the board for their educational use.

(4) Library facilities shall be provided for use by the faculty and students. Physical arrangement, usefulness, scope and currency of books, periodicals, and hours shall be appropriate for the purpose of the school and the number of faculty and students.

(5) Secretarial and support services shall be adequate to meet the needs of the nursing school. [Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-509, filed 1/27/81; 80-04-072 (Order PL 339), § 308-120-509, filed 3/27/80.]

WAC 308-120-510 Nurse administrator for approved school of nursing. (1) Nurse administrators shall have the following qualifications:

(a) A current license to practice as a registered nurse in Washington.

(b) A baccalaureate degree in nursing and a master's degree with a major in nursing from an accredited college or university.

(c) A minimum of five years of professional experience as a registered nurse which includes two years teaching in an approved school of nursing.

Exceptions shall be justified to and approved by the board of nursing.

(2) Nurse administrators are responsible for the following functions:

(a) Create and maintain an environment conducive to teaching and learning.

(b) Serve as liaison with the central administration and other units of the college or university.

(c) Organize and administer the nursing program.

(d) Provide educational leadership for the faculty and students of the school.

(e) Facilitate recruitment, selection and development of qualified faculty.

(f) Recommend faculty for appointment, promotion, tenure and retention.

(g) Facilitate program evaluation and development.

(h) Plan and administer the budget.

(i) Facilitate arrangements for all necessary resources and services.

(j) Facilitate peer and student evaluation of teaching effectiveness.

(k) Facilitate development of long range goals and objectives for the nursing program.

(l) Facilitate the recruitment, selection and retention of students.

(m) Assure that the minimum rules/regulations of the state board of nursing are effectively implemented.

(3) The nurse administrator shall have sufficient time provided for carrying out administrative responsibilities. Instructional responsibilities of the nurse administrator shall be consistent with the scope of the administrative responsibility. [Statutory Authority: RCW 18.88.080. 81-10-026 (Order PL 377), § 308-120-510, filed 4/28/81; 80-04-072 (Order PL 339), § 308-120-510, filed 3/27/80.]

WAC 308-120-511 Faculty for approved schools of nursing. (1) Faculty shall have the following qualifications:

(a) A current license to practice as a registered nurse in Washington.

(b) After January 1, 1983, all newly appointed faculty shall have had a minimum of one year of professional experience as a registered nurse.

(c) The baccalaureate degree in nursing shall be the minimum requirement for faculty appointment until January 1, 1985. After January 1, 1985, in addition to the baccalaureate degree in nursing, all newly appointed faculty shall be required to hold a master's degree with a major in nursing from an accredited college or university.

Exceptions shall be justified to and approved by the board of nursing.

(2) Principal functions of the faculty shall include but not be limited to:

(a) Develop, implement and evaluate the philosophy and objectives of the program;

(b) Construct, implement, evaluate and revise the curriculum;

(c) Develop and evaluate policies and standards for the selection, admission, promotion and graduation of nursing students within the framework of the policies of the college or university;

(d) Evaluate student achievement in terms of course and program objectives, assign grades for courses according to policies, and recommend successful candidates for the degree or diploma;

(e) Develop, implement and evaluate statements of policy necessary for the operation of the program, and participate in appropriate activities of the college or university;

(f) Participate in academic advising of students;

(g) Provide for peer and student evaluation of teaching effectiveness;

(h) Participate in periodic review of the total nursing program; and

(i) Participate in the overall faculty activities of the college or university, e.g., governance, interdepartmental teaching and research.

(3) A nursing faculty organization, with delineated policies and procedures, shall be established in harmony with the policies of the college or university.

(a) All faculty shall participate in the activities of the faculty organization in ways consistent with their position and responsibilities.

(b) Committees shall be established as necessary to carry out the functions of the faculty effectively. The purposes and membership of each committee shall be defined clearly.

(c) Meetings shall be held on a regular basis.

(d) Minutes, including faculty action, shall be recorded in writing and kept on file for ready reference.

(4) Faculty/student ratio.

(a) Faculty shall be provided in adequate number and kind to meet the purposes and objectives of the program.

(b) Twelve students is the maximum for which a faculty member shall be responsible at any one time in the clinical area. A lower ratio may apply to students in initial or highly complex learning situations. Factors to be considered in determining the ratio are:

(i) The preparation and expertise of the faculty member;

(ii) The objectives to be achieved;

(iii) The level of students;

(iv) The number, type[,] and conditions of patients;

(v) The number, type, location and physical layout of clinical facilities;

(vi) The number of clinical facilities being used for a particular course.

Exceptions shall be justified to and approved by the board of nursing. [Statutory Authority: RCW 18.88.080. 81-10-026 (Order PL 377), § 308-120-511, filed 4/28/81; 80-04-072 (Order PL 339), § 308-120-511, filed 3/27/80.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

Chapter 308-122 WAC

LICENSING OF PSYCHOLOGISTS AND REGISTERED SANITARIANS

WAC

308-122-220 Psychologists—Written examination.

WAC 308-122-220 Psychologists—Written examination. Written examination requirements: The written examination that is used in the state of Washington is the examination of professional practice of psychology. The examination consists of objective multiple choice questions covering the major areas of psychology. Each

form of the examination contains between 150 and 200 items in the areas listed below:

(1) Background information, including physiological psychology and comparative psychology, learning, history, theory and systems, sensation and perception, motivation, social psychology, personality, cognitive processes, developmental psychology and psychopharmacology.

(2) Methodology including research design and interpretation, statistics, test construction and interpretation, scaling.

(3) Clinical psychology including test usage and interpretation, diagnosis, psychopathology, therapy, judgment in clinical situations, community mental health.

(4) Behavior modification including learning and applications.

(5) Other specialties including management consulting, industrial and human engineering, social psychology, t-groups, counseling and guidance, communication systems analysis.

(6) Professional conduct and ethics including interdisciplinary relations and knowledge of professional affairs.

The cutoff score which the Washington state board of examiners uses is 75% of the raw score, or the national mean of all first time doctorates, whichever is the lowest. [Statutory Authority: RCW 18.83.050. 82-18-073 (Order PL 404), § 308-122-220, filed 9/1/82; 80-07-010 (Order PL 346), § 308-122-220, filed 6/9/80; 79-08-009 (Order PL-309), § 308-122-220, filed 7/9/79; Order PL-245, § 308-122-220, filed 4/15/76.]

Chapter 308-124 WAC

REAL ESTATE BROKERS AND SALESMEN

WAC

308-124-005 Organization.
308-124-021 Definitions.

WAC 308-124-005 Organization. The principal location of the Real Estate Division is on the Sixth Floor, Highways-Licenses Building, 12th and Franklin Street, Olympia, Washington 98504. The division maintains a Seattle office at 320 North 85th Street, Seattle, Washington 98103. The division maintains a Spokane office at East 11530 Sprague Avenue, Spokane, Washington 99206.

The real estate division of the business and professions administration of the department of licensing administers the Washington real estate license law, chapter 18.85 RCW. The real estate commission, composed of the director of the department of licensing and six commission members, appointed by the governor from the real estate industry, prepares or reviews and approves examination questions for license applicants, holds real estate education conferences, advises the director as to the issuance of rules and regulations governing the activities of real estate brokers and salesmen and performs such other duties and functions as prescribed by chapter 18.85 RCW. Submissions and requests for information

regarding real estate licenses, the real estate commission, or the real estate division, may be sent in writing to the Administrator, Real Estate Division, Department of Licensing, P.O. Box 247, Olympia, Washington 98504. [Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124-005, filed 8/13/82; 81-05-016 (Order RE 128), § 308-124-005, filed 2/10/81; Order RE 114, § 308-124-005, filed 7/2/75; Rules (part), filed 8/24/67.]

WAC 308-124-021 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has under chapter 18.85 RCW unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Designated broker" is the natural person designated by a corporation or partnership to act as a broker on behalf of the corporation or partnership. The designated broker must be an officer of the corporation or a general partner of the partnership and must be separately qualified for licensure as a real estate broker.

(3) "Principal owner" is a person who owns or controls, directly or indirectly, ten percent or more of a real estate brokerage, regardless of whether such interest stands in the person's true name or in the name of a nominee.

(4) "Individual broker" is the natural person who owns a sole proprietorship brokerage company and is the licensed broker of the firm.

(5) "Incorporated associate broker" is the natural person qualified as a broker who works with a broker and who is licensed as a corporation and whose license states that he or she is associated with a broker.

(6) "Administrator" is the person appointed by the director of the department of licensing to administer the real estate division of the department of licensing. [Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124-021, filed 2/10/81; 78-11-052 (Order RE 125), § 308-124-021, filed 10/23/78; Order RE 120, § 308-124-021, filed 9/20/77; Order RE 114, § 308-124-021, filed 7/2/75; Order RE-102, § 308-124-021, filed 10/28/71.]

Chapter 308-124A WAC

REAL ESTATE--LICENSING AND EXAMINATION

WAC

308-124A-020 Application for a license—Fingerprinting.
308-124A-025 Notice required of intention to take examination.
308-124A-030 Successful applicants must apply for license.
308-124A-040 Unsuccessful broker applicants—Loss of waiver privilege.
308-124A-100 Applicant for license previously licensed in another state.
308-124A-110 Application for real estate examination, licensed in foreign state.
308-124A-120 Application for license by employing broker.
308-124A-130 Salesperson, associate brokers—Termination of services.
308-124A-200 Corporate or copartnership applicants for licenses—Proof required.
308-124A-310 Repealed.

- 308-124A-410 Application for broker license examination—Two years sales experience.
 308-124A-420 Application for broker license examination, other qualification or related experience.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-124A-310 Salesman second renewal requirements. [Order RE 114, § 308-124A-310, filed 7/2/75.] Repealed by 81-05-016 (Order RE 128), filed 2/10/81. Statutory Authority: RCW 18.85.040.

WAC 308-124A-020 Application for a license—Fingerprinting. All persons must submit fingerprint identification, on a form provided by the real estate division when making application for:

- (1) A real estate salesperson license;
- (2) an individual broker license;
- (3) a corporation or partnership broker license; or
- (4) a land development representative registration.

The applicant is not required to submit a new fingerprint form if he or she has filed a fingerprint form with the real estate division within one calendar year preceding the application. [Statutory Authority: RCW 18.85.040, 81-05-016 (Order RE 128), § 308-124A-020, filed 2/10/81; Order RE 120, § 308-124A-020, filed 9/20/77; Order RE 114, § 308-124A-020, filed 7/2/75.]

WAC 308-124A-025 Notice required of intention to take examination. Any person desiring to take an examination for a real estate broker or real estate salesperson license must file a completed application together with the correct fee and supporting documents with the real estate division of the department of licensing.[.] The applicant will be assigned to the first available examination subsequent to determination of eligibility. The cutoff date for eligibility for any specific examination is available to the applicant upon request. An applicant shall forfeit all examination fees for any examination or examinations for which the applicant has applied and does not take for any reason, other than through the fault or mistake of the real estate division. [Statutory Authority: RCW 18.85.040, 81-05-016 (Order RE 128), § 308-124A-025, filed 2/10/81; Order RE 114, § 308-124A-025, filed 7/2/75.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-124A-030 Successful applicants must apply for license. (1) Examination results are valid for one year only. Any person who has passed the examination for real estate broker or real estate salesperson license must become licensed within one year from the date of such examination. Failure to comply with this provision will necessitate the taking and passing of another examination prior to licensure. [Statutory Authority: RCW 18.85.040, 81-05-016 (Order RE 128), § 308-124A-030, filed 2/10/81; Order RE 114, § 308-124A-030, filed 7/2/75.]

WAC 308-124A-040 Unsuccessful broker applicants—Loss of waiver privilege. Whenever any applicant for a broker's license receives a waiver from the requirement of two years of actual experience as a full time real estate salesman based upon approval of alternative qualifications, but subsequently fails to pass the broker's examination, the applicant shall lose the privilege of the waiver and must satisfy the requirement as provided in RCW 18.85.090. However, the director may again waive this requirement, upon the recommendation of the real estate commission. The commission's recommendation shall be based upon the applicant's affirmative showing that it is reasonably likely that the applicant will pass the next examination, including in such showing circumstances accounting for the failure to pass the earlier examination. [Statutory Authority: RCW 18.85.040, 82-17-039 (Order 130), § 308-124A-040, filed 8/13/82; Order RE 114, § 308-124A-040, filed 7/2/75.]

WAC 308-124A-100 Applicant for license previously licensed in another state. Any person making an application for examination who has previously been licensed in another state shall, evidence by a letter from an administrative officer of the real estate agency of such other state that the applicant's relationship with such state is and has been in good standing. [Statutory Authority: RCW 18.85.040, 81-05-016 (Order RE 128), § 308-124A-100, filed 2/10/81; Order RE 114, § 308-124A-100, filed 7/2/75.]

WAC 308-124A-110 Application for real estate examination, licensed in foreign state. Any person applying for a real estate broker or real estate salesperson examination who is actively licensed in another state, territory of the United States or province of the Dominion of Canada and has maintained his or her license in good standing may become licensed as a Washington resident real estate broker, associate broker or salesperson after passing an examination on Washington law and real estate practices if he or she meets the minimum requirements established by RCW 18.85.090, 18.85.095, and/or 18.85.120 whichever is (are) applicable. [Statutory Authority: RCW 18.85.040, 81-05-016 (Order RE 128), § 308-124A-110, filed 2/10/81.]

WAC 308-124A-120 Application for license by employing broker. A person who desires to be licensed as a real estate salesperson or associate broker shall make application on a form furnished by the director and signed by the broker or designated broker to whom the license will be issued. The branch manager may sign for the broker or designated broker for licenses to be issued to that branch office. [Statutory Authority: RCW 18.85.040, 81-05-016 (Order RE 128), § 308-124A-120, filed 2/10/81.]

WAC 308-124A-130 Salesperson, associate brokers—Termination of services. A person licensed as salesperson or associate broker may perform duties and

activities as licensed only under the direction and supervision of a licensed individual broker or designated broker and as a representative of such broker. This relationship may be terminated unilaterally by either the broker or salesperson or associate broker. Notice of such termination shall be given by the broker to the director without delay and such notice shall be accompanied by and include the surrender of the salesperson's or associate broker's license. The broker may not condition his or her surrender of license to the director upon performance of any act by the salesperson or associate broker. Notice of termination shall be provided by signature of the broker, or a person authorized by the broker to sign for the broker, on the surrendered license of the salesperson or associate broker. [Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124A-130, filed 2/10/81.]

WAC 308-124A-200 Corporate or copartnership applicants for licenses--Proof required. The minimum qualifications for a corporation or partnership to receive a broker's license are:

(1) An officer in the corporation or a general partner in the partnership, as the case may be, shall be designated as the broker and shall separately qualify for a valid broker's license. The corporation or partnership and the designated broker are required to pay only a single license and license renewal fee.

(2) The applicant shall furnish a character and credit rating, WAC 308-124A-010 and fingerprint identification, WAC 308-124C-020 of the designated broker, officers, and principal owners of the corporation directly involved in the company's Washington real estate activity and, in the case of a partnership, the general partners and all principal owners.

(3) If the applicant is a corporation, it shall furnish a list of its officers, directors, and principal owners, and their addresses. If the applicant is a partnership, it shall furnish a list of the members of the partnership and their addresses.

(4) If the applicant is a corporation, it shall furnish a copy of its articles of incorporation and current annual report. If the applicant is a partnership, it shall furnish a copy of its partnership agreement.

(5) If a corporation applies for licensure as an incorporated associate broker, the name of the incorporated associate broker as licensed to do business shall be the name of the natural person who is the designated broker for the corporation, and only one person may be licensed to each incorporated associate broker and that person shall be the corporation's designated broker. [Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124A-200, filed 2/10/81; Order RE 114, § 308-124A-200, filed 7/2/75.]

WAC 308-124A-310 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-124A-410 Application for broker license examination--Two years sales experience. To qualify for two years of actual experience as a full time real estate salesperson applicants for a real estate broker license examination shall provide evidence of either:

(1) A minimum of forty hours per week spent in real estate sales activity for the period; or

(2) a major source of income from real estate sales activity continuously for the period. [Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124A-410, filed 2/10/81.]

WAC 308-124A-420 Application for broker license examination, other qualification or related experience. Applications for a real estate broker license examination by persons who do not possess two years of actual experience as a full time real estate salesperson as required by RCW 18.85.090 which show other and similar qualifications, or qualification by reason of practical experience in a business allied with or related to real estate (alternative qualifications or experience) shall be submitted to the administrator of the Real Estate Division, P.O. Box 247, Olympia, Washington 98504. The application shall be accompanied by a letter requesting approval of alternative qualifications or experience and indicating the basis for such approval. The letter must include a detailed personal history or work resume, with appropriate documentation, and a letter from each of five persons describing from personal knowledge the qualifications and experience of the applicant. The following guidelines are provided as examples of experience which may qualify in lieu of two years of full time sales experience:

(1) Post-secondary education with major study in real estate together with one year experience as a real estate salesperson or one year experience under the provisions of subsections (2) - (7) below.

(2) Experience as an attorney at law with practice in real estate transactions for not less than one year.

(3) Five years' experience, with decision responsibility, in closing real estate transactions for escrow companies, mortgage companies, or similar institutions.

(4) Five years' experience as an officer of a commercial bank, savings and loan association, title company or mortgage company, involving all phases of real estate transactions.

(5) Five years' experience as a real property fee appraiser or salaried appraiser for a governmental agency.

(6) Five years' experience in all phases of land development, construction, financing, selling and leasing of residences, apartments or commercial buildings.

(7) Five years' experience in real estate investment, property management, or analysis of investments or business opportunities.

All time periods suggested in these guidelines shall be within the last seven years prior to the date of application. [Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124A-420, filed 2/10/81.]

Chapter 308-124B WAC
REAL ESTATE--BROKER'S OFFICE

WAC

- 308-124B-010 Prevention of the same or deceptively similar real estate firm names.
 308-124B-040 Branch offices operating under another name.
 308-124B-110 Display of licenses.
 308-124B-120 Change of office location.
 308-124B-140 Multiple business usage of office.

WAC 308-124B-010 Prevention of the same or deceptively similar real estate firm names. The director may prevent a real estate firm from using the same name or a name deceptively similar to that of another currently licensed, operating real estate firm if he or she determines that the interests of the public are thereby endangered. However, a bona fide franchisee may be licensed using the name of the franchisor with the firm name of the franchisee. [Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124B-010, filed 8/13/82; Order RE 114, § 308-124B-010, filed 7/2/75.]

WAC 308-124B-040 Branch offices operating under another name. It shall not be a violation of RCW 18.85.190 if a broker establishes one or more branch offices under a name or names different from that of the main office if the name or names are approved by the director, so long as each branch office is clearly identified as a branch or division of the main office. No broker may establish branch offices under more than three names. Both the name of the branch office and of the main office must clearly appear on the sign identifying the branch office, and in any advertisement or on any letterhead of any stationery or any forms, or signs used by the real estate firm on which either the name of the main or branch offices appears. [Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124B-040, filed 2/10/81; Order RE 114, § 308-124B-040, filed 7/2/75.]

WAC 308-124B-110 Display of licenses. Licenses of the real estate broker, all associate real estate brokers, branch managers, salespersons and land development representatives shall be displayed prominently in the office located at the address appearing on the individual license. [Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124B-110, filed 2/10/81; Order RE 114, § 308-124B-110, filed 7/2/75.]

WAC 308-124B-120 Change of office location. The real estate broker shall notify the director of the change of location and mailing address of the broker's office by promptly filing a change of address application with the administrator together with the return of all licenses and payment of the correct fees. [Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124B-120, filed 2/10/81; Order RE 114, § 308-124B-120, filed 7/2/75.]

WAC 308-124B-140 Multiple business usage of office. (1) A broker may conduct a real estate brokerage business at an office location where the broker concurrently conducts a separate, compatible business activity. The brokerage business activities shall be carried out and business records shall be maintained separate and apart from any other business activities by the broker.

(2) Two or more licensed real estate brokerage businesses may be conducted at an office location with a common entrance and mailing address, if each business is clearly identified by a sign visible to the public, each business is physically separated within the office facility, and no deception of the public as to the separate identities of the brokerage business firms results. [Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124B-140, filed 8/13/82.]

Chapter 308-124C WAC
REAL ESTATE--RECORDS AND RESPONSIBILITIES

WAC

- 308-124C-010 Licensee's responsibilities.
 308-124C-020 Required records.
 308-124C-030 Accuracy and accessibility of records.

WAC 308-124C-010 Licensee's responsibilities. (1) The real estate broker shall be responsible for the custody, safety and correctness of entries of all required real estate records. The broker retains this responsibility even though another person or persons may be assigned by the broker the duties of preparation, custody or recording.

(2) It is the responsibility of each and every licensee to obtain a copy of and be knowledgeable of and keep current with the rules implementing chapter 18.85 RCW. [Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124C-010, filed 2/10/81; Order RE 114, § 308-124C-010, filed 7/2/75.]

WAC 308-124C-020 Required records. The minimum real estate records the real estate broker shall be required to keep are as follows:

- (1) Bank trust account records:
 (a) Duplicate receipt book or cash receipts journal recording all receipts;
 (b) Prenumbered checks with check register, cash disbursements journal or check stubs;
 (c) Validated duplicate bank deposit slips;
 (d) Client's accounting ledger summarizing all moneys received and all moneys disbursed for each real estate or business opportunity transaction or each property management account, contract or mortgage collection account;
 (e) In conjunction with (d) above, separate ledger sheets for each tenant (including security deposit), lessee, vendee or mortgagor;
 (f) Reconciled bank statements and canceled checks for all trust bank accounts.
- (2) Other records:

(a) A transaction folder containing all agreements, contracts, documents, leases, closing statements and correspondence for each real estate or business opportunity transaction, and for each rental, lease, contract or mortgage collection account;

(b) Reconciled bank statements and cancelled checks for all bank accounts of the real estate firm. [Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124C-020, filed 8/13/82; Order RE 114, § 308-124C-020, filed 7/2/75.]

WAC 308-124C-030 Accuracy and accessibility of records. All required real estate records shall be accurate, posted and kept up to date. All required real estate records shall be kept at an address where the real estate broker is licensed to maintain a real estate office. Such records shall be retained and available for inspection by the director or the director's authorized representative for a minimum of three years. While RCW 18.85.230(20) requires the retention of records for three years, licensees should be aware that the applicable statute of limitations may vary from this three-year retention period.

In the case of a corporate brokerage firm, the responsibility imposed by this section shall apply to both the corporation and the natural person designated and licensed to act as broker for the corporation. Prior to issuing a new license indicating a change of designated broker for a corporate licensee, the licensee must submit evidence that the requirements have been satisfied. Such evidence may take either of the following forms:

(1) A statement signed by both the outgoing designated broker and the incoming designated broker, listing all outstanding client trust liabilities and certifying that funds in hand in the trust account maintained by the licensee are adequate to meet these client trust liabilities;

(2) An audit performed at the request of, and at the expense of, the licensee by the audit staff of the real estate division. The incoming designated broker shall not be deemed responsible for any discrepancy identified during such an audit. [Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124C-030, filed 8/13/82; Order RE 120, § 308-124C-030, filed 9/20/77; Order RE 114, § 308-124C-030, filed 7/2/75.]

Chapter 308-124D WAC

REAL ESTATE—OPERATIONAL PROCEDURES

WAC

308-124D-010 Checks—Payee requirements.
308-124D-100 Payment of earned commissions.

WAC 308-124D-010 Checks—Payee requirements. All checks received as earnest money, security or damage deposits, rent, lease payments, contract or mortgage payments on real property or business opportunities owned by clients shall be made payable to the real estate broker as licensed, unless it is mutually agreed in writing by the principals that the deposit shall be paid to the

lessor, the seller or an escrow agent named in the agreement. The broker shall retain a copy of the written agreement. [Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124D-010, filed 8/13/82; Order RE 114, § 308-124D-010, filed 7/2/75.]

WAC 308-124D-100 Payment of earned commissions. The broker shall immediately pay to a salesperson, associate broker or branch manager the commissions they have earned not later than the time at which the transaction is closed, completed or terminated and the broker receives the commission funds except that:

(1) Reasonable time may be allowed for checks received by the broker to clear;

(2) A salesperson, associate broker or branch manager and a broker may have a written agreement providing for payment at another date;

(3) Whenever a broker is out of the area for a short length of time, payment shall be made immediately upon the broker's return, but in no event shall payment be delayed longer than seven days;

(4) Rental or installment commissions received on a monthly basis may be paid once a month. However, under no circumstances shall a broker pledge, encumber, borrow on, or take advancement on commissions due or to be due salespersons, associate brokers or branch managers without written approval of the salespersons, associate brokers or branch managers to whom the commissions are owed. [Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124D-100, filed 8/13/82; Order RE 114, § 308-124D-100, filed 7/2/75.]

Chapter 308-124E WAC

REAL ESTATE—TRUST ACCOUNT PROCEDURES

WAC

308-124E-010 Repealed.
308-124E-011 Administration of funds held in trust.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-124E-010 Administration of trust accounts. [Statutory Authority: RCW 18.85.040. 81-05-015 (Order RE 129), § 308-124E-010, filed 2/10/81; Order RE 114, § 308-124E-010, filed 7/2/75.] Repealed by 82-17-039 (Order 130), filed 8/13/82. Statutory Authority: RCW 18-85-040.

WAC 308-124E-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-124E-011 Administration of funds held in trust. Any real estate broker who receives funds or moneys from any principal or any party to a real estate transaction, property management agreement, or collection agreement shall hold the funds or moneys in trust for the purposes of the transaction or agreement, and shall not utilize such funds or moneys for the benefit of the broker or any person not entitled to such benefit. Except as specifically provided in this section, funds or moneys received in trust shall be deposited in a

Washington state banking institution approved by the banking division, department of general administration, state of Washington, or successor. The broker is responsible for depositing, holding, disbursing and accounting for funds in trust as provided herein.

(1) Bank accounts shall be designated as trust accounts in the firm name of the real estate broker as licensed. Trust bank accounts shall be noninterest-bearing demand deposit accounts, except as follows:

(a) Interest-bearing trust bank accounts containing funds pertaining to an individual real estate or business opportunity transaction may be established by the broker if directed by written agreement signed by the principals to the transaction and specifying the manner of distribution of accumulated interest to the parties to the transaction.

(b) Interest-bearing trust bank accounts or dividend-earning investment accounts containing only funds held on behalf of an individual owner of income property managed by the broker may be established by the broker when directed by written management agreement or directive signed by the owner: *Provided*, That all interest or earnings shall accrue to the owner.

(c) Interest-bearing trust bank accounts containing only damage or security deposits received from tenants of residential income properties managed by the broker for an individual owner may be established by the broker when directed by written management agreement, and the interest on such trust bank accounts may be paid to the owner (landlord), if the broker is by written agreement designated as "representative of the landlord" under the provisions of RCW 59.18.270, Residential Landlord-Tenant Act.

(2) The broker shall establish and maintain a system of records and procedures approved by the director that provide an audit trail accounting for all funds received and disbursed, identified to the account of each individual client. Records and procedures described herein meet approval requirements. Any alternative records or procedures proposed for use by a broker shall be approved in advance by the real estate division, department of licensing.

(3) The real estate broker shall be responsible for deposits, disbursements or transfers of clients' funds received and held in trust, whether disbursed by personal signature, signature plate or signature of another person authorized to act on the broker's behalf.

(4) All funds or moneys received for any reason pertaining to the sale, renting, leasing or option of real estate or business opportunities or contract or mortgage collections shall be deposited in the broker's real estate trust bank account not later than the first banking day following receipt thereof; except

(a) Checks received as earnest money deposits when the earnest money agreement states that a check is to be held for a specified length of time or until the occurrence of a specific event; and

(b) Checks, funds or moneys received as rent, contract payments or mortgage payments on real estate or business opportunities, contracts or mortgages owned exclusively by the real estate broker or the broker's real estate firm.

(5) All checks, funds or moneys received shall be identified by the day received and by the amount, source and purpose on either a cash receipts journal or duplicate receipt retained as a permanent record.

(6) All deposits to the trust bank account shall be documented by duplicate deposit slip, validated by bank imprint or attached deposit receipt, identifying the source of funds and transaction to which it applies.

(7) An individual client's ledger sheet shall be established and maintained for each client for whom funds are received in trust, to which ledger sheet all receipts and disbursements shall be posted. The credit entries must show the date of deposit, amount of deposit, and item covered (e.g., "earnest money deposit," "down payment," "rent," "damage deposit," "rent deposit"). The debit entries must show the date of the check, check number, amount of the check, name of payee and item covered. The "item covered" entry may indicate a code number per chart of accounts, or may be documented by entry in a cash receipts journal, cash disbursements journal, or check voucher.

(8) The real estate trust bank account balance must be equal at all times to the outstanding trust liability to clients. The balance shown in the check register or bank control account must equal the total liability to clients (the sum of credit balances of all individual clients' ledger sheets).

(9) The broker shall be responsible for preparation of a monthly trial balance of the client's ledger, reconciling the ledger with both the trust account bank statement and the trust account check register or bank control account.

(10) All disbursements of trust funds shall be made by check, drawn on the real estate trust bank account and identified thereon to a specific real estate or business opportunity transaction. The number of each check, amount, date, payee, items covered and the specific client's ledger sheet debited must be shown on the check stub or check register and all data must agree exactly with the check as written.

(11) Voided checks written on the trust bank account shall be permanently defaced and shall be retained.

(12) A separate check shall be drawn on the real estate trust bank account, payable to the broker as licensed, for each commission earned, after the final closing of the real estate or business opportunity transaction. Each commission check shall be identified to the transaction to which it applies. Property management activities shall not be considered "transactions" for this purpose. Therefore a single check may be drawn in payment of all property management fees and commissions, if such check is supported by a schedule of commissions identified to each individual client. Property management commissions shall be withdrawn at least once monthly.

(13) Commissions owed to another real estate broker may be paid from the real estate trust bank account. Those commissions shall be paid promptly upon receipt of funds. Commissions shared with another broker are a reduction of the gross commissions received.

(14) No deposits to the real estate trust bank account shall be made of funds:

(a) That belong to the real estate broker or the real estate firm, including funds to "open" the bank account or to keep the account from being "closed;" or

(b) That do not pertain to a client's real estate or business opportunity sales transaction or are not received in connection with a client's rental, contract or mortgage collection account.

(15) No disbursements from the real estate trust bank account shall be made:

(a) For items not pertaining to a specific real estate or business opportunity transaction or a rental, contract or mortgage collection account;

(b) In advance of the closing of a real estate or business opportunity transaction or before the happening of a condition set forth in the earnest money agreement, to any person or for any reason, without a written release from both the purchaser and the seller; except that

(i) If the agreement terminates according to its own terms prior to closing, disbursement of funds shall be made as provided by the agreement without a written release; and

(ii) Funds may be disbursed to the escrow agent designated in writing by the purchaser and seller to close the transaction, reasonably prior to the date of closing in order to permit checks to clear;

(c) Pertaining to a specific real estate or business opportunity transaction or a rental, contract or mortgage collection account in excess of the actual amount held in the real estate trust bank account in connection with that transaction or collection account;

(d) In payment of a commission owed to any person licensed to the real estate broker or in payment of any business expense of the broker. Payment of commissions to persons licensed to the broker or of any business expense of the broker shall be paid from the regular business bank account of the broker;

(e) For bank charges of any nature, including bank services, checks or other items. Bank charges are business overhead expenses of the broker. Arrangements must be made with the bank to have any such charges applicable to the real estate trust bank account charged to the broker's regular business bank account, or to provide a separate monthly statement of bank charges so that they may be paid from the broker's business bank account; or

(f) Of funds received as a damage or security deposit on a lease or rental contract for property managed by the broker to the landlord or any other person without the written agreement of the tenant, until the end of the tenancy when the funds are to be disbursed to the person or persons (tenant, landlord, or assigns) entitled to the funds as provided by the terms of the rental or lease agreement and consistent with the provisions of RCW 59.18.270, Residential Landlord-Tenant Act, or other

appropriate statute. [Statutory Authority: RCW 18.85-.040. 82-17-039 (Order 130), § 308-124E-011, filed 8/13/82.]

Chapter 308-124F WAC

REAL ESTATE—MISCELLANEOUS PROVISIONS

WAC

- 308-124F-010 Real estate office in same building as residence requirements.
 308-124F-030 Misuse of broker's license—Prohibited.
 308-124F-050 Repealed.
 308-124F-200 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-124F-050 Subdivision advertising—Filing with director. [Order RE 114, § 308-124F-050, filed 7/2/75.] Repealed by 81-05-015 (Order RE 129), filed 2/10/81. Statutory Authority: RCW 18.85.040.
 308-124F-200 Summary revocation of licenses. [Order RE 114, § 308-124F-200, filed 7/2/75.] Repealed by 81-05-015 (Order RE 129), filed 2/10/81. Statutory Authority: RCW 18.85.040.

WAC 308-124F-010 Real estate office in same building as residence requirements. A real estate broker may maintain an office in the building wherein the broker resides provided: (1) The office is separate from any living quarters; (2) the office is identified as a real estate office by a sign at the office entrance that is visible to the public; (3) the office entrance is open to the public and does not lead through any living quarters; (4) the office is in conformance with existing zoning; and (5) the office is accessible to the public by a reasonably locatable street address. [Statutory Authority: RCW 18.85.040. 81-05-015 (Order RE 129), § 308-124F-010, filed 2/10/81; Order RE 114, § 308-124F-010, filed 7/2/75.]

WAC 308-124F-030 Misuse of broker's license—Prohibited. A broker shall not permit the use of his or her license, whether for compensation or not, to enable anyone either licensed or unlicensed to in fact establish and carry on a brokerage business wherein the broker does not have full management responsibility for all real estate brokerage activities of the business or he does not exercise adequate supervision over the activities of his licensed salespersons, associate brokers or branch managers as required by chapter 18.85 RCW. A broker may not avoid his or her management or supervisory responsibilities by any contract, agreement or understanding between the broker and any other person. [Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124F-030, filed 8/13/82; Order RE 114, § 308-124F-030, filed 7/2/75.]

WAC 308-124F-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-124F-200 Repealed. See Disposition Table at beginning of this chapter.

Chapter 308-124G WAC
REAL ESTATE--EXAMINATION WAIVERS

WAC

308-124G-010 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-124G-010 Guidelines for waiver. [Order RE 114, § 308-124G-010, filed 7/2/75.] Repealed by 81-05-015 (Order RE 129), filed 2/10/81. Statutory Authority: RCW 18.85.040.

WAC 308-124G-010 Repealed. See Disposition Table at beginning of this chapter.

Chapter 308-124H WAC
REAL ESTATE COURSES--REGULATION OF REAL ESTATE BROKERS AND SALESMEN

WAC

308-124H-020 Administration.

308-124H-030 Filing of courses.

308-124H-040 Approval of courses.

308-124H-045 Record keeping.

308-124H-050 Review applications.

308-124H-060 Teachers and/or instructors.

WAC 308-124H-020 Administration. (1) Each application from a private school, individual or agency seeking approval or consideration of courses shall designate one person responsible for administration of the real estate school. The school administrator shall file with the real estate administrator evidence showing previous experience in administration of educational institutions, courses or programs, or previous experience in administration of business activities related to education or to the field of real estate in which instruction will be offered. In the case of a public community college, university, or vocational technical school, the head of the real estate department shall be conclusively presumed to meet the foregoing requirements.

(2) Any school, individual or agency requesting approval or consideration of courses shall not apply to itself, either as part of its name or in any manner, the designation of "college" or "university" unless it, in fact, meets the standards and qualifications of and has been approved by the state agency having jurisdiction.

(3) No person operating a school or acting as an instructor in an approved school shall in any way whatsoever use the school or course, directly or indirectly, to recruit real estate sales staff. Schools shall not use the trade name of any real estate brokerage firm, or any part thereof, nor shall classes be conducted in the offices of any real estate brokerage firm. The intent of this subparagraph is to ensure that no real estate broker or brokerage firm shall gain an unfair advantage over his or her colleagues by conducting a school for salespeople.

(4) Real estate educational courses offered by national institutions with uniform scope and quality of representation may be approved regardless of the course location and instructors used. [Statutory Authority:

RCW 18.85.040. 82-17-039 (Order 130), § 308-124H-020, filed 8/13/82; 81-05-015 (Order RE 129), § 308-124H-020, filed 2/10/81; Order RE 116, § 308-124H-020, filed 4/30/76.]

WAC 308-124H-030 Filing of courses. Each proprietary school, individual, association or agency seeking approval of courses, shall apply to the administrator on a prescribed form. Courses shall meet the following requirements:

(1) Each course shall include at least one text book that is in general circulation or other instructional materials approved by the commission.

(2) Each course must add to the practical knowledge of the real estate practitioner.

(3) Each course must be supervised or under the direction of at least one natural person who meets the qualifications of WAC 308-124H-060.

(4) Each course must deal with substantive real estate subject matter such as, but not limited to, legal aspects of real estate, real estate principles and practices, real estate finance, appraising, deposit receipts and earnest money agreements. General sales motivation courses will not qualify.

(5) Each course must require a comprehensive examination or examinations and a final grade.

(6) Each course must require a minimum of thirty hours of classroom work for the student; a classroom hour is a period of fifty minutes of actual classroom or workshop instruction. The time allotted for examinations shall not be applicable toward the minimum hours of course study. [Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124H-030, filed 8/13/82; 81-05-015 (Order RE 129), § 308-124H-030, filed 2/10/81; 78-11-052 (Order RE 125), § 308-124H-030, filed 10/23/78; Order RE 116, § 308-124H-030, filed 4/30/76.]

WAC 308-124H-040 Approval of courses. Each proprietary school, individual, association or agency seeking approval of a course or courses shall be required to file an application, on forms provided by the director, with the real estate administrator at least thirty days prior to the date of a regular meeting of the real estate commission. Applications which are completed and filed in a timely manner will be reviewed by the commission for recommendation to the director for consideration of approval or disapproval. The commission may recommend approval of courses solely for the broker requirement or solely for the second renewal requirement.

The director, with the advice of the real estate commission, may deny a course of instruction which, in the opinion of the director, does not meet the requirements of this chapter or meet the needs of the majority of licensees.

Upon approval or disapproval of a course or courses, the applicant will be so advised in writing by the director.

Any changes in course content, material[,] or[,] the directors or ownership of schools must be submitted to the administrator within twenty days from date of such

change for referral to the director and real estate commission for consideration of continued approval.

Any change in qualified course instructors, or instruction location must be submitted to the administrator prior to implementing such change, for approval by the director.

Approval may be withdrawn if the course is not conducted in accordance with this chapter or the school, or its owners, managers or employees, directly or indirectly, solicits information from applicants for a real estate license following the administration of any real estate examination to discover the content of and/or answer to any examination question or questions. [Statutory Authority: RCW 18.85.040. 81-05-015 (Order RE 129), § 308-124H-040, filed 2/10/81; 79-07-063 (Order RE 127), § 308-124H-040, filed 6/27/79; 78-11-052 (Order RE 125), § 308-124H-040, filed 10/23/78; Order RE 116, § 308-124H-040, filed 4/30/76.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-124H-045 Record keeping. Upon approval of a course or courses, each proprietary school, individual, association or agency shall, for a period of six years, establish and maintain for each student a complete, accurate and detailed record which shall include the student's attendance, total number of hours of instruction undertaken, and completed areas of study in real estate subjects prescribed by these regulations.

Upon request, a copy of these records shall be made available to the director or student for purposes of determining whether the student has satisfied the provisions of RCW 18.85.090 and/or 18.85.095.

It shall be the responsibility of the proprietary school, individual, association or agency to furnish each student with a grade report or transcript showing name of course, final grade, number of clock hours earned, and beginning and ending dates of each course attended. [Statutory Authority: RCW 18.85.040. 81-05-015 (Order RE 129), § 308-124H-045, filed 2/10/81; 78-11-052 (Order RE 125), § 308-124H-045, filed 10/23/78.]

WAC 308-124H-050 Review applications. All approved courses shall be submitted to the director for review biennially for continued approval. The school shall make application on a form provided by the director. The application must be submitted not later than thirty days prior to the expiration of two years after the effective date of approval, which date will henceforth be the review date. Approval of any course not submitted for review prior to thirty days before the biennial review date shall be cancelled. A cancelled course may be submitted for reapproval by making application as a new course.

Review applications shall be submitted to the real estate commission for recommendation at the next scheduled commission meeting after thirty days from receipt of such application by the director. Approval of a course

remains in effect until the review application is acted upon by the commission and director. Upon approval or disapproval of a course or courses, the applicant will be so advised in writing by the director.

Courses which have received approval on or before January 1, 1981 will be assigned an annual review date by the director. [Statutory Authority: RCW 18.85.040. 81-05-015 (Order RE 129), § 308-124H-050, filed 2/10/81; 78-11-052 (Order RE 125), § 308-124H-050, filed 10/23/78; Order RE 116, § 308-124H-050, filed 4/30/76.]

WAC 308-124H-060 Teachers and/or instructors. Each course of instruction herein being considered for approval shall be under the supervision of a qualified teacher or instructor who shall be present in the classroom at all sessions: *Provided*, That if the instructional methods include use of pre-recorded audio and visual instructional materials, presentation shall be under the supervision of a monitor who shall be present in the classroom at all sessions and a qualified teacher or instructor who shall at the minimum be available by telephone to respond to specific questions from students during the time the school is open for instructional purposes.

Each teacher or instructor shall be competent in the field of real estate they propose to teach and in techniques of instruction. Competency shall be evidenced by the following experience or education:

(1) Two years of experience in the area of real estate which that person proposes to teach, or completion of equivalent courses of study in that area of real estate, if approved by the director; and

(2) One year of teaching experience approved by the director or at least eight hours in training in teaching techniques approved by the director.

(3) This amendment shall take effect on January 1, 1983. [Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124H-060, filed 8/13/82; 81-05-015 (Order RE 129), § 308-124H-060, filed 2/10/81; 78-11-052 (Order RE 125), § 308-124H-060, filed 10/23/78; Order RE 118, § 308-124H-060, filed 7/6/76; Order RE 116, § 308-124H-060, filed 4/30/76.]

Chapter 308-138 WAC

OSTEOPATHIC PHYSICIANS AND SURGEONS

WAC

308-138-010	Repealed.
308-138-020	Repealed.
308-138-025	Repealed.
308-138-100	Repealed.
308-138-110	Repealed.
308-138-120	Repealed.
308-138-130	Repealed.
308-138-140	Repealed.
308-138-150	Repealed.
308-138-160	Repealed.
308-138-170	Repealed.
308-138-330	License reinstatement.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-138-010 Waiver of basic science certificate. [Order PL 119, § 308-138-010, filed 4/13/72.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020.
- 308-138-020 Osteopathic physicians' assistants. [Order PL 223, § 308-138-020, filed 11/5/75; Order PL 120, § 308-138-020, filed 4/13/72.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138A-020.
- 308-138-025 Osteopathic physician's assistant prescriptions. [Statutory Authority: RCW 18.57A.020. 79-12-067 (Order PL 325), § 308-138-025, filed 11/29/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138A-025.
- 308-138-100 Education. [Statutory Authority: RCW 18.57A.020. 79-02-011 (Order 297), § 308-138-100, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-100.
- 308-138-110 Equivalency examination. [Statutory Authority: RCW 18.57A.020. 79-02-011 (Order 297), § 308-138-110, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-110.
- 308-138-120 Experience. [Statutory Authority: RCW 18.57A.020. 79-02-011 (Order 297), § 308-138-120, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-120.
- 308-138-130 Investigation. [Statutory Authority: RCW 18.57A.020. 79-02-011 (Order 297), § 308-138-130, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-130.
- 308-138-140 English fluency. [Statutory Authority: RCW 18.57A.020. 79-02-011 (Order 297), § 308-138-140, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-140.
- 308-138-150 Supervising physicians' knowledge of acupuncture. [Statutory Authority: RCW 18.57A.020. 79-02-011 (Order 297), § 308-138-150, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-150.
- 308-138-160 Utilization. [Statutory Authority: RCW 18.57A.020. 79-02-011 (Order 297), § 308-138-160, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-160.
- 308-138-170 X-rays and laboratory tests. [Statutory Authority: RCW 18.57A.020. 79-02-011 (Order 297), § 308-138-170, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-170.

WAC 308-138-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-138-020 Repealed. See Disposition Table at beginning of this chapter.

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WAC 308-138-025 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-138-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-138-110 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-138-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-138-130 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-138-140 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-138-150 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-138-160 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-138-170 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-138-330 License reinstatement. (1) A license that has been expired for less than one year may be brought current by payment of the renewal fees and completion of the continuing education, if due.

(2) Any osteopathic physician and surgeon whose license has been expired for one year or more must pay the current fee for original application and apply for reinstatement on an application form provided by the board. The application will include an explanation for the license lapse and a chronology of their activities since first licensed. A statement outlining the continuing education acquired since the last report made or since January 1, 1980, if no previous report has been required, must be submitted for the board's review and approval.

(3) All applications for reinstatement will be reviewed by the board. The board may require a physical or mental evaluation of an applicant to confirm fitness for practice.

(4) If a licensee has been out of active practice for one year or more or has allowed their license to lapse for a period of three years or more, the board may also require that the applicant pass an examination to determine the applicant's fitness to practice osteopathy or osteopathic medicine and surgery. [Statutory Authority: RCW 18.57.005 and 18.57A.020. 82-17-005 (Order PL 402), § 308-138-330, filed 8/5/82.]

Chapter 308-138A WAC

OSTEOPATHIC PHYSICIANS' ASSISTANTS

WAC

- 308-138A-020 Osteopathic physicians' assistants.
308-138A-025 Osteopathic physician's assistant prescriptions.

WAC 308-138A-020 Osteopathic physicians' assistants. (1) Program approval required. No osteopathic physician shall be entitled to register an osteopathic physicians' assistant who has not successfully completed a program of training approved by the board in accordance with these rules.

(2) Program approval procedures. In order for a program for training osteopathic physicians' assistants to be considered for approval by the board the director of the program shall submit to the board a description of the course of training offered, including subjects taught and methods of teaching, entrance requirements, clinical experience provided, etc. The director shall also advise the board concerning the basic medical skills which are attained in such course, and the method by which the proficiency of the students in those skills was tested or ascertained. The board may require such additional information from program sponsors as it desires.

(3) Approved programs. The board shall approve programs in terms of skills attained by its graduates. A registry of approved programs shall be maintained by the board at the division of professional licensing in Olympia, Washington, which shall be available upon request to interested persons.

(4) Additional skills. No osteopathic physician's assistant shall be registered to perform skills not contained in the program approval by the board unless the osteopathic physician's assistant submits with his application a certificate by the program director or other acceptable evidence showing that he or she was trained in the additional skill for which authorization is requested, and the board is satisfied that the applicant has the additional skill and has been properly and adequately tested thereon.

(5) Applications. All applications shall be made to the board on forms supplied by the board. All applications shall be submitted at least 60 days prior to the meeting of the board in which consideration is desired.

(6) Authorization by board, powers. In granting authorizations for the utilization of the osteopathic physician's assistant, the board may limit the authority for utilizing an osteopathic physician's assistant to a specific task or tasks, or may grant specific approval in conformity with the program approved and on file with the board.

(7) Limitations, number. No osteopathic physician shall supervise more than one osteopathic physician's assistant.

(8) Limitations—Geographic limitations. No osteopathic physician's assistant shall ordinarily be utilized in a place other than the supervising osteopathic physician's regular place for meeting patients, or when personally accompanied by the supervising osteopathic physician. Special permission may be granted to a supervising osteopathic physician to utilize an osteopathic physician's assistant in a place other than his or her regular place of meeting patients, however, when it appears that there are adequate communications between the place where the osteopathic physician's assistant is to be located and the osteopathic physician and that there is a need for such utilization.

(9) Supervising osteopathic physician, responsibility. It shall be the responsibility of the supervising osteopathic physician to see to it that:

(a) Any osteopathic physician's assistant employed by him or her at all times when meeting or treating patients wears a placard or other identifying plate in a prominent place upon his or her person identifying him or her as a physician's assistant;

(b) No osteopathic physician's assistant in his employ represents himself or herself in any manner which would tend to mislead anyone that he or she is a physician;

(c) That the osteopathic physician's assistant in his or her employ performs only those tasks which he or she is authorized to perform under the authorization granted by the board.

(10) Re-registration. The annual re-registration fee shall be paid by the first day of July of each year by the supervising osteopathic physician. Any failure to re-register and pay the annual registration fee shall render the registration invalid but registration may be reinstated by payment of a penalty fee together with all delinquent annual registration fees. [Statutory Authority: RCW 18.57.005 and 18.57A.020. 82-17-005 (Order PL 402), § 308-138A-020, filed 8/5/82. Formerly WAC 308-138-020.]

WAC 308-138A-025 Osteopathic physician's assistant prescriptions. An osteopathic physician's assistant may issue written or oral prescriptions as provided herein when approved by the board and assigned by the supervising physician.

(1) Except for schedule two controlled substances as listed under federal and state controlled substances acts, a physician's assistant may issue prescriptions for a patient who is under the care of the physician responsible for the supervision of the physician's assistant.

(a) Written prescriptions shall be written on the blank of the supervising physician and shall include the name, address and telephone number of the physician. The prescription shall also bear the name and address of the patient and the date on which the prescription was written.

(b) The physician's assistant shall sign such a prescription by signing his or her own name followed by the letters "P.A." and the physician assistant's registration number or physician assistant drug enforcement administration registration number.

(2) A physician's assistant extended privileges by a hospital, nursing home or other health care institution may, if permissible under the bylaws, rules and regulations of the institution, write medical orders, except those for schedule two controlled substances, for inpatients under the care of the physician responsible for his supervision.

(3) To be authorized to issue prescriptions for schedule three through five controlled substances, a physician's assistant must be registered with the board of pharmacy and the drug enforcement administration.

(4) The registration of a physician's assistant who issues a prescription in violation of these provisions shall be subject to revocation or suspension.

(5) Physician's assistants may not dispense prescription drugs to exceed treatment for 48 hours. The medication so dispensed must comply with the state law prescription labeling requirements. [Statutory Authority: RCW 18.57.005 and 18.57A.020. 82-17-005 (Order PL 402), § 308-138A-025, filed 8/5/82. Formerly WAC 308-138-025.]

Chapter 308-138B WAC
OSTEOPATHIC PHYSICIANS' ACUPUNCTURE
ASSISTANTS

WAC

- 308-138B-100 Education.
- 308-138B-110 Equivalency examination.
- 308-138B-120 Experience.
- 308-138B-130 Investigation.
- 308-138B-140 English fluency.
- 308-138B-150 Supervising physicians' knowledge of acupuncture.
- 308-138B-160 Utilization.
- 308-138B-170 X-rays and laboratory tests.

WAC 308-138B-100 Education. Each applicant for an authorization to perform acupuncture must present evidence satisfactory to the board which discloses in detail the formal schooling or other type of training the applicant has previously undertaken which qualifies him as a practitioner of acupuncture. Satisfactory evidence of formal schooling or other training for thirty-six months in acupuncture totalling 1,400 or more hours of study may include, but is not limited to, certified copies of certificates or licenses which acknowledge that the person has the qualifications to practice acupuncture, issued to an applicant by the government of the Republic of China (Taiwan), People's Republic of China, Korea or Japan. Whenever possible, all copies of official diplomas, transcripts and licenses or certificates should be forwarded directly to the board from the issuing agency rather than from the applicant himself or herself. [Statutory Authority: RCW 18.57.005 and 18.57A.020. 82-17-005 (Order PL 402), § 308-138B-100, filed 8/5/82. Formerly WAC 308-138-100.]

WAC 308-138B-110 Equivalency examination. (1) Applicants for registration who have not been issued a license or certificate to practice acupuncture from the governments listed in RCW 18.57A.070, or from a country or state with equivalent standards, must pass an equivalency examination prescribed by the board.

(2) The examination shall be written and practical and shall examine the applicants' knowledge of anatomy, physiology, bacteriology, biochemistry, pathology, hygiene and acupuncture.

(3) The applicants shall provide his or her own needles and other equipment necessary for demonstrating the applicant's skill and proficiency in acupuncture. [Statutory Authority: RCW 18.57.005 and 18.57A.020. 82-17-005 (Order PL 402), § 308-138B-110, filed 8/5/82. Formerly WAC 308-138-110.]

WAC 308-138B-120 Experience. An applicant for an authorization as an osteopathic physician's acupuncture assistant must present satisfactory evidence to the board that he or she has actually practiced acupuncture full time for at least three years. [Statutory Authority: RCW 18.57.005 and 18.57A.020. 82-17-005 (Order PL 402), § 308-138B-120, filed 8/5/82. Formerly WAC 308-138-120.]

WAC 308-138B-130 Investigation. An applicant for an authorization to perform acupuncture shall, as part of his or her application, furnish written consent to an investigation of his or her personal background, professional training and experience by the board or any person acting on its behalf. [Statutory Authority: RCW 18.57.005 and 18.57A.020. 82-17-005 (Order PL 402), § 308-138B-130, filed 8/5/82. Formerly WAC 308-138-130.]

WAC 308-138B-140 English fluency. Each applicant must demonstrate sufficient fluency in reading, speaking and understanding the English language to enable the applicant to communicate with supervising physicians and patients concerning health care problems and treatment. [Statutory Authority: RCW 18.57.005 and 18.57A.020. 82-17-005 (Order PL 402), § 308-138B-140, filed 8/5/82. Formerly WAC 308-138-140.]

WAC 308-138B-150 Supervising physicians' knowledge of acupuncture. Osteopathic physicians applying for authorization to utilize the services of an osteopathic physician's acupuncture assistant shall demonstrate to the board that the osteopathic physician possesses sufficient understanding of the application of acupuncture treatment, its contraindications and hazards so as to adequately supervise the practice of acupuncture. [Statutory Authority: RCW 18.57.005 and 18.57A.020. 82-17-005 (Order PL 402), § 308-138B-150, filed 8/5/82. Formerly WAC 308-138-150.]

WAC 308-138B-160 Utilization. (1) Persons authorized as osteopathic physicians' acupuncture assistants shall be restricted in their activities to only those procedures which a duly licensed, supervising osteopathic physician may request them to do. Under no circumstances may an osteopathic physician's acupuncture assistant perform any diagnosis of patients or recommend or prescribe any forms of treatment or medication.

(2) An acupuncture assistant shall treat patients only under the direct supervision of a physician who is present on the same premises where the treatment is to be given.

(3) An osteopathic physician shall not employ or supervise more than one acupuncture assistant. [Statutory Authority: RCW 18.57.005 and 18.57A.020. 82-17-005 (Order PL 402), § 308-138B-160, filed 8/5/82. Formerly WAC 308-138-160.]

WAC 308-138B-170 X-rays and laboratory tests. X-ray and laboratory tests are not approved techniques

for use by osteopathic physicians' acupuncture assistants, and use of such techniques is expressly prohibited. No osteopathic physician's acupuncture assistant may prescribe, order, or treat by any of the following means or modalities:

- (1) Diathermy treatments
- (2) ultrasound treatments
- (3) infrared treatments
- (4) electromuscular stimulation for the purpose of stimulating muscle contractions. [Statutory Authority: RCW 18.57.005 and 18.57A.020. 82-17-005 (Order PL 402), § 308-138B-170, filed 8/5/82. Formerly WAC 308-138-170.]

Chapter 308-140 WAC CHARITABLE SOLICITATIONS

WAC

308-140-010	Definitions.
308-140-050	Repealed.
308-140-080	Repealed.
308-140-100	Exemption not transferable.
308-140-140	Repealed.
308-140-150	Repealed.
308-140-160	Repealed.
308-140-170	Repealed.
308-140-190	Repealed.
308-140-200	Repealed.
308-140-210	Repealed.
308-140-240	Repealed.
308-140-280	Repealed.
308-140-300	Waiver of percentage limitation.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-140-050	Thirty days advance filing of solicitation required. [Order PL 274, § 308-140-050, filed 8/29/77; Order PL 161, § 308-140-050, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
308-140-080	Application fee refund. [Order PL 161, § 308-140-080, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
308-140-140	Advance notification of change of fiscal year. [Order PL 161, § 308-140-140, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
308-140-150	Annual report by department. [Statutory Authority: RCW 19.09.310. 80-15-059 (Order PL 357), § 308-140-150, filed 10/15/80; Order PL 161, § 308-140-150, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
308-140-160	Reporting procedure for incidental solicitations. [Order PL 161, § 308-140-160, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
308-140-170	Professional solicitor identification requirements. [Order PL 161, § 308-140-170, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
308-140-190	Material facts defined. [Order PL 161, § 308-140-190, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
308-140-200	Director's designee. [Order PL 274, § 308-140-200, filed 8/29/77; Order PL 161, § 308-140-200, filed

	2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
308-140-210	Registration renewal procedures. [Statutory Authority: RCW 19.09.310. 80-15-059 (Order PL 357), § 308-140-210, filed 10/15/80; Order PL 274, § 308-140-210, filed 8/29/77; Order PL 161, § 308-140-210, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
308-140-240	Professional fund-raiser registration requirements—Personnel disclosure. [Statutory Authority: RCW 19.09.310. 80-15-059 (Order PL 357), § 308-140-240, filed 10/15/80; Order PL 161, § 308-140-240, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
308-140-280	Fees. [Order PL 274, § 308-140-280, filed 8/29/77; Order PL 210, § 308-140-280, filed 11/5/75.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.

WAC 308-140-010 Definitions. (1) The terms and definitions used in the act have the same meaning given therein when used in these rules.

(2) "Act" means the Washington State Charitable Solicitations Act, [chapter 227, Laws of 1982,] chapter 19.09 RCW.

(3) "Department" means the department of licensing.

(4) "Director" means the director of the department of licensing.

(5) "Research" means any attempt to gather information, done systematically, for a stated goal and carried out continuously.

(6) "Advocacy" means an effort to act, persuade or inform on behalf of another entity wherein the public, as a whole, would benefit.

(7) "Public education" means the attempt to impart or increase for a clear purpose and according to a plan. [Statutory Authority: RCW 19.09.100. 83-01-112 (Order PL 417), § 308-140-010, filed 12/21/82; Order PL 274, § 308-140-010, filed 8/29/77; Order PL 161, § 308-140-010, filed 2/26/74.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-140-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-140-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-140-100 Exemption not transferable. No exemption obtained under the act shall be transferable to any other charitable organization, professional fund raiser or professional solicitor. [Statutory Authority: RCW 19.09.100. 83-01-112 (Order PL 417), § 308-140-100, filed 12/21/82; Order PL 161, § 308-140-100, filed 2/26/74.]

WAC 308-140-140 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-140-150 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-140-160 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-140-170 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-140-190 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-140-200 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-140-210 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-140-240 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-140-280 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-140-300 Waiver of percentage limitation.

(1) A charitable organization seeking a waiver pursuant to the provisions of RCW 19.09.100 shall submit a form supplied by the director. The organization will be expected to provide information to show:

(a) The reasonableness of expenses in excess of twenty percent of the total moneys raised or pledged;

(b) That primary activity and purposes of the organization is either research, advocacy, or public education; and

(c) the source of the staff utilized to carry out the functions of the organization.

(2) In order to obtain a waiver, the organization must show special facts or circumstances that justify expenses in excess of twenty percent of the total funds raised or expected to be raised.

(3) An organization seeking waiver shall submit to the director a copy of its financial statement or budget. This statement or budget shall include the following information:

(a) The total moneys, pledges or other property raised or received, or anticipated to be raised or received as a result of any solicitation, fund raising activities or campaigns;

(b) The purchase price of goods and services resold as a part of the fund-raising activities; and

(c) Other related costs of the solicitation for each event as defined in RCW 19.09.020(5). [Statutory Authority: RCW 19.09.100. 83-01-112 (Order PL 417), § 308-140-300, filed 12/21/82.]

Chapter 308-300 WAC CONSOLIDATED LICENSING SYSTEM FOR GROCERY RELATED BUSINESS

WAC
308-300-220 Definitions.

[1982 WAC Supp—page 1768]

WAC 308-300-220 Definitions. The following definitions apply to use of these terms in RCW 19.80.010:

(1) True and real name means:

(a) The surname of an individual coupled with one or more of his or her other names, one or more of his or her initials, or any combination thereof;

(b) The designation or appellation by which a person is best known and called in the business community where he or she transacts business, if this is used as the legal signature.

(2) Person means: Any individual or general partnership conducting, intending to conduct, or having an interest in a business in the state of Washington.

(3) Style means: As used in these rules, title or appellation of a person.

(4) Trade name, as used in these rules, means assumed name, that is:

(a) The name taken up or adopted by a person or persons which does not include the true and real name of that person or persons, for the conduct of or intent to conduct business; or

(b) Any name that does not include the true and real names of all persons conducting that business or with an interest therein; or

(c) Any name that includes words which suggest additional parties of interest such as "company," "and sons," "and associates."

(5) Acknowledgement, as used in these rules, is an acknowledgement as prescribed by chapter 64.08 RCW.

(6) Director means the director of the department of licensing.

(7) Department means the department of licensing. [Statutory Authority: Chapter 19.80 RCW. 81-02-038 (Order 601-DOL), § 308-300-220, filed 1/6/81. Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-220, filed 9/5/79.]

Chapter 308-400 WAC

STANDARDIZED FILING FORMS--UNIFORM COMMERCIAL CODE

WAC	
308-400-010	Authority and purpose.
308-400-020	Applicable statute.
308-400-030	Definitions.
308-400-040	UCC-1 financing statement.
308-400-042	UCC-2 fixture filing form.
308-400-044	UCC-1X financing statement to continue a county filing at the department of licensing.
308-400-046	UCC-3 change statement.
308-400-048	UCC-11R request for certificate of information.
308-400-050	Official approval of forms.
308-400-052	Nonstandard form.
308-400-054	Power of attorney.
308-400-056	Return of acknowledgment.
308-400-058	Termination if partial assignment.
308-400-060	Rejection of documents.
308-400-062	Incompatible actions.
308-400-070	Request for certificate of information.
308-400-080	Delegation of certification authority.
308-400-090	Repealed.
308-400-092	Overpayment of fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-400-090 Amendment fees. [Statutory Authority: RCW 62A.9-409(1). 82-05-014 (Order 659-DOL), § 308-400-090, filed 2/9/82. Formerly WAC 434-16-090.] Repealed by 82-13-030 (Order 674-DOL), filed 6/9/82. Statutory Authority: RCW 62A.9-409(1).

WAC 308-400-010 Authority and purpose. These rules are adopted under authority of RCW 62A.9-409(1) and 34.04.020, to standardize filing forms for use under the Uniform Commercial Code and to establish uniform procedures for filing with, and obtaining information from, filing officers. [Statutory Authority: RCW 62A.9-409(1). 82-05-014 (Order 659-DOL), § 308-400-010, filed 2/9/82. Formerly WAC 434-16-010.]

WAC 308-400-020 Applicable statute. This regulation shall be considered a supplement to and not a replacement for Article 62A.9 RCW. [Statutory

Authority: RCW 62A.9-409(1). 82-05-014 (Order 659-DOL), § 308-400-020, filed 2/9/82. Formerly WAC 434-16-020.]

WAC 308-400-030 Definitions. As used in this regulation: "Filing officer" means the director of the department of licensing or the county auditor or any person commissioned by them to act on their behalf in a Uniform Commercial Code filing procedure.

"Person" includes groups of persons, corporations, co-operatives, business trusts and all other entities capable of holding title to property.

"Filings" includes all financing statements and related documents, or documents submitted to a filing officer in lieu of financing statements under Article 62A.9 RCW. [Statutory Authority: RCW 62A.9-409(1). 82-05-014 (Order 659-DOL), § 308-400-030, filed 2/9/82. Formerly WAC 434-16-030.]

WAC 308-400-040 UCC-1 financing statement. Effective July 1, 1982, the following form shall be the standard UCC-1 Financing Statement form prescribed by the department of licensing:

UCC - 1

PLEASE TYPE FORM.

This FINANCING STATEMENT is presented for filing pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE to perfect a security interest in the below named collateral, unless otherwise indicated immediately below.

LEASE - This filing is for informational purposes only. The terms debtor and secured party are to be construed as LESSEE and LESSOR.

CONSIGNMENT - This filing is for informational purposes only. The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.

1. DEBTOR(S) (or assignor(s))
(last name first, and address(es))

2. FOR OFFICE USE ONLY

TRADE NAME:
(if any)

3. SECURED PARTY(IES) (or assignee(s)) (name and address)

4. ASSIGNEE(S) OF SECURED PARTY(IES)
(if applicable)
(last name first, and address(es))

5. CHECK IF APPLICABLE:

Products of collateral are also covered.

Filing covers a security interest in collateral, including fixtures, of a TRANSMITTING UTILITY and remains effective until terminated.

6. NUMBER OF ADDITIONAL SHEETS PRESENTED:

For Informational Purposes Only:
Check Box if Filing Covers Consumer Goods

COPY 1 - FILING OFFICER - INDEX

WASHINGTON UCC - 1

APPROVED BY WASHINGTON
STATE DEPARTMENT OF LICENSING

Uniform Procedures--Forms

308-400-040

PLEASE TYPE FORM
 This FINANCING STATEMENT is presented for filing pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE to perfect a security interest in the below named collateral, unless otherwise indicated immediately below.
 LEASE - This filing is for informational purposes only. The terms debtor and secured party are to be construed as LESSEE and LESSOR.
 CONSIGNMENT - This filing is for informational purposes only. The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR

1. DEBTOR(S) (or assignor(s)) (last name first, and address(es)) TRADE NAME: (if any)	2. FOR OFFICE USE ONLY
--	------------------------

3. SECURED PARTY(IES) (or assignee(s)) (name and address) 	4. ASSIGNEE(S) OF SECURED PARTY(IES) (if applicable) (last name first, and address(es))
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5. CHECK IF APPLICABLE: Products of collateral are also covered. Filing covers a security interest in collateral, including fixtures, of a TRANSMITTING UTILITY and remains effective until terminated.

6. NUMBER OF ADDITIONAL SHEETS PRESENTED: _____ For Informational Purposes Only: Check Box if Filing Covers Consumer Goods

7. This FINANCING STATEMENT covers the following types or items of property:

8. RETURN ACKNOWLEDGMENT COPY TO: 	FILE WITH: UNIFORM COMMERCIAL CODE DIVISION DEPARTMENT OF LICENSING P.O. BOX 9660 OLYMPIA, WA 98504 FOR OFFICE USE ONLY <input type="checkbox"/> Images to be filmed
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9. This statement is signed by the Secured Party(ies) instead of the Debtor(s) to perfect a security interest in collateral (Please check appropriate box) Complete fully if box (d) is checked, complete as applicable for (a), (b), and (c):

(a) <input type="checkbox"/> already subject to a security interest in another jurisdiction when it was brought into this state, or when the debtor's location was changed to this state, or (b) <input type="checkbox"/> which is proceeds of the original collateral described above in which a security interest was perfected, or (c) <input type="checkbox"/> as to which the filing has lapsed, or (d) <input type="checkbox"/> acquired after a change of name, identity, or corporate structure of the debtor(s)	Original filing number _____ Filing office where filed _____ Former name of debtor(s) _____
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10. USE IF APPLICABLE.

TYPE NAME(S) OF DEBTOR(S) (or assignor(s))

TYPE NAME(S) OF SECURED PARTY(IES) (or assignee(s))

SIGNATURE(S) OF DEBTOR(S) (or assignor(s))

SIGNATURE(S) OF SECURED PARTY(IES) (or assignee(s))

COPY 2 FILING OFFICER NUMERIC WASHINGTON UCC - 1

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

	<p>Note: All other information will be the same on ply 3 as is on ply 2 except the termination statement, the office use only box, and the ply legend at the bottom of the form. Plies 4 and 5 will be identical to ply 2 except for the ply legend at the bottom of the form, which will be as follows:</p> <p>COPY 3 - FILING OFFICER - ACKNOWLEDGMENT COPY 4 - DEBTOR COPY 5 - SECURED PARTY</p> <p>Ply 1 will have a 5 inch carbon behind it. Ply 2 will have a carbon behind it which must end at the bottom of box 9. Plies 3 and 4 will each have a full sheet carbon behind them. Instructions will appear on the back of copy 5.</p>
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<div style="border: 1px solid black; width: 100%; height: 100%; display: flex; align-items: center; justify-content: center;"> [</div>	
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<div style="border: 1px solid black; width: 100%; height: 100%; display: flex; align-items: center; justify-content: center;"> [</div>	<p>FOR OFFICE USE ONLY</p>
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TERMINATION STATEMENT: The SECURED PARTY(IES) certifies that the SECURED PARTY(IES) no longer claims a security interest under the financing statement bearing the file number shown above.

Name _____ Date _____

Signature _____ Return to: Uniform Commercial Code Division, Department of Licensing
 P.O. Box 9660, Olympia, WA 98504

COPY 3 - FILING OFFICER - ACKNOWLEDGMENT WASHINGTON UCC-1

INSTRUCTIONS UCC-1

1. PLEASE TYPE THIS FORM .
2. If the space provided for any item on the form is inadequate, the item should be identified and continued on additional sheets, preferably 8 1/2" X 11". The name of the Debtor should appear as the first item on each additional sheet. Only one copy of such additional sheets need be presented to the filing officer with the two copies of the financing statement. Indicate the number of sheets attached in the space provided.
3. At the time of original filing, the filing officer will return copy (3) as an acknowledgment. Indicate in Box 8 to whom the acknowledgment should be returned.
4. The filing fee for a standard form is \$4.00. The fee is \$7.00 if any other form is used or if any additional sheets or documents are attached to the standard UCC-1. Proper filing fees must accompany each form.
5. When a copy of the security agreement is used as a financing statement, it should be accompanied by a completed but unsigned set of these forms. The \$7.00 fee applies.
6. Typed name of Debtor and/or Secured Party must appear with signature.
7. DO NOT WRITE IN BOX 2.
8. REMOVE and retain copies (4) and (5). SEND copies (1), (2), and (3) to the address on the front of the form.

TERMINATION STATEMENT

When the filing is to be terminated the acknowledgment copy may be sent to the filing officer with the termination statement signed by the Secured Party of record, or the UCC-3 form may be used as a termination statement. If a partial assignment has been made, signatures of both the Secured Party and Assignee are required to terminate. Typed name of Secured Party of record must appear with signature. No fee is required for a termination statement.

WAC 308-400-042 UCC-2 fixture filing form. Effective July 1, 1982, the following form shall be the standard UCC-2 Fixture Filing form prescribed by the department of licensing:

PLEASE TYPE FORM. This FIXTURE FILING is presented pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE. This FIXTURE FILING is for informational purposes only. The terms debtor and secured party are to be construed as LESSEE and LESSOR. LEASE - This filing is for informational purposes only. The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR. CONSIGNMENT - This filing is for informational purposes only. The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.

1. DEBTOR(S) (or assignor(s)) (last name first, and address(es))
2. FOR OFFICE USE ONLY

3. NUMBER OF ADDITIONAL SHEETS ATTACHED:

4. SECURED PARTY(IES) (or assignee(s)) (name and address)

5. ASSIGNEE(S) of SECURED PARTY(IES) (if applicable) (last name first, and address(es))

- 6. This FIXTURE FILING covers the following types or items of property:
The goods are to become fixtures on...
The property is timber standing on...
The property is minerals or the like (including gas and oil) or accounts to be financed at the wellhead or minehead of the well or mine located on...
(Describe real estate. Use legal description.)

This fixture filing is to be filed for record in the real estate records. If the debtor does not have an interest of record in the realty, the name of a record owner is

Products of collateral are also covered.

7. RETURN ACKNOWLEDGMENT COPY TO:

FILE FOR RECORD WITH:
COUNTY AUDITOR OF COUNTY
IN WHICH REAL PROPERTY IS
LOCATED

- 8. This statement is signed by the Secured Party(ies) instead of the Debtor(s) to perfect a security interest in collateral (Please check appropriate box)
(a) already subject to a security interest in another jurisdiction when it was brought into this state, or when the debtor's location was changed to this state, or
(b) which is proceeds of the original collateral described above in which a security interest was perfected, or
(c) as to which the filing has lapsed, or
(d) acquired after a change of name, identity, or corporate structure of the debtor(s).

Complete fully if box (d) is checked; complete as applicable for (a), (b), and (c):
Original recording number
Filing office where filed
Former name of debtor(s)

9. USE IF APPLICABLE:
TYPE NAME(S) OF DEBTOR(S) (or assignor(s))
TYPE NAME(S) OF SECURED PARTY(IES) (or assignee(s))
SIGNATURE(S) OF DEBTOR(S) (or assignor(s))
SIGNATURE(S) OF SECURED PARTY(IES) (or assignee(s))

10. TERMINATION STATEMENT: The SECURED PARTY(IES) certifies that the SECURED PARTY(IES) no longer claims a security interest under the fixture filing bearing the recording number shown above.
DATE:
SIGNATURE:
DATE:
Return to: COUNTY AUDITOR of County where original filing/recording was made.

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<p><u>Note:</u> All other information will be the same on plies 2 and 3 as is on ply 1. The ply legend is as follows: COPY 2 - DEBTOR COPY 3 - SECURED PARTY Plies 1 and 2 will each have a carbon behind them which must end at the bottom of box 9. Instructions will appear on the back of copy 3.</p>	
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INSTRUCTIONS UCC-2 FIXTURE FILING

1. PLEASE TYPE THIS FORM .
2. If the space provided for any item on the form is inadequate, the item should be identified and continued on additional sheets, preferably 8 1/2" X 11". The name of the Debtor should appear as the first item on each additional sheet. Only one copy of such additional sheets need be presented to the filing officer with one copy of the financing statement. Indicate the number of sheets attached in the space provided.
3. At the time of original filing, the filing officer will return copy (1) as an acknowledgment. Indicate in Box 7 to whom the acknowledgment should be returned.
4. The filing fee for a standard form is \$4.00. The fee is \$7.00 if any other form is used or if any additional sheets or documents are attached to the standard UCC-2. Proper filing fees must accompany each form.
5. When a copy of the security agreement is used as a financing statement, it should be accompanied by a completed but unsigned set of these forms. The \$7.00 fee applies.
6. Typed name of Debtor and/or Secured Party must appear with signature.
7. DO NOT WRITE IN BOX 2.
8. REMOVE and retain copies (2) and (3). SEND copy (1) to the County Auditor of the county in which the real property is located.

TERMINATION STATEMENT

When the filing is to be terminated the acknowledgment copy (1) may be sent to the filing officer with the termination statement signed by the Secured Party of record, or the UCC-3 form may be used as a termination statement. If a partial assignment has been made, signatures of both the Secured Party and Assignee are required to terminate. Typed name of Secured Party of record must appear with the signature. No fee is required for a termination statement.

[Statutory Authority: RCW 62A.9-409(1). 82-08-021 (Order 669-DOL), § 308-400-042, filed 3/30/82, effective 7/1/82.]

WAC 308-400-044 UCC-1X financing statement to continue a county filing at the department of licensing. Effective July 1, 1982, the following form shall be the standard UCC-1X form prescribed by the department of licensing:

PLEASE TYPE FORM.

This FINANCING STATEMENT is presented to the State Filing Officer to continue a county filing at the state level pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE.

LEASE - This filing is for informational purposes only. The terms debtor and secured party are to be construed as LESSEE and LESSOR.

CONSIGNMENT - This filing is for informational purposes only. The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.

1. DEBTOR(S) (or assignor(s))
(last name first, and address(es))

2. FOR OFFICE USE ONLY

TRADE NAME:
(if any)

3. SECURED PARTY(IES) (or assignee(s)) (name and address)

4. ASSIGNEE(S) OF SECURED PARTY(IES)
(if applicable)
(last name first, and address(es))

5. CHECK IF APPLICABLE:

Products of collateral are also covered.

Filing covers a security interest in collateral, including fixtures, of a TRANSMITTING UTILITY and remains effective until terminated.

6. NUMBER OF ADDITIONAL SHEETS PRESENTED:

For Informational Purposes Only:
Check Box if Filing Covers Consumer Goods

COPY 1 - FILING OFFICER - INDEX

WASHINGTON UCC-1X

Note: All other information will be the same on ply 3 as is on ply 2 except the termination statement, the office use only box, and the ply legend at the bottom of the form. Plies 4 and 5 will be identical to ply 2 except for the ply legend at the bottom of the form, which will be as follows:
COPY 3 - FILING OFFICER - ACKNOWLEDGMENT
COPY 4 - DEBTOR
COPY 5 - SECURED PARTY
Ply 1 will have a 5 inch carbon behind it.
Ply 2 will have a carbon behind it which must end at the bottom of box 9.
Plies 3 and 4 will each have a full sheet carbon behind them.
Instructions will appear on the back of copy 5.

3. SECURED PARTY(IES) (or assignee(s)) (name and address) 	4. ASSIGNEE(S) OF SECURED PARTY(IES) (if applicable) (last name first, and address(es))
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5. CHECK IF APPLICABLE:
 Products of collateral are also covered. Filing covers a security interest in collateral, including fixtures, of a TRANSMITTING UTILITY and remains effective until terminated.

6. NUMBER OF ADDITIONAL SHEETS PRESENTED: _____ For Informational Purposes Only: Check Box if Filing Covers Consumer Goods

7. This FINANCING STATEMENT covers the following types or items of property:

8. RETURN ACKNOWLEDGMENT COPY TO: 	FILE WITH: UNIFORM COMMERCIAL CODE DIVISION DEPARTMENT OF LICENSING P.O. BOX 9660 OLYMPIA, WA 98504 FOR OFFICE USE ONLY Images to Be filmed <input type="checkbox"/>
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9. This statement refers to original FINANCING STATEMENT

NUMBER _____ DATE OF ORIGINAL FILING _____ COUNTY _____

NUMBER OF LAST FILING _____ DATE OF LAST FILING _____

DATE OF LAST CONTINUATION _____

The original FINANCING STATEMENT between the foregoing DEBTOR and SECURED PARTY, bearing the file number shown above, is still effective.

10. USE WHICHEVER IS APPLICABLE:

TYPE NAME(S) OF DEBTOR(S) (or assignor(s)) _____	TYPE NAME(S) OF SECURED PARTY(IES) (or assignees(s)) _____
SIGNATURE(S) OF DEBTOR(S) (or assignor(s)) _____	SIGNATURE(S) OF SECURED PARTY(IES) (or assignee(s)) _____

INSTRUCTIONS UCC-1X

1. THIS FORM IS TO BE USED ONLY WHERE A FINANCING STATEMENT HAS BEEN ORIGINALLY FILED WITH A COUNTY AUDITOR BUT WHERE THE FILING MUST BE CONTINUED WITH THE DEPARTMENT OF LICENSING TO REMAIN PERFECTED. CONTINUATIONS CAN BE MADE ONLY WITHIN SIX MONTHS OF THE FINANCING STATEMENT'S EXPIRATION DATE.
2. PLEASE TYPE THIS FORM.
3. If the space provided for any item on the form is inadequate, the item should be identified and continued on additional sheets, preferably 8 1/2" X 11". The name of the Debtor should appear as the first item on each additional sheet. Only one copy of such additional sheets need be presented to the filing officer with the two copies of the financing statement. Indicate the number of sheets attached in the space provided.
4. At the time of original filing, the filing officer will return copy (3) as an acknowledgment. Indicate in Box 8 to whom the acknowledgment should be returned.
5. The filing fee for a standard form is \$4.00. The fee is \$7.00 if any other form is used or if any additional sheets or documents are attached to the standard UCC-1X. Proper filing fees must accompany each form.
6. Typed name of Debtor and/or Secured Party must appear with signature.
7. DO NOT WRITE IN BOX 2.
8. REMOVE and retain copies (4) and (5). SEND copies (1), (2), and (3) to the address on the front of the form.

TERMINATION STATEMENT

When the filing is to be terminated the acknowledgment copy may be sent to the filing officer with the termination statement signed by the Secured Party of record, or the UCC-3 form may be used as a termination statement. If a partial assignment has been made, signatures of both the Secured Party and Assignee are required to terminate. Typed name of Secured Party of record must appear with signature. No fee is required for a termination statement.

[Statutory Authority: RCW 62A.9-409(1). 82-05-014 (Order 659-DOL), § 308-400-044, filed 2/9/82, effective 7/1/82.]

WAC 308-400-046 UCC-3 change statement. Effective July 1, 1982, the following form shall be the standard UCC-3 form prescribed by the department of licensing:

PLEASE TYPE FORM. This CHANGE STATEMENT is presented for filing pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE. <input type="checkbox"/> LEASE - The terms debtor and secured party are to be construed as LESSEE AND LESSOR. <input type="checkbox"/> CONSIGNMENT - The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.			
1. DEBTOR(s) (or assignor(s)) (last name first, and address(es)) TRADE NAME: (if any)	2. FOR OFFICE USE ONLY		
3. SECURED PARTY(IES) (or assignee(s)) (name and address) <div style="display: flex; justify-content: space-between;"> </div> <div style="display: flex; justify-content: space-between; margin-top: 100px;"> </div>	4. ASSIGNEE(S) of SECURED PARTY(IES) (if applicable) (last name first, and address(es))		
5. This statement refers to original FINANCING STATEMENT number _____ Dated _____			
6. FOR OFFICE USE ONLY: <input type="checkbox"/> C <input type="checkbox"/> F-AS <input type="checkbox"/> P-AS <input type="checkbox"/> AM <input type="checkbox"/> PR <input type="checkbox"/> T			
COPY 1 - FILING OFFICER - INDEX		WASHINGTON UCC-3	

PLEASE TYPE FORM. This CHANGE STATEMENT is presented for filing pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE. <input type="checkbox"/> LEASE - The terms debtor and secured party are to be construed as LESSEE and LESSOR. <input type="checkbox"/> CONSIGNMENT - The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.			
1. DEBTOR(S) (or assignor(s)) (last name first, and address(es)) TRADE NAME: (if any)	2. FOR OFFICE USE ONLY		
3. SECURED PARTY(IES) (or assignee(s)) (name and address) <div style="display: flex; justify-content: space-between;"> </div> <div style="display: flex; justify-content: space-between; margin-top: 100px;"> </div>	4. ASSIGNEE(S) of SECURED PARTY(IES) (if applicable) (last name first, and address(es))		

5. This statement refers to original FINANCING STATEMENT number _____ Dated _____

- 7. CONTINUATION. The original financing statement between the foregoing Debtor(s) and Secured Party(ies), bearing file number shown above is still effective.
- FULL ASSIGNMENT. All of the Secured Party's rights under the financing statement bearing file number above have been assigned to the Assignee(s) whose NAME(S) AND ADDRESS(ES) APPEAR ABOVE.
- PARTIAL ASSIGNMENT. The Secured Party's rights under the financing statement bearing file number shown above to the property DESCRIBED BELOW have been assigned to the Assignee(s) whose NAME(S) AND ADDRESS(ES) APPEAR ABOVE.
- AMENDMENT. Financing statement bearing file number shown above is amended AS SET FORTH BELOW.
- PARTIAL RELEASE. Secured Party(ies) releases the collateral DESCRIBED BELOW from the financing statement bearing file number shown above.
- TERMINATION. Secured Party(ies) no longer claims a security interest under the financing statement bearing file number shown above.

DESCRIPTION:

8. NUMBER OF ADDITIONAL SHEETS ATTACHED:

9.

TYPE NAME(S) OF DEBTOR(S) (or assignor(s)) _____

TYPE NAME(S) OF SECURED PARTY(IES) (or assignee(s)) _____

SIGNATURE(S) OF DEBTOR(S) (or assignor(s)) _____
(Required if amendment)

SIGNATURE(S) OF SECURED PARTY(IES) (or assignee(s)) _____

10. RETURN ACKNOWLEDGMENT COPY TO:

FILE WITH:
 UNIFORM COMMERCIAL CODE DIVISION
 DEPARTMENT OF LICENSING
 P.O. BOX 9660
 OLYMPIA, WA 98504
 OR
 IF FIXTURE FILING:
 COUNTY AUDITOR OF COUNTY WHERE
 ORIGINAL FILING WAS MADE

FOR OFFICE USE ONLY: Images To Be Filmed
 FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

COPY 2 - FILING OFFICER - NUMERIC WASHINGTON UCC-3

Note: All information will be the same on plies 3, 4, and 5 as is on ply 2 except the ply legend at the bottom, which will be as follows:
 COPY 3 - FILING OFFICER - ACKNOWLEDGMENT
 COPY 4 - DEBTOR
 COPY 5 - SECURED PARTY
 Ply 1 will have a half sheet carbon behind it. Plies 2, 3, and 4 will each have a full sheet carbon behind them. Instructions will appear on the back of copy 5.

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<p>┌</p> <p>└</p> <p>COPY 3 - FILING OFFICER - ACKNOWLEDGMENT</p>	<p>WASHINGTON UCC-3</p>
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INSTRUCTIONS UCC-3

1. PLEASE TYPE THIS FORM.
2. If the space provided for any item on the form is inadequate, the item should be identified and continued on additional sheets, preferably 8 1/2" X 11". The name of the Debtor should appear as the first item on each additional sheet. Only one copy of such additional sheets need be presented to the filing officer with the two copies of the financing statement. Indicate the number of sheets attached in the space provided.
3. At the time of filing, the filing officer will return copy (3) as an acknowledgment. Indicate in Box 10 to whom the acknowledgment should be returned.
4. If the transaction indicated requires a description or explanation, that description or explanation must appear in Box 7.
5. Typed name of Debtor and/or Secured Party must appear with signature.
6. Except for terminations, one or more transactions may be accomplished by a single UCC-3 filing. If more than one transaction is indicated on this form, send appropriate fee for each transaction. Terminations must be submitted on a separate UCC-3.
7. The filing fee for a continuation, assignment, amendment, or release on a standard form is \$4.00. The fee is \$7.00 if any other form is used or if any additional sheets or documents are attached to the standard UCC-3. Proper filing fees must accompany each form. There is no fee for a termination statement.
8. DO NOT WRITE IN BOX 2.
9. REMOVE and retain copies (4) and (5). SEND copies (1), (2), and (3) to the address on the front of the form.

[Statutory Authority: RCW 62A.9-409(1). 82-05-014 (Order 659-DOL), § 308-400-046, filed 2/9/82, effective 7/1/82.]

WAC 308-400-048 UCC-11R request for certificate of information. Effective July 1, 1982, the following form shall be the standard UCC-11R form prescribed by the department of licensing:

PLEASE TYPE FORM REQUEST FOR CERTIFICATE OF INFORMATION

1 FOR OFFICE USE ONLY	2A DEBTOR (last name first and address)
	2B Previous address(es) of debtor (if applicable)
3 PARTY requesting Certificate of Information (name and address)	4 DATE _____
SIGNATURE OF REQUESTER/AGENT _____	

- Department of Licensing, please furnish INFORMATION certificate showing whether there is on file any presently effective financing statements and statements of assignment of the above named debtor and any statement of assignment thereof, as of the date of receipt of this request. The \$4.00 fee is enclosed.
- Department of Licensing, please furnish INFORMATION certificate and true and exact COPIES of all presently effective financing statements and statements of assignment of the above named debtor and any statement of assignment thereof, as of the date of receipt of this request. The \$8.00 fee is enclosed.
- Department of Licensing, please furnish INFORMATION certificate AND COPIES of filings from _____ to _____ for these specifically requested file numbers listed below. The \$8.00 fee is enclosed.

FILE NUMBER	DATE AND HOUR OF FILING	NAME(S) AND ADDRESS(ES) OF SECURED PARTY(IES)

- 1 THE ABOVE LISTING IS A RECORD OF ALL PRESENTLY EFFECTIVE FINANCING STATEMENTS AND STATEMENTS OF ASSIGNMENT WHICH ARE ON FILE IN THE DEPARTMENT OF LICENSING AS OF _____ AT _____.
- 2 THE ABOVE LISTING IS A RECORD OF THE SPECIFICALLY REQUESTED FINANCING STATEMENTS AND STATEMENTS OF ASSIGNMENT FROM _____ TO _____ WHICH NAME THE ABOVE DEBTOR AND ARE ON FILE IN THE DEPARTMENT OF LICENSING. THIS SEARCH REQUEST DOES NOT REFLECT FILINGS WHICH MAY HAVE BEEN ACTIVE ON _____ 19____ BUT HAVE EXPIRED OR HAVE BEEN TERMINATED SINCE THAT DATE.
- 3 THE ABOVE LISTING IS A RECORD OF THE SPECIFICALLY REQUESTED FINANCING STATEMENTS AND STATEMENTS OF ASSIGNMENT WHICH NAME THE ABOVE DEBTOR AND WHICH ARE ON FILE IN THE DEPARTMENT OF LICENSING.
- 4 THE ATTACHED PAGES ARE TRUE AND EXACT COPIES OF THE FINANCING STATEMENTS OR STATEMENTS OF ASSIGNMENT.

The Department of Licensing hereby disclaims responsibility in this record search and certification for other than the specifically named debtor at the exact address or addresses listed in your Request for Information. If you cited all names, trade names, business entities, or addresses, past or present, associated with this debtor inquiry, if not, you may wish to submit additional requests.

DATE _____ SIGNATURE OF FILING OFFICER _____
Forward to: UNIFORM COMMERCIAL CODE, DEPARTMENT OF LICENSING, P.O. BOX 9660, OLYMPIA, WA 98504
FORM APPROVED FOR USE IN THE STATE OF WASHINGTON WASHINGTON DEPARTMENT OF LICENSING

<p>Note: All information will be the same on plies 2 and 3 as is on ply 1 except the ply legend at the bottom, which will be as follows: COPY 2 - FILING OFFICER COPY 3 - REQUESTING PARTY Plies 1 and 2 will each have a full sheet carbon behind them. Instructions will appear on the back of copy 3.</p>	
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COPY 2 - FILING OFFICER
Forward to: UNIFORM COMMERCIAL CODE, DEPARTMENT OF LICENSING, P.O. BOX 9660, OLYMPIA, WA 98504
FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

WASHINGTON UCC-118

INSTRUCTIONS UCC-11R

1. PLEASE TYPE THIS FORM.
2. Only the name of one debtor may appear on each form. If information is requested on more than one name, a separate form must be submitted for each name. A husband and wife are considered to be two individual debtors. If more than one name does appear on the submitted form, only the first name will be searched.
3. Indicate the type of search requested in Box 5.
4. The fee for a certificate of information request is \$4.00. The fee for a certificate of information and copy request is \$8.00. Proper filing fees must accompany each form.
5. DO NOT WRITE IN BOX 1 OR BOX 6.
6. REMOVE and retain copy (3). SEND copies (1) and (2) to the address on the front of the form.

WAC 308-400-050 Official approval of forms. A supplier of standard forms who wishes to print on such forms a legend indicating that they have been officially approved as standard forms by the department of licensing shall submit five sets of reproducible proof copies of each such form to the department. The copies must demonstrate to the satisfaction of the department that the approved form in final printing will conform to content, format, size, and construction of the forms set out in WAC 308-400-040, 308-400-042, 308-400-044, 308-400-046, and 308-400-048. If the department is so satisfied, it shall notify such supplier in writing. No person shall print such a legend on any form for use under the Uniform Commercial Code, nor shall he in any manner represent that there has been such approval, without first applying for such approval and receiving such notice from the department. A form which has not been approved by the department shall be considered a nonstandard form. [Statutory Authority: RCW 62A.9-409(1). 82-05-014 (Order 659-DOL), § 308-400-050, filed 2/9/82. Formerly WAC 434-16-050.]

WAC 308-400-052 Nonstandard form. (1) Beginning July 1, 1982, the only forms which will be considered standard forms for the purpose of assessing standard fees are those set out in WAC 308-400-040, 308-400-042, 308-400-044, and 308-400-046. All other forms will be considered nonstandard forms to which the nonstandard form filing fees apply.

(2) A standard form which includes attachments becomes a nonstandard filing and will be assessed the nonstandard filing fee. [Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-052, filed 6/9/82.]

WAC 308-400-054 Power of attorney. (1) The department will accept for filing a financing statement signed for the debtor by his agent or attorney in fact if such circumstance is clearly indicated on the financing statement or in accompanying documents.

(2) When a termination statement is signed for the secured party by an attorney in fact, an acknowledged copy of the document granting the power of attorney to the signer must accompany the statement. [Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-054, filed 6/9/82.]

WAC 308-400-056 Return of acknowledgment. When a document is accepted for filing, the department of licensing shall deposit the acknowledgment in the mails with reasonable promptness for return to the secured party or the person designated by the secured party to receive the acknowledgment. [Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-056, filed 6/9/82.]

WAC 308-400-058 Termination if partial assignment. If a partial assignment of the security interest perfected by a financing statement has been made, signatures of both the secured party and the assignee are

required to terminate the financing statement. [Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-058, filed 6/9/82.]

WAC 308-400-060 Rejection of documents. Any document rejected for any reason by any filing officer shall be deposited in the mails with reasonable promptness for return to the person submitting the same, and shall be accompanied by a brief but specific written statement of the reasons for rejection. [Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-060, filed 6/9/82; 82-05-014 (Order 659-DOL), § 308-400-060, filed 2/9/82. Formerly WAC 434-16-060.]

WAC 308-400-062 Incompatible actions. The department will reject any UCC-3 change statement where incompatible actions, such as simultaneous release and termination, are requested on the same statement. The parties may not submit a corrected UCC-3 statement, but must submit a new signed UCC-3 statement indicating the desired action to be taken. [Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-062, filed 6/9/82.]

WAC 308-400-070 Request for certificate of information. A separate written request for information (see WAC 308-400-048. Form UCC-11R) must be submitted with respect to each individual debtor concerning whom information is sought. For this purpose a husband and wife shall be considered to be two individual debtors. An entity identified by a trade name will be considered an individual debtor. [Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-070, filed 6/9/82; 82-05-014 (Order 659-DOL), § 308-400-070, filed 2/9/82. Formerly WAC 434-16-080.]

WAC 308-400-080 Delegation of certification authority. The director of the department of licensing may delegate to other department filing officers the authority to issue and sign all certificates of information issued by the department pursuant to RCW 62A.9-407(2). [Statutory Authority: RCW 62A.9-409(1). 82-05-014 (Order 659-DOL), § 308-400-080, filed 2/9/82.]

WAC 308-400-090 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-400-092 Overpayment of fees. Beginning July 1, 1982, the department of licensing will not issue a refund for overpayment of UCC fees unless:

(1) The overpayment is in an amount of four dollars or more; or

(2) the department receives a written request for a refund of less than four dollars within sixty days of the date of the department's receipt of the overpayment. [Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-092, filed 6/9/82.]