

three years except when resignation, withdrawal from membership, or other factors limit the term of service. Two Washington state alternates will also be selected for a one-year term. Washington representatives shall be elected by principal members in Washington state. Other states will determine the term and method of selecting representatives and alternates.

(2) The computer service council shall have the following representation: Four members representing libraries within Washington state, three of whom shall be from principal member libraries; one member representing each of the other states where at least three libraries participate in the computer service. The executive officer of the computer service shall have ex officio and voting status.

(3) Elected representatives on the computer service council shall serve no more than two consecutive full terms. Former representatives, after an interval of at least one year, may be reelected.

(4) Any vacancy which occurs among Washington representatives during an unexpired term shall be filled by appointment from the alternate positions as designated by the Washington members of the computer service council.

(5) Officers of the computer service council shall be the chairperson and vice chairperson who shall be elected from and by the computer service council for a one-year term. The executive officer of the computer service, or designee, shall serve as secretary.

(6) The computer service council shall develop and establish procedures or bylaws for the conduct of meetings and transaction of business. [Statutory Authority: Chapters 27.26 and 43.105 RCW. 85-20-033 (Order 85-02), § 304-25-560, filed 9/24/85. Statutory Authority: 1976 2nd ex.s. c 31. 83-07-077 (Order 83-2), § 304-25-560, filed 3/23/83. Statutory Authority: Chapter 27.26 RCW. 80-02-041 (Order 1-80), § 304-25-560, filed 1/11/80.]

WAC 304-25-570 Computer service council--Responsibilities and rights. (1) The computer service council has the responsibility to develop policy recommendations. The recommendations shall be presented by the executive officer of the computer service to the Washington state library commission for its consideration.

(2) The computer service council shall develop, adopt, and/or maintain, protocols and standards, promote and support cooperative programs, services, and activities; review and evaluate the effectiveness of computer service services; appoint committees and task forces; recommend performance criteria, responsibilities, and terms of contracts; and identify other concerns and responsibilities for the improvement of computer service efficacy and services.

(3) The council shall continually evaluate the progress of the operation, including the use of consultants, committees, audits and questionnaires and focus on performance, financial status, internal and external inter-relationships, and governance.

(4) The council shall maintain on-going communication with appropriate units.

(5) In appointing committees and task forces, the computer service council shall consider the inclusion of users of libraries in order to include the point of view of the ultimate consumer, where appropriate, and/or incorporate special skills and expertise which would enhance the overall capabilities of the working group.

(6) The computer service council shall encourage the coordination of activities with western library network and with other multistate resource sharing networks.

(7) The computer service council shall receive from the executive officer of the computer service and shall review and transmit to the Washington state data processing authority and the Washington state library commission long range plans, an annual report, a preliminary annual budget, and shall annually review and recommend adjustments in service rates and marketing patterns as appropriate.

(8) The computer service shall meet at least quarterly consistent with chapters 42.30 and 42.32 RCW.

(9) The computer service council shall not be compensated for service but shall be reimbursed from computer service revenue for subsistence, lodging, and travel expenses for meetings and approved business as provided in chapter 43.03 RCW as now or hereafter amended. [Statutory Authority: Chapters 27.26 and 43.105 RCW. 85-20-033 (Order 85-02), § 304-25-570, filed 9/24/85. Statutory Authority: Chapter 27.26 RCW. 80-02-041 (Order 1-80), § 304-25-570, filed 1/11/80.]

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.
308-13	Board of registration for landscape architects.
308-16	Barbers, barber shops, and barber colleges.
308-20	Cosmetology--Barber--Manicurist rules.
308-24	Beauty culture.
308-25	Dental hygienists.
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308-37	Dentistry--License display--Reports--Records--Inventory requirements--Prescribing practices.
308-40	Dentistry.
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308-50	Regulation and practice of hearing aid fitters and dispensers.

- 308-51 Massage businesses and massage operators--Licensing.
- 308-52 Medical examiners.
- 308-53 Optometry--Annual license or registration renewal fee.
- 308-54 Nursing home administrator.
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- 308-56A Certificates of title--Motor vehicles, etc.
- 308-77 Special fuel tax rules and regulations.
- 308-78 Aircraft fuel tax.
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- 308-96A Vehicle licenses.
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- 308-115 Midwifery.
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- 308-124E Real estate--Trust account procedures.
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- 308-138 Osteopathic physicians and surgeons.
- 308-138A Osteopathic physicians' assistants.
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- 308-150 Veterinary board of governors--Veterinary code of professional conduct/ethics.
- 308-151 Veterinary board of governors--Veterinary education and examination requirements.
- 308-156 Registration of animal technicians.
- 308-171 Occupational therapy.
- 308-175 Health care assistants.

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
- 308-11-010 Definitions.
- 308-11-050 Surety bond or trust account required.
- 308-11-100 Records.
- 308-11-120 Inspection and audit.

WAC 308-11-010 Definitions. Words and terms used in these rules shall have the same meaning as each has under chapter 18.11 RCW, 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 18.11.120 and 18.11.200. 85-03-045 (Order PL 506), § 308-11-010, filed 1/11/85. 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 308-11-050 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 an amount not less than five thousand dollars and not more than twenty-five thousand dollars. The amount of the bond or trust account required shall be based upon the value of the goods and real estate sold at auctions conducted by the auctioneer in the previous calendar year or, for a new auctioneer, the estimated value of the goods and real estate to be sold at auctions conducted by the auctioneer during the next calendar year. The value of sales and the corresponding bond or trust account amount required shall be based on the following scale:

**Chapter 308-04 WAC
GENERAL PROVISIONS**

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

SALES	BOND/TRUST AMOUNT
\$ 0.00 to \$ 24,999.00	\$ 5,000.00
\$ 25,000.00 to \$ 49,999.00	\$10,000.00
\$ 50,000.00 to \$ 99,000.00	\$15,000.00
\$ 100,000.00 to \$499,999.00	\$20,000.00
\$ 500,000.00 & Above	\$25,000.00

WAC 308-04-001 Appointment of director--Agency documents. Theresa Anna Aragon was appointed director of the department of licensing on January 16, 1985. 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 her or at her direction whether her name, or the name of the former director, appears on the document.

The department shall provide a financial certification affidavit form to all licensed auctioneers by December 31 of each year. Auctioneers will complete and return that form by April 15 of the following year, and it will be the basis for the department's approval of the licensee's bond amount for the following year. Licensees whose sales category increases in the above scale will be required to procure the associated increased bond/trust amount and file that bond or proof of the establishment of the required trust account with the department by April 15, along with the financial certification affidavit form indicating the need for the increase in bonding amount. Licensees whose sales category decreases may decrease their bond or trust account in a like manner. The department will also provide new license applicants

This rule is adopted to ratify the use of thousands of forms now in the department's inventory which have been preprinted with the former director's name, the replacement of which would result in the unnecessary expenditure of state funds. Statutory Authority: RCW 43.17.060. 85-22-080 (Order 85-2), § 308-04-001, filed 11/6/85. Statutory Authority: RCW 43.17.060,

with financial certification affidavit forms and will provide instructions for estimating the value of goods or real estate to be sold the next year.

(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 chapter 18.11 RCW, unless by the express terms of the trust the trust account shall remain open and active, and 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 18.11.120 and 18.11.200. 85-03-045 (Order PL 506), § 308-11-050, filed 1/11/85. 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.]

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 308-11-100 Records. The following requirements and prohibitions apply to all records and documents required to be maintained by chapter 18.11 RCW, 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 18.11.120 and 18.11.200. 85-03-045 (Order PL 506), § 308-11-100, filed 1/11/85. 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.]

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 308-11-120 Inspection and audit. All records required to be maintained by an auctioneer by chapter 18.11 RCW, 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 18.11 RCW, 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 18.11.120 and 18.11.200. 85-03-045 (Order PL 506), § 308-11-120, filed 1/11/85. 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.]

Chapter 308-12 WAC ARCHITECTS

WAC

308-12-010	State board of registration.
308-12-025	Application for examination.
308-12-031	Registration examination.
308-12-040	Appeal of examinations.
308-12-050	Registration by reciprocity.
308-12-080	Approved schools of architecture.
308-12-081	The seal.
308-12-082	Repealed.
308-12-085	Corporations or joint stock associations.
308-12-110	Repealed.
308-12-115	Definitions.
308-12-120	Repealed.
308-12-130	Repealed.
308-12-320	Renewal of licenses.
308-12-321	Competence.
308-12-322	Conflict of interest.

- 308-12-323 Full disclosure.
- 308-12-324 Compliance with laws.
- 308-12-325 Professional conduct.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-12-082 Corporate practice. [Statutory Authority: RCW 18.08.130. 83-04-071 (Order PL 422), § 308-12-082, filed 2/2/83.] Repealed by 85-21-065 (Order PL 560), filed 10/17/85. Statutory Authority: 1985 c 37 § 5.
- 308-12-110 Architect listings. [Statutory Authority: RCW 18.08.130. 85-05-010 (Order PL 517), § 308-12-110, filed 2/11/85; 84-04-028 (Order PL 458), § 308-12-110, filed 1/25/84; 83-04-071 (Order PL 422), § 308-12-110, filed 2/2/83; Order PL 178, § 308-12-110, filed 10/23/74; Order PL-132, § 308-12-110, filed 9/25/72.] Repealed by 85-21-065 (Order PL 560), filed 10/17/85. Statutory Authority: 1985 c 37 § 5.
- 308-12-120 Definition of principal. [Statutory Authority: RCW 18.08.130. 83-04-071 (Order PL 422), § 308-12-120, filed 2/2/83; 79-01-058 (Order PL-294), § 308-12-120, filed 12/27/78; Order PL 178, § 308-12-120, filed 10/23/74.] Repealed by 85-21-065 (Order PL 560), filed 10/17/85. Statutory Authority: 1985 c 37 § 5.
- 308-12-130 Definition of supervision. [Statutory Authority: RCW 18.08.130. 83-04-071 (Order PL 422), § 308-12-130, filed 2/2/83; 79-01-058 (Order PL-294), § 308-12-130, filed 12/27/78; Order PL 178, § 308-12-130, filed 10/23/74.] Repealed by 85-21-065 (Order PL 560), filed 10/17/85. Statutory Authority: 1985 c 37 § 5.

WAC 308-12-010 State board of registration. (1) Meetings: The Washington state board of registration for architects, hereinafter called the board, shall hold its regular public meeting annually in September. Special public meetings may be held at such times and places as the board may deem necessary. Public notice of all public meetings shall be issued as required by the Open Public Meetings Act, chapter 42.30 RCW.

Executive sessions may be held by the board in conjunction with all public meetings, and at such other times as the board shall deem necessary and for the primary purpose of preparing and grading examinations, approving applications, conducting written and oral examinations, examining reciprocity applications, and acting on applications for reinstatement of revoked licenses, and confidential matters between candidates or registrants and the board.

(2) Rules of order. The latest edition of Robert's Rules of Order shall govern the conduct of business at meetings and sessions of the board.

(3) Officers. At the regular annual public meeting the board shall elect a chairman, a vice chairman and a secretary for the ensuing year.

(4) Quorum. A quorum at any regular or special meeting or session shall consist of four members of the board.

(5) Rule changes. Prior to and during any adoption, amendments, or repeal of any rule, the board of registration shall conduct its business in accordance with chapter 34.04 RCW the Administrative Procedure Act.

(6) Annual report. The board shall issue an annual report and roster. [Statutory Authority: 1985 c 37 § 5.

85-21-065 (Order PL 560), § 308-12-010, filed 10/17/85. Statutory Authority: RCW 18.08.130. 83-04-071 (Order PL 422), § 308-12-010, filed 2/2/83; Order PL-132, § 308-12-010, filed 9/25/72; filed 4/28/67; Rule 1, filed 11/19/64; Rules 2, 4, filed 10/26/62; Rule 1, filed 10/26/62.]

WAC 308-12-025 Application for examination. (1) The application for examination must be submitted on forms provided by the board, accompanied by academic and/or practical experience verification in accordance with filing instructions to be considered ninety days prior to the next scheduled examination.

(2) Applications must be accompanied by an examination fee and an application fee as outlined in WAC 308-12-312.

(3) Notice of acceptance of application will be mailed to all applicants approximately six weeks in advance of the examination along with detailed information as to time, place and extent of examination.

(4) No application fee will be refunded because of withdrawal from the examination. [Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-025, filed 10/17/85.]

WAC 308-12-031 Registration examination. The form of the examination required of applicants shall consist of a written and an oral examination. Where RCW 18.08.160 refers to the "entire examination," it means the written examination together with the oral examination. The written examination shall be administered in June of each year at a location(s) the board determines appropriate.

The board adopts the architectural registration examination and grading procedures prepared by the National Council of Architectural Registration Boards as the written portion of the examination.

(1) The written examination: The "architectural registration examination" is divided into nine divisions. The examinees are tested on their ability to exercise value judgments in actual architectural practice situations. The examination covers the following:

TITLE	SUBJECT	HOURS ALLOWED
Division A	Predesign	3
Division B	Site design	3 1/2
Division C	Building design	12
Division D	Structural-general	2 1/2
Division E	Structural-lateral forces	1 1/2
Division F	Structural-long span	1 1/2
Division G	Mechanical, plumbing, electrical and life safety systems	2 1/2
Division H	Materials and methods	2 1/2

TITLE	SUBJECT	HOURS ALLOWED
Division I	Construction documents and services	3 1/2

(2) To pass the written examination, an applicant must achieve a passing grade on each division.

(3) All nine divisions of the architects registration examination must be taken on the first attempt. On subsequent attempts, examinees may retake any divisions not passed on previous attempts.

(4) The oral examination is given upon the applicant's completion of the written examination.

The purpose of the oral examination is to test in those areas of knowledge and skill not covered in the written examination.

The oral part of the examination shall include a review of the applicant's practical experience, an understanding of the law and the responsibility to safeguard life, health, and property and to promote the public welfare.

The oral examination may be conducted by the full board or by an architect member of the board. The board may waive the full board examination if the examining board member deems the applicant prepared for registration. If such waiver is not granted or if the examining board member fails the applicant, the applicant must then appear for a full board oral examination.

If an applicant does not receive a recommendation for registration, the board will advise the applicant of the areas of deficiency and schedule another oral examination.

The examinee will be required to retake the entire examination if all portions of the written and oral examination (is) are not successfully completed as per RCW 18.08.160. The five-year period shall begin to run effective with the date on which the examinee first takes the examination. If the examinee does not successfully pass all portions of the written and oral examination, within five years from the date he or she first took the examination, he or she shall lose credit for all portions of the examination previously passed, and a new five-year period shall begin on the date on which the examinee begins to retake the examination. [Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-031, filed 10/17/85. Statutory Authority: RCW 18.08.130. 85-05-010 (Order PL 517), § 308-12-031, filed 2/11/85; 84-04-028 (Order PL 458), § 308-12-031, filed 1/25/84; 83-04-071 (Order PL 422), § 308-12-031, filed 2/2/83.]

WAC 308-12-040 Appeal of examinations. Only Division C, building design is subject to appeal to the board and only if it is the remaining subject not passed in the written examination. Any candidate requesting appeal must apply within thirty days after date of release of grades. [Statutory Authority: RCW 18.08.130. 85-05-010 (Order PL 517), § 308-12-040, filed

2/11/85; 83-04-071 (Order PL 422), § 308-12-040, filed 2/2/83; Order PL 178, § 308-12-040, filed 10/23/74; Order PL-132, § 308-12-040, filed 9/25/72; Rule 8, filed 10/26/62.]

WAC 308-12-050 Registration by reciprocity. Pursuant to RCW 18.08. . . . (section 11, chapter 37, Laws of 1985), the board will recommend to the director that the director grant a certificate of registration to a registered architect in another state or territory of the United States, the District of Columbia, or another country provided:

(1) That such applicant presents evidence that the applicant has satisfactorily completed a written examination equivalent to the examination required of Washington state registrants.

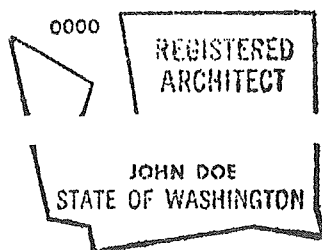
(2) That the applicant presents documentation of NCARB Certification which may be accepted by the board as satisfactory evidence that the applicant's qualifications and experience are equivalent to the qualifications and experience required of a person registered under RCW 18.08. . . . (section 6, chapter 37, Laws of 1985).

(3) That the board will require an oral examination of any candidate for registration by reciprocity, except that oral examination may be waived in cases where documentary or other evidence shows sufficient information for the board to reach judgment.

(4) That the territory, state or country grants reciprocal privileges to architects registered in the state of Washington. [Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-050, filed 10/17/85. Statutory Authority: RCW 18.08.130. 85-05-010 (Order PL 517), § 308-12-050, filed 2/11/85; 84-04-028 (Order PL 458), § 308-12-050, filed 1/25/84; 83-04-071 (Order PL 422), § 308-12-050, filed 2/2/83; Order PL-132, § 308-12-050, filed 9/25/72; Order 691102, § 308-12-050, filed 11/26/69; Rule 9, filed 11/19/64, 10/26/62.]

WAC 308-12-080 Approved schools of architecture. The board adopts the current *List of Accredited Schools of Architecture* as published by the National Architectural Accrediting Board. [Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-080, filed 10/17/85. Statutory Authority: RCW 18.08.130. 83-04-071 (Order PL 422), § 308-12-080, filed 2/2/83; 79-01-058 (Order PL-294), § 308-12-080, filed 12/27/78; Order PL 178, § 308-12-080, filed 10/23/74; Order PL-132, § 308-12-080, filed 9/25/72.]

WAC 308-12-081 The seal. Every architect licensed in the state of Washington shall have a seal of design authorized by the board, bearing the registrant's name, license number and the legend "Registered Architect, State of Washington." The seal with the registrant's counter signature shall appear on every drawing filed with public authorities. A facsimile of the seal appears herewith.



No architect shall stamp or countersignature shall be affixed to any drawings not prepared by the architect or his or her regularly employed subordinates, or reviewed by the architect. An architect who signs or seals drawings or specifications that he or she has reviewed is responsible to the same extent as if prepared by that architect. [Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-081, filed 10/17/85. Statutory Authority: RCW 18.08.130. 83-04-071 (Order PL 422), § 308-12-081, filed 2/2/83.]

WAC 308-12-082 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-12-085 Corporations or joint stock associations. (1) For an architect or architects to practice architecture through a corporation or joint stock association organized by any person under Title 23A RCW, the corporation or joint stock association shall file with the board a letter of application containing a statement of the experience of the corporation, if any, in furnishing architectural services during the preceding five-year period. The application shall be signed and attested by a corporate officer.

(2) In addition to the application for certificate of authorization, the corporation or joint stock association shall file with the board the documentation and information specified in RCW 18.08.... (section ---, chapter 37, Laws of 1985).

(3) The designated architect responsible for the practice of architecture by said corporation shall be a resident and be regularly employed in that office having direct knowledge and supervisory control of such work. No individual will be the designated architect at more than one place of business or one company at any one time. [Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-085, filed 10/17/85.]

WAC 308-12-110 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-12-115 Definitions. (1) Accredited architectural degree—A professional degree received from the current list of accredited schools of architecture as published by the National Architectural Accrediting Board.

(2) Practical architectural work experience—Practical work experience performing activities involved in the practice of architecture, as defined in RCW 18.08.... (section 3, chapter 37, Laws of 1985), under the direct

supervision of an architect. The board may approve similar practical work experience for full or partial credit and will accept intern development program experience as defined in the IDP training guidelines.

(3) Intern development program (IDP)—An internship program designed to provide a formal means of evaluating training, to recognize the intern-architects' professional development by compiling a continuing, comprehensive record of their internship training and to ensure intern-architects of a range of exposures that will help qualify them to take the professional examination.

(4) Supervision—The word "supervision" in RCW 18.08.... (section 3, chapter 37, Laws of 1985) means the periodic observation of materials and work in progress or completed work to observe the general compliance with plans, specifications, and design and planning concepts, and does not include responsibility for the superintendence of construction processes, site conditions, operations equipment, personnel, maintenance of a safe place to work, or any safety in, on, or about the site of the work.

(5) Principal—The word "principal" as used herein shall mean an architect who is registered in this state; who is a shareholder, if the practice is through a professional service corporation; or a partner if the practice is through a partnership; or the proprietor if the practice is through a proprietorship; or the designated architect of a stock corporation; and is the person in charge of the architectural practice, either alone or in concert with others who qualify as herein described. [Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-115, filed 10/17/85.]

WAC 308-12-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-12-130 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-12-320 Renewal of licenses. (1) The annual license renewal date for architects shall be the architects birth date. Licensees who fail to pay the license renewal fee within thirty days of license expiration date will be subject to the late payment penalty fee as set forth in WAC 308-12-312. Architects whose renewal fees are delinquent will be listed with the state building officials. [Statutory Authority: RCW 18.08.130. 85-05-010 (Order PL 517), § 308-12-320, filed 2/11/85; 83-04-071 (Order PL 422), § 308-12-320, filed 2/2/83; Order PL 262, § 308-12-320, filed 1/13/77.]

WAC 308-12-321 Competence. (1) In practicing architecture, an architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by architects of good standing, practicing in the same locality.

(2) In designing a project, an architect shall take into account all applicable state and municipal building laws and regulations. While an architect may rely on the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of

such regulations, once having obtained such advice, an architect shall not knowingly design a project in violation of such laws and regulations.

(3) An architect shall undertake to perform professional services only when he or she, together with those whom the architect may engage as consultants, are qualified by education, training, and experience in the specific technical areas involved.

(4) No person shall be permitted to practice architecture if, in the board's judgment, such person's professional competence is substantially impaired by physical or mental disabilities. [Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-321, filed 10/17/85.]

WAC 308-12-322 Conflict of interest. (1) An architect shall not accept compensation for his or her services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties.

(2) If an architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with his or her performance of professional services, the architect shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, the architect will either terminate such association or interest or offer to give up the commission or employment.

(3) An architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

(4) When acting as the interpreter of building contract documents and the judge of contract performance, an architect shall render decisions impartially, favoring neither party to the contract. [Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-322, filed 10/17/85.]

WAC 308-12-323 Full disclosure. (1) An architect, making public statements on architectural questions, shall disclose when he or she is being compensated for making such statement.

(2) An architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit.

(3) If, in the course of his or her work on a project, an architect becomes aware of a decision taken by his or her employer or client, against the architect's advice, which violates applicable state or municipal building laws and regulations and which will, in the architect's judgment, materially affect adversely the safety to the public of the finished project, the architect shall:

(a) report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations,

(b) refuse to consent to the decision, and

(c) in circumstances where the architect reasonably believes that other such decisions will be taken notwithstanding his objection, terminate his services with reference to the project.

In the case of a termination in accordance with subsection (c), the architect shall have no liability to his or her client or employer on account of such termination.

(4) An architect shall not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with his or her application for registration or renewal.

(5) An architect shall not assist the application for registration of a person known by the architect to be unqualified in respect to education, training, experience, or character.

(6) An architect possessing knowledge of a violation of these rules by another architect shall report such knowledge to the board. [Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-323, filed 10/17/85.]

WAC 308-12-324 Compliance with laws. (1) An architect shall not, in the conduct of his or her architectural practice, knowingly violate any state or federal criminal law.

(2) An architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect is interested.

(3) An architect shall comply with the registration laws and regulations governing his or her professional practice in any United States jurisdiction. [Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-324, filed 10/17/85.]

WAC 308-12-325 Professional conduct. (1) Each office maintained for the preparation of drawings, specifications, reports, or other professional work shall have an architect resident and regularly employed in that office having direct knowledge and supervisory control of such work.

(2) An architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested.

(3) An architect shall not engage in conduct involving fraud or wanton disregard of the rights of others. [Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-325, filed 10/17/85.]

Chapter 308-13 WAC

BOARD OF REGISTRATION FOR LANDSCAPE ARCHITECTS

WAC

308-13-005 Definitions.
308-13-010 State board of registration.

308-13-015	Powers and duties of the board.
308-13-020	Qualifications for admittance to the examination.
308-13-022	Reexamination.
308-13-025	Proctoring.
308-13-030	Repealed.
308-13-032	Licensing examination.
308-13-035	Repealed.
308-13-040	Review of examinations.
308-13-050	Registration by reciprocity.
308-13-070	Repealed.
308-13-080	Repealed.
308-13-090	Repealed.
308-13-100	Reinstatement.
308-13-110	Landscape architect listings.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-13-030	Examinations. [Statutory Authority: RCW 18.96.060. 80-05-141 (Order PL-343), § 308-13-030, filed 5/7/80; Order PL 246, § 308-13-030, filed 4/26/76; Order 2472, § 308-13-030, filed 12/16/69.] Repealed by 85-04-029 (Order PL 511), filed 1/31/85. Statutory Authority: RCW 18.96.060.
308-13-035	Qualifications for reexamination. [Order PL-135, § 308-13-035, filed 11/13/72; Order 2472, § 308-13-035, filed 12/16/69.] Repealed by 85-23-045 (Order PL 567), filed 11/18/85. Statutory Authority: RCW 18.96.060.
308-13-070	Applicant's qualifications. [Order 2472, § 308-13-070, filed 12/16/69.] Repealed by 85-04-029 (Order PL 511), filed 1/31/85. Statutory Authority: RCW 18.96.060.
308-13-080	Certificates, seals. [Statutory Authority: RCW 18.96.060. 80-05-141 (Order PL-343), § 308-13-080, filed 5/7/80; Order 2472, § 308-13-080, filed 12/16/69.] Repealed by 85-04-029 (Order PL 511), filed 1/31/85. Statutory Authority: RCW 18.96.060.
308-13-090	Withdrawal of registrant. [Order 2472, § 308-13-090, filed 12/16/69.] Repealed by 85-04-029 (Order PL 511), filed 1/31/85. Statutory Authority: RCW 18.96.060.

WAC 308-13-005 Definitions. (1) "Registered college" as used in RCW 18.96.070 means a college or school listed under the landscape architectural accreditation board's list of schools having accredited programs in landscape architecture.

(2) "Entire examination" as referred to in RCW 18.96.090 means the written and graphic examination approved by the board, including the plant identification examination.

(3) The word "principal" as used in this chapter means a member of a firm offering landscape architectural services to the public who is a landscape architect, a shareholder and director of landscape architecture if the practice is through a corporation, a partner if the practice is through a partnership or the owner if the practice is through a sole proprietorship.

(4) "UNE" means the Uniform National Examination for landscape architects. [Statutory Authority: RCW 18.96.060. 85-04-029 (Order PL 511), § 308-13-005, filed 1/31/85.]

WAC 308-13-010 State board of registration. (1) Meetings. The Washington state board of registration for landscape architects, hereinafter called the board, shall hold an annual public meeting during April of each year for the purpose of election of board officers and any other business of a public nature.

(2) Officers. At the annual public meeting, the board shall elect a chairman, a vice chairman, and a secretary for the ensuing year. The secretary may delegate the office's responsibilities in all or in part to the executive secretary. [Statutory Authority: RCW 18.96.060. 85-04-029 (Order PL 511), § 308-13-010, filed 1/31/85; 80-05-141 (Order PL-343), § 308-13-010, filed 5/7/80; Order 2472, § 308-13-010, filed 12/16/69.]

WAC 308-13-015 Powers and duties of the board. The board shall:

(1) Determine the qualifications of candidates for examination, by conducting examination applicant qualification reviews prior to the examination.

(2) Approve registered colleges of landscape architecture for acceptance of educational qualifications in lieu of experience per RCW 18.96.070.

(3) Hold examinations of qualified persons who shall apply for registration as landscape architects.

(4) Examine and act on applications for registration by reciprocity and make recommendations to the director of licensing for issuance or refusal thereof.

(5) Examine and act on applications for reinstatement of licenses which have been suspended or revoked.

(6) Investigate and hold hearings on complaints against registrants and advise the director of findings of evidence of violation of chapter 18.96 RCW. [Statutory Authority: RCW 18.96.060. 85-04-029 (Order PL 511), § 308-13-015, filed 1/31/85; Order 2472, § 308-13-015, filed 12/16/69.]

WAC 308-13-020 Qualifications for admittance to the examination. Applicants shall file with the director of licensing on or before March 15 an application, on forms provided by the board, accompanied by fee and verification of academic and practical training and such additional evidence as may be required to satisfy the board that the applicant has the following qualifications:

(1) Possession of good moral character, verified by five references, three from landscape architects and two from other persons.

(2) Attainment of at least eighteen years of age.

(3) A minimum of seven years of any combination of academic and practical training experience approved by the board, e.g.

(a) ACADEMIC TRAINING

(i) With a passing grade, 32 semester credit hours or 48 quarter credit hours is considered to be one year. Any fraction, one-half year or greater, will be counted one-half year, and less than one-half year will not be counted.

(ii) A degree in landscape architecture or credits from a registered college will be weighted at one hundred percent with a four year maximum credit for academic training.

(iii) Credits in landscape architecture from a college not registered may be weighted up to seventy-five percent with a three year maximum credit for academic training.

(iv) Credits in architecture or civil engineering will be weighted at fifty percent with a two year maximum credit for academic training.

(b) PRACTICAL TRAINING

(i) Practical training experience, work in landscape architecture and related work experience, will be measured in calendar years.

(ii) No training prior to graduation from high school will be accepted.

(iii) At least one year of practical training experience shall be attained after termination of academic training.

(iv) Employment duration less than three months will not be counted.

(v) One-third of the required minimum practical training must be under the direct supervision of a landscape architect.

(vi) Work under the direct supervision of a landscape architect will be weighted at one hundred percent, no limit.

(vii) Work under the direct supervision of an architect, engineer, city or urban planner, nurseryman or landscape contractor will be weighted at seventy-five percent, in any combination limited to two-thirds of the required training experience.

(viii) Employment by governmental agencies, when diversified and comparable to employment in the offices of a landscape architect, when directly related to landscape architecture and under the direct supervision of a landscape architect, will be weighted at seventy-five percent, limited to two-thirds of the required training experience. [Statutory Authority: RCW 18.96.060. 85-04-029 (Order PL 511), § 308-13-020, filed 1/31/85; Order PL 246, § 308-13-020, filed 4/26/76; Order 2472, § 308-13-020, filed 12/16/69.]

WAC 308-13-022 Reexamination. A new application is not required. Retake applicant is responsible for sending the fees for those sections of the examination required to be retaken, and for notifying the board of any change of address or day time telephone number. Notice and fees must be postmarked on or before March 15th, to qualify for the June examination. [Statutory Authority: RCW 18.96.060. 85-04-029 (Order PL 511), § 308-13-022, filed 1/31/85.]

WAC 308-13-025 Proctoring. Candidates for examination who have acquired two-thirds of their required practical training, but cannot achieve the balance of their required work experience with landscape architects, may appeal to the board to acquire the required experience through the proctoring process.

Based on a review of the applicant's academic and work experience, the board may approve the applicant's selection of a landscape architect proctor who will review and critique the applicant's work for the balance of the practical experience required. The proctoring process must involve one or more face-to-face meetings per month with the proctor. The proctor will provide the board a written report for each proctoring session. Proctoring experience will be weighted at one hundred

percent of actual experience working for a landscape architect. [Statutory Authority: RCW 18.96.060. 85-04-029 (Order PL 511), § 308-13-025, filed 1/31/85.]

WAC 308-13-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-13-032 Licensing examination. The form of the examination required of applicants shall consist of a written and graphic examination. Subject to the provisions of RCW 18.96.090 the board adopts the Uniform National Examination, "UNE," prepared by the Council of Landscape Architectural Registration Boards (CLARB) as its examination, to test the applicant's qualifications and minimum competency for registration.

The board shall periodically, and in no event not less than once every year, review the passing grade score established by CLARB to ensure that such score conforms with the provisions of RCW 18.96.090. The board may convert raw scores received from CLARB to conform to the passing grade percentage established in RCW 18.96.090.

(1) Procedure for admittance to the "UNE":

(a) Upon completion of the qualifications for admittance to the "UNE" under WAC 308-13-020, submit the completed application provided by the board, including fees. The complete application, including fees, must be postmarked by March 15th or earlier to be considered for the next scheduled examination.

(b) No application fee will be refunded because of withdrawal from the examination.

(c) Examination fees are refundable when notice of withdrawal is given prior to the examination application deadline, March 15th.

(d) A completed application includes:

(i) Green application form LA 656-3 with notarization;

(ii) Three landscape architect references;

(iii) Two references from related design professionals;

(iv) Transcript of academic experience showing courses taken and degree awarded;

(v) Verification of work experience;

(vi) Application and examination fees.

(e) Notice of acceptance, along with preexamination information, will be mailed to accepted applicants approximately six weeks in advance of the examination, accompanied by specific details regarding the time and place of the examination.

The written examination, the "UNE," is administered over a two-day period in June each year. The examinees are tested on their ability to exercise value judgments in actual landscape architecture situations.

(2) Examination scoring:

(a) The written parts of the examination are machine scored. The graphic parts of the examination are graded in a manner prescribed by the landscape architect board members.

(b) To pass the examination, an applicant must achieve a passing score on each section. The minimum passing score is seventy in any subject, when an average

score of all sections is seventy-five percent of a possible one hundred percent.

(c) Applicants are notified of their grades by mail. No grades are given by telephone.

(d) Reexamination information is given on the examination grade sheet. NO OTHER NOTICE MAY BE GIVEN. See WAC 308-13-025 for reexamination information. [Statutory Authority: RCW 18.96.060. 85-23-045 (Order PL 567), § 308-13-032, filed 11/18/85; 85-04-029 (Order PL 511), § 308-13-032, filed 1/31/85.]

WAC 308-13-035 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-13-040 Review of examinations. The graphic sections "C-Design" and "D-Design implementation" are the only parts of the examination that may be reviewed by the candidate, alone or with an agent, at the board office during normal business hours. Such papers may not be removed from the premises, nor shall they be compared by the reviewing candidates with papers of other candidates, nor shall either the questions or answers be reproduced in whole or in part in any manner. [Statutory Authority: RCW 18.96.060. 85-04-029 (Order PL 511), § 308-13-040, filed 1/31/85; 80-05-141 (Order PL-343), § 308-13-040, filed 5/7/80; Order 2472, § 308-13-040, filed 12/16/69.]

WAC 308-13-050 Registration by reciprocity. (1) Any landscape architect who is registered in another state or country which extends the privileges of reciprocity to landscape architecture in this state and who desires to practice landscape architecture in Washington, shall make formal application on forms provided by the board, accompanied by the initial license fee and the reciprocity fee. The application shall show evidence satisfactory to the board of:

(a) Having at least the equivalent experience and responsible charge of landscape architectural work as required of candidates for examination;

(b) Having satisfactorily completed the Uniform National Examination required of applicants for registration in Washington;

(c) Applicant's proof of compliance shall consist of:

(i) Education: Transcript of college grades indicating degrees earned.

(ii) References: Three landscape architect reference letters and letters of reference from two other persons acquainted with applicant's character and professional abilities.

(iii) Employment: Statements of previous landscape architect employers covering full time employment for a minimum of three years when the applicant has an accredited degree in landscape architecture or seven years of experience working with landscape architects or a combination of seven years of education and experience, approved by the board.

(iv) Clients: Three signed letters from former clients.

(v) Examination: Certification by state of origin of registration that applicant passed examination, listing subjects taken and grades received.

(2) The board will require oral examination of any candidate for registration by reciprocity, except that oral examination may be waived in cases where supporting documentation or other evidence shows sufficient information for the board to reach a decision without examination.

(3) Certification: National certification by the council of landscape architectural registration boards shall be recognized by this board as satisfactory evidence for registration by reciprocity, provided the applicant has taken and passed the UNE and such certification is current and valid at the time of application for registration, and after the candidate's file has been received and approved by the board. [Statutory Authority: RCW 18.96.060. 85-04-029 (Order PL 511), § 308-13-050, filed 1/31/85; Order PL 206, § 308-13-050, filed 11/5/75; Order PL 169, § 308-13-050, filed 6/19/74; Order PL-135, § 308-13-050, filed 11/13/72; Order 2472, § 308-13-050, filed 12/16/69.]

WAC 308-13-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-13-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-13-090 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-13-100 Reinstatement. A hearing with the board will be required of any person applying for restoration of a suspended or revoked license. The fee for reissue of license shall be the then current annual renewal fee. [Statutory Authority: RCW 18.96.060. 85-04-029 (Order PL 511), § 308-13-100, filed 1/31/85; Order 2472, § 308-13-100, filed 12/16/69.]

WAC 308-13-110 Landscape architect listings. Where a firm name does not identify the licensed landscape architect, specifically, or persons identified in a firm title are not all landscape architects, firm name listings in telephone directories, announcements, brochures, business cards, letterheads, promotional literature, and other media intended for public display or circulation, shall clearly identify the landscape architect(s) responsible for the firm's landscape architectural work in this state.

No firm name shall include the surname of a person who is not presently or was not previously associated in the practice as a landscape architect with the named entity or its members or predecessors. [Statutory Authority: RCW 18.96.060. 85-04-029 (Order PL 511), § 308-13-110, filed 1/31/85; Order PL 169, § 308-13-110, filed 6/19/74; Order PL-135, § 308-13-110, filed 11/13/72.]

Chapter 308-16 WAC

BARBERS, BARBER SHOPS, AND BARBER COLLEGES

WAC

308-16-010 through 308-16-500 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-16-010 Limitations on practice. [Order 1 (part), filed 2/7/68; Rule 15, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208. Later promulgation, see chapter 308-20 WAC.
- 308-16-020 Barber shops—Use of premises. [Order 1 (part), filed 2/7/68; Rule 1, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-030 Barber shops—Water supply. [Rule 3, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-040 Barber shops—Discharge of waste water. [Rule 4, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-050 Barber shops—Lighting fixtures. [Rule 6, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-060 Barber shops—Ventilation. [Rule 7, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-070 Barber shops—Receptacle for soiled towels. [Rule 10, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-080 Barber shops—Waste receptacles. [Rule 11, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-090 Barber shops—Supervision and license. [Order 1 (part), filed 2/7/68; Rule 17, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-100 Barber shops—Posting of license. [Rule 16, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-110 Barber shops—General sanitation. [Rule 2, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-120 Barber shops—Sanitation of walls, furniture and fixtures. [Rule 5, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-130 Barber shops—Cabinets. [Rule 8, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-140 Barber shops—Sterilization of tools and implements. [Rule 9, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-150 Barber shops—Health of personnel. [Rule 12, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-160 Barber shops—Cleanliness of personnel. [Order PL-104, § 308-16-160, filed 8/3/71; Order 1 (part), filed 2/7/68; Rule 14, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-170 Restricted services. [Order 1 (part), filed 2/7/68; Rule 13, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-180 Use of certain materials restricted. [Rule 18, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-190 Inspection. [Rule 20, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-200 Barber colleges—Hours. [Order 7, § 308-16-200, filed 9/9/68; Rule 19, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-205 Required haircut for performance examination. [Statutory Authority: RCW 18.15.056. 83-15-013 (Order PL 439), § 308-16-205, filed 7/12/83.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-213 Practical examination—Length of examination. [Statutory Authority: RCW 18.15.056. 83-15-013 (Order PL 439), § 308-16-213, filed 7/12/83; Order PL 193, § 308-16-213, filed 6/12/75.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-214 Scoring for practical examination—Barber. [Statutory Authority: RCW 18.15.056. 83-15-013 (Order PL 439), § 308-16-214, filed 7/12/83.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-215 Reexaminations. [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.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-216 Partial written reexaminations. [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.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-218 Applications for examination. [Statutory Authority: RCW 18.15.056. 81-03-015 (Order PL 365), § 308-16-218, filed 1/9/81.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-240 Brush-up courses. [Statutory Authority: RCW 18.15.056. 83-15-013 (Order PL 439), § 308-16-240, filed 7/12/83; Order 1 (part), filed 2/7/68.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-250 Instructor examinations. [Order 1 (part), filed 2/7/68.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-260 Theory classes. [Order 7, § 308-16-260, filed 9/9/68.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-270 Minimum weekly theory hours. [Order 7, § 308-16-270, filed 9/9/68.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-290 Finishing services by instructors. [Order 7, § 308-16-290, filed 9/9/68.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-300 Defining "use" of instructor's license. [Order 7, § 308-16-300, filed 9/9/68.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-310 Demonstrations and short courses. [Statutory Authority: RCW 18.15.056. 83-15-013 (Order PL 439), § 308-16-310, filed 7/12/83; Order PL-147, § 308-16-310, filed 8/14/73; Order 7, § 308-16-310, filed 9/9/68.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-320 Time for applications. [Order 12, § 308-16-320, filed 9/12/68.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-350 Textbook(s) used for barber examination. [Statutory Authority: RCW 18.15.110 and 18.15.240. 80-02-079 (Order PL 333), § 308-16-350, filed 1/18/80; Order PL-147, § 308-16-350, filed 8/14/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.

308-16-360	Examination for men's hairstyling certificate. [Order PL-154, § 308-16-360, filed 12/10/73; Order PL-147, § 308-16-360, filed 8/14/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-380	Definition of the words "chemical" or "chemicals." [Order PL-154, § 308-16-380, filed 12/10/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-390	Barber student curriculum. [Order PL 172, § 308-16-390, filed 6/20/74; Order PL 160, § 308-16-390, filed 2/21/74.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-400	Men's hairstyling curriculum, instructors and schools. [Order 283, § 308-16-400, filed 12/29/77; Order PL 160, § 308-16-400, filed 2/21/74.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-430	Renewal of licenses. [Order PL 262, § 308-16-430, filed 1/13/77.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-440	Catalog or brochure. [Statutory Authority: RCW 18.15.056 and 18.15.090. 82-08-064 (Order PL 394), § 308-16-440, filed 4/7/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-450	Minimum cancellation and refund policy. [Statutory Authority: RCW 18.15.056 and 18.15.090. 82-08-064 (Order PL 394), § 308-16-450, filed 4/7/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-460	Enrollment agreement (contract) checklist. [Statutory Authority: RCW 18.15.056 and 18.15.090. 82-08-064 (Order PL 394), § 308-16-460, filed 4/7/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-470	Bonding. [Statutory Authority: RCW 18.15.056 and 18.15.090. 82-08-064 (Order PL 394), § 308-16-470, filed 4/7/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-16-500	Fees. [Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-16-500, filed 11/2/83; 83-17-031 (Order PL 442), § 308-16-500, filed 8/10/83. Formerly WAC 308-16-420.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.

WAC 308-16-010 through 308-16-500 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 308-20 WAC

COSMETOLOGY--BARBER--MANICURIST RULES

WAC	
308-20-010	Definitions.
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WAC 308-20-010 Definitions. (1) Achievement indicators—Forms designed and used by the school to record achievement rating of student learning objectives.

(2) Basic—Beginning, essential understanding.

(3) Chemical compounds formulated for professional use only—Compounds containing hazardous chemicals in a form not generally sold to the public; such as, bulk concentrates of permanent wave solution, neutralizers, chemical relaxers, oxidizing agents, flammable substances or corrosive materials.

(4) Concept—Understanding an idea.

(5) Curriculum—Detailed course of study.

(6) Student learning objectives—Measurable outcomes expected to occur as the result of instruction.

(7) Instructional objectives—Measurable evaluation of the attainment of the student learning objectives.

(8) Terminal learning objectives—Final outcomes expected to occur at the completion of a course of study as a result of instruction.

(9) Special student—Optional method for public high school students to enroll in cosmetology school. Students electing to enroll as special students must complete high school or GED equivalency.

(10) Commercial practice or business—Services performed for sale or profit. One's work, occupation or profession.

(11) Task—A step or procedure within a job.

(12) Job—A complete service; i.e., haircut, machine facial, permanent wave, etc. [Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-010, filed 9/12/84. Formerly chapters 308-16 and 308-24 WAC.]

WAC 308-20-020 Term of course—Examination eligibility. The department shall not require students to remain in school after the completion of any course of instruction.

Any individual, seventeen years of age or older, having completed 500 hours of manicurist training approved by the director may apply for examination to be licensed as a manicurist.

Any individual, seventeen years of age or older, having completed 800 hours of barber training as approved by the director may apply for examination to be licensed as a barber.

Any individual, seventeen years of age or older, having completed 1600 hours of cosmetology training as approved by the director may apply for examination to be licensed as a cosmetologist. Course will consist of 500 hour manicurist course, the 800 hour barber course and an additional 300 hours of training in the performance of all chemical services as approved by the director. [Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-020, filed 9/12/84.]

WAC 308-20-030 Curriculum structure. Each curriculum shall be designed to prepare students for at least

beginning employment/job entry and to pass the licensing examination.

Each curriculum shall include clearly defined, tangible instructional objectives and student learning objectives to meet the training needs of the student within the corresponding time frame for each curriculum offered by the school.

Each curriculum shall include terminal objectives with achievement indicators that measure achievement of all student learning objectives. [Statutory Authority: 1984 c 208, 84-19-020 (Order PL 480), § 308-20-030, filed 9/12/84.]

WAC 308-20-040 Application for school license. With each school application, the following items must be included before a school license will be approved by the department:

(1) Owners—Names and addresses of all school owners must be on the application for a school license;

(2) List of instructors, with their addresses, responsible for the training of students. The department must be notified, in writing, when a change of instructor staff occurs;

(3) A copy of the curriculum for each course the school intends to offer. A cosmetology school must submit a curriculum for manicurist, barber and chemical services; a barber school must submit a barber curriculum; a manicurist school submits a manicurist curriculum. Each curriculum must meet the training guidelines established by the director and adopted by rules pursuant to this chapter;

(4) Each school will submit, at the time of application, a copy of their catalog, brochure and contract they intend to use for the enrollment of students. Each catalog, brochure and enrollment contract will contain in clear, concise language, the cancellation and refund policy of the school;

(5) The description of the school facilities and equipment can be submitted by facility architect's blue print with equipment penciled in or by accurate hand drawn diagram including equipment to be used for training of students;

(6) Surety bond or other form of negotiable surety as established by WAC 308-20-060 shall be submitted with application for school licensure. No school shall be approved until the surety bond is in force.

The department shall be notified within fifteen days of any changes in subsections (1) through (6) of this section. [Statutory Authority: 1984 c 208, 84-19-020 (Order PL 480), § 308-20-040, filed 9/12/84.]

WAC 308-20-050 Change in ownership of school. If a change involving twenty-five or more percent of school ownership occurs, a new license application must be submitted with proof of ownership, or percentage of ownership, by the new owners. New application must then be submitted to the department within fifteen days of change of ownership. Such notification to include any changes made in curriculum, instructional staff, catalog, brochure, contract or surety bond. [Statutory Authority:

1984 c 208, 84-19-020 (Order PL 480), § 308-20-050, filed 9/12/84.]

WAC 308-20-060 Surety bond requirement for schools. All currently licensed schools will be required to file surety to meet the new requirements within ninety days of rules adoption. New applications for school license after July 1, 1984 will be required to meet the new requirement. Surety bonds shall be made to the state of Washington and be kept on file at the department of licensing.

(1) The amount of the bond shall be twelve thousand dollars for all schools enrolling or intending to enroll twenty or more students for the protection of the students.

Schools enrolling or intending to enroll less than twenty students shall obtain a surety bond in the amount of six thousand dollars for the protection of the students.

(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 account 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 shall not release the same to the owner of the school unless the department authorizes a release in writing.

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

(3) At the time of licensing each school shall file a surety bond with the director of licensing, hereinafter referred to as the director, in a form acceptable to the department. The bond may be continuous or renewable at the time of renewal of license: *Provided*, That the bond shall cover the full period during which a school is licensed unless the surety has been released as provided in subsection (5) of this section.

(4) The bond shall be executed by the licensed school as principal and by a surety company authorized to do business in this state as surety. The bond shall run to the state of Washington, for the benefit and protection of any student or enrollee, or, in the case of a minor, his or her parents or guardian, determined to have suffered loss or damage as a result of an act or practice by such school which is a violation of this chapter alleged to have occurred while the bond was in effect or as a result of the school's failure to meet its obligations to a student or enrollee during the term for which tuition has been paid.

(5) A surety on a bond may be released by serving written notice thereof to the director at least thirty-five

days prior to the release, but the release shall not discharge or otherwise affect any claim theretofore or thereafter filed by a student or enrollee, or, in the case of a minor, his or her parents or guardian, for loss or damage resulting from any act or practice which is a violation of this chapter or rules adopted under this chapter alleged to have occurred while the bond was in effect, or resulting from the school's failure to meet its obligations to a student or enrollee during the term for which tuition has been paid.

The director shall give the school at least thirty days' written notice prior to the release of the surety to the effect that its license will be suspended by operation of law until a sufficient surety bond is filed in the same manner and amount as the bond being terminated. [Statutory Authority: 1984 c 308. 84-21-096 (Order PL 491), § 308-20-060, filed 10/19/84.]

WAC 308-20-070 Training guidelines. Rating scale to be used when evaluating student progress and recording progress on achievement indicator.

Rating scale: Numerical scale to be used to rate student's competency in attainment of learning objectives will be used as follows:

- 4. Job ready—Can completely perform the job safely and independently.
- 3. Moderately competent—Can perform job completely and safely with limited supervision.
- 2. Limited competency—Requires instruction and close supervision in order to perform a task safely.
- 1. No exposure—No experience or knowledge in this area.

Schools will design instructional objectives which promote student progress from a beginning "1" rating to completion "4" rating as the terminal objective within the specified hours required for each course. Each month school shall provide each student with a copy of their achievement indicator. [Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-070, filed 9/12/84.]

WAC 308-20-080 Course outline of training requirements.

COURSE	MINIMUM ACHIEVEMENT REQUIRED BEFORE STUDENTS MAY WORK ON CUSTOMERS IN SCHOOL	SUGGESTED JOB READINESS COMPLETION RATING - 4
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Barber services training:

1. Shampooing	2
2. Haircutting or trimming	2
3. Arranging, dressing, curling or waving	2
4. Sanitation of materials, equipment and tools	3
5. Safety	
(a) The use of materials, equipment and tools	3

COURSE	MINIMUM ACHIEVEMENT REQUIRED BEFORE STUDENTS MAY WORK ON CUSTOMERS IN SCHOOL	SUGGESTED JOB READINESS COMPLETION RATING - 4
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(b) Recognition of a disease or disorder of the skin, scalp or hair	3
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Manicurist services training:

1. Application and removal of artificial nails	2
2. Sanitation of materials, equipment and tools to provide the service	3
3. Safety	
(a) In the use of materials, equipment and tools to provide a service	3
(b) In the recognition of a disease or disorder of the nail or skin	3
4. Skin care involving hot compresses or massage	2
5. Skin care involving electrical appliances	2
6. Temporary removal of superfluous hair	
(a) Mechanical	2
(b) Chemical	2
(c) Electrical	2
7. Safety	
(a) Skin analysis for the recognition of disease or disorders	3
(b) Use of chemicals formulated for professional use only	3
(c) Use of materials, equipment and tools to provide a service	3
8. Sanitation of all materials, equipment and tools used to provide a service	3

Cosmetology chemical services training:

1. Permanent waving	
(a) Sectioning and wrapping	2
(b) Preperm test curl	2
(c) Solution application	2
(d) Processing	2
(e) Neutralizing	2
2. Chemical relaxing	
(a) Sectioning	2
(b) Strand test	2
(c) Relaxer application	2
(d) Processing	2
(e) Neutralizing	2

COURSE	MINIMUM ACHIEVEMENT REQUIRED BEFORE STUDENTS MAY WORK ON CUSTOMERS IN SCHOOL	SUGGESTED JOB READINESS COMPLETION RATING - 4
3. Hair coloring or bleaching		
(a) Predisposition test	2	
(b) Strand test	2	
(c) Measurement and mixing of chemicals	2	
(d) Application of chemicals	2	
(e) Removal of chemicals	2	
4. Safety		
(a) In the storage, mixing and use of chemicals	3	
(b) In the uses of materials, equipment and tools to provide a service	3	
5. Sanitation of all materials, equipment and tools to provide a service	3	

All ratings should reflect job readiness rather than a grade given in class.

Ratings will be recorded on each student's achievement indicator. [Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-080, filed 9/12/84.]

WAC 308-20-090 Student credit for training. (1) Manicurists will be given 500 hours credit and barbers will be given 800 hours credit toward meeting the hourly requirement of 1600 hours in cosmetology. Cosmetology students transferring to a barber or manicurist course shall transfer only the credit that applies to the course for which they are transferring.

(2) Students transferring from another state, country or territory will receive credit toward completion of student learning objectives and course requirement hours as follows: (a) Hour for hour credit as applies to each course; (b) student learning objective credit after successfully demonstrating that the objectives have been met. Each student will receive a copy of the achievement indicators. [Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-090, filed 9/12/84.]

WAC 308-20-100 Recording student hours. Each school shall record student hours daily and provide monthly accumulated total of all hours obtained for each course offered to each student. Cosmetology students will have hours recorded in manicuring, barbering and chemical services as the training takes place. Up to date monthly accumulated hourly totals shall be recorded on each student's objective achievement indicator record. The student learning objectives shall be recorded on student's objective indicator record as they are achieved. The original will be kept on file at the school and a copy provided to the student each month. [Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-100, filed 9/12/84.]

WAC 308-20-105 Curriculum for cadet instructors.

Licensed schools wishing to offer training for cosmetology instructors are required to develop and maintain an appropriate curriculum. This curriculum should be based on five hundred hours of training and study in the areas shown below:

(1) Training in instructional methods covering the following subjects or units:

- (a) Methods of teaching cosmetology:
 - (i) Lesson planning to meet instructional objectives;
 - (ii) Student learning principles for student learning objectives;
 - (iii) Classroom management; and
 - (iv) Four-step method.
- (b) Occupational analysis and advisory committees:
 - (i) Develop system for analysis;
 - (ii) Charting and categorizing;
 - (iii) Validating; and
 - (iv) Organizing and working with advisory committees.

(c) Course organization:

- (i) Develop instruction from analysis;
- (ii) Organize and prioritize;
- (iii) Group and sequence learning units;
- (iv) Test and evaluate; record progress of students on achievement indicators; and

- (v) Teaching aids.
- (d) Student leadership development:
 - (i) How to be effective;
 - (ii) Vocational Industrial Clubs of America or student leadership organization;
 - (iii) Personality and conduct;
 - (iv) Interpersonal relationships; and
 - (v) Customer relations.
- (e) One of the following topics or units:
 - (i) Testing and rating;
 - (ii) Audio visual materials;
 - (iii) Philosophy of vocational education; or
 - (iv) Techniques in individualized instruction.

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

- (a) Practical classroom and clinic services:
 - (i) Sanitation of all tools, implements, equipment, and work areas; and
 - (ii) Safety involved in providing any service to members of the public.

(b) Safety in the storage, mixing, and use of all chemicals used in a cosmetology, barber, or manicurist school or business.

- (c) Reception area management:
 - (i) Customer relations;
 - (ii) Use of cash register;
 - (iii) Telephone techniques; and
 - (iv) Student's practical assignments:
 - (A) Motivational supervision; and
 - (B) Student assistance.

(3) Student cosmetology instructors cannot be used to replace a licensed instructor for the training of students. Student instructors must be under the direct supervision

of a licensed instructor at all times. [Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-105, filed 9/12/84.]

WAC 308-20-110 Minimum school safety standards. (1) Each school or institution to whom the license is issued will be responsible for providing a clean, safe environment for the training of students and provide all students the necessary training to insure sanitation and safety measures are applied for the maximum protection of the public, students or models used by students or instructors.

(2) Adequate supply of hot and cold running water must be provided for the benefit of the student's and consumer's health, safety and welfare.

(3) Clean towels shall be provided for each customer and shall be laundered after every use.

(4) Robes or gowns used by customers, when necessary to protect or remove clothing, must be laundered after every use. Towels, robes and gowns shall not be washed or dried on the premises except in suitable automatic washers and dryers.

(5) Dispensary, with sink and adequate supply of hot and cold running water, shall be a designated, separate and appropriate area for dispensing supplies and cleaning of tools, equipment and materials.

(6) Wet sanitizer—Fresh, clean solution shall be placed daily in a clean container for the sanitizing of combs, brushes and other tools or implements.

(7) Storage of chemicals must be done in such a manner which eliminates the possibility of fires, fumes, corrosion of containers or contamination and must comply with state and local laws. Flammable liquids that have a flash point below 100°F and vapor pressure not exceeding 40 lbs per square inch under 100°F must be provided adequate ventilation in storage so that normal leakage of such vapors from containers will be diluted enough to prevent spark from igniting them. Reducing or oxidizing materials must be stored separately from powerful oxidizing agents. Storage areas shall be posted "flammable liquids." Acids must be stored in a cool, well ventilated area void of sources of ignition. If acids are stored on metal shelves, they must be painted or otherwise rendered immune to attack by acids. Corrosive materials must be kept cool but well above freezing in a well ventilated area to prevent accumulation of fumes. Materials should be inspected regularly as corrosive materials often destroy their containers. Corroded containers must be discarded immediately.

(8) Fire extinguishers approved by local fire department must be kept in vicinity of storage area.

(9) Toilet facilities—Every licensed school shall provide adequate toilet facilities for the use of customers, employees and students. The use of common towels and bar soap is prohibited.

(10) Shampoo bowls will be kept clean and free of hair in traps. [Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-110, filed 9/12/84.]

WAC 308-20-120 Examination construction and content. Examinations for cosmetologists, barbers and

manicurists shall consist of written questions, with multiple choice answers. The examination will determine the applicant's knowledge of safe and sanitary practice. Safe and sanitary practices may include the use of tools, machines, materials, processes used to provide a service, or working conditions, which may adversely affect the members of the public or licensees. [Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-120, filed 9/12/84.]

WAC 308-20-130 Examination objectives. The following objectives will constitute the basis for written examination questions for each licensing category:

(1) The applicant's knowledge of safety skills in the use of tools, machines, materials and processes in providing any service offered within each course of instruction.

(2) The applicant's knowledge of providing maximum protection, caution and consideration for consumer's eyes, ears, skin, nails, hair and clothing for the well being of the consumer as applies to each course of study.

(3) The applicant's knowledge of all means of sanitation necessary to maintain clean tools, equipment, machines, materials and work areas to prevent contamination and the spread of disease.

(4) The applicant's knowledge of hazards involved in the storage of flammable, volatile or combustible substances, acids and corrosive materials used within the cosmetology, barber or manicurist occupation. [Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-130, filed 9/12/84.]

WAC 308-20-140 Examination--Application. Examinations will be given monthly. Examination schedules will be published by the director and issued to each school. Each licensed school shall post the schedule of examinations in plain view for the students and provide students with an application and all necessary information for completing and submitting the application. No school shall prohibit or hinder a student from submitting an application for examination if the student is at least seventeen years of age and has completed the required number of hours in the approved course of study.

Each application submitted by the student must have notarized signatures of both the student and the school owner or manager. Each application must be complete in every respect, including fee, before the applicant may be scheduled for examination.

All applications and fees for examination or reexamination must be date stamped received into the department of licensing no later than the first day of the month to be scheduled for the following month's examination. (For example: Must be received by August 1 to be scheduled for September examination.) Only when the date received stamp is omitted or illegible, will the postmark by the postal service be substituted.

Any person failing to be present for scheduled examination, or requesting to be rescheduled at least seven days prior to scheduled examination date, except in emergencies as determined by the department, shall forfeit fee for examination. [Statutory Authority: 1984 c

208. 84-19-020 (Order PL 480), § 308-20-140, filed 9/12/84.]

WAC 308-20-150 Student appeal--Examination eligibility denial by the school. Should a school owner or manager refuse to sign the eligibility portion of the student examination application after the student has obtained the required course hours, the student may appeal the decision. Appeal must be submitted to the department, in writing, stating reasons why they think they are eligible. Such appeal to be submitted with examination application, accompanied by fee and copy of achievement indicator showing completion of hours and learning objectives.

Schools will be required to respond in writing stating the reason for refusal to sign, supply copies or documentation of events which substantiate their refusal or reasons why the required training was not provided or obtained within the time required. Failure to respond within twenty days will result in default. More than four appeals from students of any one school in a one-year period may result in review of curriculum and training provided for students by the school. [Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-150, filed 9/12/84.]

WAC 308-20-160 Release of results of examination. (1) The department of licensing will notify applicants of examination results by mail only.

(2) Applicants who pass the examination will receive their license to practice.

(3) Applicants who fail shall receive a letter of notification to retake the examination and a retake application. Failing scores will be included in the notification.

(4) Examination papers completed by the applicant will be maintained by the division of professional licensing and will be made available for inspection, by appointment, with the applicant or applicant's agent. Agents of the applicant must submit a letter of authorization with notarized signature of the applicant before inspection of examination papers will be permitted. Papers are not to be duplicated or removed from this office. Notes may not be made on any examination material. [Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-160, filed 9/12/84.]

WAC 308-20-171 Passing grades on all examinations. Passing grades are based on the standard of 100 percent and are determined by the cosmetology/barber/manicurist advisory board.

Effective August 1, 1984, the passing grade on the barber, manicurist, and chemical services examinations is 76 percent. An applicant who receives a passing score of not less than 76 percent shall be entitled to a license.

Applicants for a barber license will be required to obtain a passing grade on the barber examination.

Applicants for a manicurist license will be required to obtain a passing grade on the manicurist examination.

Applicants for a cosmetology license will be required to obtain a passing grade on the barber examination, the

manicurist examination and the chemical services examination. No one will be licensed to perform chemical services until successfully passing all three examinations.

If a cosmetology applicant passes the barber examination, a barber license will be issued upon request.

If a cosmetology applicant passes the manicurist examination, a manicurist license will be issued upon request. There will be no refund of fees for separate licenses issued. If both barber and manicurist licenses are requested, an additional fee for a manicurist license will be required.

Applicants for cosmetology instructor license will be required to obtain a 90 percent grade on the instructor's examination.

The instructor's examination will cover lesson planning and teaching techniques. The examination will consist of 200 questions with 45 percent of the questions to be on lesson planning. [Statutory Authority: 1984 c 208 § 7(2). 85-01-044 (Order PL 502), § 308-20-171, filed 12/13/84.]

WAC 308-20-180 Posting of license. All licenses required by this chapter shall be posted in a location within the place of business that is easily observed by members of the public for whom services are performed.

The address of the division of professional licensing shall be provided to consumers as the agency to handle complaints not resolved by the licensee. [Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-180, filed 9/12/84.]

WAC 308-20-190 Restricted license. Should the director restrict the licensee's scope of practice, the licensee will be required to surrender their unrestricted license to the department of licensing whereby the stated restriction will be affixed, then returned to the licensee. All restricted licenses must be posted at the work station of the individual in clear view of the public. Restricted services may not be performed by the licensee until the restriction is removed from the license. [Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-190, filed 9/12/84.]

WAC 308-20-200 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>
Cosmetologist exam application	30.00
Cosmetologist renewal	15.00
Late renewal penalty	15.00
Instructor exam application	30.00
Instructor renewal	25.00
Late renewal penalty	25.00
Manicurist exam application	30.00
Manicurist renewal	15.00
Late renewal penalty	15.00
School license application	150.00
School renewal	150.00
Late renewal penalty	150.00
Barber exam application	30.00

<u>Title of Fee</u>	<u>Fee</u>		
Barber renewal	15.00	308-24-340	24-335, filed 1/11/79.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
Late renewal penalty	15.00		Student restrictions. [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.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
Out of state license application	30.00	308-24-345	Curriculum for cadet instructors. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-345, filed 10/15/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
Duplicate license	5.00		Eligibility requirements for licensing as a manicurist. [Order PL 279, § 308-24-350, filed 12/19/77; Order PL 152, § 308-24-350, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
Certification	5.00	308-24-355	Curriculum for cosmetology operator course of instruction. [Order PL 279, § 308-24-355, filed 12/19/77.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
[Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-200, filed 9/12/84.]			
WAC 308-20-205 License renewal--Penalties. (1)			
Each individual license shall be renewed on or before the birthdate expiration date shown on the license. Failure to renew the license by the expiration date will result in a penalty fee determined by the director. Licenses may be reinstated up to three years by payment of all renewal and penalty fees for the period for which the license had lapsed.			
(2) Each school license shall be renewed on or before July 1st as indicated by the expiration date on the license. Failure to renew the school license by the expiration date will result in a penalty fee determined by the director. [Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-205, filed 9/12/84.]			
Chapter 308-24 WAC			
BEAUTY CULTURE			
WAC			
308-24-300	through 308-24-540	Repealed.	
DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER			
308-24-300	Definitions. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-300, filed 10/15/82; 79-12-001 (Order PL 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.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208. Later promulgation, see chapter 308-20 WAC.	308-24-382	Examination for licensing. [Statutory Authority: RCW 18.18.020. 81-09-031 (Order PL 376), § 308-24-382, filed 4/13/81.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-24-305	Demonstrations and contests. [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.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.	308-24-384	Scope of examinations. [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.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-24-315	Equivalent high school education. [Order PL 152, § 308-24-315, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.	308-24-390	Time limitation for licensing. [Order PL 152, § 308-24-390, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-24-320	Recording student hours. [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.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.	308-24-395	Instructor examination for licensing. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-395, filed 10/15/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-24-330	Credit allowed on transfer of training. [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.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.	308-24-400	Licensing out of state applicants—Temporary permits are not granted. [Order PL 152, § 308-24-400, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-24-335	State correctional institutions. [Statutory Authority: RCW 18.18.020. 79-02-012 (Order PL-298), § 308-	308-24-403	Licensing out of state applicants without examination. [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.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
		308-24-404	Licensing out of state applicants with examination. [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.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
		308-24-420	Post graduate training for instructors. [Order PL 279, § 308-24-420, filed 12/19/77; Order PL 152, § 308-24-420, filed 10/11/73.] Repealed by 84-19-020

- (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-430 Standard requirements for maintenance and operation of licensed shops or schools. [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.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-440 Licensees and employees. [Statutory Authority: RCW 18.18.020. 79-12-001 (Order PL 319), § 308-24-440, filed 11/8/79; Order PL 279, § 308-24-440, filed 12/19/77; Order PL 152, § 308-24-440, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-450 School equipment and facilities. [Order PL 152, § 308-24-450, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-460 Posting of rules, licenses and inspection reports. [Statutory Authority: RCW 18.18.020. 79-12-001 (Order PL 319), § 308-24-460, filed 11/8/79; Order PL 152, § 308-24-460, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-470 Inspections. [Statutory Authority: RCW 18.18.020. 79-12-001 (Order PL 319), § 308-24-470, filed 11/8/79; Order PL 279, § 308-24-470, filed 12/19/77; Order PL 152, § 308-24-470, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-485 Fees. [Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-24-485, filed 11/2/83; 83-17-031 (Order PL 442), § 308-24-485, filed 8/10/83. Formerly WAC 308-24-490.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-500 Renewal of licenses. [Order PL 262, § 308-24-500, filed 1/13/77.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-510 Catalog or brochure. [Statutory Authority: RCW 18.18.020 and 18.18.070. 82-08-063 (Order PL 395), § 308-24-510, filed 4/7/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-520 Minimum cancellation and refund policy. [Statutory Authority: RCW 18.18.020 and 18.18.070. 82-08-063 (Order PL 395), § 308-24-520, filed 4/7/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-530 Enrollment agreement (contract) checklist. [Statutory Authority: RCW 18.18.020 and 18.18.070. 82-08-063 (Order PL 395), § 308-24-530, filed 4/7/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-540 Bonding. [Statutory Authority: RCW 18.18.020 and 18.18.070. 82-08-063 (Order PL 395), § 308-24-540, filed 4/7/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.

WAC 308-24-300 through 308-24-540 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 308-25 WAC DENTAL HYGIENISTS

WAC

- 308-25-020 Repealed.
308-25-025 The examination.
308-25-030 Examination results.

- 308-25-040 Repealed.
308-25-070 Dismissal from examination.
308-25-200 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-25-020 The examination. [Statutory Authority: RCW 43.24.020 and 43.24.024. 83-07-051 (Order PL 430), § 308-25-020, filed 3/18/83; 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.] Repealed by 84-04-088 (Order PL 459), filed 2/1/84. Statutory Authority: RCW 18.29.031.
- 308-25-040 Examination review procedures. [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.] Repealed by 84-04-088 (Order PL 459), filed 2/1/84. Statutory Authority: RCW 18.29.031.
- 308-25-200 Uniform Disciplinary Act. [Statutory Authority: 1984 c 279 § 29. 84-21-090 (Order PL 483), § 308-25-200, filed 10/19/84, effective 8/1/85.] Repealed by 85-19-039 (Order PL 552), filed 9/12/85. Statutory Authority: RCW 18.29.075.

WAC 308-25-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-25-025 The examination. The dental hygiene examination will consist of a written section and a practical section.

(1) Written examination. The written theory examination will cover ten 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 Examination may be accepted in lieu of the written examination: *Provided, further*, That such applicant will also be required to successfully complete a written examination covering anesthesia, restorative dentistry, Washington state dental hygiene practice, and other subjects.

(2) Practical examination: The practical examination will include:

(a) 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 obtained by applicant and be at least eighteen years of age with a minimum of twenty-four teeth. A patient shall not be a dentist, dental student, dental hygienist, or dental hygiene student. Patients must have sufficient supragingival and subgingival calculus and stain to provide a suitable test. If the case is not appropriate for testing the applicant's competency, patient will be rejected. Requirements for suitable test case:

(A) Subgingival calculus: Patients must have a minimum of fourteen teeth with subgingival calculus. A minimum of three of the four posterior sextants (from first bicuspid to third molar) must have detectable subgingival calculus. Subgingival calculus must be present on at least eleven posterior teeth. A minimum of three teeth with subgingival calculus must be located in the anterior sextants.

(B) Supragingival calculus: Patient must have visible supragingival calculus.

(C) Stain: Patient must have visible stain.

(D) Patients will not be acceptable if patient has advanced stages of periodontal involvement in more than one sextant.

(ii) Case history to be completed on forms prepared by the committee. The patient will be rejected if contraindications exist in the medical history for receiving immediate dental hygiene treatment.

(iii) The applicant must furnish a specified series of diagnostic radiographs taken by the applicant which will be evaluated by and remain with the committee. Unless otherwise authorized by the committee, the same patient will be used for patient case history, prophylaxis, anesthetic administration and radiographs.

(b) The applicant will be required to demonstrate the administration of a local anesthetic. The applicant will furnish anesthesia armamentarium including a manual aspirating syringe and using anesthetic solution with no vasoconstrictor unless otherwise authorized by the committee.

(c) Restorative: Applicant will need to demonstrate the insertion, condensation, carving, and polishing of amalgam restorations.

(i) Applicant[s] will bring a dentoform with a condensed, carved and unpolished M.O.D. amalgam restoration on a molar which applicant will be required to polish and leave with the board.

(ii) The applicant must demonstrate proper insertion, condensation and carving of the restorative material in the dentoform tooth, establishing proper anatomy, contour and proximal contact. The applicant must supply all instruments and materials required to perform the restorative procedures. [Statutory Authority: RCW 18.29-.031. 84-10-063 (Order PL 466), § 308-25-025, filed 5/2/84; 84-04-088 (Order PL 459), § 308-25-025, filed 2/1/84.]

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

(a) Attain a score of 65% in the written theory examination section, OR submit proof of successful completion of the National Board of Dental Hygiene Examination and a score of 75% in any required additional written examination;

(b) Successfully complete the prophylaxis case;

(c) Successfully complete the anesthetic practical examination and;

(d) Successfully complete the restorative practical examination.

(2) An applicant who passes at least two of the following examination sections may elect to retake only the examination sections failed: *Provided*, That if the applicant has not passed all sections of the examination at the next examination administration offered then the entire

examination must be retaken. The examination sections are:

(a) Prophylaxis case

(b) Anesthetic practical

(c) Restorative practical

(d) Additional written examination. [Statutory Authority: RCW 18.29.031. 85-10-026 (Order PL 528), § 308-25-030, filed 4/24/85; 84-04-088 (Order PL 459), § 308-25-030, filed 2/1/84. 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 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-25-070 Dismissal from examination. Any applicant whose conduct interferes with the evaluation of professional competency by the committee may be dismissed from the 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.

(c) Endangering the life or health of a patient. [Statutory Authority: RCW 18.29.031. 84-04-088 (Order PL 459), § 308-25-070, filed 2/1/84. Statutory Authority: RCW 43.24.020 and 43.24.024. 82-06-043 (Order 672), § 308-25-070, filed 3/2/82.]

WAC 308-25-200 Repealed. See Disposition Table at beginning of this chapter.

Chapter 308-26 WAC DISPENSING OPTICIANS

WAC

- 308-26-015 Application for examination.
308-26-017 Dispensing optician examination.
308-26-030 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-26-030 Uniform Disciplinary Act. [Statutory Authority: 1984 c 279 § 32. 84-21-093 (Order PL 486), § 308-26-030, filed 10/19/84, effective 8/1/85.] Repealed by 85-19-040 (Order PL 555), filed 9/12/85. Statutory Authority: RCW 18.34.135.

WAC 308-26-015 Application for examination. (1) An individual shall make application for examination, in accordance with RCW 18.34.070, on an application form prepared and provided by the director.

(2) The apprenticeship training requirement shall be supported with certification by the licensed individual (or individuals) who provided such training.

(3) Examination fees are not refundable. If an applicant is unable to attend his scheduled examination, and so notifies the director in writing at least 7 days prior to the scheduled examination date, the applicant will be

rescheduled at no additional charge. Otherwise, the fee will be forfeited. (Emergencies considered.)

(4) If an applicant takes the examination and fails to obtain a satisfactory grade, he may retake the examination if he pays the statutory examination fee.

(5) Applications and fees for examination must be submitted to the division of professional licensing, department of licensing, at least sixty days prior to the scheduled examination. Failure to meet the deadline will result in the applicant not being scheduled until the next scheduled examination. [Statutory Authority: RCW 18.34.040 and 18.34.080. 84-08-019 (Order PL 464), § 308-26-015, filed 3/27/84; Order PL-106, § 308-26-015, filed 2/2/71.]

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 may retake the section(s) failed at the next scheduled examination. Failure to pass the entire examination after three consecutive regularly scheduled examinations (emergencies may be considered) shall require reexamination on all three sections. [Statutory Authority: RCW 18.34.040 and 18.34.080. 84-08-019 (Order PL 464), § 308-26-017, filed 3/27/84. Statutory Authority: RCW 18.34.080. 82-11-056 (Order PL 397), § 308-26-017, filed 5/13/82.]

WAC 308-26-030 Repealed. See Disposition Table at beginning of this chapter.

Chapter 308-30 WAC NOTARIES PUBLIC

WAC

308-30-010	Size and form of notary seal or stamp.
308-30-020	Maximum fees that may be charged by notaries public.
308-30-030	Applications for appointment as notary public.
308-30-040	Resignation or revocation of notary appointment.
308-30-050	Replacement of lost or stolen notary seals or stamps.
308-30-060	Department to be notified of change of name or address.
308-30-070	Requests for evidence of authenticity.
308-30-080	Appeals of denials and revocations of notary appointments.
308-30-090	Forms.
308-30-100	Fees.

WAC 308-30-010 Size and form of notary seal or stamp. A notary seal shall be one and five-eighths inches minimum in diameter. If a notary stamp is used the following requirements shall apply:

(1) The type shall be a minimum of 8 point type.
(2) The stamp shall be minimum one and five-eighths inches in diameter. If a rectangular stamp is used the

minimum dimensions shall be one inch wide by one and five-eighths inches long.

(3) The imprint shall be affixed with indelible ink only.

(4) The face of any notary stamp shall contain permanently affixed letters and numerals and shall not be preprinted. [Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-010, filed 11/26/85, effective 1/1/86.]

WAC 308-30-020 Maximum fees that may be charged by notaries public. A notary public need not charge fees for notarial services. The following are the maximum fees that may be charged by notaries public for the following services:

(1) Witnessing or attesting a signature with or without seal or stamp, three dollars.

(2) Taking acknowledgment, or verification upon oath or affirmation, one or two persons, with or without seal or stamp, three dollars.

(3) Taking acknowledgment, or verification upon oath or affirmation, each person over two, two dollars.

(4) Certifying or attesting a copy, with or without seal or stamp, three dollars.

(5) Receiving or noting a protest of a negotiable instrument, two dollars.

(6) Being present at demand, tender, or deposit, and noting the same, besides mileage at the rate of one dollar per mile, two dollars.

(7) For copying any instrument or record, per folio, besides certificate and seal or stamp, two dollars.

(8) Administering an oath or affirmation, two dollars.

(9) Certifying that an event has occurred or an act has been performed, three dollars. [Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-020, filed 11/26/85, effective 1/1/86.]

WAC 308-30-030 Applications for appointment as notary public. Applications for appointment as notary public may be obtained from the Department of Licensing, Professional Licensing Division, Notary Section, (for mail P.O. Box 9649) (in person 1300 Quince Street), Olympia, WA 98504. Every application for appointment as a notary public shall be accompanied by a fee of fifteen dollars and shall in all ways comply with the requirements of section 2, chapter 156, Laws of 1985. [Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-030, filed 11/26/85, effective 1/1/86.]

WAC 308-30-040 Resignation or revocation of notary appointment. Voluntary resignation by a notary public shall be submitted in writing to the Department of Licensing, Professional Licensing Division, Notary Section, P.O. Box 9649, Olympia, Washington 98504. If a notary public voluntarily resigns his or her notary appointment or if the notary appointment is revoked, suspended or restricted, the notary public must mail or deliver his or her notary stamp or seal to the Department of Licensing, Professional Licensing Division, Notary Section, (for mail P.O. Box 9649) (in person 1300

Quince Street), Olympia, Washington 98504. No voluntary resignation of a notary appointment shall be effective until the notary seal or stamp is mailed or delivered to the above address. [Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-040, filed 11/26/85, effective 1/1/86.]

WAC 308-30-050 Replacement of lost or stolen notary seals or stamps. When a notary seal or stamp is lost or stolen the department of licensing, professional licensing division is to be notified by a written statement, signed by the notary public, setting forth the fact that the notary seal or stamp has been lost or stolen. The notary public may then obtain a replacement notary seal or stamp. If the lost or stolen notary seal or stamp is found or recovered after a replacement has been obtained, either the original or the replacement seal or stamp shall be surrendered to the department of licensing, professional licensing division. [Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-050, filed 11/26/85, effective 1/1/86.]

WAC 308-30-060 Department to be notified of change of name or address. When a notary public changes his or her name or address, the department of licensing, professional licensing division, is to be notified in writing of such name and/or address change. The notification of name change shall be accompanied by a five dollar fee which shall include the cost of issuance of a duplicate certificate showing the new name. There are no charges for address changes. [Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-060, filed 11/26/85, effective 1/1/86.]

WAC 308-30-070 Requests for evidence of authenticity. Requests for evidences of authenticity of notarial commission must be writing, accompanied by a five dollar fee, and mailed to the Department of Licensing, Professional Licensing Division, Notary Section, P.O. Box 9649, Olympia, Washington 98504. [Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-070, filed 11/26/85, effective 1/1/86.]

WAC 308-30-080 Appeals of denials and revocations of notary appointments. Notices of appeals of denials and revocations of notary appointments must be in writing and mailed or delivered to the Department of Licensing, Professional Licensing Division, Notary Section, (for mail P.O. Box 9649) (in person 1300 Quince Street), Olympia, Washington 98504. The written notification of appeal must be received by the above address within twenty days of the date of denial or revocation of the notary appointment or the right to appeal is deemed waived. When the notification of appeal is mailed, the postmarked date will be deemed the date of receipt by the department of licensing. Procedures on appeal will be as provided in the Administrative Procedure Act, chapter 34.04 RCW, and rules adopted thereunder. [Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-080, filed 11/26/85, effective 1/1/86.]

WAC 308-30-090 Forms. The forms in section 10, chapter 156, Laws of 1985 are only suggested forms with the sufficient information included. These forms may be used; however, when a specific form is required by a specific statute, the required form shall be used. [Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-090, filed 11/26/85, effective 1/1/86.]

WAC 308-30-100 Fees. The following fees shall be charged by the director of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
Application for notary appointment	\$15.00
Renewal of notary appointment	15.00
Duplicate certificate of appointment (including change of name)	5.00
Evidence of verification of notarial commission	5.00
Apostille	5.00

[Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-100, filed 11/26/85, effective 1/1/86.]

Chapter 308-31 WAC CHIROPODY

WAC	
308-31-001	Board officers.
308-31-015	Examinations required for licensure.
308-31-020	Definitions.
308-31-100	Purpose.
308-31-110	Acts that may be delegated to an unlicensed person.
308-31-120	Acts that may not be performed by unlicensed persons.
308-31-200	Repealed.
308-31-500	Professional and ethical standards.
308-31-510	Patient abandonment.
308-31-520	Exercise of professional judgment and skills.
308-31-530	Prohibited transactions.
308-31-540	Soliciting patients.
308-31-550	Excessive fees.
308-31-560	Maintenance of patient records.
308-31-570	Inventory of legend drugs and controlled substances.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-31-200	Uniform Disciplinary Act. [Statutory Authority: RCW 18.22.017. 85-04-028 (Order PL 510), § 308-31-200, filed 1/31/85.] Repealed by 85-15-058 (Order PL 535), filed 7/17/85. Statutory Authority: RCW 18.22.015(8).
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WAC 308-31-001 Board officers. In addition to electing a board member to serve as chairperson as required by RCW 18.22.014, the board shall also elect a vice-chairperson and a secretary from among its members.

The board shall schedule an annual election of members to the above named offices. [Statutory Authority: RCW 18.22.015(8). 86-01-041 (Order PL 573), § 308-31-001, filed 12/13/85.]

WAC 308-31-015 Examinations required for licensure. In order to be licensed to practice podiatry in the state of Washington, all applicants must pass Part I and Part II of the national examination prepared by the National Board of Podiatric Examiners in addition to the state podiatry examination prepared and administered by the Washington podiatry board. [Statutory Authority: RCW 18.22.015. 84-02-077 (Order PL 450), § 308-31-015, filed 1/4/84.]

WAC 308-31-020 Definitions. (1) Chiroprody and podiatry shall be synonymous.

(2) "Board" shall mean the Washington state podiatry board.

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

(4) "Supervision" shall mean that a licensed podiatrist whose patient is being treated has personally diagnosed the condition to be treated and has personally authorized and directed the procedures to be performed. A podiatrist shall be physically present in the treatment facility while the procedures are performed.

(5) "Treatment facility" means a podiatric office or connecting suite of offices, podiatric clinic, room or area with equipment to provide podiatric 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) "Unlicensed person" means a person who is not a podiatrist duly licensed pursuant to the provisions of chapter 18.22 RCW. [Statutory Authority: RCW 18.22.015. 84-02-077 (Order PL 450), § 308-31-020, filed 1/4/84; Order PL 128, § 308-31-020, filed 7/7/72.]

WAC 308-31-100 Purpose. The purpose of WAC 308-31-110 and 308-31-120 is to establish guidelines on delegation of duties to persons who are not licensed to practice podiatry. The podiatry laws of Washington state authorize the delegation of certain duties to nonpodiatric personnel and prohibit the delegation of certain other duties. The licensed podiatrist is ultimately responsible for all treatments performed at his direction. Duties that may be delegated to a person not licensed to practice podiatry may be performed only under the supervision of a licensed podiatrist. The degree of supervision required to assure that treatment is appropriate and does not jeopardize the systemic or pedal 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 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 18.22.015. 84-02-077 (Order PL 450), § 308-31-100, filed 1/4/84.]

WAC 308-31-110 Acts that may be delegated to an unlicensed person. A podiatrist may allow an unlicensed

person to perform the following acts under the podiatrist's supervision.

- (1) Patient education in foot hygiene.
- (2) Deliver a sedative drug in an oral dosage form to patient.
- (3) Give preoperative and postoperative instructions.
- (4) Assist in administration of nitrous oxide, analgesia or sedation, but the unlicensed person shall not start the administration of the gases and shall not adjust the flow of the gases unless instructed to do so by the podiatrist. Patients must never be left unattended while nitrous oxide analgesia or sedation is administered to them. This regulation shall not be construed to prevent any person from taking appropriate action in the event of a medical emergency.
- (5) Take health histories.
- (6) Determine rate and quality of patient's radial pulses.
- (7) Measure the patient's blood pressure.
- (8) Perform a plethysmographic or doppler study.
- (9) Observe the nature of the patient's shoes and hose.
- (10) Observe and report wearing patterns on the patient's shoes.
- (11) Assist in obtaining material for a culture-sensitivity test.
- (12) Take scrapings from the skin or nails of the feet, prepare them for microscopic and culture examination.
- (13) Perform weightbearing and nonweightbearing x-rays.
- (14) Photograph patient's foot disorder.
- (15) Debride hyperkeratotic lesions of the foot.
- (16) Remove and apply dressing and/or padding.
- (17) Make necessary adjustments to the biomechanical device.
- (18) Produce impression casting of the foot.
- (19) Produce the following:
 - (a) Removable impression insoles and modifications.
 - (b) Protective devices for alleviating or dispersing pressure on certain deformities or skin lesions such as ulcers, corns, calluses, digital amputation stumps (e.g., latex shields).
- (20) Apply strap and/or pad to the foot and/or leg.
- (21) Prepare the foot for anesthesia as needed.
- (22) Know the indications for and application of cardiopulmonary resuscitation (CPR).
- (23) Prepare and maintain a surgically sterile field.
- (24) Apply flexible cast (e.g., Unna Boot).
- (25) Apply cast material for immobilization of the foot and leg.
- (26) Remove sutures.
- (27) Debride nails.
- (28) Administer physical therapy as directed by the podiatrist.
- (29) Counsel and instruct patients in the basics of:
 - (a) Their examination, treatment regimen and prophylaxis for a problem.
 - (b) Patient and family foot health promotion practices.
 - (c) Patient and family care of specific diseases affecting the foot (e.g., diabetes, cerebrovascular accident, arthritis).

(d) Performing certain exercises and their importance.

(30) Give patient or family supplementary health education materials. [Statutory Authority: RCW 18.22.015. 84-02-077 (Order PL 450), § 308-31-110, filed 1/4/84.]

WAC 308-31-120 Acts that may not be performed by unlicensed persons. No podiatrist 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 diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human feet or adjacent structures.

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

(3) Suture.

(4) Determine the rate and quality of patient's pedal pulses.

(5) Perform and quantitate a neurological, musculo-skeletal, or dermatological examination.

(6) Palpation of the feet or lower extremities.

(7) Any interprofessional communication.

(8) Perform a biomechanical examination. [Statutory Authority: RCW 18.22.015. 84-02-077 (Order PL 450), § 308-31-120, filed 1/4/84.]

WAC 308-31-200 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-31-500 Professional and ethical standards. In addition to those standards specifically expressed in chapter 18.22 RCW, the board adopts the standards that follow in governing or regulating the practice of podiatrists within the state of Washington.

Podiatry is that specialty of medicine and research that seeks to diagnose, treat, correct and prevent diseases and disorders of the human foot. A podiatrist shall hold foremost the principal objectives to render appropriate podiatric services to the society and to assist individuals in the relief of pain or correction of abnormalities, and shall always endeavor to conduct himself or herself in such a manner to further these objectives.

The podiatrist owes to his or her patients a reasonable degree of skill and quality of care. To this end, the podiatrist shall endeavor to keep abreast of new developments in podiatric medicine and surgery and shall pursue means that will lead to improvement of his or her knowledge and skill in the practice of podiatry. ("Quality of care" consists of the following elements:

(a) Necessity of care.

(b) Appropriateness of service rendered in view of the diagnosis.

(c) Utilization of services (over or under).

(d) Quality of service(s) rendered.

(e) Whether the service(s) reported had been actually rendered.) [Statutory Authority: RCW 18.22.015. 84-02-077 (Order PL 450), § 308-31-500, filed 1/4/84.]

WAC 308-31-510 Patient abandonment. The podiatrist shall always be free to accept or reject a particular patient, but once care is undertaken, the podiatrist shall not neglect the patient as long as that patient cooperates with, requests, and authorizes the podiatric services for the particular problem. [Statutory Authority: RCW 18.22.015. 84-02-077 (Order PL 450), § 308-31-510, filed 1/4/84.]

WAC 308-31-520 Exercise of professional judgment and skills. A podiatrist shall not accept patients under terms or conditions that interfere with the free exercise of the podiatrist's professional judgment or infringe upon the utilization of his or her professional skills. [Statutory Authority: RCW 18.22.015. 84-02-077 (Order PL 450), § 308-31-520, filed 1/4/84.]

WAC 308-31-530 Prohibited transactions. A podiatrist shall not compensate or give anything of value to a representative of the press, radio, television or other communication media in anticipation of or in return for professional publicity of any individual podiatrist in a news item. [Statutory Authority: RCW 18.22.015. 84-02-077 (Order PL 450), § 308-31-530, filed 1/4/84.]

WAC 308-31-540 Soliciting patients. A podiatrist shall not participate in the division of fees or agree to split or divide fees received for podiatric services with any person for bringing or referring patients. [Statutory Authority: RCW 18.22.015. 84-02-077 (Order PL 450), § 308-31-540, filed 1/4/84.]

WAC 308-31-550 Excessive fees. Fees charged by podiatrists for professional services rendered to patients must not be excessive. Such fees may not exceed those in accord with the usual, customary and reasonable charges in the particular community. Complaints regarding excessive charges will be evaluated by the board on an individual basis governed by the following definitions of usual, customary and reasonable fees, as used herein:

(1) "Usual" is defined as the usual fee which is charged for a given service by an individual podiatrist in his practice (i.e., his or her own usual fee).

(2) "Customary" is defined as that range of usual fees charged by podiatrists of similar training and experience for the same service within a given metropolitan or specific geographic area.

(3) "Reasonable" is defined as a fee which meets the above two criteria or, in the opinion of the board, is justifiable in the circumstances of the particular case in question. [Statutory Authority: RCW 18.22.015. 84-02-077 (Order PL 450), § 308-31-550, filed 1/4/84.]

WAC 308-31-560 Maintenance of patient records. Any podiatrist 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 podiatrist in an orderly, accessible file and shall be

readily available for inspection by the Washington state podiatry board or its authorized representative. [Statutory Authority: RCW 18.22.015. 84-02-077 (Order PL 450), § 308-31-560, filed 1/4/84.]

WAC 308-31-570 Inventory of legend drugs and controlled substances. Every podiatrist shall maintain a record of all legend drugs and controlled substances that he or she has prescribed or dispensed. This record 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. The record of the medication prescribed or dispensed will be clearly indicated on the patient record. [Statutory Authority: RCW 18.22.015. 84-02-077 (Order PL 450), § 308-31-570, filed 1/4/84.]

Chapter 308-34 WAC DRUGLESS THERAPEUTICS

WAC

308-34-080 Review procedures.
308-34-100 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-34-100 Uniform Disciplinary Act. [Statutory Authority: 1984 c 279 § 34. 84-21-091 (Order PL 484), § 308-34-100, filed 10/19/84, effective 8/1/85.] Repealed by 85-19-036 (Order PL 553), filed 9/12/85. Statutory Authority: RCW 18.36.135.

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 inspection[s] 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. Expenses incurred for the site review shall be the responsibility of the program requesting approval. [Statutory Authority: RCW 18.36.040 and 43.24.020. 85-01-018 (Order PL 500), § 308-34-080, filed 12/10/84. Statutory Authority: Chapter 18.36 RCW. 82-09-043 (Order PL 396), § 308-34-080, filed 4/14/82.]

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 308-34-100 Repealed. See Disposition Table at beginning of this chapter.

Chapter 308-37 WAC DENTISTRY--LICENSE DISPLAY--REPORTS-- RECORDS--INVENTORY REQUIREMENTS-- PRESCRIBING PRACTICES

WAC

308-37-150 Patient abandonment.
308-37-160 Representation of care, fees, and records.
308-37-170 Disclosure of provider services.
308-37-180 Disclosure of membership affiliation.
308-37-190 Specialty representation.

WAC 308-37-150 Patient abandonment. The attending dentist, without reasonable cause, shall not neglect, ignore, abandon, or refuse to complete the current procedure for a patient. If the dentist chooses to withdraw responsibility to a patient of record, the dentist shall: (1) Advise the patient that termination of treatment is contemplated and that another dentist should be sought to complete the current procedure and for future care; and (2) advise the patient that the dentist will remain reasonably available under the circumstances for up to 15 days from the date of such notice to render emergency care related to that current procedure. [Statutory Authority: RCW 18.32.640(1). 84-21-072 (Order PL 490), § 308-37-150, filed 10/17/84; 84-05-070 (Order PL 460), § 308-37-150, filed 2/22/84.]

WAC 308-37-160 Representation of care, fees, and records. Dentists shall not represent the care being rendered to their patients or the fees being charged for providing such care in a false or misleading manner, nor alter patient records, such as but not limited to, misrepresenting dates of service or treatment codes. [Statutory Authority: RCW 18.32.640(1). 85-05-040 (Order PL 520), § 308-37-160, filed 2/19/85.]

WAC 308-37-170 Disclosure of provider services. In order that patients and the public are adequately informed of the provider of dental services, a dentist who is personally present operating as a dentist or personally overseeing the operations being performed in a dental office, over fifty percent of the time that such office is being operated, shall identify himself or herself in any representation to the public associated with such office or practice and shall provide readily visible signs designating his or her name at such respective office entrances or office buildings. Any representation that omits such a listing of dentists is misleading, deceptive, or improper conduct. Dentists who are present or overseeing operations under this rule less than fifty percent of the time shall identify themselves to patients prior to services being initiated or rendered in any fashion. Every office shall have readily available a list of the names of dentists who are involved in such office less than fifty percent of the time. [Statutory Authority: RCW 18.32.640(1). 85-05-040 (Order PL 520), § 308-37-170, filed 2/19/85.]

WAC 308-37-180 Disclosure of membership affiliation. It shall be misleading, deceptive or improper conduct for any dentist to represent that he or she is a

member of any dental association, society, organization, or any component thereof where such membership in fact does not exist. [Statutory Authority: RCW 18.32.640(1), 85-05-040 (Order PL 520), § 308-37-180, filed 2/19/85.]

WAC 308-37-190 Specialty representation. (1) It shall be misleading, deceptive or improper conduct for a dentist to represent or imply that he or she is a specialist or use any of the terms to designate a dental specialty such as:

- (a) Endodontist
- (b) Oral or maxillofacial surgeon
- (c) Oral pathologist
- (d) Orthodontist
- (e) Pedodontist
- (f) Periodontist
- (g) Prosthodontist
- (h) Public health

or any derivation of these specialties unless he or she is entitled to such specialty designation under the guidelines for specialties of the Commission on Accreditation of Dental Education of the American Dental Association in effect of January 1, 1985, or such guidelines as subsequently amended and approved by the dental disciplinary board, or other such organization recognized by the board.

(2) A dentist not currently entitled to such specialty designation shall not represent that his or her practice is limited to providing services in a specialty area without clearly disclosing in the representation that he or she is a general dentist. A specialist who represents services in areas other than his or her specialty is considered a general dentist. [Statutory Authority: RCW 18.32.640(1), 85-05-040 (Order PL 520), § 308-37-190, filed 2/19/85.]

Chapter 308-40 WAC DENTISTRY

WAC

308-40-102	Examination content.
308-40-104	Examination results.
308-40-110	Graduates of nonaccredited schools.
308-40-111	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-40-111	Preclinical exam waiver. [Statutory Authority: RCW 18.32.040, 79-04-011 (Order 295, Resolution No. 295), § 308-40-111, filed 3/13/79.] Repealed by 85-07-046 (Order PL 524), filed 3/19/85. Statutory Authority: RCW 18.32.040.
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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) The board may, at its discretion, give an examination in any other phase of dentistry. Candidate 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, and shall not be a dentist, dental student, dental hygienist or dental hygiene student. 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, 84-07-050 (Order PL 462), § 308-40-102, filed 3/21/84; 83-08-021 (Order PL 431), § 308-40-102, filed 3/29/83; 82-04-024 (Order PL 391), § 308-40-102, filed 1/26/82; 79-04-011 (Order 295, Resolution No. 295), § 308-40-102, filed 3/13/79.]

WAC 308-40-104 Examination results. (1) In order to pass the examination, the applicant must pass the theory section and the practical section of the examination.

(2) Failure on two or more phases of the practical section under WAC 308-40-102 (1)(b) will require re-examination on the entire examination. An applicant who fails only one phase will be required to be reexamined only on the phase failed: *Provided*, That if the applicant who has failed only one phase has not taken and passed the failed phase by the next examination administration offered, then the entire practical section must be retaken.

(3) Applicants who fail the examination, or a phase of the examination, as provided in (2) may apply for re-examination by completing an 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, 85-16-113 (Order PL 547), § 308-40-104, filed 8/7/85; 84-11-025 (Order PL 467), § 308-40-104, filed 5/11/84; 82-04-024 (Order PL 391), § 308-40-104, filed 1/26/82.]

WAC 308-40-110 Graduates of nonaccredited schools. 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 nonaccredited dental school listed by the World Health Organization, or by a nonaccredited 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) Certified copies of dental school diplomas.
- (b) Official dental school transcripts.

(c) Proof of identification by an appropriate governmental agency; provided, however, that alternate arrangements may be made for political refugees.

(d) Effective February 1, 1985, satisfactory evidence of the successful completion of at least two additional predoctoral or postdoctoral academic years of dental school education at a dental school approved pursuant to WAC 308-40-101(1) and a certification by the dean of that school that the candidate has achieved the same level of didactic and clinical competence as expected of a graduate of that school.

(2) Upon completion of the requirements in (1), an applicant under this section will be allowed to take the examination pursuant to WAC 308-40-102 and will be subject to the applicable provisions of WAC 308-40-101: *Provided, however*, That individuals who had fulfilled the requirements for application prior to the requirement of (1)(d) and who have applied by January 31, 1985, may be allowed one opportunity to pass the clinical (practical) examination in 1985. [Statutory Authority: RCW 18.32.040. 84-23-062 (Order PL 496), § 308-40-110, filed 11/21/84; 83-08-021 (Order PL 431), § 308-40-110, filed 3/29/83; 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.]

WAC 308-40-111 Repealed. See Disposition Table at beginning of this chapter.

Chapter 308-42 WAC PHYSICAL THERAPISTS

WAC	
308-42-010	Definitions.
308-42-020	Repealed.
308-42-030	Repealed.
308-42-035	Repealed.
308-42-040	Examinations—When held.
308-42-045	Examination.
308-42-050	Repealed.
308-42-055	Repealed.
308-42-060	Reciprocity—Requirements for licensure.
308-42-070	Reinstatement.
308-42-120	Renewal of license.
308-42-122	Approved physical therapy schools.
308-42-125	Applicants from unapproved schools.
308-42-130	Initial evaluation—Referral—Nonreferral—Recommendations—Follow-up.
308-42-135	Supportive personnel—Supervision.
308-42-136	Physical therapist assistant supervision ratio.
308-42-140	Supportive personnel identification.
308-42-145	Special requirements for physical therapist assistant utilization.
308-42-150	Professional conduct principles.
308-42-155	Division of fees—Rebating—Financial interest—Endorsement.
308-42-160	Physical therapy records.
308-42-200	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-42-020	Registration certificates—Signed by examining committee. [Order 704207, § 308-42-020, filed 8/7/70, effective 9/15/70.] Repealed by 84-03-055 (Order PL 455), filed 1/18/84. Statutory Authority: RCW 18.74.023.
308-42-030	Examining committee—Chairman to be designated. [Statutory Authority: RCW 18.74.020. 83-05-032 (Order PL 426), § 308-42-030, filed 2/10/83; Order 704207, § 308-42-030, filed 8/7/70, effective 9/15/70.] Repealed by 84-03-055 (Order PL 455), filed 1/18/84. Statutory Authority: RCW 18.74.023.
308-42-035	Examination committee—Meetings. [Statutory Authority: RCW 18.74.020. 79-05-035 (Order PL 302), § 308-42-035, filed 4/24/79; Order PL 191, § 308-42-035, filed 5/29/75.] Repealed by 84-03-055 (Order PL 455), filed 1/18/84. Statutory Authority: RCW 18.74.023.
308-42-050	Probationary certificates—Foreign trained applicants. [Order PL 191, § 308-42-050, filed 5/29/75; Order 704207, § 308-42-050, filed 8/7/70, effective 9/15/70.] Repealed by 84-03-055 (Order PL 455), filed 1/18/84. Statutory Authority: RCW 18.74.023.
308-42-055	Probationary certificates—Domestic trained applicants. [Statutory Authority: RCW 18.74.020. 80-14-011 (Order PL-354), § 308-42-055, filed 9/22/80.] Repealed by 84-03-055 (Order PL 455), filed 1/18/84. Statutory Authority: RCW 18.74.023.
308-42-200	Uniform Disciplinary Act. [Statutory Authority: 1984 c 279 § 43. 84-17-031 (Order PL 476), § 308-42-200, filed 8/8/84.] Repealed by 85-18-087 (Order PL 549), filed 9/4/85. Statutory Authority: RCW 18.74.028.

WAC 308-42-010 Definitions. For the purposes of administering chapter 18.74 RCW, the following terms are to be construed as set forth herein:

(1) The "performance of tests of neuromuscular function" includes the performance of electroneuromyographic examinations.

(2) "Consultation means a communication regarding a patient's evaluation and proposed treatment plan with an authorized health care practitioner.

(3) "Supervisor" shall mean the licensed physical therapist.

(4) "Physical therapist assistant" shall mean an individual who shall have received an associate degree as a physical therapist assistant from an approved school, or a graduate of an approved school of physical therapy who has not been licensed to practice physical therapy in Washington state.

(5) "Physical therapist aide" shall mean an individual who shall have received on-the-job training from a physical therapist.

(6) "Immediate supervision" shall mean the supervisor is in audible or visual range of the patient and the person treating the patient.

(7) "Direct supervision" shall mean the supervisor is on the premises, is quickly and easily available and the patient has been examined by the physical therapist at such time as acceptable physical therapy practice requires, consistent with the delegated health care task.

(8) "Indirect supervision" shall mean the supervisor is not on the premises, but has given either written or oral instructions for treatment of the patient and the patient has been examined by the physical therapist at such time

as acceptable health care practice requires, and consistent with the particular delegated health care task. [Statutory Authority: RCW 18.74.023. 84-13-057 (Order PL 471), § 308-42-010, filed 6/19/84; Order PL 191, § 308-42-010, filed 5/29/75; Order 704207, § 308-42-010, filed 8/7/70, effective 9/15/70.]

WAC 308-42-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-42-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-42-035 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-42-040 Examinations--When held. (1) Examinations of applicants for licensure as physical therapists shall be held twice a year at the time and location prescribed by the board.

(2) If for religious or other reasons acceptable to the board, an applicant is unable to be examined on the appointed day, another examination may be given within a reasonable time on a day approved by the board.

(3) Physical therapy students in their last year may apply for licensure by examination prior to graduation under the following circumstances:

(a) Receipt of a letter from an official, of their physical therapy school, verifying the probability of graduation prior to the date of the examination for which they are applying.

(b) Results of the examination will be withheld until a diploma, official transcript or certification letter from the registrar's office certifying completion of all requirements for degree or certificate in physical therapy is received by the department. [Statutory Authority: RCW 18.74.023. 84-03-055 (Order PL 455), § 308-42-040, filed 1/18/84. Statutory Authority: RCW 18.74.020. 83-05-032 (Order PL 426), § 308-42-040, filed 2/10/83; 79-05-035 (Order PL 302), § 308-42-040, filed 4/24/79; Order PL 191, § 308-42-040, filed 5/29/75; Order 704207, § 308-42-040, filed 8/7/70, effective 9/15/70.]

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 each of the three examination parts.

(2) If a candidate fails to receive a passing score on the examination, he or she will be required to retake only the section(s) failed.

(3) Where necessary, applicant's score will be rounded off to the nearest whole number. [Statutory Authority: RCW 18.74.023. 84-17-032 (Order PL 477), § 308-42-045, filed 8/8/84. Statutory Authority: RCW 18.74.020. 83-05-032 (Order PL 426), § 308-42-045, filed 2/10/83; 81-19-071 (Order PL 384), § 308-42-045,

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

WAC 308-42-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-42-055 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-42-060 Reciprocity--Requirements for licensure. (1) Before reciprocity is extended to any individual licensed to practice physical therapy under the law of another state, territory, or District of Columbia, the board shall determine the qualifications of the applicant as prescribed by law based in part on the Professional Examining Service examination as follows:

(a) For applicants examined after October 14, 1981, a score of 70% of the raw score with not less than 60% raw score on each of the three examination parts,

(b) For applicants examined prior to October 14, 1981, a score of 1.5 standard deviation below the national mean; verified by the Interstate Reporting Service of the Professional Examining Service of New York, shall be considered passing for the purpose[s] 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 board shall determine if such examination is equivalent to that required by the laws of this state.

(3) The board 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. [Statutory Authority: RCW 18.74.023. 84-17-032 (Order PL 477), § 308-42-060, filed 8/8/84. Statutory Authority: RCW 18.74.020. 83-05-032 (Order PL 426), § 308-42-060, filed 2/10/83; 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.]

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 308-42-070 Reinstatement. [(1)] Any physical therapist who fails to renew the license within thirty days of the date set by the director for renewal shall automatically lapse. The licensee may, within three years from the date of lapse and upon recommendation of the board, request the license be revived by paying all back fees and a penalty fee determined by the director.

(2) If a license has lapsed more than three years, the license may be revived under the following conditions:

(a) The board may require reexamination of an applicant who has not been continuously engaged in lawful practice in another state or territory, or

(b) Waive reexamination in favor of evidence of continuing education satisfactory to the board. [Statutory

Authority: RCW 18.74.023. 84-03-055 (Order PL 455), § 308-42-070, filed 1/18/84. Statutory Authority: RCW 18.74.020. 83-05-032 (Order PL 426), § 308-42-070, filed 2/10/83.]

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 308-42-120 Renewal of license. (1) The annual license renewal date for physical therapists shall coincide with the licensee's birthdate. Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license to expire on their next birth anniversary date. [Statutory Authority: RCW 18.74.023. 84-03-055 (Order PL 455), § 308-42-120, filed 1/18/84. Statutory Authority: RCW 43.24.140. 80-04-057 (Order 337), § 308-42-120, filed 3/24/80.]

WAC 308-42-122 Approved physical therapy schools. The board adopts the standards of the American Physical Therapy Association for the approval of physical therapy schools. Individuals who have a baccalaureate degree in physical therapy or who have a baccalaureate degree and a certificate or advanced degree from an institution of higher learning accredited by the American Physical Therapy Association will be considered qualified under RCW 18.74.030(2). [Statutory Authority: RCW 18.74.023. 85-10-002 (Order PL 525), § 308-42-122, filed 4/18/85.]

WAC 308-42-125 Applicants from unapproved schools. Applicants who have not graduated from a physical therapy program approved by the board must submit an application for review by the board. Supporting documentation will include but not be limited to:

(a) Official transcript from the physical therapy program showing degree date, and

(b) Evaluation report of transcripts from a credentialing service recognized by the board. If the qualifications are substantially equal to those required of graduates of board approved schools the applicant will be eligible to write the examination being administered in Washington: *Provided*, If the applicant has taken the examination recognized by the board in another state or territory, or District of Columbia and the scores reported meet Washington requirements, such applicant may be exempted from the examination in Washington at the discretion of the board. [Statutory Authority: RCW 18.74.023. 84-13-057 (Order PL 471), § 308-42-125, filed 6/19/84.]

WAC 308-42-130 Initial evaluation--Referral--Nonreferral--Recommendations--Follow-up. (1) Initial evaluation of a nonreferral patient shall include history, chief complaint, examination, and recommendation for treatment.

(2) Direct referral of a patient by an authorized health care practitioner may be by telephone, letter, or in person: *Provided, however*, If the instructions are oral,

the physical therapist may administer treatment accordingly, but must make a notation for his/her record describing the nature of the treatment, the date administered, the name of the person receiving treatment, and the name of the referring authorized health care practitioner.

(3) The physical therapist will follow-up each referral or nonreferral with the appropriate recordkeeping as defined in WAC 308-42-160. [Statutory Authority: RCW 18.74.023. 84-13-057 (Order PL 471), § 308-42-130, filed 6/19/84.]

WAC 308-42-135 Supportive personnel--Supervision. Supervision of supportive personnel requires that the supervisor perform the following activities:

(1) Provide initial evaluation of the patient.

(2) Develop a treatment plan and program, including long and short-term goals.

(3) Assess the competence of supportive personnel to perform assigned tasks.

(4) Select and delegate appropriate portions of the treatment plan and program.

(5) Direct and supervise supportive personnel in delegated functions.

(6) Reevaluate the patient and adjust the treatment plan as acceptable physical therapy practice requires, consistent with the delegated health care task.

(7) Provide discharge planning. [Statutory Authority: RCW 18.74.023. 84-17-032 (Order PL 477), § 308-42-135, filed 8/8/84.]

WAC 308-42-136 Physical therapist assistant supervision ratio. The number of full time equivalent physical therapist assistants utilized in any physical therapy practice shall not exceed twice in number the full time equivalent licensed physical therapists practicing therein. [Statutory Authority: RCW 18.74.023. 85-11-049 (Order PL 531), § 308-42-136, filed 5/16/85.]

WAC 308-42-140 Supportive personnel identification. All supportive personnel shall wear an identification badge identifying them as either a physical therapist assistant or a physical therapist aide as appropriate. Supportive personnel shall not use any term or designation which indicates or implies that he or she is licensed or registered in the state of Washington. [Statutory Authority: RCW 18.74.023. 84-13-057 (Order PL 471), § 308-42-140, filed 6/19/84.]

WAC 308-42-145 Special requirements for physical therapist assistant utilization. The physical therapist assistant may function under immediate, direct or indirect supervision if the following requirements are met:

(1) When supervision is indirect, patient reevaluation must be performed by a supervising licensed physical therapist every five visits or once a week if treatment is performed more than once a day.

(2) Any change in the patient's condition not consistent with planned progress or treatment goals necessitates a reevaluation by the licensed physical therapist

before further treatment is carried out. [Statutory Authority: RCW 18.74.023. 84-17-032 (Order PL 477), § 308-42-145, filed 8/8/84.]

WAC 308-42-150 Professional conduct principles.

(1) The patient's lawful consent is to be obtained before any information related to the patient is released, except to the consulting or referring authorized health care practitioner and/or authorized governmental agency(s).

(a) Physical therapists are responsible for answering legitimate inquiries regarding a patient's physical dysfunction and treatment progress, and

(b) Information is to be provided to insurance companies for billing purposes only.

(2) Physical therapists are not to compensate to give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of, or in return for, professional publicity in a news item. A paid advertisement is to be identified as such unless it is apparent from the context it is a paid advertisement.

(3) It is the licensee's responsibility to report any unprofessional, incompetent or illegal acts which are in violation of chapter 18.74 RCW or any rules established by the board. [Statutory Authority: RCW 18.74.023. 84-13-057 (Order PL 471), § 308-42-150, filed 6/19/84.]

WAC 308-42-155 Division of fees--Rebating--Financial interest--Endorsement. (1) Physical therapists are not to directly or indirectly request, receive or participate in the dividing, transferring, assigning, rebating or refunding of an unearned fee, or to profit by means of a credit or other valuable consideration such as an unearned commission, discount, or gratuity in connection with the furnishing of physical therapy services.

(2) Physical therapists who practice physical therapy as partners or in other business entities may pool fees and moneys received, either by the partnership or other entity, for the professional services furnished by any physical therapist member or employee of the partnership or entity. Physical therapists may divide or apportion the fees and moneys received by them, in the partnership or other business entity, in accordance with the partnership or other agreement.

(3) There shall be no rebate to any health care practitioner who refers or authorizes physical therapy treatment or evaluation as prohibited by chapter 19.68 RCW.

(4) Physical therapists are not to influence patients to rent or purchase any items which are not necessary for the patient's care. [Statutory Authority: RCW 18.74.023. 84-13-057 (Order PL 471), § 308-42-155, filed 6/19/84.]

WAC 308-42-160 Physical therapy records. In order to maintain the integrity of physical therapy practice, the physical therapist is responsible for obtaining all necessary information, such as medical history, contraindications or, if a direct referral from an authorized health care practitioner, special instructions. The

physical therapist shall document the consultation of a nonreferral patient. The evaluation and treatment plan shall be written according to acceptable physical therapy practice consistent with the delegated health care task. [Statutory Authority: RCW 18.74.023. 84-17-032 (Order PL 477), § 308-42-160, filed 8/8/84.]

WAC 308-42-200 Repealed. See Disposition Table at beginning of this chapter.

Chapter 308-48 WAC

FUNERAL DIRECTORS AND EMBALMERS

WAC

308-48-100	Improper methods for seeking business.
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308-48-530	Continuing education basic requirement--Amount.
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308-48-560	Continuing education documentation may be required.
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308-48-750	Packaging and storage of cremated or processed remains.
308-48-760	Disposition of cremated or processed remains.
308-48-770	Endorsement required.
308-48-780	Crematories--Inspections.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-48-320	Uniform Disciplinary Act. [Statutory Authority: 1984 c 279 § 35. 84-21-132 (Order PL 492), § 308-48-320, filed 10/24/84.] Repealed by 85-19-013 (Order PL 550), filed 9/6/85. Statutory Authority: RCW 18.39.175 (4) and (6) and 18.39.176.
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WAC 308-48-100 Improper methods for seeking business. No licensee, apprentice nor other person associated with a funeral establishment shall solicit business or shall offer any inducement, pecuniary or otherwise, for employing solicitors, agents, canvassers or others for the purpose of securing or attempting to secure business regarding deceased persons or persons whose death is imminent. Licensees shall not use donations, gifts, bonuses or acts of service designed to place the recipient in a position of obligation or indebtedness; and such persons shall neither transfer nor offer to transfer any property or service as payment of or in token for business secured, influenced or otherwise provided or in promise thereof. This regulation is intended to prohibit solicitation regarding deceased persons or persons whose

death is imminent or who, because of their particular circumstances, are vulnerable to undue influence. This regulation does not prohibit the general advertising, solicitation, or sales of prearrangement funeral service contracts. [Statutory Authority: RCW 18.39.175 (4) and (5), 85-19-014 (Order PL 551), § 308-48-100, filed 9/6/85; Rule 10, filed 9/17/64.]

WAC 308-48-145 Approval of embalming schools and accrediting associations. (1) The board, in approving courses of instruction in embalming schools pursuant to RCW 18.39.035(2), adopts the standards of the American Board of Funeral Service Education, Inc. which are relevant to the accreditation of embalming schools and current on April 23, 1983, and approves all and only those schools which were accredited by, and in good standing with, the Board of Funeral Service Education, Inc. pursuant to those standards or as subsequently revised, and approved by the board. Other embalming schools which apply for the board's approval and which meet the standards to the board's satisfaction may be approved, but it is the responsibility of a school to apply for approval and of an applicant to ascertain whether or not a school has been approved by the board.

(2) The board, in approving associations accrediting schools, colleges or universities providing a two-year college course pursuant to RCW 18.39.045, approves of accrediting groups recognized by the Council on Post-secondary Accreditation (COPA). The board adopts the standards of COPA relevant to the recognition of accrediting groups as of May 15, 1982 and approves all and only those groups recognized and in good standing with COPA pursuant to those standards or as subsequently revised, and approved by the board. Other accrediting associations which apply for the board's approval and which meet the standards to the board's satisfaction may be approved, but it is the responsibility of an association to apply for approval and of an applicant to ascertain whether or not a school, college or university has been accredited by an association approved by the board.

(3) In both (1) and (2), the board reserves the right to withdraw approval of any course of instruction in an embalming school or any association accrediting a school, college or university providing a two-year college course which ceases to meet the approval of the board and/or the American Board of Funeral Service Education, Inc. or COPA. [Statutory Authority: RCW 18.39.175(4), 18.39.035(2) and 18.39.045. 84-11-059 (Order PL 468), § 308-48-145, filed 5/18/84.]

WAC 308-48-320 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-48-510 Continuing education requirements—Purpose. Continuing education activities, approved by the board of funeral directors and embalmers, shall be required as a condition of renewal of funeral director and embalmer licenses and of apprentice funeral director and apprentice embalmer registration, in order to maintain and improve the quality of their services to

the public. [Statutory Authority: 1984 c 279 § 53(b), 85-01-077 (Order PL 504), § 308-48-510, filed 12/19/84.]

WAC 308-48-520 Effective date of continuing education requirement. (1) The effective date of the continuing education requirement will be two years after the 1985 renewal date. Therefore, the required number of hours must first be met by the 1987 license renewal date.

(2) With respect to any individual, the regulation will become effective on the 1987 renewal or two years after initial licensure in this state, whichever is later.

(3) Acceptable courses taken after January 1, 1985 may be included in the first computation of continuing education hours necessary for renewal. [Statutory Authority: 1984 c 279 § 53(b), 85-01-077 (Order PL 504), § 308-48-520, filed 12/19/84.]

WAC 308-48-530 Continuing education basic requirement—Amount. (1) Every individual licensed as a funeral director and/or embalmer shall be required to complete ten hours of approved continuing education every two years as a condition of renewal of such licenses.

(2) Every individual registered as an apprentice funeral director and/or apprentice embalmer shall be required to complete ten hours of approved continuing education every two years as a condition of renewal of such registration.

(3) Continuing education credits in excess of the required hours earned in any renewal period may not be carried forward to a subsequent renewal period.

(4) The department shall not renew a license or registration or issue a new license or registration to any person who has failed to submit evidence of completion of ten hours of approved continuing education for the prior two-year period. [Statutory Authority: 1984 c 279 § 53(b), 85-01-077 (Order PL 504), § 308-48-530, filed 12/19/84.]

WAC 308-48-540 Continuing education requirement to reinstate lapsed license or registration. Any person seeking to reinstate a license or registration which has lapsed for less than one year must comply with the continuing education requirements for regular renewal of the license or registration. Any person seeking to reinstate a license or registration which has lapsed for one year or longer must present satisfactory evidence of having completed at least ten hours of approved continuing education activities for each two-year period prior to his or her reinstatement. [Statutory Authority: 1984 c 279 § 53(b), 85-01-077 (Order PL 504), § 308-48-540, filed 12/19/84.]

WAC 308-48-550 Continuing education reporting requirement. (1) The licensee or registrant shall provide a statement on forms which may be provided by the department of licensing of completion of continuing education requirements. The statement shall contain the following information:

(a) Sponsoring organization;

- (b) Location of course;
- (c) Course title;
- (d) Subject matter;
- (e) Dates attended;
- (f) Credit hours claimed.

Such statement shall contain a sworn statement certifying that the report is true and accurate. The statement shall be submitted with license or registration renewal fee every two years.

(2) A material misstatement of information on the continuing education report shall be grounds for disciplinary action, including nonrenewal, suspension or revocation of license or registration. [Statutory Authority: 1984 c 279 § 53(b). 85-01-077 (Order PL 504), § 308-48-550, filed 12/19/84.]

WAC 308-48-560 Continuing education documentation may be required. The board of funeral directors and embalmers reserves the right to require any licensee or registrant to submit evidence, e.g., course or program certificate of training, transcript, course or workshop brochure description, evidence of attendance, etc., in addition to the sworn statement in order to demonstrate compliance with the continuing education requirement. It is therefore the responsibility of each licensee or registrant to maintain records, certificates or other evidence of compliance with the continuing education requirements. [Statutory Authority: 1984 c 279 § 53(b). 85-01-077 (Order PL 504), § 308-48-560, filed 12/19/84.]

WAC 308-48-570 Continuing education discretionary exception for emergency situation. In emergency situations, such as personal or family sickness, the board of funeral directors and embalmers may waive, for good cause shown, all or part of the continuing education requirement for a particular two-year period for an individual licensee or registrant. The board will require such verification of the emergency as is necessary to prove its existence. [Statutory Authority: 1984 c 279 § 53(b). 85-01-077 (Order PL 504), § 308-48-570, filed 12/19/84.]

WAC 308-48-580 Board approval of continuing education activities. All continuing education activities, to satisfy the licensure/registration requirements, must be approved by the board of funeral directors and embalmers. Further, the board shall certify the number of hours to be awarded for participation in each approved continuing education activity. [Statutory Authority: 1984 c 279 § 53(b). 85-01-077 (Order PL 504), § 308-48-580, filed 12/19/84.]

WAC 308-48-590 Qualification for board approval of continuing education activities. (1) In order for a continuing education activity to qualify for board approval, the following qualifications must be met:

(a) The activity must contribute directly to the professional competency of the licensee or registrant;

(b) The activity must relate to the practice of mortuary science or, for a registrant, be a course required for initial licensure;

(c) The activity must be conducted by individuals who are considered by the board to be knowledgeable in the subject matter of the program by virtue of education, training, or experience.

(2) The board may approve as continuing education activities courses, lectures, seminars, correspondence or homestudy programs, or other instructional programs which meet the above qualifications and which the board [determines] [determined] would be beneficial in improving the knowledge or service capability of licensees and registered apprentices. [Statutory Authority: RCW 18.39.175 (4) and (6) and 18.39.176. 85-19-013 (Order PL 550), § 308-48-590, filed 9/6/85. Statutory Authority: 1984 c 279 § 53(b). 85-01-077 (Order PL 504), § 308-48-590, filed 12/19/84.]

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 308-48-600 Procedure for obtaining board approval of continuing education activity. (1) An application for approval of continuing education activity must be submitted to the board no less than ninety days before the activity is scheduled to commence. The board shall notify the applicant of approval or disapproval within forty-five days of submission of the application.

(2) The board may require examples of teaching materials and descriptive information about any continuing education activity and refuse approval of any continuing education activity that does not meet the qualifications.

(3) The board may monitor any approved activity and, upon a subsequent significant variation in the program, may disapprove any part of the credit hours. The board shall determine the manner in which attendance at all approved courses shall be monitored, recorded, and submitted to the department. Any organization sponsoring a continuing education activity shall make a written record of licensees and registrants in attendance and send a signed record to the board within thirty days of completion of the activity.

(4) The board may grant post approval or disapprove participation in a nonapproved continuing education activity. If participation in such activity is approved, the board may consider and determine the number of hours of credit which shall be given for such participation. The board may determine that such nonapproved activities satisfy any, all, or none of the requirements. A petition for credit under this post approval subsection must be filed with the board within thirty days after completion of the activity. Such petition shall include documentation as the board may require. Failure to comply with these provisions shall be sufficient grounds to refuse credit. [Statutory Authority: 1984 c 279 § 53(b). 85-01-077 (Order PL 504), § 308-48-600, filed 12/19/84.]

WAC 308-48-700 Definitions. Unless the context clearly requires otherwise, the following definitions shall apply: (1) "Authorizing agent" means the person or persons legally entitled to order the cremation of the human remains.

(2) "Cremated remains" means the remaining bone fragments after cremation.

(3) "Cremation" means the reduction of a human body by combustion or calcination to its lowest elements.

(4) "Cremation chamber" means the enclosed space within which the cremation process takes place.

(5) "Cremation container" means the case in which the human remains should be delivered to the crematory to be placed in the cremation chamber for cremation.

(6) "Crematory" means the legal entity which conducts cremations or the building or area of a building that houses the cremation chamber and holding facility.

(7) "Holding facility" means an area designated for the retention of human remains prior to disposition.

(8) "Human remains" means the body of a deceased person.

(9) "Processed remains" means bone fragments reduced to unidentifiable dimensions by pulverization after foreign materials are removed; sometimes referred to as ashes.

(10) "Sealable container" means any container in which processed remains can be placed and sealed to prevent leakage of contents and the entrance of foreign materials. [Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-700, filed 10/17/85.]

WAC 308-48-710 Identification of human remains.

A crematory shall not take custody of unidentified human remains. Before acceptance of human remains, the crematory shall verify that identification is attached to the cremation container or to the remains. Upon acceptance of human remains for cremation, the crematory shall make a permanent signed record of the following:

- (1) Name of deceased;
- (2) Date of death;
- (3) Place of death;
- (4) Name and relationship of authorizing agent;
- (5) Name of firm engaging crematory services.
- (6) Color, shape and outside covering of any casket or description of any alternative container or other covering to be consumed with the body. [Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-710, filed 10/17/85.]

WAC 308-48-720 Holding human remains for cremation. (1) Human remains designated for cremation will be cremated without unreasonable delay.

(2) When the crematory is unable to cremate the human remains immediately upon taking custody, the crematory shall provide a holding facility. The holding facility shall:

- (a) Comply with any applicable public health law;
- (b) Preserve the dignity of the human remains;
- (c) Recognize the personal integrity and health of the crematory personnel.

(3) A crematory shall not hold the human remains for cremation unless it is contained within an individual, rigid and closed cremation container. The cremation container shall meet the following standards:

(a) Be composed of a suitable combustible material. If the remains are delivered to the crematory in a noncombustible container, the authorizing agent shall be informed of the disposition of the container if it is not actually used in the cremation process. Any transfer of human remains to combustible containers at the crematory shall be in accordance with the provisions of chapter 18.39 RCW and regulations adopted thereunder and applicable health laws.

(b) Be rigid enough for handling with ease.

(c) Protect the health and safety of the crematory personnel.

(d) Provide proper covering for the human remains.

(4) A crematory shall not accept for holding a human remains within a cremation container having evidence of body fluid leakage.

(5) Human remains that are not embalmed shall be held only within a refrigerated facility or in compliance with applicable public health regulations.

(6) Holding facilities shall be secure from access by all unauthorized persons. [Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-720, filed 10/17/85.]

WAC 308-48-730 Cremation of human remains. (1) Cremation will not take place until the necessary permits and consents are issued by the health department and/or coroner/medical examiner or prosecuting attorney.

(2) Immediately prior to being placed within the cremation chamber, the identification of the human remains shall be verified by the crematory and placed near the cremation chamber control panel where it shall remain until the cremation is complete.

(3) A crematory may not simultaneously cremate more than one human remains within the same cremation chamber unless written authorization to do so from the authorizing agent of each human remains to be cremated has been received after full and adequate disclosure regarding the manner of cremation. A written authorization shall exempt the crematory from all liability for commingling of cremated remains. [Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-730, filed 10/17/85.]

WAC 308-48-740 Processing of cremated remains.

(1) Upon completion of the cremation, the residual of the cremation process shall be removed from the cremation chamber and the chamber swept clean. The residual shall be placed within an individual container and the identification removed from the control panel area and attached to the container or tray.

(2) All cremated remains shall undergo final processing to comply with applicable legal requirements. Any identifiable residual other than bone fragments shall be manually removed and the fragments then reduced to

five millimeters or less unless otherwise instructed by the authorizing agent. An exception to the five millimeter requirement shall be granted at the request of the authorizing agent for cremated remains which will be placed in a cemetery, mausoleum, columbarium or building devoted exclusively to religious purposes.

(3) All body prosthesis, bridgework or similar items removed from the cremated remains shall be disposed of by the crematory as directed by the authorizing agent. No other materials shall be removed from the cremated remains. [Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-740, filed 10/17/85.]

WAC 308-48-750 Packaging and storage of cremated or processed remains. (1) The entire cremated or processed remains shall be placed in a sealable container or in such container as may have been ordered by the authorizing agent, and the identification of the cremated or processed remains noted on the container.

(2) Should the cremated or processed remains not adequately fill the container, the space may be filled with suitable packing material that will not become integrated with the cremated or processed remains and securely closed.

(3) If the entire cremated or processed remains will not fit within the dimensions of the designated receptacle, the remainder shall be placed in a separate container or, upon written permission of the authorizing agent, be disposed of according to the established procedures of the crematory.

(4) When an unfirm temporary container is used, the container shall be placed within a sturdy container and all seams sealed to increase the security and integrity of that container. The outside of the container shall be clearly identified with the name of the deceased person whose processed or cremated remains are contained therein. [Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-750, filed 10/17/85.]

WAC 308-48-760 Disposition of cremated or processed remains. (1) A crematory shall keep an accurate record of all cremations performed and disposition of the remains as required by law. The record shall include the dates of the following: Death, issuance of permit, delivery of remains to crematory, cremation, processing of cremated remains, and packaging of cremated or processed remains. (See also WAC 308-48-710.)

(2) When cremated or processed remains have been in the possession of a crematory, funeral establishment, or cemetery as originally authorized by the authorizing agent without instructions and/or payment for final disposition for a period of two years or more, prior to disposition the entity holding the remains must endeavor to contact the authorizing agent by registered mail for disposition instructions. The authorizing agent must be informed of the procedures that may be followed if disposition instructions are not received.

(3) If contact cannot be made with the authorizing agent and/or disposition instructions are not received

within 60 days, the entity holding cremated or processed remains may arrange for permanent disposition of the remains in any legal manner. If disposition is to be made in a cemetery, such disposition may be in an individual, common, or community grave, crypt or niche from which individual recovery of the cremated remains may or may not be possible. No entity making disposition of remains under this procedure shall be liable for the nonrecoverability of the remains.

(4) A permanent record of the name of the deceased, place of death, crematory and location of the disposition shall be maintained by the entity which arranged for permanent disposition of the remains. [Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-760, filed 10/17/85.]

WAC 308-48-770 Endorsement required. No crematory owned or operated by or located on property licensed as a funeral establishment shall conduct cremations without first having applied for and obtained an endorsement for crematory operations from the board of funeral directors and embalmers. The endorsement shall be prominently displayed on the crematory premises. [Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-770, filed 10/17/85.]

WAC 308-48-780 Crematories—Inspections. Crematories regulated under the authority of chapter 18.39 RCW are subject to inspection at least once each year by the inspector of funeral directors and embalmers to ensure compliance with Washington state laws and regulations related to health or the handling or disposal of human remains. [Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-780, filed 10/17/85.]

Chapter 308-50 WAC

REGULATION AND PRACTICE OF HEARING AID FITTERS AND DISPENSERS

WAC	
308-50-010	Examinations.
308-50-020	Reexaminations.
308-50-050	Repealed.
308-50-060	Repealed.
308-50-070	Repealed.
308-50-080	Repealed.
308-50-090	Trainees.
308-50-100	Termination of trainee sponsorship.
308-50-110	Minimum standards of equipment.
308-50-120	Standards for equipment calibration.
308-50-130	Minimal standards of practice.
308-50-140	Bait advertising.
308-50-150	Unfair or deceptive practices, unethical conduct and unfair methods of competition—Misrepresenting products, services, personnel or material facts.
308-50-160	Unfair or deceptive practices, unethical conduct and unfair methods of competition—Guarantees and warranties.
308-50-170	Unfair or deceptive practices, unethical conduct and unfair methods of competition—Character of business, etc.

308-50-180	Unfair or deceptive practices, unethical conduct and unfair methods of competition—Use of physician.
308-50-190	Unfair or deceptive practices, unethical conduct and unfair methods of competition—Use of words "prescription," "diagnosis," etc.
308-50-200	Unfair or deceptive practices, unethical conduct and unfair methods of competition—Deception as to visibility, construction, etc.
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308-50-220	Unfair or deceptive practices, unethical conduct and unfair methods of competition—Deception representing novelty of products.
308-50-230	Unfair or deceptive practices, unethical conduct and unfair methods of competition—Misrepresenting business establishment.
308-50-240	Unfair or deceptive practices, unethical conduct and unfair methods of competition—Advertising of parts, accessories or components.
308-50-250	Unfair or deceptive practices, unethical conduct and unfair methods of competition—Endorsements, etc.
308-50-260	Unfair or deceptive practices, unethical conduct and unfair methods of competition—Used or rebuilt products.
308-50-270	Unfair or deceptive practices, unethical conduct and unfair methods of competition—Association with the state of Washington.
308-50-280	Unfair or deceptive practices, unethical conduct and unfair methods of competition—Tests, acceptance or approval.
308-50-290	Unfair or deceptive practices, unethical conduct and unfair methods of competition—Use, imitation or simulation of trademarks, etc.
308-50-295	Unfair or deceptive practices, unethical conduct and unfair methods of competition—Defamation of competitors or false disparagement of their products.
308-50-300	Repealed.
308-50-310	Personal disclosure.
308-50-320	Documentation of referrals.
308-50-375	Fees.
308-50-380	Unfair or deceptive practices, unethical conduct and unfair methods of competition—Misrepresenting products, services, personnel or other material facts during telephone solicitations.
308-50-390	Minimum standards for fitting and dispensing locations.
308-50-400	Notice of availability and location of follow up services.
308-50-410	Surety bonding—Security in lieu of bonding.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-50-050	Failure to renew license. [Order PL 222, § 308-50-050, filed 11/5/75; Order PL 159, § 308-50-050, filed 2/8/74.] Repealed by 84-08-062 (Order PL 463), filed 4/4/84. Statutory Authority: RCW 18.35.161.
308-50-060	Place(s) of business in Washington. [Order PL 159, § 308-50-060, filed 2/8/74.] Repealed by 85-10-024 (Order PL 526), filed 4/24/85. Statutory Authority: RCW 18.35.161.
308-50-070	Mobile hearing aid dispensing units. [Order PL 159, § 308-50-070, filed 2/8/74.] Repealed by 85-10-024 (Order PL 526), filed 4/24/85. Statutory Authority: RCW 18.35.161.
308-50-080	Temporary or itinerant activities prohibited. [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.] Repealed by 85-10-024 (Order PL 526), filed 4/24/85. Statutory Authority: RCW 18.35.161.
308-50-300	Unfair or deceptive practices, unethical conduct and unfair methods of competition—Canvassing. [Order PL 159, § 308-50-300, filed 2/8/74.] Repealed by

85-10-024 (Order PL 526), filed 4/24/85. Statutory Authority: RCW 18.35.161.

WAC 308-50-010 Examinations. (1) The examination required of applicants shall be in two parts: Written and practical, each consisting of several sections. (Note: The home study course prepared by the National Hearing Aid Society will be used as a guideline.)

(2) The minimum passing grade for each section shall be seventy percent with the minimum average grade of seventy-five percent for each part before an applicant shall be considered to have satisfactorily passed the required examination for licensure.

(3) In addition to those subjects listed in RCW 18.35.070, the examination shall test the knowledge of the applicant in the basic act governing hearing aid fitter/dispensers and rules and regulations promulgated pursuant to this act.

(4) Applications for examination shall be received by the department at least sixty days prior to the date of the scheduled examination. If the application is received less than sixty days before the next scheduled examination, the applicant will be scheduled for the second examination following receipt of the application. [Statutory Authority: RCW 18.35.161. 84-08-062 (Order PL 463), § 308-50-010, filed 4/4/84; Order PL 190, § 308-50-010, filed 5/23/75; Order PL 159, § 308-50-010, filed 2/8/74.]

WAC 308-50-020 Reexaminations. (1) Should an applicant fail any section, he/she may apply to the department to be reexamined in such section(s).

(2) All reexaminations shall be conducted at the next regularly scheduled examination.

(3) Any person who fails to qualify for licensure after three consecutive regularly scheduled examinations shall be required to take the entire examination. A waiver may be granted upon a showing of emergency circumstances. [Statutory Authority: RCW 18.35.161. 84-19-019 (Order PL 479), § 308-50-020, filed 9/12/84; Order PL 222, § 308-50-020, filed 11/5/75; Order PL 159, § 308-50-020, filed 2/8/74.]

WAC 308-50-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-50-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-50-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-50-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-50-090 Trainees. (1) A trainee may not fit and dispense a hearing aid or be in physical contact with a client or patient unless the sponsor to whom the trainee is registered or a fitter/dispenser duly licensed under this act designated by the sponsor is physically present or on the premises with and supervising his/her actions at all times during the first ninety days the

trainee is testing the hearing or fitting or dispensing hearing aids. The extent of direction and supervision of the trainee while on the premises after the first ninety days of a trainee licensure shall be at the discretion of the trainee sponsor.

(2) During the first ninety days of his or her licensure, a trainee shall wear an identification badge readily visible to the public which identifies him or her as a trainee.

(3) A trainee licensed less than ninety days shall not make housecalls and test the hearing or dispense hearing aids unless a licensed fitter/dispenser is physically present with and supervising his or her actions at all times.

(4) A trainee licensed more than ninety days may, at the discretion of the sponsor, make unsupervised housecalls: *Provided*, That effective February 1, 1985, no trainee shall make housecalls unless a licensed fitter/dispenser is physically present with and supervising his or her actions at all times.

(5) A trainee who loses his or her sponsor for any reason shall not continue his or her trainee status with a new sponsor until a new trainee application has been filed and payment of this license fee required by RCW 18.35.060 (1)(c) and as determined by the director as provided in RCW 43.24.086 as now or hereafter amended has been received by the department: *Provided*, That, if a trainee obtains a new sponsor and submits the required application within fifteen days of the withdrawal of his or her previous sponsor, the fee shall be that required of a transfer of sponsor.

(6) If a sponsor dies or withdraws from business, it shall be the responsibility of the trainee to report the loss of such sponsorship to the department in writing within ten days of such occurrence.

(7) Trainees shall, if completing a sales contract, sign his or her name, "trainee," and license number on the contract.

(8) If trainees use business cards, the cards shall indicate "trainee." [Statutory Authority: RCW 18.35.161. 84-19-018 (Order PL 478), § 308-50-090, filed 9/12/84; Order PL 159, § 308-50-090, filed 2/8/74.]

WAC 308-50-100 Termination of trainee sponsorship. (1) The sponsor of a trainee who desires to terminate the responsibilities of sponsorship shall provide the trainee written notice of such termination, giving reasons, and shall immediately notify the department by registered or certified mail, of the termination of such sponsorship.

(2) In the event the trainee quits or terminates for any reason, the sponsor shall notify the department immediately by registered or certified mail.

(3) The sponsor of such terminating trainee shall be responsible for the trainee until such time as the notification of such termination is deposited in the United States mail. [Statutory Authority: RCW 18.35.161. 84-08-062 (Order PL 463), § 308-50-100, filed 4/4/84; Order PL 159, § 308-50-100, filed 2/8/74.]

WAC 308-50-110 Minimum standards of equipment. Minimum equipment in the fitting and dispensing of hearing aids shall include:

(1) Access to a selection of hearing aid models, and hearing aid supplies and services sufficiently complete to accommodate the various user needs.

(2) Facilities for the personal comfort of customers.

(3) A test environment with background noise no greater than American National Standards Institute specifications (S3.1-1960 (R-1971)) plus 15 dB.

(4) Pure tone audiometer calibrated in accordance with WAC 308-50-120.

(5) Equipment appropriate for conducting speech audiometry (testing). [Statutory Authority: RCW 18.35.161. 84-19-019 (Order PL 479), § 308-50-110, filed 9/12/84; Order PL 159, § 308-50-110, filed 2/8/74.]

WAC 308-50-120 Standards for equipment calibration. All electronic equipment utilized by licensees for the determination of audiometric thresholds for pure tones and for speech shall conform to all current standards of the American National Standards Institute (at present, ANSI S3.6 - 1969). Licensees shall insure that all such audiometric equipment has been evaluated electrically and acoustically at least once each year, adjusted or repaired if necessary, and that conformity with such standards was determined at that time. Records of such calibration shall be permanently maintained by licensees and shall be available for inspection at any time by the department. No licensee shall be permitted to certify as to the calibration of his own equipment unless authorized to do so by the department. In addition, all licensees shall utilize routine procedures for the daily inspection of audiometric equipment, or prior to use if used less often than on a daily basis, to generally determine that it is in normal working order. [Statutory Authority: RCW 18.35.161. 84-08-062 (Order PL 463), § 308-50-120, filed 4/4/84; Order PL 159, § 308-50-120, filed 2/8/74.]

WAC 308-50-130 Minimal standards of practice. Minimum procedures in the fitting and dispensing of hearing aids shall include:

(1) Obtain case history to include the following:

(a) As required by WAC 308-50-320, documentation of referrals, or as otherwise required by this chapter.

(b) Historical evaluation to include inquiry regarding hearing loss, onset of loss, and any associated symptoms including significant noise in the ears, vertigo, acute or chronic dizziness, nausea, earaches, or other such discomfort which may indicate the presence of medical illness. Specific inquiry should be made to determine if hearing loss has been sudden or rapidly progressive in the past ninety days, if there has been any active drainage or infection in ears during the past ninety days, and if there are any specific physical problems which may relate to the use of a hearing aid.

(2) Examination of the ears should be done to reasonably determine if any of the following conditions exist:

(a) Impacted ear wax.

(b) Foreign body within the ear canal.

- (c) Discharge in the ear canal.
 - (d) Presence of inflammation or irritation of the ear canal.
 - (e) Perforation of the ear drum.
 - (f) Any other abnormality.
- (3) Hearing testing shall be performed to include the following:

(a) Hearing loss, or residual hearing, shall be established for each ear using puretone threshold audiometry by air and bone conduction with effective masking as required.

(b) Appropriate live voice or recorded speech audiometry by ear phones to determine the following: Speech reception threshold, most comfortable level, uncomfortable level, and the speech discrimination percent.

(c) Hearing testing shall be conducted in the appropriate environment as required by WAC 308-50-110, minimum standards of equipment, or as otherwise required by this chapter.

(d) When puretone audiometry indicates an air-bone gap of 15db or more, 500, 1000, and 2000 Hz, the presence of unilateral hearing loss, or any inconsistent audiometric findings, the client shall be advised of the potential help available through medical treatment. Should the client decline to consider such methods, or if the client has previously been appropriately treated or has been advised against such procedures, an appropriate notation shall be made in the client's record.

(e) In the event a client is referred to a licensee by an M.A. audiologist, otologist, otolaryngologist, or by a fitter/dispenser duly licensed under chapter 18.35 RCW, and the audiometric results obtained within the previous six months are provided to the licensee as a part of this referral, the applicable provisions of WAC 308-50-130 shall not be required. However, a confirmatory audiometric examination is recommended.

(4) Medical evaluation requirements:

(a) If the prospective hearing aid user is eighteen years of age or older, the hearing aid dispenser may afford the prospective user an opportunity to waive the medical evaluation requirements of (b) of this subsection provided that the hearing aid dispenser:

- (i) Informs the prospective user that the exercise of the waiver is not in the user's best health interest;
- (ii) Does not in any way actively encourage the prospective user to waive such a medical evaluation; and
- (iii) Affords the prospective user the opportunity to sign the following statement:

I have been advised by (hearing aid fitter/dispenser name) that the Food and Drug Administration has determined that my best health interest would be served if I had a medical evaluation before purchasing a hearing aid.

(b) Except as provided in (a) of this subsection, a hearing aid dispenser shall not sell a hearing aid unless the prospective user has presented to the hearing aid dispenser a written statement signed by a licensed physician that states that the patient's hearing loss has been medically evaluated and the patient may be considered a candidate for a hearing aid. The medical evaluation must have taken place within the preceding six months.

(5) Selection and fitting of the hearing aid shall include the following:

(a) Provide information regarding the selection of the most appropriate method and model for amplification for the needs of the client.

(b) Provide the user with the cost of the recommended aids and services.

(c) Provide for or have available an appropriate custom made ear mold.

(d) Provide final fitting of the hearing aid to ensure physical and operational comfort.

(e) Provide adequate instructions and appropriate post-fitting adjustments to ensure the most successful use of the hearing aid.

(6) Keeping records on every client to whom the licensee renders service in connection with the dispensing of a hearing aid. Such records shall be preserved for at least three years after the dispensing of the first hearing aid to the client. If other hearing aids are subsequently dispensed to that client, cumulative records must be maintained for at least three years after the latest dispensing of an aid to that client. The records must be available for the department inspection and will include:

(a) Client's case history.

(b) Source of referral and appropriate documents.

(c) Medical clearance for the hearing aid user or the waiver set forth in subsection (4)(a)(iii) of this section which has been signed after being fully informed that it is in the best health interest to seek medical evaluation.

(d) Copies of any contracts and receipts executed in connection with the fitting and dispensing of each hearing aid provided.

(e) A complete record of tests, test results, and services provided except for minor services.

(f) All correspondence specifically related to the service given the client or the hearing aid or aids dispensed to the client. [Statutory Authority: RCW 18.35.161. 84-19-018 (Order PL 478), § 308-50-130, filed 9/12/84; Order PL 159, § 308-50-130, filed 2/8/74.]

WAC 308-50-140 Bait advertising. It shall be unethical to engage in bait advertising. In determining whether there has been a violation of this rule, consideration will be given to acts or practices indicating that the offer was not made in good faith for the purpose of selling the advertised product or service, but was made for the purpose of contacting prospective purchasers and selling them a product, service or products other than the product or service offered. In addition to the procedures outlined in chapter 18.35 RCW, other acts or practices which are considered bait advertising include:

(1) The creation, through the initial offer or advertisement, of a false impression of the product offered in any material respect;

(2) The refusal to show, demonstrate, or sell the product offered in accordance with the terms of the offer;

(3) The disparagement, by acts or words, of the product offered, or the disparagement of the guarantee, credit terms, availability of service, repairs or parts, or in any other respect, in connection with it;

(4) The showing, demonstrating, and in the event of sale, the delivery, of a product which is unusable or impractical for the purpose represented or implied in the offer;

(5) The refusal, in the event of sale of the product offered, to deliver such product to the buyer within a reasonable time thereafter; and

(6) The failure to have available a quantity of the advertised product at the advertised price sufficient to meet reasonably anticipated demands.

It is not necessary that each act or practice set forth above be present in order to establish that a particular offer is violative of this rule. [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-140, filed 7/3/84; Order PL 159, § 308-50-140, filed 2/8/74.]

WAC 308-50-150 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Misrepresenting products, services, personnel or material facts. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to misrepresent:

(1) The grade, quality, quantity, origin, novelty, price, cost, terms of sale, use, construction, size, composition, dimensions, type, design, development, visibility, durability, performance, fit, appearance, efficacy, benefits, cost of operation, resistance to climatic conditions, or physiological benefits of any hearing aid or the psychological well-being induced by a hearing aid;

(2) Any service or adjustment offered, promised, or to be supplied to purchasers of any hearing aid;

(3) Any material fact pertaining to the manufacture, distribution or marketing of any hearing aid; or

(4) The scientific or technical knowledge, training, experience or other qualifications of a licensee, or of his employees, relating to the selection, fitting, adjustment, maintenance or repair of industry products;

(5) Misrepresent shall mean making misleading, deceiving, improbable or untruthful representations or in any other material respect, the character, extent or type of his/her business except as provided in WAC 308-50-170.

(6) The reparability, including the cost thereof, or the adequacy of a prospective purchaser's own hearing aid(s) or ancillary equipment. [Statutory Authority: RCW 18.35.161. 84-19-018 (Order PL 478), § 308-50-150, filed 9/12/84; Order PL 159, § 308-50-150, filed 2/8/74.]

WAC 308-50-160 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Guarantees and warranties. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to represent in advertising or otherwise that a hearing aid is "guaranteed" without clear and conspicuous disclosure of:

(1) The nature and extent of the guarantee, and

(2) Any material conditions or limitations in the guarantee which are imposed by the guarantor, and

(3) The manner in which the guarantor will perform thereunder, and

(4) The identity of the guarantor. (The necessary disclosure requires that any guarantee made by the licensee which is not backed up by the manufacturer must clearly state that the guarantee is offered by the licensee only.)

Representations that a hearing aid is "guaranteed for life" or has a "lifetime guarantee," in addition to meeting the above requirements, shall contain a conspicuous disclosure of the meaning of "life" or "lifetime" as used (whether that of the purchaser, the product or otherwise).

Guarantees shall not be used which under normal conditions are impractical of fulfillment or which are for such a period of time or are otherwise of such nature as may have the tendency to mislead purchasers or prospective purchasers into the belief that the hearing aid so guaranteed has a greater degree of serviceability, durability or performance capability in actual use than is true in fact.

This rule has application not only to "guarantees" but also to "warranties," to purported "guarantees" and "warranties," and to any promise or representation in the nature of a "guarantee" or "warranty." [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-160, filed 7/3/84; Order PL 159, § 308-50-160, filed 2/8/74.]

WAC 308-50-170 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Character of business, etc. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to represent, unless it is true, directly or indirectly through the use of any word or term in his corporate or trade name, in his advertising or otherwise:

(1) That he is a manufacturer of hearing aids or devices, or of batteries, parts, or accessories therefor;

(2) That he is the owner or operator of a factory or producing company manufacturing such products; or

(3) That he owns or maintains a laboratory devoted to hearing aid research, testing, experimentation, or development. [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-170, filed 7/3/84; Order PL 159, § 308-50-170, filed 2/8/74.]

WAC 308-50-180 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Use of physician. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to represent directly or by implication, unless it is true:

(1) That the services or advice of a physician have been used in the designing or manufacturing of hearing aids or in the selection, fitting, adjustment, maintenance or repair of hearing aids.

(2) The prohibitions of this rule are applicable to the use of the terms "doctor," "physician," "otologist" or "otolaryngologist"; to any abbreviations, variations or

derivatives of such terms; and to the use of any symbol, depiction, or representation having a medical or osteopathic connotation. [Statutory Authority: RCW 18.35-.161. Readopted by 84-14-100 (Order PL 469), § 308-50-180, filed 7/3/84; Order PL 159, § 308-50-180, filed 2/8/74.]

WAC 308-50-190 Unfair or deceptive practices, unethical conduct and unfair methods of competition-- Use of words "prescription," "diagnosis," etc. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to use, in advertising or otherwise, the words "prescribe," "prescription," "diagnose," "diagnosis," or "diagnostic" or any abbreviation, variation or derivative thereof or symbol therefor, in his business name or in referring to or describing his service, business, business activity or any industry product, unless such licensee is a licensed physician or such licensee clearly reveals that the use of such term(s) refers to a function or action or activity which has been or will be performed only by a licensed physician. [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-190, filed 7/3/84; Order PL 261, § 308-50-190, filed 12/21/76; Order PL 190, § 308-50-190, filed 5/23/75; Order PL 159, § 308-50-190, filed 2/8/74.]

WAC 308-50-200 Unfair or deceptive practices, unethical conduct and unfair methods of competition-- Deception as to visibility, construction, etc. A licensee shall not:

(1) Represent, directly or by implication, through the use of such words or expressions as "invisible," "hidden," "hidden hearing," "completely out of sight," "conceal your deafness," "hear in secret," "unnoticed even by your closest friends," "no one will know you are hard of hearing," "your hearing loss is your secret," "no one need know you are wearing a hearing aid," "hidden or out of sight when inserted in the ear canal," or by any other words or expressions of similar import, that any hearing aid, device, or part is hidden or cannot be seen unless such is the fact.

(2) Use in advertising the words or expressions "no cord," "cordless," "one hundred percent cordless," "no unsightly cord dangling from your ear," "no wires," "no tell-tale wires," or other words or expressions of similar import, unless such representations are true and unless, in close connection therewith and with equal prominence, a clear and adequate disclosure is made that a plastic tube (or similar device) runs from the instrument to the ear if such is the fact.

(3) Use in advertising the words or expressions, "no button," "no ear button," "no buttons or receivers in either ear," or other words or expressions of similar import, unless such representations are true and unless, in close connection therewith and with equal prominence, a clear and adequate disclosure is made that an earmold or plastic tip is inserted in the ear if such is the fact.

(4) Represent, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features such as the absence of anything in the ear, or

leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in most cases of hearing loss this type of instrument is not suitable. [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-200, filed 7/3/84; Order PL 159, § 308-50-200, filed 2/8/74.]

WAC 308-50-210 Unfair or deceptive practices, unethical conduct and unfair methods of competition-- Deception as to batteries. Licensees shall not represent directly or by implication, that batteries sold only by such licensees, or bearing a specified brand, label, or other identifying mark, are the only ones suitable for use in a particular type or make of hearing aid or device when such is not a true fact. [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-210, filed 7/3/84; Order PL 159, § 308-50-210, filed 2/8/74.]

WAC 308-50-220 Unfair or deceptive practices, unethical conduct and unfair methods of competition-- Deception representing novelty of products. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to advertise or otherwise represent to purchasers or prospective purchasers any statement or statements which have the capacity and tendency or effect of misleading or deceiving them into the belief that any hearing aid or device, or part or accessory thereof, is a new invention or involves a new mechanical or scientific principle, when such is not the fact.

Representations of the following or similar types, when not fully justified by the facts, are among those prohibited by this rule: "Amazing new discovery," "revolutionary new invention," "radically new and different," "sensational new laboratory development," "remarkable new electronic device," "brand-new invention," "marvelous new hearing invention," "new scientific aid," "miracle," "automatic noise suppression (ans)," "automatic," "word separator," "computer," "computerized," "computer circuitry," and "continuous adoptive tone (cat)." [Statutory Authority: RCW 18.35-.161. 84-14-100 (Order PL 469), § 308-50-220, filed 7/3/84; Order PL 159, § 308-50-220, filed 2/8/74.]

WAC 308-50-230 Unfair or deceptive practices, unethical conduct and unfair methods of competition-- Misrepresenting business establishment. It shall be unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to represent, directly or by implication, that a commercial hearing aid establishment is a governmental or public one, or is a nonprofit medical, educational, or research institution, through the use of terms having a medical, professional, or scientific connotation, such as, "hearing center," "hearing institute," "hearing bureau," "hearing clinic," "state's hearing clinic," "state's speech and hearing center," or similar representations.

Nothing in this rule is understood to preclude a licensee from representing if such be the fact, that he

owns, operates or controls a "hearing aid center," or from using other words or expressions which clearly and nondeceptively identify the member's establishment as a commercial hearing aid enterprise. [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-230, filed 7/3/84; Order PL 159, § 308-50-230, filed 2/8/74.]

WAC 308-50-240 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Advertising of parts, accessories or components. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to use or cause to be used, any type of advertising or promotional literature depicting or describing a part, accessory, or component of any hearing aid or device, such as a battery on a finger, a transistor held in the hand, etc., in such manner as to have the capacity and tendency to mislead or deceive purchasers or prospective purchasers into the erroneous belief that the said part, accessory or component is all that needs to be worn or carried. [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-240, filed 7/3/84; Order PL 159, § 308-50-240, filed 2/8/74.]

WAC 308-50-250 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Endorsements, etc. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to advertise or otherwise represent:

(1) That the particular individual, organization, or institution endorses, uses or recommends such licensee's hearing aids, devices, or other industry products when such is not the fact; or

(2) That a particular individual wears such licensee's hearing aids or devices when such is not the fact. [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-250, filed 7/3/84; Order PL 159, § 308-50-250, filed 2/8/74.]

WAC 308-50-260 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Used or rebuilt products. (1) A licensee may not represent, directly or indirectly, that any industry product or part thereof is new, unused, or rebuilt, when such is not the fact.

(2) In the marketing of a hearing aid which has been used, or which contains used parts, a licensee shall make full and nondeceptive disclosure of such fact in all advertising and promotional literature relating to the product, on the container, box or package in which such product is packed or enclosed and, if the product has the appearance of being new, on the product itself. The required disclosure may be made by use of such words as "used," "secondhand," "repaired," or "rebuilt," whichever most accurately describes the product involved.

(3) A licensee shall not misrepresent the identity of the rebuilder of a hearing aid. If the rebuilding of a hearing aid was done by other than the original manufacturer, a licensee shall disclose such fact wherever the

original manufacturer is identified. [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-260, filed 7/3/84; Order PL 159, § 308-50-260, filed 2/8/74.]

WAC 308-50-270 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Association with the state of Washington. A licensee shall not represent in any manner that (s)he is endorsed by or associated with the state of Washington or any of its administrative bodies when such is not the case. Nothing in this rule is to preclude the licensee from verifying upon request that (s)he is licensed by the state to engage in the fitting and dispensing of hearing aids. [Statutory Authority: RCW 18.35.161. 85-05-020 (Order PL 518) § 308-50-270, filed 2/13/85; Readopted by 84-14-100 (Order PL 469), § 308-50-270, filed 7/3/84; Order PL 159, § 308-50-270, filed 2/8/74.]

WAC 308-50-280 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Tests, acceptance or approval. A licensee shall not:

(1) Represent or use any seals, emblems, shields or other insignia which represent, directly or by implication, in any manner that a hearing aid or device has been tested, accepted, or approved by any individual, concern, organization, group, or association, unless such is the fact and unless the hearing aid or device has been tested by such individual, concern, organization, group or association in such manner as reasonable to insure the quality and performance of the instrument in relation to its intended usage and the fulfillment of any material claims made, implied or intended to be supported by such representation or insignia.

(2) Represent that a hearing aid or device tested, accepted, or approved by any individual, concern, organization, group or association has been subjected to tests based on more severe standards of performance, workmanship and quality than is in fact true.

(3) Make any other false, misleading or deceptive representation respecting and testing, acceptance or approval of a hearing aid or device by any individual, concern, organization, group or association.

(NOTE: Under this rule, it is not necessary for each individual hearing aid or device to be tested where the method employed is a sample testing and full and nondeceptive disclosure of this fact is given in all advertising and otherwise.) [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-280, filed 7/3/84; Order PL 159, § 308-50-280, filed 2/8/74.]

WAC 308-50-290 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Use, imitation or simulation of trademarks, etc. A licensee shall not:

(1) Imitate or simulate the trademarks, trade names, brands or labels of competitors with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers.

(2) Use in his advertising the name, model name or trademark of a particular manufacturer of hearing aids in such manner as to imply a relationship with the manufacturer that does not exist or otherwise to mislead or deceive purchasers or prospective purchasers.

(3) Use any trade name, corporate name, trademark or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the name, nature or origin of any product of the industry or of any material used therein, or which is false, deceptive or misleading in any other material respect. [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-290, filed 7/3/84; Order PL 159, § 308-50-290, filed 2/8/74.]

WAC 308-50-295 Unfair or deceptive practices, unethical conduct and unfair methods of competition--Defamation of competitors or false disparagement of their products. (1) It is an unfair trade practice to defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or falsely to disparage the products of competitors in any respect, or their testing procedures, testing equipment, business methods, selling prices, values, credit terms, policies, or services.

(NOTE: The use of "bait" or "blind" advertisements as a means of accomplishing such defamation or false disparagement is deemed to be within the prohibitions of this rule.)

(2) Under this rule, it is an unfair trade practice for an industry member:

(a) To display competitive products in his show window, shop, or in his advertising in such manner as falsely to disparage them; or

(b) To represent falsely that competitors are unreliable but that the disparager is not; or

(c) To quote prices of competitive hearing aids or devices without disclosing that they are not the present current prices, or to shown, demonstrate, or represent competitive models as being the current models when such is not the fact. [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-295, filed 7/3/84; Order PL 190, § 308-50-295, filed 5/23/75.]

WAC 308-50-300 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-50-310 Personal disclosure. A licensee who contacts a prospective purchaser away from the licensee's place of business must:

(1) When the contact is in person, present the prospective purchaser with written notice of:

(a) His or her name, the name of his or her business firm, his or her business address and telephone number;

(b) The number of his or her license.

(2) Telephone contact with prospective purchasers must disclose the name of the licensee, name of his or

her business firm and purpose of call. [Statutory Authority: RCW 18.35.161. 85-23-065 (Order PL 563), § 308-50-310, filed 11/19/85; Order PL 159, § 308-50-310, filed 2/8/74.]

WAC 308-50-320 Documentation of referrals. A licensee or trainee shall document the name of the referral source for all persons who are fit with a hearing aid. Documentation shall consist of a name and address of the referral source and the date of such referral. Should the referral source be the person being fit with the hearing aid, this information shall also be recorded as the referral source. [Statutory Authority: RCW 18.35.161. 85-10-024 (Order PL 526), § 308-50-320, filed 4/24/85; Order PL 159, § 308-50-320, filed 2/8/74.]

WAC 308-50-375 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>
Initial trainee application	\$160.00
Trainee transfer of sponsor application	50.00
Extension of trainee license	160.00
Examination [or] [of] reexamination (full)	240.00
Partial reexamination	120.00
Initial license	80.00
Renewal	80.00
Late renewal penalty	80.00
Duplicate license	5.00
Certification	10.00

[Statutory Authority: RCW 43.24.086. 84-22-061 (Order PL 494), § 308-50-375, filed 11/7/84. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-50-375, filed 8/10/83. Formerly WAC 308-50-340.]

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 308-50-380 Unfair or deceptive practices, unethical conduct and unfair methods of competition--Misrepresenting products, services, personnel or other material facts during telephone solicitations. It shall be an unfair or deceptive practice, unethical conduct or an unfair method of competition for a licensee to make, or cause to be made, any misrepresentations of products, services, personnel or material facts when using telephone solicitation. This shall include, but not be limited to, a licensee or agent of the licensee, indicating to a prospective purchaser that an anonymous person has referred the purchaser's name to the licensee when such is not the case. [Statutory Authority: RCW 18.35.161. 85-05-020 (Order PL 518) § 308-50-380, filed 2/13/85.]

WAC 308-50-390 Minimum standards for fitting and dispensing locations. (1) The hours of business of each hearing aid establishment shall be prominently and continuously displayed and visible to the public at each

regular place or places of business owned or operated by that establishment.

(2) All such regular place or places of business or any activities emanating therefrom shall meet the minimum standards for facilities and equipment essential for the testing of hearing and the fitting and dispensing of hearing aids as set forth in WAC 308-50-110.

(3) The term "place or places of business" means a location where a licensee engages or intends to engage in the fitting and dispensing of hearing aids at a permanent address(es) open to the public on a regular basis. [Statutory Authority: RCW 18.35.161. 85-10-024 (Order PL 526), § 308-50-390, filed 4/24/85.]

WAC 308-50-400 Notice of availability and location of follow up services. Every licensee shall provide to a hearing aid purchaser, in writing prior to the signing of the contract, notice of availability of services. The notice shall include the specific location of the follow up service, including date and time if applicable. [Statutory Authority: RCW 18.35.161. 85-10-024 (Order PL 526), § 308-50-400, filed 4/24/85.]

WAC 308-50-410 Surety bonding--Security in lieu of bonding. Every establishment shall file a bond or security in lieu of a bond as required by RCW 18.35.240. An establishment means any facility engaged in the fitting and dispensing of hearing aids. For bonding purposes, a facility means any established place at a permanent address, open to the public on a regular basis, adapted primarily for housing and operating equipment which a fitter/dispenser uses to perform tests and procedures for selection and adaption of hearing aids, and attended by a licensed fitter/dispenser. Activities emanating from a bonded establishment which project fitting and dispensing services from the establishment to temporary locations for the convenience of the public shall be regarded as functions of that establishment and need not be bonded separately. Examples of such activities include mobile fitting and dispensing units, home visitations, community center visitations, and itinerant services provided at public places of commerce or accommodation. [Statutory Authority: RCW 18.35.161. 85-10-024 (Order PL 526), § 308-50-410, filed 4/24/85.]

Chapter 308-51 WAC

MESSAGE BUSINESSES AND MESSAGE OPERATORS--LICENSING

WAC

308-51-010	Applications.
308-51-020	Licenses.
308-51-100	Scope of examination.
308-51-110	Grading of examinations.
308-51-190	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-51-190	Uniform Disciplinary Act. [Statutory Authority: 1984 c 279 § 48. 84-21-092 (Order PL 485), § 308-51-190, filed 10/19/84, effective 8/1/85.] Repealed by
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85-19-037 (Order PL 554), filed 9/12/85. Statutory Authority: RCW 18.108.075.

WAC 308-51-010 Applications. (1) 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 two current photographs of passport size, approximately two inches by two inches, with the original application, or one current photograph with each application for renewal, and satisfactory evidence to establish that all requirements [for] [of] the license have been fulfilled by the applicant, including the requirement that he/she 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.

(2) 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 and 18.108.070. 85-01-043 (Order PL 501), § 308-51-010, filed 12/13/84. 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.]

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 308-51-020 Licenses. (1) All licenses issued shall be displayed in a place on the business premises which is in plain view and readily available for official inspection.

(2) In the event of loss or destruction of a license, the licensee will file with the director an affidavit explaining the loss or destruction of the license. Licensee may obtain a duplicate license upon payment of a fee in the amount of three dollars.

(3) Licenses issued by the director shall not be assignable or transferable from person to person or from business to business.

(4) A massage business licensee that moves the place of business from the address shown on the license to another address or makes any change of the business name from that as shown on the license shall file written notice with the director not later than ten days after the effective date of such change. Notification of change in business license location or name must be accompanied with a license revision fee of five dollars.

(5) No more than one massage business, as defined by paragraph (5), section 1, chapter 280, Laws of 1975 1st

ex. sess. and RCW 18.108.010(5), shall be operated under the same license. [Statutory Authority: RCW 18.108.020 and 18.108.070. 85-01-043 (Order PL 501), § 308-51-020, filed 12/13/84; Order PL 255, § 308-51-020, filed 8/20/76; Order PL 231, § 308-51-020, filed 10/30/75.]

WAC 308-51-100 Scope of examination. (1) The examination for a massage operator's license shall, except as noted in subparagraph (2) below, consist of written questions as well as a practical demonstration that will require the applicant to perform a massage or partial massage upon another person and which may include oral questions.

(2) An applicant handicapped by blindness will not be subject to a written examination. A blind applicant will be asked oral questions to appropriately test the range and depth of his knowledge of the subjects shown in subparagraph (3) below.

(3) Written and oral questions will be sufficient in number to satisfy the massage examining board that the applicant has been given an adequate opportunity to express his or her knowledge relating to the following subjects as they pertain to the practice of massage:

- (a) Anatomy and physiology,
- (b) Hydrotherapy,
- (c) Hygiene,
- (d) First aid,
- (e) Massage theory, practice, and physiology of massage,
- (f) Symptomatology (only as it pertains to contraindications of massage), and
- (g) The law and rules of the board relating to massage (i.e., chapter 18.108 RCW and chapter 308-51 WAC).

(4) The practical demonstration of massage will be conducted before the examiner(s) and the applicant will be required to perform the massage treatment or techniques as directed. The following elements will be observed:

- (a) Oral questions,
- (b) Contact,
- (c) Draping,
- (d) Effluerage,
- (e) Friction,
- (f) Petrissage,
- (g) Pressure,
- (h) Professional manner,
- (i) Rhythm,
- (j) Swedish gymnastics, to include both active and passive exercise,
- (k) Tapotement,
- (l) Use of lubricants,
- (m) Vibration,
- (n) Nerve strokes, and
- (o) Muscle demonstration(s). [Statutory Authority: RCW 18.108.020 and 18.108.070. 85-01-043 (Order PL 501), § 308-51-100, filed 12/13/84. Statutory Authority: RCW 18.108.020. 80-01-018 (Order PL 329, Resolution No. 12/79), § 308-51-100, filed 12/13/79; Order PL 248, § 308-51-100, filed 5/25/76.]

WAC 308-51-110 Grading of examinations. (1) The grading of all written examinations, and of oral questions given in lieu thereof, will be based upon a possible score of 100% and the minimum passing score shall be 70%.

(2) The grading of the practical demonstration and the oral questions given each applicant during such demonstration will be based upon a possible score of 100% and the minimum passing score shall be 70%.

(3) Each applicant must obtain a grade of 70% or better on each portion of the examination, i.e., written (or oral in lieu of written), and practical demonstration, before being considered by the board to be technically qualified for licensing as a massage operator. [Statutory Authority: RCW 18.108.020 and 18.108.070. 85-01-043 (Order PL 501), § 308-51-110, filed 12/13/84. Statutory Authority: RCW 18.108.020. 79-10-042 (Order 314, Resolution No. 9/79), § 308-51-110, filed 9/13/79; Order PL 248, § 308-51-110, filed 5/25/76.]

WAC 308-51-190 Repealed. See Disposition Table at beginning of this chapter.

Chapter 308-52 WAC MEDICAL EXAMINERS

WAC

308-52-100	Applications for examination.
308-52-138	Physician assistants—Program approval.
308-52-255	Postgraduate medical training defined.
308-52-260	Examination scores.
308-52-270	Examinations accepted for reciprocity or waiver.
308-52-405	General requirements.
308-52-406	CME requirements during cycle revision.
308-52-410	Categories of creditable continuing medical education activities.
308-52-415	Continuing medical education requirement.
308-52-500	Acupuncture assistant education.
308-52-510	Acupuncture equivalency examination.

WAC 308-52-100 Applications for examination. All applications for medical license by examination in the state of Washington shall be in the office of the professional licensing division, department of licensing no later than August 1 or February 1. [Statutory Authority: RCW 18.71.017. 84-15-068 (Order PL 473), § 308-52-100, filed 7/18/84; Order PL 136, § 308-52-100, filed 11/16/72; Rules (part), filed 1/12/65.]

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. Programs maintaining standards as defined in the "essentials" of the council of medical education of the American medical association will continue to be approved by the board without further review. Each approved program not maintaining the standards as defined in the "essentials" of the council of medical education of the American Medical Association 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.

(3)(a) Where an application for program approval has been pending for one year and has not been approved due to the absence of program standards promulgated by the board, a program may apply for provisional approval.

(b) Such approval is solely for the limited purpose of availing the program's students of the exemption contained in RCW 18.71.030(8) and shall end when the board makes a final determination as to program approval pursuant to this section.

(c) Provisional approval as defined in subsection (b) above can be granted if the program:

(i) Needs such approval in order for the clinical elements of its educational regimen to proceed on schedule;

(ii) Has established the likelihood of satisfying the relevant program approval guidelines in their current form;

(iii) Will otherwise comply with the terms of RCW 18.71.030(8); and

(iv) Agrees to such other safeguards as the board may stipulate to ensure patient safety. [Statutory Authority: RCW 18.71A.020, 85-03-083 (Order PL 507), § 308-52-138, filed 1/18/85; 83-03-031 (Order PL 421), § 308-52-138, filed 1/14/83; 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 308-52-255 Postgraduate medical training defined. (1) For the purposes of this chapter, postgraduate 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 under-

graduate medical instruction outlined in RCW 18.71-.055. Clinical performance deemed unsatisfactory by the program performance evaluation will not be accepted. This definition shall be considered to include, but not be limited to, internships, residencies and fellowships in medical or surgical subjects.

(2) The board approves the following postgraduate clinical training courses:

(a) Programs accredited by the [American Medical Association] Accreditation Council for Graduate Medical Education which are listed in the 1984-85 directory of residency programs, or programs approved by the [American Medical Association] Accreditation Council at the time of residency.

(b) Preregistration training programs approved as of July 1, 1982 by the Canadian National Joint Committee on Accreditation of Preregistration Physician Training Programs, or programs approved by the Canadian National Joint Committee on Accreditation of Preregistration Physician Training Programs at the time of residency. [Statutory Authority: RCW 18.71.017, 85-11-048 (Order PL 530), § 308-52-255, filed 5/16/85; 84-19-021 (Order PL 481), § 308-52-255, filed 9/12/84; 84-15-068 (Order PL 473), § 308-52-255, filed 7/18/84; 81-03-079 (Order PL 369), § 308-52-255, filed 1/21/81.]

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 308-52-260 Examination scores. Examinations given by the Washington state board of medical examiners:

(a) The board adopts the examination of the federation of state licensing boards as the examination given by the board.

(b) The minimal passing scores for each component of the FLEX I and II examinations shall be seventy-five percent. An applicant who chooses to take both components of the examination in a single three day sitting must obtain a passing score on both components; or receive a passing score on the FLEX I component in order for a passing score on FLEX II to be valid. A passing score on FLEX II will not be accepted if FLEX I has not been passed.

(c) An applicant must pass both components of the examination within seven years. An applicant will be required to demonstrate evidence of completion of a remedial or refresher medical course after three failures of a single component.

(d) Applicants will be eligible to take FLEX I after completion of medical school and satisfactory verification of good standing in a board-approved postgraduate training program. FLEX II may only be taken after passing FLEX I and having completed or substantially completed the first year of postgraduate training: *Provided*, That after completing or substantially completing one year of a board-approved postgraduate training program, an applicant has the option of taking FLEX II or taking both FLEX I and FLEX II in a single sitting.

[Statutory Authority: RCW 18.71.017. 85-03-084 (Order PL 508), § 308-52-260, filed 1/18/85; 79-06-063 (Order PL 304), § 388-52-260, filed 5/23/79; 78-04-028 (Order PL 284, Resolution 78-139), § 308-52-260, filed 3/14/78; Order PL 240, § 308-52-260, filed 2/19/76.]

WAC 308-52-270 Examinations accepted for reciprocity or waiver. (1) The board of medical examiners may accept certain examinations as a basis for reciprocity [of] [or] waiver of examination. These include the examinations given by the federation of state licensing boards (FLEX), and those given by other states. The minimum passing score will depend upon the quality of the examination using the FLEX I and II examination as a guide.

(2) An applicant who has satisfactorily passed examinations given by the national board of medical examiners may be granted a license without examination: *Provided*, That the applicant has not previously failed to pass an examination held in this state. [Statutory Authority: RCW 18.71.017. 85-03-084 (Order PL 508), § 308-52-270, filed 1/18/85; 78-04-028 (Order PL 284, Resolution 78-139), § 308-52-270, filed 3/14/78; Order PL 268, § 308-52-270, filed 5/11/77; Order PL 240, § 308-52-270, filed 2/19/76.]

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 308-52-405 General requirements. (1) The Washington state board of medical examiners requires one hundred fifty credit hours of continuing education every three years.

(2) In lieu of [the] one hundred fifty hours of continuing medical education the board will accept a current physician's recognition award of the American Medical Association, or a current certificate of continuing education from either the American Academy of Family Physicians or the American College of Obstetricians and Gynecologists and will consider approval of other programs as they are developed. The board will also accept certification or recertification by a specialty board as the equivalent of one hundred fifty hours of continuing medical education. The certification or recertification must be obtained in the three years preceding application for renewal.

(3) In case licensees fail to meet the requirements because of illness or other extenuating circumstances, each case will be considered by the board on an individual basis; and when circumstances justify it, the board may grant an extension of time. [Statutory Authority: RCW 18.71.080 and 18.71A.020. 85-23-043 (Order PL 565), § 308-52-405, filed 11/18/85. Statutory Authority: RCW 18.71.017. 79-06-063 (Order PL 304), § 308-52-405, filed 5/23/79; Order PL 247, § 308-52-405, filed 5/17/76.]

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 308-52-406 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) 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 and 18.71A.020. 85-23-043 (Order PL 565), § 308-52-406, filed 11/18/85. Statutory Authority: RCW 18.71.080. 81-23-051 (Order PL 386), § 308-52-406, filed 11/18/81.]

WAC 308-52-410 Categories of creditable continuing medical education activities. The following are categories of creditable continuing medical education activities approved by the board. A maximum of sixty credit hours may be earned in each category, except Category I in which one hundred fifty hours may be obtained.

- Category I Continuing medical education activities with accredited sponsorship
- Category II Continuing medical education activities with non-accredited sponsorship
- Category III Teaching medical physicians or the allied health services
- Category IV Books, papers, publications, exhibits
- Category V Nonsupervised: Self-assessment, self-instruction, specialty board examination preparation, quality of care and/or utilization review.

[Statutory Authority: RCW 18.71.080 and 18.71A.020. 85-23-043 (Order PL 565), § 308-52-410, filed 11/18/85; Order PL 247, § 308-52-410, filed 5/17/76.]

WAC 308-52-415 Continuing medical education requirement. (1) It is mandatory that credit hours be earned in at least three categories. The credits must be earned in the thirty-six month period preceding application for renewal of licensure.

(2) One clock hour shall equal one credit hour for the purpose of satisfying the one hundred fifty hour continuing medical education requirement.

(3)(a) **Category I: Continuing medical education activities with accredited sponsorship.** A maximum of one hundred fifty credit hours may be earned in Category I. The board has approved the [standards] [standard] adopted by the accreditation council for continuing medical education or its designated intra-state accrediting agency, the Washington state medical association, in accrediting organizations and institutions offering continuing medical education programs, and will accept attendance at such programs offered by organizations and institutions so recognized as credit towards the licensee's continuing medical education requirement for annual renewal of licensure.

(b) **Category II: Continuing medical education activities with nonaccredited sponsorship.** A maximum of sixty credit hours may be earned by attendance at continuing medical education programs that are not approved in accordance with the provisions of Category I.

(c) **Category III: Teaching medical physicians or the allied health services.** A maximum of sixty credit hours may be earned for serving as an instructor of medical students, house staff, other physicians or allied health professionals from a hospital or institution with a formal training program if the hospital or institution has approved the instruction.

(d) **Category IV: Books, papers, publications, exhibits.**

(i) A maximum of sixty credit hours may be earned under Category IV, with specific subcategories listed below. Credit may be earned only during the thirty-six month period following presentation or publication.

(ii) Ten credit hours may be claimed for a paper, exhibit, publication, or for each chapter of a book that is authored and published. A paper must be published in a recognized medical journal. A paper that is presented at a meeting or an exhibit that is shown must be to physicians or allied health professionals. Credit may be claimed only once for the scientific materials presented. Credit should be claimed as of the date materials were presented or published.

Medical editing cannot be accepted in this or any other category for credit.

(e) **Category V: Nonsupervised.**

(i) A maximum of sixty credit hours may be earned under Category V. Credit may be earned only for the thirty-six month period following the year in which the study, preparation, care and/or review occurred.

(ii) Self-assessment: Credit hours may be earned for completion of a multimedia medical education program.

(iii) Self-instruction: Credit hours may be earned for the independent reading of scientific journals and books.

(iv) Specialty board examination preparation: Credit hours may be earned for preparation for specialty board certification or recertification examinations.

(v) Quality care and/or utilization review: Credit hours may be earned for participation on a staff committee for quality of care and/or utilization review in a hospital or institution or government agency. [Statutory Authority: RCW 18.71.080 and 18.71A.020. 85-23-043

(Order PL 565), § 308-52-415, filed 11/18/85; Order PL 247, § 308-52-415, filed 5/17/76.]

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 308-52-500 Acupuncture assistant 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 or her as a practitioner of acupuncture. Whenever possible, all copies of official diplomas, transcripts and licenses or certificates should be forwarded directly to the board from the [(issuing)] [(licensing)] agency rather than from the applicant. Individuals must document their education by means of transcripts, diplomas, patient logs verified by the preceptor, or by other means requested by the board. Applicants for registration must have successfully completed the following training:

(1) The applicant must have completed a minimum of two academic years or 72 quarter credits of undergraduate college education in the general sciences and humanities prior to entering an acupuncture training program. The obtaining of a degree is not required for the educational credits to qualify. Credits granted by the college towards prior life experience will not be accepted under this requirement.

(2) The applicant must have successfully completed a course of didactic training in basic sciences and acupuncture over a period of two academic years. The basic science training must include a minimum of 250 hours or 21 quarter credits and include such subjects as anatomy, physiology, bacteriology, biochemistry, pathology, hygiene and a survey in Western clinical sciences. The basic science classes must be equivalent to courses given in accredited bachelor of science programs. The acupuncture training must include a minimum of 700 hours or 58 quarter credits in acupuncture theory, and acupuncture diagnosis and treatment techniques. The board will not accept credits obtained on the basis of challenging an exam. Transfer credits from accredited colleges or board approved acupuncture programs will be accepted.

(3) The applicant must have successfully completed a course of clinical training in acupuncture over a period of one academic year. The training must include a minimum of 100 hours or 9 quarter credits of observation, which shall include case presentation and discussion. The observation portion of the clinical training may be conducted during the didactic training but will be considered part of the clinical training for calculation of hours or credits. There must also be a minimum of 350 hours or 29 quarter credits of supervised practice, consisting of 400 separate patient treatments. A minimum of 120 different patients must have been treated. [Statutory Authority: RCW 18.71.080 and 18.71A.020. 85-23-043 (Order PL 565), § 308-52-500, filed 11/18/85. Statutory Authority: RCW 18.71A.020. 83-07-014

(Order PL 428), § 308-52-500, filed 3/10/83; 79-06-055 (Order PL 301), § 308-52-500, filed 5/22/79.]

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 308-52-510 Acupuncture equivalency examination. (a) Applicants for registration must pass an examination prescribed by the board.

(b) The examination shall be written and practical and shall examine the applicant's knowledge of anatomy, physiology, bacteriology, biochemistry, pathology, hygiene and acupuncture.

(c) Each applicant shall provide his or her own needles and other equipment necessary for demonstrating the applicant's skill and proficiency in acupuncture. [Statutory Authority: RCW 18.71.080 and 18.71A.020. 85-23-043 (Order PL 565), § 308-52-510, filed 11/18/85. Statutory Authority: RCW 18.71A.020. 79-06-055 (Order PL 301), § 308-52-510, filed 5/22/79.]

Chapter 308-53 WAC OPTOMETRY--ANNUAL LICENSE OR REGISTRATION RENEWAL FEE

WAC

308-53-030	Temporary permit recommendation policy.
308-53-085	Grading examinations.
308-53-120	Courses presumed to qualify for credit.
308-53-160	Repealed.
308-53-165	Certification for continuing education courses.
308-53-190	Repealed.
308-53-211	Repealed.
308-53-270	Employed doctors of optometry, franchises and equipment use agreements.
308-53-290	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-53-160	Recordation of credit. [Statutory Authority: RCW 18.54.070(5). 78-02-030 (Order PL 281), § 308-53-160, filed 1/17/78; Order PL 239, § 308-53-160, filed 3/3/76.] Repealed by 85-16-054 (Order PL 545), filed 7/31/85. Statutory Authority: RCW 18.54.070(5) and 18.54.075.
308-53-190	Exemption of retired doctors of optometry from continuing education requirement. [Order PL-271, § 308-53-190, filed 7/25/77.] Repealed by 84-09-082 (Order PL 465), filed 4/18/84. Statutory Authority: RCW 18.54.070(5).
308-53-211	Minimum contact lens prescription. [Statutory Authority: RCW 18.54.070(5). 84-16-087 (Order PL 475), § 308-53-211, filed 8/1/84.] Repealed by 85-04-055 (Order PL 516), filed 2/5/85. Statutory Authority: RCW 18.54.070(5).
308-53-290	Uniform Disciplinary Act. [Statutory Authority: RCW 18.54.075 and 18.54.070(5). 85-05-009 (Order PL 519), § 308-53-290, filed 2/11/85.] Repealed by 85-16-054 (Order PL 545), filed 7/31/85. Statutory Authority: RCW 18.54.070(5) and 18.54.075.

WAC 308-53-030 Temporary permit recommendation policy. To protect the public, the board recommends to the director that temporary permits not be issued under the director's discretion pursuant to RCW 18.53-.030. However, if a temporary permit is issued the board recommends that the applicant must be under the direct and immediate supervision of a currently licensed optometrist who is at all times on the same premises. [Statutory Authority: RCW 18.54.070(5). 84-09-082 (Order PL 465), § 308-53-030, filed 4/18/84; 78-02-030 (Order PL 281), § 308-53-030, filed 1/17/78.]

WAC 308-53-085 Grading examinations. To successfully pass the examination an applicant must obtain the following:

- (1) Pass the practical examination section with at least a seventy-five percent average score; and
- (2) Pass the practical oral interview and case history section with at least a seventy-five percent score; and
- (3) Obtain a total overall average score of at least seventy-five percent. [Statutory Authority: RCW 18.54.070(5). 84-09-082 (Order PL 465), § 308-53-085, filed 4/18/84; 83-10-052 (Order PL 433), § 308-53-085, filed 5/3/83; 82-12-077 (Order PL 399), § 308-53-085, filed 6/2/82.]

WAC 308-53-120 Courses presumed to qualify for credit. Courses offered by the organizations listed in this section will be presumed to qualify as continuing education courses without specific prior approval of the board[s], but the board reserves the authority to refuse to accept credits in any course if the board determines that the course did not provide information or training sufficient in amount or relevancy. Organizations for the purposes of this section shall include:

- (1) The American Optometric Association.
- (2) Any college or school of optometry whose scholastic standards are deemed sufficient by the board under RCW 18.53.060(2).
- (3) The Washington Optometric Association.
- (4) Any state optometric association which is recognized by the licensing authority of its state as a qualified professional association or educational organization.
- (5) The state optometry board.
- (6) The optometry licensing authority of any other state.
- (7) The American Academy of Optometry.
- (8) The Optometric Extension Program.
- (9) The College of Optometrists and Visual Development.
- (10) The National Eye Research Foundation.
- (11) Regional congresses of any of the organizations listed in subsections (1) through (10) of this section.
- (12) The Commission on Continuing Optometric Education of the American Optometric Association, category one courses. [Statutory Authority: RCW 18.54.070(5). 84-09-082 (Order PL 465), § 308-53-120, filed 4/18/84; Order PL 239, § 308-53-120, filed 3/3/76.]

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 308-53-160 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-53-165 Certification for continuing education courses. (1) In conjunction with the application for renewal of licensure, a licensee shall submit, on a form provided by the board, an affidavit of compliance with the continuing education requirement of WAC 308-53-100.

(2) Upon request of the board, a licensee shall submit evidence in addition to the affidavit to substantiate compliance with the continuing education requirement. Accordingly, it shall be the responsibility of the licensee to maintain evidence and documentation of such compliance on a form provided by the board.

(3) It is the responsibility of the licensee to seek prior approval of the board for any continuing education credit to be submitted where such credit is granted under the board's discretion on a case by case basis or otherwise, or where the licensee has any doubt as to its acceptability. [Statutory Authority: RCW 18.54.070(5) and 18.54.075. 85-16-054 (Order PL 545), § 308-53-165, filed 7/31/85. Statutory Authority: RCW 18.54.070(5). 80-01-088 (Order PL 326), § 308-53-165, filed 12/28/79.]

WAC 308-53-190 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-53-211 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-53-270 Employed doctors of optometry, franchises and equipment use agreements. The salary, bonus or other remuneration of a doctor of optometry who is employed for professional optometric services, shall not be dependent upon the percentage or number of patients who obtain visual examinations or who have prescriptions filled. The employed optometrist, acting in the capacity of consultant, advisor or staff doctor of optometry, the optometrist who has acquired a franchise relating to the practice of optometry, and the optometrist who has a professional equipment use agreement/contract, shall at all times remain cognizant of his or her professional responsibilities and with demeanor, decorum and determination retain his or her right of independent professional judgment and title in all situations and circumstances. If at any time the right of independent professional judgment or title is abridged it shall be incumbent upon the optometrist to resign or correct his or her position as consultant, advisor or staff doctor of optometry, or to resign from or correct a franchise and/or equipment use agreement/contract relationship. [Statutory Authority: RCW 18.54.070(5) and 18.54.075. 85-16-054 (Order PL 545), § 308-53-270, filed 7/31/85. Statutory Authority: RCW 18.54.070(5). 80-01-088 (Order PL 326), § 308-53-270, filed 12/28/79.]

WAC 308-53-290 Repealed. See Disposition Table at beginning of this chapter.

Chapter 308-54 WAC

NURSING HOME ADMINISTRATOR

WAC

308-54-140	Approval of courses of study.
308-54-150	Continuing education requirements to meet the conditions of reregistration for license.
308-54-180	Registration of licenses.

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) (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[s]: *Provided, however,* That the course meets the conditions set forth in WAC 308-54-130 (2) (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) - (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. [Statutory Authority: RCW 18.52.100(14) and 18.52.110(2). 84-07-051 (Order PL 461), § 308-54-140, filed 3/21/84; 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.]

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 308-54-150 Continuing education requirements to meet the conditions of reregistration for license. (1) A condition of reregistration for license shall be the requirement that the applicant has attended board-approved courses in continuing education.

(2) The licensee shall present proof that he or she has obtained fifty-four classroom hours in approved continuing education courses during each three year period of his or her licensed tenure. The first three year period shall begin on the date of first renewal of the license, and shall conclude the day before the third anniversary of such renewal. Successive three year periods shall be computed in a similar fashion.

(3) There shall be no carry over of continuing education classroom hours from any three year period to the next three year period.

(4) Applicants for renewal practicing only out of the state of Washington may petition the board for full recognition of the continuing education requirement through fulfillment of their state of practice's licensing and continuing education requirements with the condition that their state has equal hours of continuing education requirements. [Statutory Authority: RCW 18.52.100(14) and 18.52.110(2). 84-07-051 (Order PL 461), § 308-54-150, filed 3/21/84. Statutory Authority: RCW 18.52.110. 80-04-069 (Order 338), § 308-54-150, filed 3/26/80; Order PL 260, § 308-54-150, filed 12/10/76; Order PL 107, § 308-54-150, filed 3/3/71.]

WAC 308-54-180 Registration of licenses. (1) Every person who holds a valid nursing home administrator's license shall reregister it annually with the director on dates specified by the director by making application for reregistration on forms provided by the director. Such reregistration shall be granted automatically upon receipt of the annual fee, provided, however, that the requirement of continuing education as described in WAC 308-54-150 is fully met.

(2) Any license holder not reregistered within thirty days after the date for reregistration specified by the director, will be charged a penalty fee as set forth in WAC 308-54-310 annually in addition to his annual registration fee. In the event that the license of an individual is not reregistered within two years from the most recent date for reregistration, such license shall lapse and the individual must again apply for licensing and meet all the requirements for a new applicant. [Statutory Authority: RCW 18.52.100(14). 86-01-086 (Order PL 576), § 308-54-180, filed 12/18/85. Statutory Authority: RCW 18.52.100. 80-08-066 (Order 348), § 308-54-180, filed 7/1/80; Order PL 260, § 308-54-180, filed 12/10/76; Order PL 107, § 308-54-180, filed 3/3/71.]

**Chapter 308-55 WAC
REGULATING THE PRACTICE OF OCULARISTS**

WAC
308-55-005 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-55-005 Uniform Disciplinary Act. [Statutory Authority: 1984 c 279 § 39. 84-21-094 (Order PL 487), § 308-55-005, filed 10/19/84, effective 8/1/85.] Repealed by 85-19-041 (Order PL 556), filed 9/12/85. Statutory Authority: RCW 18.55.065.

WAC 308-55-005 Repealed. See Disposition Table at beginning of this chapter.

**Chapter 308-56A WAC
CERTIFICATES OF TITLE—MOTOR VEHICLES,
ETC.**

WAC
308-56A-150 Certificate of inspection.

WAC 308-56A-150 Certificate of inspection. (1) An application for title must be accompanied by a certificate of inspection signed by an authorized inspector whenever the applicant's vehicle is:

- (a) From a state or province other than Washington;
- (b) One that has been reported destroyed;
- (c) A homemade, assembled, or rebuilt vehicle;
- (d) One whose identification number has been removed, defaced, altered, destroyed, or has become illegible or is missing;

(e) One with a structural change in, or modification of, body or frame changing the class designation or body type;

(f) A used vehicle and no Washington record can be found; or

(g) One that has been referred for inspection for any other reason; provided that the request for inspection shall have been made by a commissioned law enforcement officer, an employee of the department of licensing, or a vehicle license agent.

(2) Where applicable, the statutory inspection fee will be charged.

(3) Inspections will normally be accomplished by the Washington state patrol.

(4) The director may, at his discretion, designate other competent inspecting agencies to perform the inspection required under items (1)(a) and (b) above if the vehicle is located in a foreign state or province and the requirement for inspection will cause undue hardship.

(5) When the inspection is done by the Washington state patrol, the certificate of inspection will be valid for the following periods of time after the inspection date:

(a) Vehicles from a state or province other than Washington: Sixty days;

(b) One that has been reported destroyed: Ten days;

(c) A homemade, assembled, or rebuilt vehicle: Ten days;

(d) One whose identification number has been removed, defaced, altered, destroyed, or has become illegible or is missing: Ten days;

(e) One with a structural change in, or modification of, body or frame changing the class designation or body type: Ten days;

(f) A used vehicle and no Washington record can be found: Sixty days;

(g) A vehicle required inspection under (1)(a) through (1)(f) above and held for sale by a licensed dealer: One year; and

(h) One that has been referred for inspection for any reason not listed above: Ten days. [Statutory Authority: RCW 46.01.110. 85-06-011 (Order TL/RG 11), § 308-56A-150, filed 2/22/85; Order MV 208, § 308-56A-150, filed 7/31/74.]

Chapter 308-77 WAC

SPECIAL FUEL TAX RULES AND REGULATIONS

WAC

308-77-040	Issuance of license.
308-77-045	Expiration of license.
308-77-065	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-77-065	Tax liability on leased motor vehicles. [Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-065, filed 8/1/79; Order MV-137, § 308-77-065, filed 6/1/72.] Repealed by 86-02-058 (Order TL-RG-24), filed 12/31/85. Statutory Authority: RCW 82.38.260.
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WAC 308-77-040 Issuance of license. A special fuel supplier or dealer who wishes to conduct separate businesses at different locations will be issued a license for each business upon request and filing an application for a license and a bond (if required) for each. The license shall be displayed or kept available for inspection at the place of each business where fuel is sold and delivered to users.

A special fuel supplier or dealer having more than one place of business holding a single license shall reproduce the license and keep a photocopy on display at each additional place of business, each place of storage from which special fuel is sold or delivered, and in each motor vehicle used to transport special fuel owned by him for sale, delivery or use, and in addition, must identify by location and capacity all bulk storage plants of #1 and #2 distillates capable of being used as vehicle fuel as required by the department.

A special fuel user who wishes to conduct separate businesses at different locations or to operate two or more separate fleets of motor vehicles will be issued a license for each separate business or fleet upon request and filing an application for a license and a bond (if required) for each location or fleet. The license shall be displayed or be kept available for inspection at the owner's principal place of business and a reproduced copy thereof shall be carried in each motor vehicle entering this state from another state or province. A special fuel

tax trip permit may be purchased by a user entering this state in lieu of a special fuel license. The user must be the registered owner and/or lessee of the vehicle, or a dealer of motor vehicles. Operators of vehicles with a registered gross weight of more than 10,000 pounds will require a special fuel license or a special fuel tax trip permit to enter this state. [Statutory Authority: RCW 82.38.260. 86-02-058 (Order TL-RG-24), § 308-77-040, filed 12/31/85; 79-08-140 (Order 548 DOL), § 308-77-040, filed 8/1/79; Order 475-DOL, § 308-77-040, filed 12/30/77; Order MV-191, § 308-77-040, filed 3/27/74; Order MV-175, § 308-77-040, filed 10/24/73; Order 114 MV, § 308-77-040, filed 11/26/71.]

WAC 308-77-045 Expiration of license. All special fuel licenses will expire on April 15 of the year following the year of issuance. A new license valid for the succeeding year will be automatically mailed to each license holder prior to April 15 providing all reports due for the previous calendar year have been submitted to the department, and the department is satisfied that all special fuel taxes owed by the license holder have been properly remitted. [Statutory Authority: RCW 82.38.260. 86-02-058 (Order TL-RG-24), § 308-77-045, filed 12/31/85; 79-08-140 (Order 548 DOL), § 308-77-045, filed 8/1/79.]

WAC 308-77-065 Repealed. See Disposition Table at beginning of this chapter.

Chapter 308-78 WAC AIRCRAFT FUEL TAX

WAC

308-78-010	Definitions.
308-78-040	Tax exempt transactions.
308-78-045	Tax exempt use.
308-78-050	Supporting documents for tax exempt transactions.
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.

(3) "Local service commuter" means an air taxi operator who operates at least five round trips per week between two or more points; publishes flight schedules which specify the times, days of the week, and points between which it operates; and whose aircraft has [a] maximum capacity of sixty passengers or eighteen thousand pounds of useful load.

(4) "Operation for testing and experimental purposes" shall include only those flights conducted under either an experimental, research and development, or special air-worthiness certificate issued by the FAA or other

documented experimental or testing flights including the flight of other aircraft used in the test or experimental flight.

(5) "Private, nonstate funded airfield" means an airport not eligible to receive state funding under chapter 47.68 RCW. [Statutory Authority: RCW 82.42.030. 86-02-057 (Order TL-RG-23), § 308-78-010, filed 12/31/85. Statutory Authority: RCW 82.42.040. 85-04-027 (Order PFT 85-001), § 308-78-010, filed 1/31/85; 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.]

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 308-78-040 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, supplemental air carriers, and foreign flag carriers operating under part 121 of the Federal Aviation Regulations, and local service commuters; or
- (6) To another licensed distributor. [Statutory Authority: RCW 82.42.040. 85-04-027 (Order PFT 85-001), § 308-78-040, filed 1/31/85; 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 foreign flag carriers, operating under part 121 of the Federal Aviation Regulations, and local service commuters.
- (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) Aircraft fuel used in connection with aircraft crew training shall be exempt from the aircraft fuel tax when:

- (a) The personnel receiving training are the crews of a certified air carrier; (b) the aircraft used for training purposes may appropriately be used to train crews to operate the type of aircraft purchased by the air carrier; (c) the crew training occurs in Washington state; and (d) the primary purpose of the flight is for crew training and not for an otherwise taxable purpose.

(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. 85-04-027 (Order PFT 85-001), § 308-78-045, filed 1/31/85; 82-20-093 (Order MV 696), § 308-78-045, filed 10/6/82.]

WAC 308-78-050 Supporting documents for tax exempt transactions. 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. 85-04-027 (Order PFT 85-001), § 308-78-050, filed 1/31/85; 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 308-78-070 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) Each person claiming an exemption from the aircraft fuel tax shall keep records in a form convenient to the operator, of each flight or series of flights for which tax exempt use is claimed. Such records shall include:

(a) Flight or block time of each flight or series of flights;

(b) Type of aircraft;

(c) Purpose of each flight or series of flights;

(d) Dates;

(e) Gallons consumed for each flight or series of flights.

(5) 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. 85-04-027 (Order PFT 85-001), § 308-78-070, filed 1/31/85; 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;

(e) Sold by a dealer who has paid the aircraft fuel tax, to the United States or foreign government agencies. The dealer shall file an exemption certificate, which shall contain an assignment to the dealer of the purchaser's right to a refund, and each invoice covering

such sale shall have the statement: "Ex Washington Aircraft Fuel Tax" clearly marked thereon.

(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. 85-04-027 (Order PFT 85-001), § 308-78-080, filed 1/31/85; 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 308-89 WAC

TRANSPORTATION OF PASSENGERS IN FOR HIRE VEHICLES

WAC

308-89-010	For hire—Insurance.
308-89-020	Definitions—For hire vehicle.
308-89-030	Nonresident.
308-89-040	For hire vehicle registration.
308-89-050	Permits.

WAC 308-89-010 For hire—Insurance. The insurance policy required in RCW 46.72.050 shall include:

(a) The name of the insured in the same manner as recorded on the for hire permit application; (b) inception and expiration dates of coverage; (c) the name and policy number of the insuring company; and (d) the year, make and vehicle identification number of each vehicle operated or intended to be operated.

The director may refuse any insurance policies submitted with one or more of the following conditions present: (a) Any policy containing a deductible clause for any amount deductible, unless the policy clearly states that all claims under the policy will be directly paid in full to the claimant including the deductible amount by the insurer; (b) any policy containing a clause restricting the insured's age in regard to insurance validity; and (c) any policy which is determined to be a "surplus line" policy, as described in RCW 48.15.040, without the appropriate affidavit being filed with the office of the insurance commissioner and a copy of that affidavit submitted with the certificate of insurance.

In the event of cancellation of the coverage noted on the policy, the insuring company shall serve a copy of such notice upon the director of the department of licensing which shall not be less than ten days prior to the date fixed in the notice as the date of termination of liability. [Statutory Authority: RCW 46.72.120. 85-21-034 (Order TL-RG-18), § 308-89-010, filed 10/11/85.]

WAC 308-89-020 Definitions—For hire vehicle. "For hire vehicle" as defined in RCW 46.72.010(1) shall include but not be limited to: (a) Cabulance: cabulance transportation is appropriate for persons confined to

wheelchairs or persons otherwise physically restricted such that they cannot be safely transported by public mass transportation vehicles, taxicabs, or automobiles. Persons transported by cabulance must be stable, must not be incapacitated from medications, nor in need of oxygen or medical attention enroute; (b) limousine: a vehicle with a driver hired for an event or period of time; (c) taxicab: as defined by RCW 46.90.178; (d) such other vehicles used for the purpose of transporting passengers for compensation and not excluded by RCW, WAC or departmental policy. [Statutory Authority: RCW 46.72.120. 85-21-034 (Order TL-RG-18), § 308-89-020, filed 10/11/85.]

WAC 308-89-030 Nonresident. A nonresident owner/operator of for hire vehicle(s) is one whose place of residence state does not participate in a reciprocal agreement with Washington state. Nonresident owner/operators are subject to any and all requirements and restrictions which apply to the resident owner/operators. Nonresident vehicle registrations will not be accepted as insurance proof. Nonresident insurance certificates will not be accepted with any limiting clause or statement which may invalidate the coverage upon entrance into the state of Washington. [Statutory Authority: RCW 46.72.120. 85-16-088 (Order TL-RG-15), § 308-89-030, filed 8/6/85.]

WAC 308-89-040 For hire vehicle registration. A for hire operator shall file an application for vehicle license for each vehicle intended to be operated as a for hire vehicle. In addition to the licensing requirements of motor vehicles, the following shall apply on for hire vehicles: (a) The name of the owner of the vehicle shall be displayed on the vehicle registration in the same name as recorded on the bond or insurance policy, the for hire permit, and the for hire certificates; (b) the purpose for which the vehicle is to be used shall be recorded as either "CAB" or "F/H"; (c) an annual license expiration of June 30. [Statutory Authority: RCW 46.72.120. 85-16-088 (Order TL-RG-15), § 308-89-040, filed 8/6/85.]

WAC 308-89-050 Permits. Each for hire owner/operator may operate under only one dba (doing business as) name per each permit issued. No company may have numerous dba's or operating names under one permit.

Each permit will be issued in the operating name of the for hire company(ies) as recorded on the bond or insurance policy. [Statutory Authority: RCW 46.72.120. 85-16-088 (Order TL-RG-15), § 308-89-050, filed 8/6/85.]

Chapter 308-93 WAC

VESSEL REGISTRATION AND CERTIFICATES OF TITLE

WAC
308-93-010 Definitions.

- 308-93-020 Registration required.
- 308-93-030 Vessels subject to excise tax, registration and titling.
- 308-93-040 Vessels exempted from excise tax but required to be registered and titled.
- 308-93-050 Vessels exempted from registration, excise tax and titling.
- 308-93-060 Registration period.
- 308-93-070 Application for title/registration.
- 308-93-071 Class "A" and Class "B" titles.
- 308-93-075 Inspection of certificate.
- 308-93-077 UCC search—Multiple legal owners.
- 308-93-080 Registration certificate.
- 308-93-085 Contents of a certificate of registration.
- 308-93-090 Rented or leased vessels.
- 308-93-110 Vessels previously registered or titled in another state.
- 308-93-135 Vessel number required.
- 308-93-140 Decals—Placement.
- 308-93-145 Numbers—Display, size, color.
- 308-93-150 1983 property tax credit.
- 308-93-155 Form of number.
- 308-93-160 Excise tax exemptions—Indians.
- 308-93-165 Other numbers prohibited.
- 308-93-190 Prerequisite to issuance of vessel registration and decals.
- 308-93-210 Procedure when department unsatisfied as to ownership.
- 308-93-215 Validity of certificate of registration.
- 308-93-225 Surrender of certificate of registration.
- 308-93-260 Repealed.
- 308-93-270 Appeals to superior court from suspension, revocation, cancellation, or refusal of registration or certificate of title.
- 308-93-290 Transfer of ownership, how perfected.
- 308-93-310 Loss, defacement, or destruction of decals—Replacement fee.
- 308-93-350 Incorrect endorsements or erasures.
- 308-93-360 Application for title required.
- 308-93-450 Signature of registered owner on application—Exceptions.
- 308-93-500 Name change.
- 308-93-560 Owner deceased—Estate administered.
- 308-93-610 Repealed.
- 308-93-620 Hull identification number required.
- 308-93-640 Reciprocity.
- 308-93-650 Title purpose only.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-93-260 State or director not liable for acts in administering chapter. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-260, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-260, filed 11/18/83.] Repealed by 85-23-066 (Order TL-RG-19), filed 11/19/85. Statutory Authority: RCW 1985 c 258.
- 308-93-610 Security interest—When perfected. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-610, filed 11/18/83.] Repealed by 84-13-086 (Order TL-RG-2), filed 6/21/84. Statutory Authority: RCW 88.02-070 and 88.02.100.

WAC 308-93-010 Definitions. Unless the context clearly provides otherwise, the following definitions apply to the rules in this chapter:

- (1) "Alien vessel" means a vessel owned by a resident of a country other than the United States.
- (2) "Carpenter certificate" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.

(3) "Commercial fishing" means operating under a currently valid commercial or charter fishing license issued by the department of fisheries.

(4) "Declaration of value form" means the department of revenue form used when a vessel is acquired by lease or gift, homemade or the most recent purchase price is not known to declare the value for purposes of assessing excise tax.

(5) "Director" means the director of the department of licensing.

(6) "Documented vessel" means a vessel that is documented by the United States Coast Guard and is issued a valid marine certificate.

(7) "Exclusively" means solely and without exception.

(8) "Foreign vessel" means a vessel owned by a resident of another state registered in accordance with the laws of the state in which the owner resides.

(9) "Legal owner" means a person, business, or institution having a security interest in a vessel perfected in accordance with RCW 46.12.095 or the registered owner of a vessel unencumbered by a security interest or the lessor of a vessel unencumbered by a security interest.

(10) "Lifeboat" means craft used exclusively for life-saving purposes.

(11) "Manufacturer's certificate of origin" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.

(12) "Overall length" means a straight line measurement of the overall distance from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins or boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments are not included in the measurement.

(13) "Prebill" means the notice to renew a vessel registration that is mailed by the department to the registered owner.

(14) "Previous ownership document" means the last issued certificate of title and/or registration.

(15) "Primarily" means the principal purpose for which a vessel is used when considered in conjunction with all of its uses.

(16) "Propulsion machinery" means any device providing motion to a vessel through such means as combustion, steam, or electric machinery.

(17) "Registered owner, owner," synonymous terms used interchangeably, mean a person who has a lawful right to possession of a vessel, whether or not the vessel is subject to a security interest.

(18) "Secured party" means a lender, seller, or other person in whose favor there is a security interest, including a person to whom accounts, contacts rights, or chattel paper have been sold. When the holders of obligations issued under an indenture of trust, equipment trust agreement or the like are represented by a trustee or other person, the representative is the secured party.

(19) "Tender" means a craft used exclusively to furnish transportation from a larger vessel to shore and return.

(20) "Use of waters" means to navigate, operate, employ, or moor any vessel upon the waters.

(21) "Valid marine document" means a document issued by the United States federal government which declares a vessel to be a documented vessel of the United States.

(22) "Vessel data form" means the information application completed by the applicant showing all required description data for the vessel registration and title.

(23) "Waters of this state" means any waters within the territorial limits of this state.

(24) "Time share" charters means leased vessels where none of the parties leasing the vessel under a "time share" option agreement are acquiring an equity in the vessel and there is no option to buy.

(25) "Houseboat" means any vessel as defined in RCW 88.02.010(1) and does not mean any building on a float used in whole or in part for human habitation as a single-family dwelling which is not designed for self propulsion by mechanical means, or for propulsion by means of wind, nor propelled by mechanical means or wind. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-19-026 (Order TL-RG 8), § 308-93-010, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-010, filed 11/18/83.]

WAC 308-93-020 Registration required. Vessel registration is required on any vessel placed upon the waters of this state unless specifically exempted by law. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-020, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-020, filed 11/18/83.]

WAC 308-93-030 Vessels subject to excise tax, registration and titling. The following vessels must be registered and titled and pay the excise tax if they are on or using the waters of this state.

All vessels sixteen feet or longer equipped with propulsion machinery or sails, unless specifically exempted, including the following:

(1) Amphibious vessels (vehicles);

(2) Houseboats;

(3) Inflatable vessels with motors;

(4) Ski type vessels (jet ski, wet bike, etc.);

(5) Racing vessels. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-19-026 (Order TL-RG 8), § 308-93-030, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-030, filed 11/18/83.]

WAC 308-93-040 Vessels exempted from excise tax but required to be registered and titled. The following vessels must be registered and titled but shall be exempt from the assessment of the excise tax:

(1) Undocumented vessels used exclusively for commercial fishing purposes;

(2) Vessels owned and operated by a state of the United States, or any municipality or political subdivision thereof not used principally for governmental purposes and not clearly identifiable as such;

(3) Vessels owned by a nonprofit organization or association engaged in character building of boys and girls under eighteen years of age and solely used for such purposes, as determined by the department for the purposes of RCW 84.36.030;

(4) Recreational type public vessels of the military and the United States;

(5) Vessels under sixteen feet in overall length with propulsion machinery;

(6) Vessels owned and held for sale by a dealer, but not rented on a regular commercial basis. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-19-026 (Order TL-RG 8), § 308-93-040, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-040, filed 11/18/83.]

WAC 308-93-050 Vessels exempted from registration, excise tax and titling. The following vessels are exempt from registration, titling, and the assessment of excise tax:

(1) Military or public vessels of the United States, except recreational-type public vessels;

(2) Vessels owned by a state or subdivision thereof, used principally for governmental purposes and clearly identifiable as such;

(3) Vessels owned by a resident of a country other than the United States if the vessel is not physically located upon the waters of this state for a period of more than sixty days;

(4) Vessels owned by a resident of another state if the vessel is registered in accordance with the laws of the state in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state for vessels registered in this state: *Provided*, That any vessel which is validly registered in another state and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter;

(5) A ship's lifeboat used solely for lifesaving purposes;

(6) All vessels under sixteen feet in overall length which have no propulsion machinery of any type or which are not used on waters subject to the jurisdiction of the United States or on the high seas beyond the territorial seas for vessels owned in the United States and are powered by propulsion machinery of ten or less horsepower;

(7) Vessels equipped with propulsion machinery of less than ten horsepower that:

(a) Are owned by the owner of a vessel for which a valid vessel number has been issued;

(b) Display the number of that numbered vessel followed by the suffix "1" in the manner prescribed by the department; and

(c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose;

(8) Vessels with no propulsion machinery of any type for which the primary mode of propulsion is human power;

(9) Vessels which are temporarily in this state undergoing repair or alteration;

(10) Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States, including but not limited to:

(a) Commercial fishing vessels;

(b) Barges;

(c) Charter vessels, including, bare boat and time share charters.

(11) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States;

(12) A vessel not using the waters of this state. [Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-050, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-19-026 (Order TL-RG 8), § 308-93-050, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-050, filed 11/18/83.]

WAC 308-93-060 Registration period. The registration period for the state will be July 1 of the current year through June 30 of the following year for purposes of implementing chapter 88.02 RCW. A vessel numbered in this state under the Federal Boat Safety Act need not register under chapter 88.02 RCW until July 1, 1985.

Any vessels registered for the first time in Washington will be assessed the registration fee for the registration period in which the vessel is registered. In addition, excise tax in the amount prescribed by statute will be assessed for the period beginning July 1, 1983 through the current registration period in which the vessel is registered: *Provided*, That if the owner can verify that the vessel was acquired or brought into Washington after July 31, 1983, the excise tax will be assessed from the date of acquisition or entry into the state: *Provided further*, That if the owner certifies that the vessel was not on the waters of this state at any time during any prior registration year, excise tax will not be assessed for that registration year.

Vessels being registered in Washington for the first time and assigned a registration period of eleven months or less shall have the annual excise tax reduced by one-twelfth for each full month of the registration period which has passed by the date when the vessel is registered in Washington. The registration fee will not be abated for the registration period in which the vessel is registered.

When a transfer of ownership occurs on a vessel previously registered in this state and whose registration has expired, there will be assessed a registration fee of six dollars for the current registration period and excise tax due from the expiration date of the previous registration: *Provided*, That if the person seeking registration can

verify that the vessel was acquired subsequent to expiration of the previous registration, excise tax will be assessed from the date of acquisition through the current registration period in which the vessel is being registered: *Provided further*, That if the owner certifies that the vessel was not on the waters of this state at any time during any prior registration year, excise tax will not be assessed for that registration year. [Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-060, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-19-026 (Order TL-RG 8), § 308-93-060, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-060, filed 11/18/83.]

WAC 308-93-070 Application for title/registration.

(1) An application for certificate of title or registration of a vessel shall be completed and shall include:

(a) The names, addresses and ZIP codes of all owners of the vessel being registered including a lessor if applicable.

(b) Make, model year and length of vessel.

(c) Type of power (gasoline, diesel, propane, etc.).

(d) Primary use.

(e) Primary method of propulsion (inboard, outboard, inboard/outboard, jet, sail, etc.).

(f) Type of vessel (open, cabin, house, or other).

(g) Primary vessel construction (fiberglass, wood, aluminum, etc.).

(h) County of moorage.

(i) Coast guard number, if any.

(j) Purchase cost and purchase year of vessel or declared value and year of declaration.

(k) Hull identification number.

(l) The number previously issued by an issuing authority for the vessel, if any.

(m) That the application is for a new number, renewal or transfer of ownership.

(n) State in which vessel is or will be principally used.

(o) Federal document number, if applicable.

(2) Name and address of the legal owner or a statement of fact by the registered owner that the vessel is free of all liens other than those shown on the application.

(3) In the event a vessel is homemade, the owner must complete and sign a declaration of value form. The signature of the registered owner of a homemade vessel must be notarized by a notary public.

(4) The names of all owners will appear on the application for registration and title. The application must be signed by all owners. This signature must be notarized or certified by an authorized registration agent.

(5) The application for certificate of title or registration shall be accompanied by the following where applicable:

(a) A copy of the bill of sale or sales agreement.

(b) Vessel data form.

(c) Declaration of value form.

(d) All proper fees and excise tax.

(e) Previous ownership document properly released.

(f) Excise exemption affidavit.

(g) Proof of sales tax paid.

(h) Proof of personal property tax paid.

(i) Manufacturer's statement of origin or original factory invoice.

(j) Copy of carpenter certificate.

(k) Copy of any filing pursuant to Article 62A.9 RCW, Uniform commercial code-secured transactions.

(l) Release of interest form.

(m) Verification of ownership.

(n) Copy of certificate of ownership of vessel issued by United States Coast Guard.

(o) Additional documentation for issuance of class "A" title as described in WAC 308-93-074.

(6) An application made by a manufacturer or dealer for a number that is to be temporarily affixed to a vessel for demonstration or test purposes may omit subsection (1)(b), (c), (e), (f), (g), and (k) of this section.

(7) An application made by a person who intends to lease or rent the vessel without propulsion machinery may omit subsection (1)(c) and (e) of this section. [Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-070, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-070, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-070, filed 11/18/83.]

WAC 308-93-071 Class "A" and class "B" titles.

From June 30, 1985 until June 30, 1990 there will be two classes of vessel titles: class "A" and class "B."

(1) All vessel titles issued prior to June 30, 1985 are class "B" title certificates. Class B certificates show ownership of a vessel, but the vessel may be subject to a security interest not reflected on the title.

(2) Class A title certificates will be issued to purchasers of new vessels with appropriate documentation, or to owners of used vessels who have undergone a UCC search and obtained appropriate releases to ensure that there are no existing liens or claims against the vessel. [Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-071, filed 11/19/85.]

WAC 308-93-075 Inspection of certificate.

Each person using a vessel required to be registered under chapter 88.02 RCW shall present the certificate or lease or rental agreement required by WAC 308-93-080 and 308-93-100 to any federal, state, or local law enforcement officer for inspection at his request. [Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-075, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-075, filed 6/21/84.]

WAC 308-93-077 UCC search--Multiple legal

owners. When an application for title is presented with the UCC filing search indicating one or two secured parties that have an interest in the vessel, the earliest filing date and time would be listed as the primary legal owner with the other listed as second legal owner. This application will be issued a class "A" title. [Statutory

Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-077, filed 11/19/85.]

WAC 308-93-080 Registration certificate. Upon payment of proper fees, the department of licensing or its agents shall issue a certificate of registration. The registration document must be signed by at least one of the owner(s) and carried on board the vessel for which it is issued at all times when the vessel is physically located on the waters of the state of Washington except as provided under WAC 308-93-100. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-080, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-080, filed 11/18/83.]

WAC 308-93-085 Contents of a certificate of registration. (1) Except as allowed in subsections (2), (3), and (4) of this section, each certificate of number must contain the following information:

- (a) Number issued to the vessel.
 - (b) Expiration date of the certificate.
 - (c) State of principal use.
 - (d) Name of the owner.
 - (e) Address of owner, including ZIP code.
 - (f) Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing or other commercial use.
 - (g) Manufacturer's hull identification number (if any).
 - (h) Make of vessel.
 - (i) Year vessel was manufactured.
 - (j) Overall length of vessel.
 - (k) Whether the vessel is an open boat, cabin cruiser, houseboat, or other type.
 - (l) Hull material.
 - (m) Whether the propulsion is inboard, outboard, inboard-outdrive, or sail.
 - (n) Whether the fuel is gasoline, diesel, or other.
- (2) A certificate of registration issued to a vessel that has a manufacturer's hull identification number assigned, may omit subsection (1)(h) through (n) of this section if the manufacturer's hull identification number is plainly marked on the certificate.
- (3) A certificate of registration issued to a manufacturer or dealer to be used on a vessel for test or demonstration purposes may omit subsection (1)(g) through (n) of this section if the word "manufacturer" or "dealer" is plainly marked on the certificate.
- (4) A certificate of registration issued to a vessel that is to be rented or leased without propulsion machinery may omit subsection (1)(m) and (n) of this section if the words "livery vessel" are plainly marked on the application. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-085, filed 6/21/84.]

WAC 308-93-090 Rented or leased vessels. If the owner of the vessel is a Washington resident, and the

vessel is leased and operated in Washington, it must be titled and registered in Washington. If the owner is a resident of another state and the vessel is leased and operated in Washington, the reciprocity provisions in WAC 308-93-640 apply.

(1) Rented and leased vessels must be separately registered and titled and display the registration number and decals assigned to the vessel. A dealer's registration number does not cover a rented or leased vessel.

(2) If the vessel is leased for a period of less than one year the lessor's name may appear on the certificate of title as the sole registered owner with any secured party being shown as the legal owner.

(3) If the vessel is leased for a period of one year or more or if there is an option to purchase the vessel, the application for certificate of title shall be completed with the name of the lessee as registered owner, followed by the word "lessee." The lessor's name will appear as the legal owner. If the vessel is subject to a security agreement, the application will be completed with the lessor's name appearing immediately below the lessee's name and will be identified by the word "lessor." The address shown will be the lessee's. The secured party's name and address will be shown in the legal owner's space. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-19-026 (Order TL-RG 8), § 308-93-090, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-090, filed 11/18/83.]

WAC 308-93-110 Vessels previously registered or titled in another state. If the application for certificate of title or registration is for a vessel previously registered or titled in another state, the application must be accompanied by:

(1) Either a foreign title properly released and the registration, if available, or the registration properly released if it is a nontitle state, or an affidavit of lost title and a release of interest: *Provided*, That no release is required if there is no change in ownership, and

(2) An affidavit certifying when and where the vessel was acquired or brought into the state. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-110, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-110, filed 11/18/83.]

WAC 308-93-135 Vessel number required. Except as provided in chapter 88.02 RCW, no person may use a vessel on the waters of this state unless:

(1) It has a number issued on a certificate of registration by the issuing authority in the state in which the vessel is principally used; and

(2) The number is displayed as described in WAC 308-93-145. [Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-135, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-135, filed 6/21/84.]

WAC 308-93-140 Decals—Placement. Upon registration, the applicant will receive a registration document and two decals. The decals must be affixed to each side of the forward half of the vessel, except when the registration number is placed as provided by WAC 308-93-145 (2) and (3), within six inches of the registration number. The decals must meet the requirements of subsections (1) and (2) of this section.

(1) Decals must be approximately three inches square.

(2) The year in which each validation sticker expires must be indicated by the colors, blue, international orange, green, and red, in rotation beginning with blue for stickers that expire in 1985. [Statutory Authority: RCW 88.02.100. 84-21-131 (Order TL/RG-10), § 308-93-140, filed 10/24/84. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-140, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-140, filed 11/18/83.]

WAC 308-93-145 Numbers—Display, size, color.

(1) Each registration number issued must:

(a) Be painted on or permanently attached to each side of the forward half of the vessel except as allowed by subsection (2) of this section or required by subsection (3) of this section;

(b) Be in plain vertical block characters of not less than three inches in height;

(c) Contrast with the color of the background and be distinctly visible and legible;

(d) Have spaces or hyphens that are equal to the width of a letter other than "1" or a number other than "1" between the letter and number groupings (example: DC 5678 EF or DC-5678-EF); and

(e) Read from left to right.

(2) When a vessel is used by a manufacturer or by a dealer for testing or demonstrating, the number may be painted on or attached to removable plates that are temporarily but firmly attached to each side of the forward half of the vessel.

(3) On vessels so configured that a number on the hull or superstructure would not be easily visible, the number must be painted on or attached to a backing plate that is attached to the forward half of the vessel so that the number is visible from each side of the vessel.

(4) Each number displayed on a tender exempted under RCW 88.02.030 must meet the requirements of subsection (1) of this section and have a space or hyphen that is equal to the width of a letter other than "1" or a number other than "1" between the suffix and the number. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-145, filed 6/21/84.]

WAC 308-93-150 1983 property tax credit. Property tax paid for a vessel for the 1983 tax year will be deducted from the excise tax amount due on an original registration when a receipt from the treasurer's office is presented at the time of registration, identifying the vessel and the amount paid. If a treasurer's receipt cannot

be obtained, a cancelled check may be accepted, provided the cancelled check clearly and distinctly indicates that its purpose was for the payment of 1983 personal property tax for the vessel being registered. Proof of property tax paid must be attached to the application for certificate of title or registration if credit is given. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-150, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-150, filed 11/18/83.]

WAC 308-93-155 Form of number. (1) Each registration number must consist of two capital letters denoting the state of the issuing authority, followed by:

(a) Not more than four numerals followed by not more than two capital letters (example: NL 1234 BD); or

(b) Not more than three numerals followed by not more than three capital letters (example: WN 567 EFG).

(2) A number suffix must not include the letters "I," "O," or "Q," which may be mistaken for numerals. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-155, filed 6/21/84.]

WAC 308-93-160 Excise tax exemptions—Indians.

(1) For the purposes of this rule, the following words and terms have the following meanings:

(a) "Indian reservation" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the exclusive use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian reservations" by the United States Department of the Interior.

The following Washington reservations are the only "Indian reservations" currently recognized as such by the United States Department of the Interior: Chehalis, Colville, Hoh, Kalispell, Lower Elwha, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, Ozette, Port Gamble, Port Madison, Puyallup, Quileute, Quinault, Shoalwater, Skokomish, Spokane, Squaxin Island, Swinomish, Tulalip, and Yakima.

(b) "Indian tribe" means any organized Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(c) "Indian" means persons duly registered on the tribal rolls of the Indian tribe occupying an Indian reservation.

(2) Vessels owned by an Indian tribe occupying a recognized Washington Indian reservation are exempt from payment of the excise tax imposed by chapter 82.49 RCW.

(3) Vessels owned by Indians having their principal residence within the recognized Washington Indian reservation, for the tribe in which they are duly registered on the tribal rolls, are exempt from payment of the excise tax imposed by chapter 82.49 RCW.

(4) A properly completed affidavit of exemption on a form supplied by the department must be submitted with each vessel's registration application as a condition precedent to exemption from excise tax. The department may require such other proof of qualification for exemption as it deems necessary. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-160, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-160, filed 11/18/83.]

WAC 308-93-165 Other numbers prohibited. No person may use a vessel on the waters of this state that has any number that is not issued by an issuing authority for that vessel on its forward half. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-165, filed 6/21/84.]

WAC 308-93-190 Prerequisite to issuance of vessel registration and decals. No decals or vessel registration, whether original issues or duplicates, shall be issued or furnished by the department unless the applicant therefor shall at the same time make satisfactory application for a certificate of title or shall present satisfactory evidence that such a certificate of title or valid marine document covering such vessel has been previously issued. [Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-190, filed 11/19/85. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-190, filed 11/18/83.]

WAC 308-93-210 Procedure when department unsatisfied as to ownership. If the department is not satisfied as to the ownership of the vessel, the department may register the vessel but shall either:

(1) Withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the department as to the applicant's ownership of the vessel; or

(2) As a condition of issuing a certificate of title, require the applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, or in lieu thereof a deposit of cash in like amount. The bond shall be in an amount equal to one and one-half times the value of the vessel as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vessel or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of title of the vessel or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vessel. Any such person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, or any cash deposit shall be returned at the end of three years or prior thereto if the vessel is no longer registered in this state and the

currently valid certificate of title is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond. [Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-210, filed 11/19/85. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-210, filed 11/18/83.]

WAC 308-93-215 Validity of certificate of registration. (1) Except as provided in subsections (2), (3), (4), and (5) of this section, and WAC 308-93-220, a certificate of registration is valid until the date of expiration prescribed by the issuing authority.

(2) A certificate of registration issued by an issuing authority is invalid after the date upon which:

(a) The vessel is documented or required to be documented under Part 67 of Title 46, Code of Federal Regulations.

(b) The person whose name appears on the certificate of registration as owner of the vessel transfers all of his ownership in the vessel; or

(c) The vessel is destroyed or abandoned.

(3) A certificate of registration issued by an issuing authority is invalid if:

(a) The application for the certificate of registration contains a false or fraudulent statement; or

(b) The fees for the issuance of the certificate of registration are not paid.

(4) A certificate of registration is invalid sixty days after the day on which the vessel is no longer principally used in the state where the certificate was issued.

(5) The certificate of registration is invalid when the person whose name appears on the certificate involuntarily loses his interest in the registered vessel by legal process. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-215, filed 6/21/84.]

WAC 308-93-225 Surrender of certificate of registration. A person whose name appears as the owner of a vessel on a certificate of registration shall surrender the certificate to the department within fifteen days after it becomes invalid under WAC 308-93-215 (2), (3), (4), or (5), or 308-93-220. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-225, filed 6/21/84.]

WAC 308-93-260 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-93-270 Appeals to superior court from suspension, revocation, cancellation, or refusal of registration or certificate of title. The suspension, revocation, cancellation, or refusal by the director of any registration or certificate of title provided for in chapter 88.02 RCW and chapter 250, Laws of 1984, or chapter 308-93 WAC shall be conclusive unless the person whose registration or certificate is suspended, revoked, canceled, or refused appeals to the superior court of Thurston County, or to the superior court of the county

of the person's residence, for the purpose of having the suspension, revocation, cancellation, or refusal of such registration or certificate set aside. Notice of appeal must be filed within ten days after receipt of the notice of suspension, revocation, cancellation, or refusal. Upon the filing of the notice of appeal the court shall issue an order to the director to show cause why the registration should not be granted or reinstated, which order shall be returnable not less than ten days after the date of service thereof upon the director. Service shall be in the manner prescribed for service of summons and complaint in other civil actions.

Upon the hearing on the order to show cause, the court shall hear evidence concerning matters with reference to the suspension, revocation, cancellation, or refusal of the registration or certificate and shall enter judgment either affirming or setting aside such suspension, revocation, cancellation, or refusal. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-270, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-270, filed 11/18/83.]

WAC 308-93-290 Transfer of ownership, how perfected. A transfer of ownership in a vessel is perfected by compliance with the requirements of this section.

(1) If an owner transfers an interest in a vessel other than by the creation of a security interest, he shall, at the time of the delivery of the vessel, execute an assignment to the transferee and cause the certificate and assignment to be transmitted to the transferee, and shall within fifteen days notify the department.

(2) The transferee of ownership shall within fifteen days after delivery to him of the vessel, execute the application for a new certificate of title in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department.

(3) Upon request of the owner or transferee, a secured party in possession of the certificate of title shall, unless the transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured party receives the owner's assignment from the transferee, it shall transmit the transferee's application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party under the security agreement.

(4) If a security interest is reserved or created at the time of the transfer, the certificate of title shall be retained by or delivered to the person who becomes the secured party, and the parties shall comply with the provision of WAC 308-93-230.

(5) Upon receipt of an application for the reissue of a certificate of title and transfer of registration, accompanied by the endorsed certificate of title and such other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all

provisions relating to the certificate of title and registration have been complied with, issue new certificates of title and registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer, to be deposited in the general fund. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-290, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-290, filed 11/18/83.]

WAC 308-93-310 Loss, defacement, or destruction of decals—Replacement fee. Upon the loss, defacement, or destruction of one or both of the vessel decals issued for any vessel or where one or both have become so illegible or in such condition as to be difficult to distinguish, the owner of the vessel shall make application for new vessel decals upon a form furnished by the director, upon which form it shall be required that the owner, in addition to other requirements, make a complete statement as to the cause of the loss, defacement, or destruction of the original decal or decals, which statement shall be subscribed and sworn to before a notary public or other person authorized to certify to statements upon vessel registration applications. Such application shall be filed with the director or his authorized agent, accompanied by the certificate of registration of the vessel and a one dollar replacement decal fee. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-310, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-310, filed 11/18/83.]

WAC 308-93-350 Incorrect endorsements or erasures. (1) If a certificate of title or application has been signed in error, a line must be drawn through the erroneous signature. An affidavit must be attached to explain when, why and by whom the signature was stricken. A release of interest is required from the person signing in error unless that person has signed the affidavit.

(2) If an erasure has been made on a certificate of title or application, an affidavit must be attached. The affidavit must state why and by whom the erasure was made. A release of interest must be signed by the one whose name was erased if the identity of the person can be determined.

(3) A name erroneously shown on the title as the purchaser must have either a release of interest from the erroneously named purchaser or a statement by the owner of record that the sale was not completed. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-350, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-350, filed 11/18/83.]

WAC 308-93-360 Application for title required. An application for certificate of title is required:

(1) Whenever the ownership of a vessel changes;

(2) When there is a legal change of name of the registered or legal owner of a vessel;

(3) When there is a change of name of a business entity owning a vessel;

(4) When a proprietorship or partnership forms a corporation whether or not a business name is changed;

(5) When a proprietorship or partnership purchases a corporation which will no longer be operated as a corporation whether or not the business name is changed;

(6) Whenever there is no outstanding secured obligation and no commitment to make advances and incur obligations or otherwise give value in the case of reissue applications;

(7) Whenever the hull identification number is changed;

(8) Whenever a second legal owner is to be added to the certificate of title. The application shall show the address of only the first named legal owner;

(9) Whenever a vessel is to be registered for the first time as required by chapter 88.02 RCW, except for a vessel having a valid marine document as a vessel of the United States. [Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-360, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-360, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-360, filed 11/18/83.]

WAC 308-93-450 Signature of registered owner on application—Exceptions. On an application for an original, reissue, or transfer of certificate of title, the signature of each and every name registered owner is required except:

(1) When the application is for the sole purpose of removing a legal owner of record from the certificate of title when that legal owner's security interest has been satisfied in the vessel;

(2) When authorized supportive documentation is used in lieu of the signature or signatures;

(3) When the legal owner applies for a duplicate title;

(4) When there is a change in the secured party;

(5) When ownership is transferred with an affidavit of repossession. [Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-450, filed 11/19/85. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-450, filed 11/18/83.]

WAC 308-93-500 Name change. On any application for reissue of a certificate of title where the name of the registered owner has been changed by court action, a certified copy of the court order authorizing the name change, if applicable, shall be attached to the application. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-500, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-500, filed 11/18/83.]

WAC 308-93-560 Owner deceased—Estate administered. If the prior owner of a vessel is deceased and a will was left, the following documents shall be attached to any application for transfer of title:

(1) If the will is not a nonintervention will:

(a) A certified copy of the court order approving the transfer or a certificate from the clerk of court on department approved forms confirming the court action; or

(b) A certified copy of the decree of distribution.

(2) If the will is a nonintervention will, a certified copy of the decree of solvency or distribution or a certification from the clerk of court confirming such action. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-560, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-560, filed 11/18/83.]

WAC 308-93-610 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-93-620 Hull identification number required. No person shall operate a boat on the waters of this state for which registration and titling is required unless such boat has a hull identification number or application for such number has been made. Hull identification numbers must be clearly imprinted, or otherwise permanently affixed to the outboard side of the transom, or if there is no transom, to the outermost starboard side at the end of the hull that bears the rudder or other steering mechanism above the waterline of the boat in such a way that alteration, removal or replacement would be obvious or evident. No person, firm, association or corporation shall destroy, remove, alter, cover, or deface the hull identification number. [Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-620, filed 11/19/85. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-620, filed 11/18/83.]

WAC 308-93-640 Reciprocity. (1) A vessel owned by a resident of another state which is already covered by a number in full force and effect issued to it pursuant to federal laws or a numbering system of such state shall be exempt from registration requirements for a period of sixty days in any twelve month period but only to the extent a similar reciprocity is granted for vessels registered in the state of Washington.

(2) When a vessel is removed to the state of Washington as a new state of principal use, Washington shall recognize the validity of a number awarded by any other issuing authority for a period of at least sixty days before requiring numbering in this state. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-19-026 (Order TL-RG 8), § 308-93-640, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-640, filed 11/18/83.]

WAC 308-93-650 Title purpose only. Nothing in chapter 88.02 RCW or chapter 308-93 WAC shall be

construed to prevent any person entitled thereto from securing a certificate of title upon a vessel without securing a certificate of registration and vessel decal when, in the judgment of the director of licensing, it is proper to do so. [Statutory Authority: 1985 c 258, 85-23-066 (Order TL-RG-19), § 308-93-650, filed 11/19/85. Statutory Authority: RCW 88.02.100 and 88.02.070. 84-11-060 (Order TL/RG-1), § 308-93-650, filed 5/18/84.]

Chapter 308-96A WAC VEHICLE LICENSES

WAC

308-96A-045	Repealed.
308-96A-046	Veteran's free license.
308-96A-065	Personalized license plates.
308-96A-080	Confidential license plates—Application procedures.
308-96A-085	Confidential license plates—Agency contact.
308-96A-090	Confidential license plates—Annual inventory.
308-96A-095	Cancellation of confidential license plates.
308-96A-097	Confidential license plates—Records disclosure.
308-96A-310	Application—Disabled person parking privileges.
308-96A-315	Temporary permits.
308-96A-320	Cardiovascular disease.
308-96A-325	Loss of permit, decal, plate.
308-96A-330	Application, eligibility—Public transportation authorities—Disabled parking permits.
308-96A-335	Public transportation permits—Transfer, limitations.
308-96A-345	Definitions.
308-96A-350	Outstanding parking tickets—Information to be supplied by issuing jurisdiction.
308-96A-355	Satisfaction of parking tickets—Information to be supplied by issuing jurisdiction.
308-96A-360	Return of unacceptable notification to jurisdiction.
308-96A-365	Reinstatement of parking ticket.
308-96A-370	Removal of parking ticket information from active file.
308-96A-375	Parking violation list.
308-96A-380	Effect of 150 day notice on license renewal.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-96A-045	Veteran's free license. [Order MV-355, § 308-96A-045, filed 5/10/76; Order MV-328, § 308-96A-045, filed 7/24/75.] Repealed by 84-21-130 (Order TL/RG-9), filed 10/24/84. Statutory Authority: RCW 46.01.110 and 46.16.600. Later promulgation, see WAC 308-96A-046.
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WAC 308-96A-045 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-96A-046 Veteran's free license. (1) A qualified veteran who submits satisfactory proof of a service connected disability rating from the Veterans Administration is entitled to regular or special license plates issued by the department of licensing and is exempt the annual licensing fees for one personal use vehicle.

Permanent registration and permanent tabs will be issued to qualified disabled American veterans and former prisoners of war for one vehicle exempt licensing fees: *Provided*, That, emission inspection is required each year in the inspection areas, personalized license plate renewal fee is required each year, and propane powered vehicles are subject to annual propane fee.

Confirmation of eligibility from the Veterans Administration must be sent to the department of licensing with the initial application. Verification of vision correctable to less than 20/200 may be provided by an ophthalmologist or optometrist. Verification that the veteran is receiving compensation at the one hundred percent rate, which may include unemployability expected to exist for more than one year, must be received from the Veterans Administration.

"Exempt annual licensing fees" means waiver of excise tax, basic fee, gross weight fee, special fee and permit fee only.

(2) If the free veterans license is switched from one vehicle to another, replacement plate fee, full license and excise fees for twelve months will be required on the vehicle from which exemption is being removed. A new expiration date is to be established beginning with the first day of the month in which the exemption is switched to another vehicle. If, however, the vehicle from which the exemption is being removed, is turned in to a dealer for resale, fees need not be collected until the vehicle is sold to a new owner. The registration period will begin on the first day of the month in which application for the new owner is submitted.

(3) The veteran must be a registered or coregistered owner of a vehicle for which veterans licensure is granted.

(4) If a vehicle which was issued a free veterans license is sold, full excise and license fees must be paid by the purchaser at time of title transfer. [Statutory Authority: RCW 46.01.110, 85-15-059 (Order TL-RG-14), § 308-96A-046, filed 7/17/85. Statutory Authority: RCW 46.01.110 and 46.16.600. 84-21-130 (Order TL/RG-9), § 308-96A-046, filed 10/24/84. Formerly WAC 308-96A-045.]

WAC 308-96A-065 Personalized license plates. (1) The registered owner of a vehicle may apply for plates with any acceptable and unassigned combination of two to seven letters, numbers, or both pursuant to RCW 46.16.565 through 46.16.600.

(2) When a vehicle with personalized plates is sold, transferred or destroyed, the owner may retain the plates for transfer to a replacement vehicle or surrender the plates to the department, relinquishing priority to the letter and/or number combination.

(3) When the owner of a personalized plate fails to renew the license within 90 days following the renewal deadline for the current year or fails to have the license transferred to a replacement vehicle within 90 days, the plates will be cancelled and surrendered to the department. Personalized plates that have been cancelled will not be reissued for 90 days after cancellation unless they are being repurchased by the same owner. [Statutory Authority: RCW 46.01.110 and 46.16.600. 84-21-130 (Order TL/RG-9), § 308-96A-065, filed 10/24/84; Order MV-328, § 308-96A-065, filed 7/24/75.]

WAC 308-96A-080 Confidential license plates—Application procedures. (1) Every request for confidential license plates shall be made in writing, on stationery

of the requesting agency, to the department of licensing, and shall be accompanied by the following:

(a) An application for confidential license plates, on a form furnished by the department;

(b) Except for those confidential plates authorized by RCW 46.08.066(3), by an explanation in support of the request for confidential license plates, on a form furnished by the department, setting forth the purposes for which the plates will be used, and why confidential license plates are necessary to accomplish this purpose;

(c) Copies of documents establishing that the vehicle is owned or controlled by the agency requesting issuance of confidential license plates; acceptable documents include, but are not necessarily limited to, current certificate of title or registration, manufacturer's statement of origin, and court orders or seizure documents;

(d) Such other documentation as the department may reasonably require.

(2) The request, application, and explanation shall be signed by the agency head or an individual designated by the agency head as the authorized contact person as provided in WAC 308-96A-085.

(3) Every request for confidential license plates will be reviewed on an individual basis to ensure compliance with RCW 46.08.066. The department has the authority to reject or refuse applications which do not conform to the provisions of the referenced statute, and rules and regulations of the department.

(4) Applications for confidential license plates to be used for the personal security of a public official or employee will be forwarded by the department to the Washington state patrol for review and recommendation prior to final determination by the department. [Statutory Authority: RCW 46.08.066. 85-11-014 (Order TL/RG-12), § 308-96A-080, filed 5/8/85.]

WAC 308-96A-085 Confidential license plates-- Agency contact. (1) Except as provided in subsection (2) of this section, the only person authorized to request issuance of confidential license plates or sign correspondence pertaining to the confidential plate licensing program, is the agency head, which shall include regional federal agency administrators and military commanding officers.

(2) The agency may designate a maximum of two individuals as contact persons authorized to apply for confidential plates and sign correspondence pertaining to the confidential plate licensing program.

(3) The agency head must submit information to the department of licensing, on a form provided by the department, indicating the name, title, address and telephone number of each contact person authorized to apply for confidential license plates.

(4) Upon removal or replacement of an agency head or designated contact person, the department of licensing shall be notified in writing within five days of the change, and a new form as indicated in subsection (3) of this section shall be forwarded to the department. [Statutory Authority: RCW 46.08.066. 85-11-014 (Order TL/RG-12), § 308-96A-085, filed 5/8/85.]

WAC 308-96A-090 Confidential license plates-- Annual inventory. (1) At least once each year, at a time designated by the department of licensing, each agency having confidential license plates in its possession shall furnish an inventory of the confidential license plates to the department. The inventory shall include:

(a) A list of confidential license plates in alphabetical order;

(b) The make, year of manufacture and identification number of each vehicle bearing confidential license plates;

(c) A certification, signed by the agency head or designated contact person, that all plates issued to the agency are being utilized solely for those purposes specified by RCW 46.08.066. [Statutory Authority: RCW 46.08.066. 85-11-014 (Order TL/RG-12), § 308-96A-090, filed 5/8/85.]

WAC 308-96A-095 Cancellation of confidential license plates. (1) When an agency no longer requires a set of confidential license plates, the plates and fictitious registration are to be returned to the confidential plate program administrator at the department of licensing for deletion from the agency's inventory.

(2) The department of licensing may cancel or refuse to reissue confidential license plates when it has reasonable grounds to believe that the plates are being used for purposes not authorized under RCW 46.08.066, or otherwise believes continued issuance of the plates would violate the intent or meaning of the referenced statute. [Statutory Authority: RCW 46.08.066. 85-11-014 (Order TL/RG-12), § 308-96A-095, filed 5/8/85.]

WAC 308-96A-097 Confidential license plates-- Records disclosure. (1) In accordance with RCW 42.17.310(2), files, records, documents, and any other information pertaining to the confidential licensing program shall be exempt from public inspection and copying, as such disclosure would be contrary to vital government interests.

(2) Information concerning the confidential license plates issued to any particular agency shall not be released, except to the agency head or the designated contact person(s).

(3) Nothing herein shall be construed to prohibit the disclosure of statistical information which is not descriptive of the identity of the confidential vehicle or its usage. [Statutory Authority: RCW 46.08.066. 85-11-014 (Order TL/RG-12), § 308-96A-097, filed 5/8/85.]

WAC 308-96A-310 Application--Disabled person parking privileges. Application must be made on forms provided by the department and signed by the applicant. If the applicant is physically unable to sign, the application may be signed by a family member, stating their relationship to the applicant. If signing by mark (X), signatures of two witnesses are required.

A statement from a physician is required to certify the applicant's disability; except, amputees visually verified by the licensing agent. If the disability is temporary, the physician must indicate the expected length of disability.

Special license plates may be issued for vehicles registered to the applicant. If the vehicle is not registered to the applicant, a special decal may be issued: *Provided*, That an affidavit is submitted certifying the relationship of the registered owner to the applicant and that the vehicle is used primarily for the transportation of the applicant. [Statutory Authority: RCW 46.01.110 and 1984 c 154 § 2(2) [RCW 46.16.381(2)]. 84-17-073 (Order TL-RG 6), § 308-96A-310, filed 8/15/84.]

WAC 308-96A-315 Temporary permits. A temporary permit may be issued upon visual verification of a temporary disability for a maximum of two weeks and may not be extended without a physician's certificate of disability. An out-of-state visitor may be issued a temporary permit provided he or she submits proof that they have been determined eligible for disabled parking privileges in another state. [Statutory Authority: RCW 46.01.110 and 1984 c 154 § 2(2) [RCW 46.16.381(2)]. 84-17-073 (Order TL-RG 6), § 308-96A-315, filed 8/15/84.]

WAC 308-96A-320 Cardiovascular disease. Functional limitations of cardiovascular disease as classified under standards accepted by the American Heart Association are defined as: (1) Class III. Patients with cardiac disease resulting in marked limitation of physical activity. They are comfortable at rest. Less than ordinary physical activity causes fatigue, palpitation, dyspnea, or anginal pain. (2) Class IV. Patients with cardiac disease resulting in inability to carry on any physical activity without discomfort. Symptoms of cardiac insufficiency or of the anginal syndrome may be present even at rest. If any physical activity is undertaken, discomfort is increased. [Statutory Authority: RCW 46.01.110 and 1984 c 154 § 2(2) [RCW 46.16.381(2)]. 84-17-073 (Order TL-RG 6), § 308-96A-320, filed 8/15/84.]

WAC 308-96A-325 Loss of permit, decal, plate. Replacement of a disabled parking permit, decal or license plate will be issued upon receipt of a signed notarized statement from the applicant certifying that the permit, decal or license plate has been lost, stolen, destroyed or mutilated. [Statutory Authority: RCW 46.01.110 and 1984 c 154 § 2(2) [RCW 46.16.381(2)]. 84-17-073 (Order TL-RG 6), § 308-96A-325, filed 8/15/84.]

WAC 308-96A-330 Application, eligibility—Public transportation authorities—Disabled parking permits. Application must be made on forms provided by the department and signed by an appropriate official of the public transportation authority. For the purpose of determining who is eligible for special parking privileges for the disabled, public transportation authorities are those entities operating motor vehicles or other devices capable of being moved on a public highway. The vehicles shall be owned or operated by Washington state, or

a town, city, county, municipality, or metropolitan or municipal corporation within the state, and must be used for the purpose of carrying passengers and their baggage or freight incident to business or programs conducted by those authorities: *Provided*, That those authorities may contract with private carriers to perform services entitling the carriers to the special parking privileges. [Statutory Authority: RCW 46.01.110 and 1984 c 154 § 2(2) [RCW 46.16.381(2)]. 84-17-073 (Order TL-RG 6), § 308-96A-330, filed 8/15/84.]

WAC 308-96A-335 Public transportation permits—Transfer, limitations. Permits issued to public transportation authorities are limited to one for each vehicle used to transport eligible disabled persons. Permits issued to public transportation authorities are not transferable to another vehicle. When the assigned vehicle is no longer being used by the public transportation authority to transport qualified disabled persons, the responsible official of the public transportation authority must notify the department and surrender the permit. In lieu of the permit, a statement verifying the permit has been destroyed may be accepted. [Statutory Authority: RCW 46.01.110 and 1984 c 154 § 2(2) [RCW 46.16.381(2)]. 84-17-073 (Order TL-RG 6), § 308-96A-335, filed 8/15/84.]

WAC 308-96A-345 Definitions. For the purposes of chapter 46.16 RCW the following definitions apply:

(1) "Jurisdiction" shall mean any district, municipal, justice and/or superior court.

(2) "NCIC (ORI) number" means the numeric code assigned by the National Crime Information Center (originator) to identify a jurisdiction.

(3) "Department" shall mean the department of licensing.

(4) "Parking violation list" shall mean a computerized listing containing all outstanding parking violations which have been processed by the department and which must be satisfied prior to renewal of license.

(5) "Agent" shall mean any county auditor, or other individual or business entity appointed to carry out vehicle licensing and titling functions for the department.

(6) "Unprocessed" shall mean no update of the computer record has occurred.

(7) "Jurisdiction seal" shall mean method of verifying authenticity of court documents.

(8) "Municipality" means every court having jurisdiction over offenses committed under RCW 46.20.270.

(9) "Local agencies" shall include district, municipal, justice and/or superior courts, and other local reporting agencies.

(10) "150 day notice" shall mean a warning notice of those violations received by the department 150 days prior to the license renewal date. The notice will list the dates and jurisdictions in which the violations occurred, unpaid fines, penalties, and a ten dollar surcharge. [Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-345, filed 8/15/84.]

WAC 308-96A-350 Outstanding parking tickets--Information to be supplied by issuing jurisdiction. In order to submit notification of outstanding parking tickets, a jurisdiction must provide the following:

- (1) Jurisdiction name,
- (2) NCIC number (ORI),
- (3) Parking ticket number,
- (4) Date parking ticket was issued,
- (5) Vehicle license plate number, and
- (6) Fine and penalty amount,
- (7) Jurisdiction seal,
- (8) Signature and date when required on form.

Such information must be provided on a form issued by the department, or on a computer listing sheet, or magnetic tape generated in accordance with department instructions.

Provided that an original report against a vehicle record must contain a minimum of three outstanding violations from one jurisdiction. Subsequent reports against that vehicle by that same jurisdiction may be for a single violation unless such vehicle record indicates all existing tickets have been paid and no further tickets have been accrued in the thirteen months following said payment. If thirteen months have elapsed, the jurisdiction must submit an original report containing a minimum of three violations. [Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-350, filed 8/15/84.]

WAC 308-96A-355 Satisfaction of parking tickets--Information to be supplied by issuing jurisdiction. Upon satisfaction of fines and penalties previously reported as outstanding against a vehicle, the collecting jurisdiction must:

- (1) Furnish the registered owner with a proof of payment form as provided by the department, and
- (2) Within ten days of such payment, supply the department with the following information:
 - (a) Jurisdiction name,
 - (b) NCIC number (ORI),
 - (c) Parking ticket number,
 - (d) Date parking ticket was issued,
 - (e) Vehicle license plate number,
 - (f) Date of satisfaction,
 - (g) Jurisdiction seal, and
 - (h) Signature and date when required on form.

Such information must be provided on a form issued by the department or on a computer listing sheet or magnetic tape generated in accordance with department instructions. [Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-355, filed 8/15/84.]

WAC 308-96A-360 Return of unacceptable notification to jurisdiction. Notification of outstanding parking ticket violations and satisfactions will be returned to the jurisdiction unprocessed for such reasons as:

- (1) No vehicle record on the computer by the license plate number;
- (2) Incorrect and/or missing data required by WAC 308-96A-350 and 308-96A-355;

- (3) Ticket issue date is prior to June 30, 1984;
- (4) Ticket satisfaction date is prior to issue date;
- (5) The vehicle computer record indicates at least one of the following conditions exist:
 - (a) Vehicle has been reported destroyed by an insurance company, scrap processor, or wrecker;
 - (b) Vehicle has been titled and/or registered out of state;
 - (c) Date of transfer of ownership is more current than issue date of violation;
 - (d) License plate which lawfully may be retained by the owner, has been transferred to another vehicle and the vehicle for which the ticket was incurred has been transferred, or
 - (e) Vehicle was reported stolen prior to the ticket issue date. [Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-360, filed 8/15/84.]

WAC 308-96A-365 Reinstatement of parking ticket. (1) A parking ticket previously reported as satisfied may be reinstated for such reasons as, but not limited to:

- (a) Jurisdiction reporting error;
- (b) Dishonored check for payment of fines and penalties.
- (2) The jurisdiction seeking reinstatement of a parking ticket must supply the department with the following information:
 - (a) Jurisdiction name,
 - (b) NCIC number (ORI),
 - (c) Parking ticket number,
 - (d) Date parking ticket was issued,
 - (e) Vehicle license plate number,
 - (f) Fine and penalty amount,
 - (g) Jurisdiction seal,
 - (h) Signature and date when required on form,
 - (i) Reason for reinstatement.

Such information must be on a form issued by the department or on a computer listing sheet. [Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-365, filed 8/15/84.]

WAC 308-96A-370 Removal of parking ticket information from active file. Parking tickets incurred for a given vehicle will be maintained on that vehicle's record with the department until such time as one of the following occurs:

- (1) Proof of payment is submitted to the department.
- (2) The department is notified by the issuing jurisdiction that the ticket has been cleared.
- (3) There is a change (such as addition or deletion of another owner) in registered ownership from that shown on record at the time the ticket was incurred.
- (4) Receipt of notification that the vehicle was reported stolen prior to issuance of the ticket(s).
- (5) If thirty-six months elapse with no renewal activity against the vehicle, both vehicle and parking violation records will be placed in an inactive file. [Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-370, filed 8/15/84.]

WAC 308-96A-375 Parking violation list. Upon written request to the department by the registered and/or legal owner(s) of record, a computerized parking violation list may be furnished in addition to any list which may have already been provided by the department. Such service will also be provided by automated agencies when available. [Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-375, filed 8/15/84.]

WAC 308-96A-380 Effect of 150 day notice on license renewal. Violations reported to the department after the 150 day notice is generated, will be posted on the vehicle license renewal record applicable to the following year.

To renew license of a vehicle whose record indicates that 150 day notice should have been generated, and whose record also indicates that all violations applicable to the current licensing period have been satisfied, the renewal application must include payment of licensing fees due, and payment of the ten dollar surcharge.

To renew license of a vehicle whose record indicates that a 150 day notice should have been generated, and whose record also indicates that violations applicable to the current licensing period remain unsatisfied, the renewal application must be accompanied by proof of payment of those violations, payment of licensing fees due, and payment of the ten dollar surcharge. [Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-380, filed 8/15/84.]

Chapter 308-99 WAC VEHICLE RECIPROCITY

WAC

308-99-010	Applications.
308-99-020	Definitions.
308-99-025	Registration required.
308-99-040	Restrictions and conditions.

WAC 308-99-010 Applications. In the absence of a written agreement between the state of Washington and another jurisdiction these rules, in conjunction with chapter 353, Laws of 1985, shall apply to the operation of vehicles which are not licensed or registered in this state. [Statutory Authority: RCW 46.85.060. 85-20-080 (Order TL/RG 17), § 308-99-010, filed 9/30/85. Statutory Authority: 1982 c 227 § 18 et seq. 83-19-009 (Order 729-DOL), § 308-99-010, filed 9/9/83. Formerly WAC 410-20-010.]

WAC 308-99-020 Definitions. (1) For the purposes of vehicle license registration, a resident is a person who:

(a) Owns a vehicle that is licensable under the provisions of chapter 46.16 RCW and that is physically present in the state of Washington more than six months in any continuous twelve-month period; or

(b) Resides in this state more than six months in any continuous twelve-month period; or

(c) Becomes a registered voter in this state; or

(d) Receives benefits under one of the Washington public assistance programs; or

(e) Declares himself or herself to be a resident for the purpose of obtaining a state license or tuition fees at resident rates; or

(f) Is permanently employed in this state.

(2) "Military personnel" means active members of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, commissioned officers of the Public Health Service, and members of foreign military organizations assigned to this state on official duty.

(3) "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or a state or province of a country. [Statutory Authority: RCW 46.85.060. 85-20-080 (Order TL/RG 17), § 308-99-020, filed 9/30/85. Statutory Authority: 1982 c 227 § 18 et seq. 83-19-009 (Order 729-DOL), § 308-99-020, filed 9/9/83. Formerly WAC 410-20-020.]

WAC 308-99-025 Registration required. A resident of this state shall register under chapters 46.12 and 46.16 RCW a motor vehicle to be operated on the highways of the state. It is a misdemeanor, pursuant to section 1, chapter 353, Laws of 1985, for a person to violate this section. [Statutory Authority: RCW 46.85.060. 85-20-080 (Order TL/RG 17), § 308-99-025, filed 9/30/85.]

WAC 308-99-040 Restrictions and conditions. A vehicle properly licensed or registered in another jurisdiction may be operated in Washington without further registration requirements subject to the following conditions and restrictions:

(1) Nonresident tourists or other nonresident visitors: Length of stay cannot exceed one hundred eighty days in a calendar year.

(2) Nonresident students: The student must be in full-time attendance at an institution of higher learning in Washington accredited by the Northwest Association of Schools and Colleges and maintain their legal home of record at a location outside the state of Washington. Students' vehicles must be registered in their name or the name of their parent or legal guardian in the resident state of record. The student must carry documentation issued by the institution in the vehicle which readily establishes the nonresident status. Employment incidental to the full-time student status is permitted. The spouse of a nonresident student has the same licensing privilege as long as the vehicle is registered to the student or jointly to the student and spouse, regardless of the spouse's legal residence or employment.

(3) Nonresident military personnel: Vehicles must be currently registered in the name of the military person at their official home of record. A vehicle licensed at the last duty station may be operated until expiration of the registration at which time it must be licensed in the home of record or in Washington. The spouse of a nonresident military person has the same licensing privilege as long as the vehicle is registered to the military person or jointly to the military person and spouse, regardless of the spouse's legal residence or employment.

(4) Temporary employment: Nonresident persons engaged in employment of a temporary nature may operate a vehicle in this state which is currently licensed in another jurisdiction for a period not to exceed one hundred eighty days in a calendar year. Proof of the temporary nature of the employment may be required.

(5) Borrowed vehicle: A borrowed vehicle currently licensed in another jurisdiction may be operated by a Washington resident for a period not to exceed ten days in any one calendar year. If the period of use exceeds ten days the vehicle must be registered and licensed in Washington. This provision does not apply to business vehicles.

(6) Salespersons: Nonresident salespersons based at a location outside Washington are permitted to operate vehicles not to exceed 12,000 pounds registered gross vehicle weight licensed in another jurisdiction in this state without registration.

(7) Business vehicle: A vehicle or a combination of vehicles, not exceeding a registered gross or combined gross vehicle weight of 12,000 pounds, which is properly base licensed in another jurisdiction, and used for business purposes in this state is not required to obtain Washington vehicle license registration except when such vehicle is owned or operated by a business or branch office of a business located in Washington.

(8) Nonresident employed in Washington: A nonresident employed in Washington for more than one hundred eighty days in a calendar year may operate a vehicle licensed in another jurisdiction as long as no permanent, temporary, or part-time residence is maintained in this state.

(9) New resident: New Washington residents shall be allowed sixty days from the date of establishing residency to procure Washington registration for their vehicle. [Statutory Authority: RCW 46.85.060, 86-02-056 (Order TL-RG-22), § 308-99-040, filed 12/31/85; 85-20-080 (Order TL/RG 17), § 308-99-040, filed 9/30/85. Statutory Authority: 1982 c 227 § 18 et seq. 83-19-009 (Order 729-DOL), § 308-99-040, filed 9/9/83. Formerly WAC 410-20-040.]

Chapter 308-115 WAC MIDWIFERY

WAC

308-115-050	Definitions.
308-115-140	Curriculum.
308-115-150	Students.
308-115-190	School survey visits.
308-115-300	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-115-300	Uniform Disciplinary Act. [Statutory Authority: 1984 c 279 § 36, 84-21-095 (Order PL 488), § 308-115-300, filed 10/19/84, effective 8/1/85.] Repealed by 85-19-038 (Order PL 557), filed 9/12/85. Statutory Authority: RCW 18.50.125.
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WAC 308-115-050 Definitions. (1) Preceptor. A preceptor is a licensed or legally practicing 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 nonbirth 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 written documentation that verifies that the experience and its documentation is equivalent to that required of regularly enrolled midwifery students.

(6) Health care provider as used in RCW 18.50.108 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, 85-23-044 (Order PL 566), § 308-115-050, filed 11/18/85; 82-19-079 (Order PL 406), § 308-115-050, filed 9/21/82.]

WAC 308-115-140 Curriculum. (1) The basic [curriculum] [education] 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. Each student must undertake the care of not less than fifty women in each of the prenatal, intrapartum and early postpartum periods. The care of up to thirty five women in each of the periods may be undertaken as a part of previous nursing education or practical midwifery experience as defined in WAC 308-115-050(5). No less than fifteen women must be cared for in each period while enrolled in the school from which the student graduates. The student need not see the same women throughout each of the periods. A candidate for licensure must observe an additional fifty women in the

intrapartum period in order to qualify for licensure. Up to thirty five of these observations may be as a part of previous nursing education or practical midwifery experience as defined in WAC 308-115-050(5). No less than fifteen women must be observed in the intrapartum period 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. 85-23-044 (Order PL 566), § 308-115-140, filed 11/18/85; 82-19-079 (Order PL 406), § 308-115-140, filed 9/21/82.]

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 308-115-150 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. The school may grant credit for the care of up to thirty five women in each of the periods undertaken as a part of previous midwifery education. No less than fifteen women must be cared for in each period while enrolled in the school from which the student graduates. The student need not see the same women throughout each of the periods. A candidate for licensure must observe an additional fifty women in the intrapartum period in order to qualify for licensure. Up

to thirty five of these observations may be as a part of previous midwifery education. No less than fifteen women must be observed in the intrapartum period while enrolled in the school from which the student graduates.

(4) Individuals may request advanced placement on the basis of their previous practical midwifery experience as specified in RCW 18.50.040(2) and WAC 308-115-050(5) but in no case shall a school grant credit for more than thirty-five of the fifty required managed births. At least fifteen of the managed births must be undertaken while enrolled in the school granting advanced placement.

(5) Each school shall maintain a comprehensive system of student records. [Statutory Authority: RCW 18.50.135. 85-23-044 (Order PL 566), § 308-115-150, filed 11/18/85; 82-19-079 (Order PL 406), § 308-115-150, 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.

(3) The cost of a survey visit to a midwifery educational program outside the state of Washington shall be borne by the program requesting accreditation. [Statutory Authority: RCW 18.50.135. 85-23-044 (Order PL 566), § 308-115-190, filed 11/18/85; 82-19-079 (Order PL 406), § 308-115-190, filed 9/21/82.]

WAC 308-115-300 Repealed. See Disposition Table at beginning of this chapter.

Chapter 308-117 WAC PRACTICAL NURSES

WAC

308-117-025 Standards of conduct for discipline for licensed practical nurses.

WAC 308-117-025 Standards of conduct for discipline for licensed practical nurses. The standards of conduct for discipline will serve as guidelines for the licensed practical nurse as to what is considered to be good licensed practical nurse practice. Violation of these standards may be grounds for action with regard to the license to practice practical nursing pursuant to RCW 18.78.135(9). Each individual, upon entering the practice of licensed practical nursing, assumes a measure of responsibility and trust and the corresponding obligation to adhere to the standards of conduct, which include, but are not limited to the following:

(1) The licensed practical nurse, functioning under the direction and supervision of other licensed health care professionals as provided in RCW 18.78.010(5), shall be responsible and accountable for his or her own nursing judgments, actions and competence.

(2) The licensed practical nurse shall practice practical nursing in the state of Washington only with a current Washington license.

(3) The licensed practical nurse shall not permit his or her license to be used by another person for any purpose.

(4) The licensed practical nurse shall have knowledge of the statutes and rules governing licensed practical nurse practice and shall function within the legal scope of licensed practical nurse practice.

(5) The licensed practical nurse shall not aid, abet or assist any other person in violating or circumventing the laws or rules pertaining to the conduct and practice of licensed practical nursing.

(6) The licensed practical nurse shall not disclose the contents of any licensing examination or solicit, accept or compile information regarding the contents of any examination before, during or after its administration.

(7) The licensed practical nurse shall delegate activities only to persons who are competent and qualified to undertake and perform the delegated activities, and shall not delegate to unlicensed persons those functions that are to be performed only by licensed nurses.

(8) The licensed practical nurse, in delegating functions, shall supervise the persons to whom the functions have been delegated.

(9) The licensed practical nurse shall act to safeguard clients from unsafe practices or conditions, abusive acts, and neglect.

(10) The licensed practical nurse shall report unsafe acts and practices, unsafe practice conditions, and illegal acts to the appropriate supervisory personnel or to the appropriate state disciplinary board.

(11) The licensed practical nurse shall respect the client's privacy by protecting confidential information, unless required by law to disclose such information.

(12) The licensed practical nurse shall make accurate, intelligible entries into records required by law, employment or customary practice of nursing, and shall not falsify, destroy, alter or knowingly make incorrect or unintelligible entries into client's records or employer or employee records.

(13) The licensed practical nurse shall not sign any record attesting to the wastage of controlled substances unless the wastage was personally witnessed.

(14) The licensed practical nurse shall observe and record the conditions of a client, and report significant changes to appropriate persons.

(15) The licensed practical nurse may withhold or modify client care which has been authorized by an appropriate health care provider, only after receiving directions from an appropriate person, unless in a life threatening situation.

(16) The licensed practical nurse shall leave a nursing assignment only after properly reporting to and notifying appropriate persons and shall not abandon clients.

(17) The licensed practical nurse shall not misrepresent his or her education and ability to perform nursing procedures safely.

(18) The licensed practical nurse shall respect the property of the client and employer and shall not take equipment, materials, property or drugs for his or her

own use or benefit nor shall the licensed practical nurse solicit or borrow money, materials or property from clients.

(19) The licensed practical nurse shall not obtain, possess, distribute or administer legend drugs or controlled substances to any person, including self, except as directed by a person authorized by law to prescribe drugs.

(20) The licensed practical nurse shall not practice nursing while affected by alcohol or drugs, or by a mental, physical or emotional condition to the extent that there is an undue risk that he or she, as a licensed practical nurse, would cause harm to him or herself or other persons.

(21) It is inconsistent with good licensed practical nursing practice to perform functions below the minimum standards of competency as expressed in WAC 308-117-400. [Statutory Authority: RCW 18.78.050. 86-01-084 (Order PL 574), § 308-117-025, filed 12/18/85.]

Chapter 308-120 WAC REGISTERED NURSES

WAC

308-120-170	Documents which indicate authorization to practice registered nursing in Washington.
308-120-300	Advanced registered nurse practitioner.
308-120-305	Use of nomenclature.
308-120-315	Certification and certification program.
308-120-325	Board approval of certification programs.
308-120-335	Application requirements for ARNP.
308-120-345	Renewal of ARNP designation.
308-120-355	Repealed.
308-120-360	Termination of ARNP designation by the board.
308-120-365	CRN recognition at effective date.
308-120-400	ARNP with prescriptive authorization.
308-120-410	Application requirements for ARNP with prescriptive authority.
308-120-420	Authorized prescriptions by the ARNP with prescriptive authority.
308-120-430	Termination of ARNP prescriptive authorization.
308-120-440	Prescriptive authorization period.
308-120-450	Renewal.
308-120-600	Repealed.
308-120-601	Repealed.
308-120-602	Repealed.
308-120-603	Repealed.
308-120-604	Repealed.
308-120-605	Repealed.
308-120-606	Repealed.
308-120-607	Repealed.
308-120-608	Repealed.
308-120-800	Scope of practice—Advisory opinions.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-120-355	Termination of certification by the certification program. [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.] Repealed by 85-24-027 (Order PL 569), filed 11/26/85. Statutory Authority: RCW 18.88.080.
308-120-600	Purpose. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-600, filed 12/2/83.] Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.

- 308-120-601 Scope. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-601, filed 12/2/83.] Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.
- 308-120-602 General requirements. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-602, filed 12/2/83.] Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.
- 308-120-603 License renewal requirements. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-603, filed 12/2/83.] Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.
- 308-120-604 Acceptable continuing education. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-604, filed 12/2/83.] Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.
- 308-120-605 Unacceptable continuing education. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-605, filed 12/2/83.] Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.
- 308-120-606 Validation of educational programs. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-606, filed 12/2/83.] Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.
- 308-120-607 Contact hour. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-607, filed 12/2/83.] Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.
- 308-120-608 Waivers. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-608, filed 12/2/83.] Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.

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) Advanced registered nurse practitioner (ARNP) recognition document. An ARNP 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 "advanced registered nurse practitioner" or the abbreviation "ARNP." This document authorizes the ARNP 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) ARNP prescriptive authorization. A notation of prescriptive authorization may be placed on the ARNP recognition document issued to any person who meets the requirements of the board as contained in WAC 308-120-410. This authorizes the ARNP 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. 85-24-027 (Order PL 569), § 308-120-170, filed 11/26/85; 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 308-120-300 Advanced registered nurse practitioner. An advanced registered nurse practitioner is a registered nurse prepared in a formal educational program to assume an expanded role in providing health care services. This practice builds on previous knowledge and skill and utilizes indepth knowledge of physical assessment and management of illnesses or conditions within the advanced registered nurse practitioner's scope of practice. Advanced registered nurse practice includes collaboration with other licensed health professionals such as physicians, pharmacists, podiatrists, dentists, and nurses. An advanced registered nurse practitioner shall:

(1) Hold a current license to practice as a registered nurse in Washington; and

(2) Have completed an advanced formal education program in the area of specialty; and

(3) 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 18.88.080. 85-24-027 (Order PL 569), § 308-120-300, filed 11/26/85. 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 advanced registered nurse practitioner designation has been approved by the board shall be designated as a [an] advanced registered nurse practitioner and shall have the right to use the title "advanced

registered nurse practitioner" and the abbreviation following the nurse's name shall read "ARNP." No other initials or abbreviations shall legally denote advanced nursing practice. 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 an advanced registered nurse practitioner. [Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-305, filed 11/26/85. 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 308-120-315 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 as identified in WAC 308-120-300 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; and

(iii) Be equivalent to at least one academic year. A preceptorship which is part of the formal program shall be included as part of the 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 (b) of this subsection.

(3) A licensee credentialed by a national certifying body which meets the requirements of subsection (2)(a) and (c) of this section but not subsection (2)(b) of this section may petition the board for individual recognition as an ARNP by submitting documentation that the licensee's advanced formal education program in the area of specialty meets the requirements of subsection (2)(b) of this section. [Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-315, filed 11/26/85. 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 308-120-325 Board approval of certification programs. (1) A licensee or certifying program may request that a certification program be considered for approval and shall submit documentation showing that the program 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 18.88.080. 85-24-027 (Order PL 569), § 308-120-325, filed 11/26/85. 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 308-120-335 Application requirements for ARNP. A registered nurse applicant for designation as an ARNP shall:

(1) After January 1, 1990 show evidence of a master's degree in the nursing or health care field from an accredited college or university, except for those applicants who provide documentation as requested by the board that the applicant was:

(a) Certified by a board approved national certification program prior to December 31, 1989; and

(b) Recognized by another state board of nursing for advanced practice prior to December 31, 1989.

(2) Meet the requirements of WAC 308-120-300.

(3) Submit a completed application on a form furnished by the board.

(4) Submit evidence of certification by a certification program approved by the board.

(5) Submit a nonrefundable fee as specified in WAC 308-120-275. [Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-335, filed 11/26/85. 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 308-120-345 Renewal of ARNP designation. ARNP designation shall be renewed every two years on the ARNP's birthday. The applicant shall:

(1) Maintain a current registered nurse license in Washington.

(2) Submit evidence of current certification by her/his certifying body.

(3) Provide documentation of thirty contact hours (a contact hour is fifty minutes) of continuing education during the renewal period in the area of certification derived from any combination of the following approved by the board:

(a) Formal academic study;

(b) Continuing education offerings.

(4) Attest, on forms provided by the board, to having a minimum of two hundred fifty hours of specialized and

advanced nursing practice within the preceding biennium providing direct patient care services.

(5) Submit a nonrefundable fee as specified. If the licensee fails to renew his or her ARNP designation prior to the expiration date, then the individual is subject to the late renewal fee specified in WAC 308-120-275. [Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-345, filed 11/26/85. Statutory Authority: RCW 18.88.030 and 18.88.080. 83-04-051 (Order PL 424), § 308-120-345, filed 2/1/83.]

WAC 308-120-355 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-120-360 Termination of ARNP designation by the board. ARNP designation may be terminated by the board when the ARNP 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 18.88.080. 85-24-027 (Order PL 569), § 308-120-360, filed 11/26/85. 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 recognized as a specialized and advanced nurse, but will be designated as an "advanced registered nurse practitioner" (ARNP) and shall be eligible for renewal of the ARNP designation under the provisions of these rules. [Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-365, filed 11/26/85. 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 ARNP with prescriptive authorization. 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. [Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-400, filed 11/26/85; 83-16-065 (Order PL 441), § 308-120-400, filed 8/2/83. 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 ARNP with prescriptive authority. A registered nurse who applies for authorization to prescribe drugs shall:

(1) Be currently designated as an advanced registered nurse practitioner in Washington.

(2) Be designated by their national certifying body as a:

(a) Family nurse practitioner; or

(b) Women's health care nurse practitioner; or

(c) Pediatric nurse practitioner/associate; or

(d) Adult nurse practitioner; or

(e) Geriatric nurse practitioner; or

(f) Nurse midwife; or

(g) Nurse anesthetist; or

(h) School nurse practitioner; or

(i) Clinical specialist in psychiatric and mental health nursing.

(3) Provide evidence of completion of thirty contact hours of education in pharmacotherapeutics related to the applicant's scope of specialized and advanced practice and:

(a) Include pharmacokinetic principles and their clinical application and the use of pharmacological agents in the prevention of illness, restoration, and maintenance of health.

(b) Are obtained within a two-year time period immediately prior to the date of application for prescriptive authority.

(c) Are obtained from the following:

(i) Study within the advanced formal educational program; and/or

(ii) Continuing education programs.

Exceptions shall be justified to and approved by the board of nursing.

(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 18.88.080. 85-24-027 (Order PL 569), § 308-120-410, filed 11/26/85. 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 ARNP with prescriptive authority. (1) Prescriptions for drugs shall comply with all applicable state and federal laws.

(2) Prescriptions shall be signed by the prescriber with the initials ARNP 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 ARNP with prescriptive authorization who prescribes Schedule V controlled substances shall register with the drug enforcement administration and the pharmacy board. [Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-420, filed 11/26/85. 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 ARNP prescriptive authorization. Prescriptive authorization may be terminated by the board when the ARNP with prescriptive authority has:

- (1) Not maintained current designation as an ARNP in the area of certification; or
- (2) Prescribed outside the ARNP scope of practice or for other than therapeutic purposes; or
- (3) Violated provisions of RCW 18.88.230;
- (4) Violated any state or federal law or regulations applicable to prescriptions. [Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-430, filed 11/26/85. 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 renewal date for ARNP designation.

(3) Authorization shall be renewed after the applicant meets the requirements of WAC 308-120-450. [Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-440, filed 11/26/85. 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. ARNP with prescriptive authorization shall be renewed every two years. For renewal of ARNP with prescriptive authorization, the licensee shall:

(1) Meet the requirements of WAC 308-120-345 (1), (2), and (3).

(2) Provide documentation of fifteen additional contact hours of continuing education during the renewal period in pharmacotherapeutics related to licensee's scope of practice. This continuing education shall meet the requirements of WAC 308-120-410 (3)(a).

(3) Submit a completed and notarized renewal application with nonrefundable fee as specified in WAC 308-120-275. If the licensee fails to renew his or her prescriptive authorization prior to the expiration date, then the individual is subject to the late renewal fee specified in WAC 308-120-275. [Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-450, filed 11/26/85. 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 308-120-600 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-120-601 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-120-602 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-120-603 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-120-604 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-120-605 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-120-606 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-120-607 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-120-608 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-120-800 Scope of practice--Advisory opinions. (1) The board may issue advisory opinions in response to questions put to it by professional health associations, nursing practitioners and consumers concerning the authority of various categories of nursing practitioners to perform particular acts. Such questions must be presented in writing to the department staff.

(2) Questions may be referred to a committee of the board to be denominated the practice committee. Upon such referral, the committee shall develop a draft response which shall be presented to the full board at a public meeting for ratification, rejection or modification. The committee may, at its discretion, consult with health care practitioners for assistance in developing its draft response.

(3) If the board issues an opinion on a given issue, such opinion shall be provided to the requesting party and shall be included in the board minutes.

(4) Each opinion issued shall include a clear statement to the effect that:

(a) The opinion is advisory and intended for the guidance of the requesting party only; and

(b) The opinion is not legally binding and does not have the force and effect of a duly promulgated regulation or a declaratory ruling by the board.

(5) In no event shall this section be construed to supersede the authority of the board to adopt rules related to the scope of practice nor shall it be construed to restrict the ability of any person to propose a rule or to seek a declaratory judgment from the board. [Statutory Authority: RCW 18.88.080. 85-17-031 (Order PL 548), § 308-120-800, filed 8/14/85.]

Chapter 308-122 WAC LICENSING OF PSYCHOLOGISTS

WAC	
308-122-010	Decodified.
308-122-020	Decodified.
308-122-030	Decodified.

308-122-210	Repealed.
308-122-215	Psychologists—Experience prerequisite to licensing.
308-122-600	Code of ethics—General considerations.
308-122-610	Responsibility.
308-122-620	Competence.
308-122-640	Public statements.
308-122-650	Confidentiality.
308-122-660	Welfare of the consumer.
308-122-680	Assessment techniques.
308-122-690	Research with human participants.
308-122-695	Care and use of animals.
308-122-700	Telephone directory listings.
308-122-710	License application fees—Failure to appear at examination session.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-122-010	Registered sanitarians—License renewal fee. [Order PL 254, § 308-122-010, filed 8/17/76; Order PL 204, § 308-122-010, filed 11/5/75; Order PL 165, § 308-122-010, filed 4/2/74.] Memo filed by the Office of the Attorney General, dated 8/7/85. Decodified due to repeal of chapter 18.90 RCW.
308-122-020	Registered sanitarians—Fees. [Statutory Authority: RCW 43.24.085, 80-14-022 (Order 356), § 308-122-020, filed 9/25/80; Order PL 204, § 308-122-020, filed 11/5/75.] Memo filed by the Office of the Attorney General, dated 8/7/85. Decodified due to repeal of chapter 18.90 RCW.
308-122-030	Renewal of licenses. [Order PL 262, § 308-122-030, filed 1/13/77.] Memo filed by the Office of the Attorney General, dated 8/7/85. Decodified due to repeal of chapter 18.90 RCW.
308-122-210	Psychologists—Experience prerequisite to licensing. [Statutory Authority: Chapter 18.83, 78-12-046 (Order PL 293), § 308-122-210, filed 11/27/78; Order PL-245, § 308-122-210, filed 4/15/76.] Repealed by 85-06-043 (Order PL 521), filed 3/5/85. Statutory Authority: RCW 18.83.070(3).

WAC 308-122-010 Decodified. See Disposition Table at beginning of this chapter.

WAC 308-122-020 Decodified. See Disposition Table at beginning of this chapter.

WAC 308-122-030 Decodified. See Disposition Table at beginning of this chapter.

WAC 308-122-210 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-122-215 Psychologists—Experience prerequisite to licensing. (1) Need for supervision. The law requires that the applicant have at least twelve months experience practicing psychology under qualified supervision after having completed all requirements for a doctoral degree. Supervision must be appropriate to the area(s) of professional activity in which the candidate intends to function.

(2) Twelve months of experience shall include a MINIMUM of 1500 supervised clock hours of psychological work. There should be a MINIMUM of one hour of individual supervision for every twenty hours of psychological work. The majority of supervised hours should be in the area(s) of intended psychological work. Documentation of experience and supervision hours shall be kept by supervisee and supervisor.

(3) Appropriate supervision is that provided by a licensed psychologist with two years post-license experience, a psychiatrist with three years of experience beyond residency, or an MSW with five years post degree experience. At least 50 percent of supervision must be provided by a licensed psychologist. The supervisor must have competence in the area(s) of intended psychological work of the supervisee. The supervisor shall not supervise in any area in which he or she does not have competence.

(4) Content of supervision. Supervision should include, but not be limited to, the following content area:

(a) Discussion of services provided by the supervisee;

(b) Selection, service plan, and review of each case or work unit of the supervisee;

(c) Discussion of and instruction in theoretical conceptions underlying the supervised work;

(d) Discussion of the management of professional practice or other administrative or business issues;

(e) Evaluation of the supervisory process, supervisee, and supervisor;

(f) Discussion of the coordination of services among other professionals involved in particular work units;

(g) Review of relevant Washington laws and rules and regulations;

(h) Discussion of ethical principles including principles that apply to current work;

(i) Review of standards for providers of psychological services;

(j) Discussion of other relevant reading materials specific to cases, ethical issues, and the supervisory process.

(5) Mode of supervision. The nature of supervision will vary depending on the theoretical orientation of the supervisor, the training and experience of the supervisee, and the duration of the supervisory relationship. It is reasonable for a supervisor to ask for detailed process notes and progress reports. Audio tapes, video tapes, client supplied information such as behavioral ratings, and one-way mirror observations are also appropriate when deemed useful and/or necessary. However accomplished, supervision shall include some direct observation of the supervisee's work. The preferred mode of supervision is face-to-face discussion between supervisor and supervisee.

(6) Authority of supervisor. The supervisor is ethically and legally responsible for all supervisee work covered in the written agreement for supervision. Therefore, it is the authority of the supervisor to alter service plans or otherwise direct the course of psychological work.

(7) Written agreement for supervision. The supervisor and supervisee shall have a written agreement for supervision. This shall include:

(a) The area(s) of professional activity in which supervision will occur;

(b) Hours of supervision and/or ratio of supervisory hours or professional hours;

(c) Supervisory fees, if appropriate;

(d) Process of supervision including mode of supervision, expectations for recordkeeping, and expectations for evaluation and feedback;

(e) Relevant business arrangements;

(f) How the supervisee will represent him or herself;

(g) How disagreements will be handled.

(8) Representation of supervisee to the public. It shall be the responsibility of the supervisee to represent him or herself to the consuming public as being in training status with a suitable supervisor. Clients shall be informed of the identity and responsibilities of the supervisor; and shall be informed of their right to consult or speak directly with the supervisor. Such titles as psychological resident, psychological intern or psychological supervisee, are deemed appropriate for the supervisee. NO services provided by the supervisee shall be represented to third parties as having been provided by the supervisor. Insurance forms should be filled out to indicate the nature of the supervisory relationship. [Statutory Authority: RCW 18.83.070(3). 85-06-043 (Order PL 521), § 308-122-215, filed 3/5/85.]

WAC 308-122-600 Code of ethics--General considerations. Psychologists respect the dignity and worth of the individual and strive for the preservation and protection of fundamental human rights. They are committed to increasing knowledge of human behavior and of people's understanding of themselves and others and to the utilization of such knowledge for the promotion of human welfare. While pursuing these objectives, they make every effort to protect the welfare of those who seek their services of the research participants that may be the object of study. They use their skills only for purposes consistent with these values and do not knowingly permit their misuse by others. While demanding for themselves freedom of inquiry and communication, psychologists accept the responsibility this freedom requires: Competence, objectivity in the application of skills, and concerns for the best interests of clients, colleagues, students, research participants, and society. In the pursuit of these ideals, psychologists subscribe to principles in the following areas: 1. Responsibility, 2. Competence, 3. Public statements, 4. Confidentiality, 5. Welfare of the consumer, 6. Professional relationships, 7. Assessment techniques, 8. Research with human participants, and 9. Care and use of animals. [Statutory Authority: RCW 18.83.050(5). 85-06-044 (Order PL 522), § 308-122-600, filed 3/5/85.]

WAC 308-122-610 Responsibility. In providing services, psychologists maintain the highest standards of their profession. They accept responsibility for the consequences of their acts and make every effort to ensure that their services are used appropriately.

(1) As scientists, psychologists accept responsibility for the selection of their research topics and the methods used in investigation, analysis, and reporting. They plan their research in ways to minimize the possibility that their findings will be misleading. They provide thorough discussion of the limitations of their data, especially where their work touches on social policy or might be construed to the detriment of persons in specific age, sex, ethnic, socioeconomic, or other social groups. In publishing reports of their work, they never suppress

disconfirming data, and they acknowledge the existence of alternative hypotheses and explanations of their findings. Psychologists take credit only for work they have actually done.

(2) Psychologists clarify in advance with all appropriate persons and agencies the expectations for sharing and utilizing research data. They avoid relationships that may limit their objectivity or create a conflict of interest. Interference with the milieu in which data are collected is kept to a minimum.

(3) Psychologists have the responsibility to attempt to prevent distortion, misuse, or suppression of psychological findings by the institution or agency of which they are employees.

(4) As members of governmental or other organizational bodies, psychologists remain accountable as individuals to the highest standards of their profession.

(5) As teachers, psychologists recognize their primary obligation to help others acquire knowledge and skill. They maintain high standards of scholarship by presenting psychological information objectively, fully, and accurately.

(6) As practitioners, psychologists know that they bear a heavy social responsibility because their recommendations and professional actions may alter the lives of others. They are alert to personal, social, organizational, financial, or political situations and pressures that might lead to misuse of their influence.

(7) Psychologists do not employ psychological techniques for entertainment, nor for other purposes inconsistent with the development of psychology as a science. [Statutory Authority: RCW 18.83.050(5). 85-06-044 (Order PL 522), § 308-122-610, filed 3/5/85.]

WAC 308-122-620 Competence. The maintenance of high standards of competence is a responsibility shared by all psychologists in the interest of the public and the profession as a whole. Psychologists recognize the boundaries of their competence and the limitations of their techniques. They only provide services and only use techniques for which they are qualified by training and experience. In those areas in which recognized standards do not yet exist, psychologists take whatever precautions are necessary to protect the welfare of their clients. They maintain knowledge of current scientific and professional information related to the services they render.

(1) Psychologists accurately represent their competence, education, training, and experience.

(2) As teachers, psychologists perform their duties on the basis of careful preparation so that their instruction is accurate, current, and scholarly.

(3) Psychologists recognize the need for continuing education and are open to new procedures and changes in expectations and values over time.

(4) Psychologists recognize differences among people, such as those that may be associated with age, sex, socioeconomic, and ethnic backgrounds. When necessary, they obtain training, experience, or counsel to assure competent service or research relating to such persons.

(5) Psychologists responsible for decisions involving individuals or policies based on test results have an understanding of psychological or educational measurement, validation problems, and test research.

(6) Psychologists recognize that personal problems and conflicts may interfere with professional effectiveness. Accordingly, they refrain from undertaking any activity in which their personal problems are likely to lead to inadequate performance or harm to a client, colleague, student, or research participant. If engaged in such activity when they become aware of their personal problems, they seek competent professional assistance to determine whether they should suspend, terminate, or limit the scope of their professional and/or scientific activities. [Statutory Authority: RCW 18.83.050(5). 85-06-044 (Order PL 522), § 308-122-620, filed 3/5/85.]

WAC 308-122-640 Public statements. Public statements, announcements of service, advertising, and promotional activities of psychologists serve the purpose of helping the public make informed judgments and choice. Psychologists represent accurately and objectively their professional qualifications, affiliations, and functions, as well as those of the institutions or organizations with which they or the statements may be associated. In public statements providing psychological information or professional opinions or providing information or professional opinions or providing information about the availability of psychological products, publications, and services, psychologists base their statements on scientifically acceptable psychological findings and techniques with full recognition of the limits and uncertainties of such evidence.

(1) When announcing or advertising professional services, psychologists may list the following information to describe the provider and services provided: Name, highest relevant academic degree earned from a regionally accredited institution, date, type, and level of certification or licensure, diplomat status, professional association status, address, telephone number, office hours, a brief listing of the type of psychological services offered, an appropriate presentation of fee information, foreign languages spoken, and policy with regard to third-party payments. Additional relevant or important consumer information may be included if not prohibited by other sections of those ethical principles.

(2) In announcing or advertising the availability of psychological products, publications, or services, psychologists do not present their affiliation with any organization in a manner which falsely implies sponsorship or certification of that organization. Public statements include, but are not limited to, communication by means of periodical, book, list, directory, television, radio, or motion picture. They do not contain

(a) A false, fraudulent, misleading, deceptive, or unfair statement;

(b) A misinterpretation of fact or a statement likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts;

(c) A testimonial from a patient regarding the quality of a psychologists' services or products;

(d) A statement intended or likely to create false or unjustified expectations of favorable results;

(e) A statement implying unusual, unique, or one-of-a-kind abilities;

(f) A statement intended or likely to appeal to a client's fears, anxieties, or emotions concerning the possible results of failure to obtain the offered services;

(g) A statement concerning the comparative desirability of offered services;

(h) A statement of direct solicitation of individual clients.

(3) Psychologists do not compensate or give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of or in return for professional publicity in a news item. A paid advertisement must be identified as such, unless it is apparent from the context that it is a paid advertisement. If communicated to the public by use of radio or television, an advertisement is prerecorded and approved for broadcast by the psychologist, and a recording of the actual transmission is retained by the psychologist.

(4) Announcements or advertisements of "personal growth groups," clinics, and agencies give a clear statement of purpose and a clear description of the experiences to be provided. The education, training, and experience of the staff members are appropriately specified.

(5) Psychologists associated with the development or promotion of psychological devices, books, or other products offered for commercial sale make reasonable efforts to ensure that announcements and advertisements are presented in a professional, scientifically acceptable, and factually informative manner.

(6) Psychologists do not participate for personal gain in commercial announcements or advertisements recommending to the public the purchase or use of proprietary or single-source products or services when that participation is based solely upon their identification as psychologists.

(7) Psychologists present the science of psychology and offer their services, products, and publications fairly and accurately, avoiding misrepresentation through sensationalism, exaggeration, or superficiality. Psychologists are guided by the primary obligation to aid the public in developing informed judgments, opinions, and choices.

(8) As teachers, psychologists ensure that statements in catalogs and course outlines are accurate and not misleading, particularly in terms of subject matter to be covered, bases for evaluating progress, and the nature of course experiences. Announcements, brochures, or advertisements describing workshops, seminars, or other educational programs accurately describe the audience for which the program is intended as well as eligibility requirements, educational objectives, and nature of the materials to be covered. These announcements also accurately represent the education, training, and experience of the psychologists presenting the programs and any fees involved.

(9) Public announcements or advertisements soliciting research participants in which clinical services or other professional services are offered as an inducement make

clear the nature of the services as well as the costs and other obligations to be accepted by participants in the research.

(10) A psychologist accepts the obligation to correct others who represent the psychologist's professional qualifications, or associations with products or services, in a manner incompatible with these guidelines.

(11) Individual diagnostic and therapeutic services are provided only in the context of a professional psychological relationship. When personal advice is given by means of public lectures or demonstrations, newspaper or similar media, the psychologist utilizes the most current relevant data and exercises the highest level of professional judgment.

(12) Products that are described or presented by means of public lectures or demonstrations, newspaper or magazine articles, radio or television programs, or similar media meet the same recognized standards as exist for products used in the context of a professional relationship. [Statutory Authority: RCW 18.83.050(5), 85-06-044 (Order PL 522), § 308-122-640, filed 3/5/85.]

WAC 308-122-650 Confidentiality. Psychologists have a primary obligation to respect the confidentiality of information obtained from persons in the course of their work as psychologists. They reveal such information to others only with the consent of the person or the person's legal representative, except in those unusual circumstances in which not to do so would result in clear danger to the person or to others. Where appropriate, psychologists inform their clients of the legal limits of confidentiality.

(1) Information obtained in clinical or consulting relationships or evaluative data concerning children, students, employees, and others, is discussed only for professional purposes and only with persons clearly concerned with the case. Written and oral reports present only data germane to the purposes of the evaluation, and every effort is made to avoid undue invasion of privacy.

(2) Psychologists who present personal information obtained during the course of professional work in writings, lectures, or other public forums either obtain adequate prior consent to do so or adequately disguise all identifying information.

(3) Psychologists make provisions for maintaining confidentiality in the storage and disposal of records.

(4) When working with minors or other persons who are unable to give voluntary, informed consent, psychologists take special care to protect these persons' best interests. [Statutory Authority: RCW 18.83.050(5), 85-06-044 (Order PL 522), § 308-122-650, filed 3/5/85.]

WAC 308-122-660 Welfare of the consumer. Psychologists respect the integrity and protect the welfare of the people and groups with whom they work. When conflicts of interest arise between clients and psychologists' employing institutions, psychologists clarify the nature and direction of their loyalties and responsibilities and keep all parties informed of their commitments. Psychologists must inform consumers as to the purpose

and nature of an evaluation, treatment, educational, or training procedure, and they freely acknowledge that clients, students, or participants in research have freedom of choice with regard to participation.

(1) Psychologists are continually cognizant of their own needs and of their potentially influential position vis-a-vis persons such as clients, students, and subordinates. They avoid exploiting the trust and dependency of such persons. Psychologists make every effort to avoid dual relationships that could impair their professional judgment or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, research with and treatment of employees, students, supervisees, close friends, or relatives. Sexual intimacies with clients are unethical.

(2) When a psychologist agrees to provide services to a client at the request of a third party, the psychologist assumes the responsibility of clarifying the nature of the relationships to all parties concerned.

(3) Where the demands of an organization require psychologists to violate this code of ethics, psychologists clarify the nature of the conflict between the demands and these principles. They inform all parties of psychologists' ethical responsibilities and take appropriate action.

(4) Psychologists make advance financial arrangements that safeguard the best interests of and are clearly understood by their clients. They neither give nor receive any remuneration for referring clients for professional services.

(5) Psychologists terminate a clinical or consulting relationship when it is reasonably clear that the consumer is not benefiting from it. They offer to help the consumer locate alternative sources of assistance.

(6) Psychologists do not offer psychological services entirely by mail. They do not use or utilize mechanical devices alone in the interpretation of test results.

(7) Psychologists do not use untrained personnel for provision of psychological services. [Statutory Authority: RCW 18.83.050(5), 85-06-044 (Order PL 522), § 308-122-660, filed 3/5/85.]

WAC 308-122-680 Assessment techniques. In the development, publication, and utilization of psychological assessment techniques, psychologists make every effort to promote the welfare and best interests of the client. They guard against the misuse of assessment results. They respect the client's right to know the results, the interpretations made, and the bases for their conclusions and recommendations. Psychologists make every effort to maintain the security of tests and other assessment techniques within limits of legal mandates. They strive to ensure the appropriate use of assessment techniques by others.

(1) In using assessment techniques, psychologists respect the right of clients to have full explanations of the nature and purpose of the techniques in language the clients can understand, unless an explicit exception to the right has been agreed upon in advance. When the explanations are to be provided by others, psychologists

establish procedures for ensuring the adequacy of these explanations.

(2) Psychologists responsible for the development and standardization of psychological test and other assessment techniques utilize established scientific procedures and observe the 1974 American Psychological Association standards.

(3) In reporting assessment results, psychologists indicate any reservations that exist regarding validity or reliability because of the circumstances of the assessments or the inappropriateness of the norms for the person tested. Psychologists strive to ensure that the results of assessments and their interpretations are not misused by others.

(4) Psychologists recognize that assessment results may become obsolete. They make every effort to avoid and prevent the misuse of obsolete measures.

(5) Psychologists offering scoring and interpretation services are able to produce appropriate evidence for the validity of the programs and procedures used in arriving at interpretations. The public offering of an automated interpretation service is considered a professional-to-professional consultation. Psychologists make every effort to avoid misuse of assessments reports.

(6) Psychologists do not encourage or promote the use of psychological assessment techniques by inappropriately trained or otherwise unqualified persons through teaching, sponsorship, or supervision. [Statutory Authority: RCW 18.83.050(5), 85-06-044 (Order PL 522), § 308-122-680, filed 3/5/85.]

WAC 308-122-690 Research with human participants. The decision to undertake research rests upon a considered judgment by the individual psychologist about how best to contribute to psychological science and human welfare. Having made the decision to conduct research, the psychologist considers alternative directions in which research energies and resources might be invested. On the basis of this consideration, the psychologist carries out the investigation with respect and concern for the dignity and welfare of the people who participate and with cognizance of federal and state regulations and professional standards governing the conduct of research with human participants.

(1) In planning a study, the investigator has the responsibility to make a careful evaluation of its ethical acceptability. To the extent that the weighing of scientific and human values suggests a compromise of any principle, the investigator incurs a correspondingly serious obligation to seek ethical advice and to observe stringent safeguards to protect the rights of human participants.

(2) Considering whether a participant in a planned study will be a "subject at risk" or a "subject at minimal risk," according to recognized standards, is of primary ethical concern to the investigator.

(3) The investigator always retains the responsibility for ensuring ethical practice in research. The investigator is also responsible for the ethical treatment of research participants by collaborators, assistants, students,

and employees, all of whom, however, incur similar obligations.

(4) Except in minimal-risk research, the investigator establishes a clear and fair agreement with research participants, prior to their participation, that clarifies the obligations and responsibilities of each. The investigator has the obligation to honor all promises and commitments included in that agreement. The investigator informs the participants of all aspects of the research that might reasonably be expected to influence willingness to participate and explains all other aspects of the research about which the participants inquire. Failure to make full disclosure prior to obtaining informed consent requires additional safeguards to protect the welfare and dignity of the research participants. Research with children or with participants who have impairments that would limit understanding and/or communication requires special safeguarding procedures.

(5) Methodological requirements of a study may make the use of concealment or deception necessary. Before conducting such a study, the investigator has a special responsibility to

(a) Determine whether the use of such techniques is justified by the study's prospective scientific, educational, or applied value;

(b) Determine whether alternative procedures are available that do not use concealment or deception; and

(c) Ensure that the participants are provided with sufficient explanation as soon as possible.

(6) The investigator respects the individual's freedom to decline to participate in or to withdraw from the research at any time. The obligation to protect this freedom requires careful thought and consideration when the investigator is in a position of authority or influence over the participant. Such positions of authority include, but are not limited to, situations in which research participation is required as part of employment or in which the participant is a student, client, or employee of the investigator.

(7) The investigator protects the participant from physical and mental discomfort, harm, and danger that may arise from research procedures. If risks of such consequences exist, the investigator informs the participant of the fact. Research procedures likely to cause serious or lasting harm to a participant are not used unless the failure to use the procedures might expose the participant to risk of greater harm, or unless the research has great potential benefit and fully informed and voluntary consent is obtained from such participant. The participant should be informed of procedures for contacting the investigator within a reasonable time period following participation should stress, potential harm, or related questions or concerns arise.

(8) After the data are collected, the investigator provides the participant with information about the nature of the study and attempts to remove any misconceptions that may have arisen. Where scientific or human values justify delaying or withholding this information, the investigator incurs a special responsibility to monitor the research and to ensure that there are no damaging consequences for the participant.

(9) Where research procedures result in undesirable consequences for the individual participant, the investigator has the responsibility to detect and remove or correct these consequences, including long-term effects.

(10) Information obtained about a research participant during the course of an investigation is confidential unless otherwise agreed upon in advance. When the possibility exists that others may obtain access to such information, this possibility, together with the plans for protecting confidentiality, is explained to the participant as part of the procedure for obtaining informed consent. [Statutory Authority: RCW 18.83.050(5). 85-06-044 (Order PL 522), § 308-122-690, filed 3/5/85.]

WAC 308-122-695 Care and use of animals. An investigator of animal behavior strives to advance understanding of basic behavior principles and/or to contribute to the improvement of human health and welfare. In seeking these ends, the investigator ensures the welfare of animals and treats them humanely. Laws and regulations notwithstanding, an animal's immediate protection depends upon the scientist's own conscience.

(1) The acquisition, care, use, and disposal of all animals are in compliance with current federal, state or provincial, and local laws and regulations.

(2) A psychologist trained in research methods and experienced in the care of laboratory animals closely supervises all procedures involving animals and is responsible for ensuring appropriate consideration of their comfort, health, and humane treatment.

(3) Psychologists ensure that all individuals using animals under their supervision have received explicit instruction in experimental methods and in the care, maintenance, and handling of the species being used. Responsibilities and activities of individuals participating in a research project are consistent with their respective competencies.

(4) Psychologists make every effort to minimize discomfort, illness, and pain of animals. A procedure subjecting animals to pain, stress, or privation is used only when an alternative procedure is unavailable and the goal is justified by its prospective scientific, educational, or applied value. Surgical procedures are performed under appropriate anesthesia; techniques to avoid infection and minimize pain are followed during and after surgery.

(5) When it is appropriate that the animal's life be terminated, it is done rapidly and painlessly. [Statutory Authority: RCW 18.83.050(5). 85-06-044 (Order PL 522), § 308-122-695, filed 3/5/85.]

WAC 308-122-700 Telephone directory listings. Psychologists listed in the yellow pages of a telephone directory must include their PERMANENT Washington state psychologist license number.

Agencies listed under the "Psychologist" heading in the yellow pages of a telephone directory must include the names and PERMANENT Washington state psychologist license number(s) of the psychologist(s) affiliated with that agency. [Statutory Authority: RCW

18.83.070(3). 85-06-043 (Order PL 521), § 308-122-700, filed 3/5/85.]

WAC 308-122-710 License application fees--Failure to appear at examination session. License application fees shall be forfeited whenever a candidate fails to attend a scheduled examination session, except in the case of a bona fide emergency. [Statutory Authority: RCW 18.83.070(3). 85-06-043 (Order PL 521), § 308-122-710, filed 3/5/85.]

Chapter 308-124C WAC REAL ESTATE--RECORDS AND RESPONSIBILITIES

WAC

308-124C-020 Required records.

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;
 - (c) The original lease document may be maintained "on-site" for those brokers who utilize the services of a resident manager: *Provided*, That a source document is maintained at the brokers office which contains the information filled in the blank spaces by the tenant and resident manager;
 - (d) The original lease document may be maintained at a branch office: *Provided*, That a source document is maintained at the main office which contains the information filled in the blank spaces by the tenant and property manager. [Statutory Authority: RCW 18.85-.040. 85-21-035 (Order 136R), § 308-124C-020, filed 10/11/85; 82-17-039 (Order 130), § 308-124C-020, filed 8/13/82; Order RE 114, § 308-124C-020, filed 7/2/75.]

**Chapter 308-124D WAC
REAL ESTATE--OPERATIONAL PROCEDURES**

WAC

308-124D-100 Repealed.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS
CHAPTER**

308-124D-100 Payment of earned commissions. [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.] Repealed by 85-21-036 (Order 137R), filed 10/11/85. Statutory Authority: RCW 18.85.040.

WAC 308-124D-100 Repealed. See Disposition Table at beginning of this chapter.

**Chapter 308-124E WAC
REAL ESTATE--TRUST ACCOUNT PROCEDURES**

WAC

308-124E-011 Administration of funds held in trust.

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.

(d) Interest credited to a clients account must be recorded as a liability on client ledger. Interest assigned or credited to the broker may not be paid to the trust account. The broker is responsible to make arrangements with the financial institution to credit this interest to the general account of the firm, (or other account as agreed).

(e) The broker is not required to establish individual interest-bearing accounts for each owner when all owners assign the interest to the broker.

(f) A common account, usually referred to as a "clearing account" may be established if desired. (Primarily used in property management operations.) No funds which belong to the broker or firm shall be maintained in this account.

(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 electronic transfer memo identifying the source of funds and transaction to which it applies. Receipt of funds by wire transfer are to be posted in the same manner as other receipts provided there is a traceable identifying number provided by the financial institution or transferring entity. The broker must also make

arrangements for a follow-up "hard-copy" receipt for the deposit.

(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, or electronic transfer, 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.

(a) The preauthorization of disbursements or deductions by the financial institution for recurring expenses such as mortgage payments on behalf of the owner is not permitted if the account contains tenant security deposits or funds belonging to more than one client.

(b) No disbursement from the trust account shall be made based upon wire transfer receipts until the deposit has been verified.

(c) The broker must make arrangements with the financial institution in which the trust account is located to provide a follow-up "hard-copy" debit memo when funds are disbursed via wire transfer.

(d) The broker shall retain in the transaction file a copy of instructions signed by the owner of funds to be wire-transferred which identifies the receiving entity and account number.

(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.

(16) The provisions of this chapter are applicable to manual or computerized accounting systems. For clarity, the following is addressed for computer systems:

(a) The system must provide for a capability to back-up all data files.

(b) Receipt and check registers will be printed at least once monthly (thirty-one days) and retained as a permanent record. Reconciliation and trial balance will be accomplished at least once monthly, printed and retained as a permanent record.

(c) The broker will maintain a printed, dated source document file to support any changes to existing accounting records.

(d) If the program has the ability to write checks, the check number must be preprinted on the check or retained voucher copy by the supplier (printer). The program may, if desired assign suffixes or subaccount codes before or after the check number for identification purposes.

(e) The check number must appear in the magnetic coding (usually at the bottom of the check) which also identifies the account number for readability by the financial institution computer. [Statutory Authority: RCW 18.85.040. 85-21-035 (Order 136R), § 308-124E-011, filed 10/11/85; 82-17-039 (Order 130), § 308-124E-011, filed 8/13/82.]

Chapter 308-124F WAC

REAL ESTATE--MISCELLANEOUS PROVISIONS

WAC

308-124F-040 Standards for professional associations and educational organizations.

WAC 308-124F-040 Standards for professional associations and educational organizations. Standards for a professional association or an educational organization to obtain recognition by the real estate commission for the purpose of securing printed lists of individual real estate salesperson and broker licensees.

The professional association or educational organization must submit the following information.

(1) A corporate entity must furnish certification that they are a nonprofit corporation as defined in chapter 24.03 RCW.

(a) Domestic corporation

(i) Certificate of incorporation; or

(ii) Certificate of elective coverage.

(b) A foreign corporation must have a certificate of authority.

(2) Noncorporate entities must submit all of the following items which they have.

(a) Current business license in the city or county in which they are located.

(b) Certificate of registration with the Washington state commission for vocational education.

(c) Department of revenue registration, or other acceptable proof that they are a lawful business under the laws of the state of Washington.

(3) An executed affidavit agreeing to protect the list of licensees from being used for commercial purposes.

(4) The real estate commission will then review and approve or disapprove each application based upon the information received.

Recognition of a professional association or educational organization shall not be denied solely on the basis that such association or organization has been in lobbying activities. [Statutory Authority: RCW 18.85.040. 85-21-035 (Order 136R), § 308-124F-040, filed 10/11/85.]

Chapter 308-124H WAC

REAL ESTATE COURSES--REGULATION OF REAL ESTATE BROKERS AND SALESMEN

WAC

308-124H-010 Approval of real estate courses to satisfy clock hour requirements.

308-124H-020 Administration.

308-124H-030 Filing of courses.

308-124H-032 Repealed.

308-124H-040 Approval of courses.

308-124H-045 Recordkeeping.

308-124H-060 Teachers and/or instructors.

308-124H-065 Inspection of records.

308-124H-080 Courses for license activation.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-124H-032 Course eligibility. [Statutory Authority: RCW 18.85.040. 79-07-063 (Order RE 127), § 308-124H-032, filed 6/27/79.] Repealed by 85-21-035 (Order 136R), filed 10/11/85. Statutory Authority: RCW 18.85.040.

WAC 308-124H-010 Approval of real estate courses to satisfy clock hour requirements. RCW 18.85.090, 18.85.095, and 18.85.215 set forth requirements that applicants for real estate broker's license examinations, real estate salesperson's first license, second renewal of real estate salesperson's license or license activation after three or more years of inactive status, furnish proof to the director that they have successfully completed a specified number of clock hours of instruction in real estate education. The course(s) must be approved pursuant to this chapter. The thirty-clock hours for salespersons second renewal must be initiated and completed after the date of first license: *Provided*, That requirements for salespersons created by section 8, chapter 139, Laws of 1972 ex. sess., shall apply to any person licensed as a salesperson on or after May 23, 1972. The purposes of this chapter are to set forth the conditions under which an applicant may meet these educational requirements and the conditions which must be met and the procedure which must be followed if an educational course is to gain approval. [Statutory Authority: RCW 18.85.040. 85-21-035 (Order 136R), § 308-

124H-010, filed 10/11/85; 78-11-052 (Order RE 125), § 308-124H-010, filed 10/23/78; Order RE 116, § 308-124H-010, filed 4/30/76.]

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 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) Course requirements for clock-hour credit from schools in other states may be accepted if in the opinion of the director with the advice of the commission they are similar to requirements in this chapter.

(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, 85-21-035 (Order 136R), § 308-124H-020, filed 10/11/85; 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 seven and one-half 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, 85-21-035 (Order 136R), § 308-124H-030, filed 10/11/85; 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-032 Repealed. See Disposition Table at beginning of this chapter.

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 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 changes in course content or material must be submitted to the administrator no later than twenty days prior to the date of such change for referral to the director and the real estate commission for approval of the change.

Any change in qualified course instructors, or instruction location must be submitted to the administrator for approval by the director before implementing such change.

Approval may be withdrawn if the school or course is not conducted in accordance with this chapter or chapter 18.85 RCW, 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, 85-21-035 (Order 136R), § 308-124H-040, filed 10/11/85; 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.]

WAC 308-124H-045 Recordkeeping. 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.

Each approved school shall furnish to the real estate division the date and time of all scheduled offerings, along with a sample of the advertising and promotional materials to be used and a map giving directions to the school. On a monthly basis the school shall submit a schedule of all clock-hour offerings for the next month. In the event of a cancellation, change in place, time or date, immediate notification shall be made to the real estate division.

Each school conducting an offering shall within the ten days following the end of the month in which they have conducted courses, submit to the real estate division, on a form prescribed by the division a listing of those individuals who were enrolled in the offering, with the grades and other information which may be required.

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. 85-21-035 (Order 136R), § 308-124H-045, filed 10/11/85; 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-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 prerecorded 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) A designated real estate instructor (DREI) shall be deemed to meet the competency requirements of subsections (1) and (2) of this section.

Guest instructors may be used provided that an approved instructor is also present during the classroom sessions. Guest instruction shall not exceed twenty-five percent of the total number of classroom hours. [Statutory Authority: RCW 18.85.040. 85-21-035 (Order 136R), § 308-124H-060, filed 10/11/85; 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.]

WAC 308-124H-065 Inspection of records. A duly authorized designee of the director of the department of licensing may inspect any offering and/or the records of the school at any time during a class presentation or during reasonable office hours. [Statutory Authority: RCW 18.85.040. 85-21-035 (Order 136R), § 308-124H-065, filed 10/11/85.]

WAC 308-124H-080 Courses for license activation. The course(s) for activation of a license that has been inactive for three or more years cannot be the same course(s) used for second renewal requirements.

The course(s) for activation of a license that has been inactive for three or more years cannot be the same course(s) used for prelicense requirements for broker's examination. [Statutory Authority: RCW 18.85.040. 85-21-035 (Order 136R), § 308-124H-080, filed 10/11/85.]

Chapter 308-138 WAC

OSTEOPATHIC PHYSICIANS AND SURGEONS

WAC

- 308-138-055 Osteopathic medicine and surgery examination.
- 308-138-200 Continuing professional education required.
- 308-138-300 Prohibited publicity and advertising.

WAC 308-138-055 Osteopathic medicine and surgery examination. (1) Washington examination. Applicants for licensure as osteopathic physicians must pass the Federation of State Licensing Board (FLEX) with a minimum score of seventy-five on each component of the FLEX I and II examination, and obtain at least a seventy-five percent overall average on a board administered examination on osteopathic principles and practices.

(2) Examination waiver or reciprocity. An applicant who has passed the examination given by the National

Board of Osteopathic Examiners may be granted a license without further examination. The board may accept certain other state examinations which conform to the requirements of Washington law. The minimum passing score will depend upon the quality of the examination as determined by the board. Partial waiver may be given for examinations which do not meet Washington state requirements. In the event that a Washington osteopathic principles and practices examination is required it will be considered in the same manner as subsection (1). [Statutory Authority: RCW 18.57.005, 85-10-025 (Order PL 527), § 308-138-055, filed 4/24/85. Statutory Authority: 1979 c 117 § 3(3), 79-12-068 (Order PL 321), § 308-138-055, filed 11/29/79.]

WAC 308-138-200 Continuing professional education required. (1) The board requires one hundred fifty credit hours of continuing professional education every three years.

(2) In case licensees fail to meet the requirements because of illness, retirement (with no further provision of osteopathic medical services to consumers), 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 or a change in requirements. In the case of a permanent retirement or illness, the board may grant indefinite waiver of continuing education as a requirement for relicensure, provided an affidavit is received indicating that the osteopathic physician and surgeon is not providing osteopathic medical service to consumers. If such permanent retirement or illness status is changed or osteopathic medical services are resumed, it is incumbent upon the licensee to immediately notify the board and show proof of practice competency as determined necessary by the board. [Statutory Authority: RCW 18.57.005, 18.57A.020 and 18.57A.070, 84-05-011 (Order PL 457), § 308-138-200, filed 2/7/84. Statutory Authority: 1979 c 117 s 3(4), 79-12-066 (Order 324), § 308-138-200, filed 11/29/79.]

WAC 308-138-300 Prohibited publicity and advertising. An osteopathic physician shall not use or allow to be used any form of public communications or advertising connected with his or her profession or in his or her professional capacity as an osteopathic physician which:

- (1) Is false, fraudulent, deceptive or misleading;
- (2) Uses testimonials;
- (3) Guarantees any treatment or result;
- (4) Makes claims of professional superiority;
- (5) States or includes prices for professional services except as provided for in WAC 308-138-310;
- (6) Fails to identify the physician as an osteopathic physician as described in RCW 18.57.140;
- (7) Otherwise exceeds the limits of WAC 308-138-310. [Statutory Authority: RCW 18.57.005, 85-22-016 (Order PL 562), § 308-138-300, filed 10/30/85. Statutory Authority: 1979 c 117 § 3(5), 79-12-064 (Order PL 322), § 308-138-300, filed 11/29/79.]

Chapter 308-138A WAC

OSTEOPATHIC PHYSICIANS' ASSISTANTS

WAC

308-138A-025 Osteopathic physician's assistant prescriptions.

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.

(c) Prescriptions for legend drugs and controlled substances must each be approved or signed by the supervising physician prior to administration, dispensing or release of the medication to the patient, except as provided in (6) of this rule.

(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 [or her] 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 requirement[s].

(6) Authority to issue prescriptions without the prior approval or signature of the supervising physician may be granted by the board to an osteopathic physician's assistant who has:

(a) Provided a statement signed by the supervising physician that he or she assumes full responsibility and that he or she will review the physician assistant's prescription writing practice on an ongoing basis;

(b) Passed the National Commission on Certification of Physician Assistants' certification examination;

(c) Had five years experience in primary health care, including the use of prescription drugs;

(d) Presented evidence to the board verifying his or her prescriptive writing experience and ability;

(e) Demonstrated the necessity in the practice for authority to be granted permitting a physician assistant to issue prescriptions without prior approval or signature of the supervising physician. [Statutory Authority: RCW 18.57.005, 18.57A.020 and 18.57A.070. 84-05-011 (Order PL 457), § 308-138A-025, filed 2/7/84. Statutory Authority: RCW 18.57A.020. 83-16-024 (Order PL 440), § 308-138A-025, filed 7/27/83. 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.]

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 308-138B WAC

OSTEOPATHIC PHYSICIANS' ACUPUNCTURE ASSISTANTS

WAC

308-138B-120 Repealed.
308-138B-165 Acupuncture--Definition.
308-138B-170 Prohibited techniques and tests.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-138B-120 Experience. [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.] Repealed by 84-05-011 (Order PL 457), filed 2/7/84. Statutory Authority: RCW 18.57.005, 18.57A.020 and 18.57A.070.]

WAC 308-138B-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-138B-165 Acupuncture--Definition. 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) Infrared.
- (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 oriental medical art of acupuncture and as the board defines them. [Statutory Authority: RCW 18.57.005, 18.57A.020 and 18.57A.070. 84-05-011 (Order PL 457), § 308-138B-165, filed 2/7/84.]

WAC 308-138B-170 Prohibited techniques and tests. No osteopathic physician's acupuncture assistant may prescribe, order, or treat by any of the following means, modalities, or techniques:

- (1) Diathermy treatments
- (2) Ultrasound or sonopuncture treatments
- (3) Infrared treatments
- (4) Electromuscular stimulation for the purpose of stimulating muscle contraction
- [(5) X-rays]
- [(6) Laboratory tests]
- [(7) Laser puncture]
- [(8) Dietary therapy]
- [(9) Manipulative therapies]
- [(10) Point injection therapy (aqua puncture)]
- (11) Herbal remedies. [Statutory Authority: RCW 18.57.005, 18.57A.020 and 18.57A.070. 84-05-011 (Order PL 457), § 308-138B-170, filed 2/7/84. Statutory Authority: RCW 18.57A.020. 83-16-024 (Order PL 440), § 308-138B-170, filed 7/27/83. 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.]

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 308-150 WAC

VETERINARY BOARD OF GOVERNORS-- VETERINARY CODE OF PROFESSIONAL CONDUCT/ETHICS

WAC

308-150-009 Emergency care of animals of unknown ownership.
308-150-012 Repealed.
308-150-013 Emergency services.
308-150-014 Honesty, integrity and fair dealing.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-150-012 Provision of alternate veterinary services for clients. [Statutory Authority: RCW 18.92.030. 80-09-106 (Order PL 351), § 308-150-012, filed 7/23/80.] Repealed by 86-01-085 (Order PL 575), filed 12/18/85. Statutory Authority: RCW 18.92.030.

WAC 308-150-009 Emergency care of animals of unknown ownership. The veterinarian shall endeavor to provide at least minimal treatment to alleviate the suffering of an animal presented in the absence of the owner or his agent. [Statutory Authority: RCW 18.92.030. 86-01-085 (Order PL 575), § 308-150-009, filed 12/18/85; 80-09-106 (Order PL 351), § 308-150-009, filed 7/23/80.]

WAC 308-150-012 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-150-013 Emergency services. Emergency service shall be provided at all times. This requirement does not mean that a veterinary medical facility must be open to the public at all times but that the provision of professional services must be accomplished by appropriate means such as the assignment of staff or cooperation between practices or the after-hours emergency veterinary medical facility serving the area. In the absence of an emergency veterinary medical facility serving the area, the phone shall be answered at all times so that inquirers can be told if the veterinarian is available and, if not, where alternative emergency service is available. [Statutory Authority: RCW 18.92.030. 86-01-085 (Order PL 575), § 308-150-013, filed 12/18/85.]

WAC 308-150-014 Honesty, integrity and fair dealing. A veterinarian shall conduct his/her practice on the highest plane of honesty, integrity and fair dealing with his/her clients in time and services rendered, and in the amount charged for services, facilities, appliances and drugs. It is unprofessional and unethical for a veterinarian to attempt to mislead or deceive a client or to make untruthful statements or representations to a client. [Statutory Authority: RCW 18.92.030. 86-01-085 (Order PL 575), § 308-150-014, filed 12/18/85.]

Chapter 308-151 WAC VETERINARY BOARD OF GOVERNORS— VETERINARY EDUCATION AND EXAMINATION REQUIREMENTS

WAC

308-151-080 Examination procedures.
308-151-100 Examination results.

WAC 308-151-080 Examination procedures. (1) The examination consists of three parts: The National Board Examination for Veterinary Medical Licensing (NBE), the clinical competency test (CCT), and the Washington state examination. No part of the examination may be taken prior to six months preceding graduation from a course of instruction as described in WAC 308-151-050.

(2) All applicants will be required to present a notice of eligibility to the test proctors upon admission to the test. Each applicant will also be asked to present one piece of positive identification which bears a recent photograph of the applicant. Failure to produce the eligibility notice and identification required may result in the applicant's being refused admission to the written test and rescheduled at a later date.

(3) Applicants will be required to refrain from talking to other examinees during the examination unless specifically directed or permitted to do so by a test proctor. Any applicant observed talking or attempting to give or receive information, or using unauthorized materials during any portion of the exam will be expelled from the examination and not allowed to complete it.

(4) Failure to follow written or oral instructions relative to the conduct of the examination, including termination times of the examination will be considered grounds for expulsion from the examination. [Statutory Authority: RCW 18.92.030. 85-03-085 (Order PL 509), § 308-151-080, filed 1/18/85. Statutory Authority: RCW 18.92.030 and 18.92.070. 83-07-050 (Order PL 429), § 308-151-080, filed 3/18/83. Statutory Authority: RCW 18.92.030. 80-05-032 (Order 340), § 308-151-080, filed 4/15/80.]

WAC 308-151-100 Examination results. (1) In order to pass the examination for licensure as a veterinarian, the applicant must attain a minimum grade of:

(a) 1.5 standard deviations below the national mean of the criterion population on the National Board Examination, and

(b) 1.5 standard deviations below the national mean of the criterion population on the clinical competency test, and

(c) 70% in the Washington state examination.

(2) Applicants who fail the National Board Examination, the clinical competency test, or the Washington state examination may retake the examination that they failed (NBE, CCT or state) by again completing an application and by submitting the reexamination fee to the division of professional licensing: Provided, however, that a passing CCT score remains acceptable only if obtained within the last five years at the time of application and if taken after 1983, and that only the most recently obtained CCT and NBE scores will be considered in an application. [Statutory Authority: RCW 18.92.030. 85-07-021 (Order PL 523), § 308-151-100, filed 3/13/85; 85-03-085 (Order PL 509), § 308-151-100, filed 1/18/85. Statutory Authority: RCW 18.92.030 and 18.92.070. 83-07-050 (Order PL 429), § 308-151-100, filed 3/18/83. Statutory Authority: RCW 18.92.030. 80-16-023 (Order PL 358), § 308-151-100, filed 10/29/80; 80-05-032 (Order 340), § 308-151-100, filed 4/15/80.]

Chapter 308-156 WAC REGISTRATION OF ANIMAL TECHNICIANS

WAC

308-156-070 Grading of examinations.

WAC 308-156-070 Grading of examinations. (1) The grading of the written and practical portions of the animal technician examination will be based on a possible score of 100 percent and the minimum passing score will be 70 percent.

(2) Each applicant must obtain a final grade of 70 percent or better on both the written and the practical portions of the examination to be considered technically qualified and approved for registration by the board.

(3) All scores shall be expressed in whole numbers, fractions being rounded to the closest whole number. [Statutory Authority: RCW 18.92.030. 85-03-085 (Order PL 509), § 308-156-070, filed 1/18/85. Statutory

Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-070, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-070, filed 12/21/79.]

Chapter 308-171 WAC OCCUPATIONAL THERAPY

WAC

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WAC 308-171-001 Definitions. (1) The following terms in RCW 18.59.020(2) shall mean:

(a) "Scientifically based use of purposeful activity" is the treatment of individuals using established methodology based upon the behavioral and biological sciences and includes the analysis, application and adaptation of activities for use with individuals having a variety of physical, emotional, cognitive and social disorders. Use of purposeful activity includes a process of continually modifying treatment to meet the changing needs of an individual. Purposeful activity is goal-oriented and cannot be routinely prescribed.

(b) "Teaching daily living skills" is the instruction in daily living skills based upon the evaluation of all the components of the individual's disability and the adaptation or treatment based on the evaluation. Components of a disability are physical, sensory, social, emotional and cognitive functions.

(c) "Developing prevocational skills and play and avocational capabilities" is not only the development of prevocational skills and play and avocational capabilities but involves the scientifically based use of purposeful activity.

(d) "Designing, fabricating, or applying selected orthotic and prosthetic devices or selected adaptive equipment" is not specific occupational therapy services if a person designs, fabricates, or applies selected orthotic and prosthetic devices or selected adaptive equipment for an individual if the device or equipment is prescribed or ordered by a health care professional authorized by the laws of the state of Washington to prescribe the device or equipment or direct the design, fabrication, or application of the device or equipment.

(e) "Adapting environments for the handicapped" is the evaluation of all the components of an individual's disability and the adaptation of the environment of the individual based on the evaluation. Components of a disability are physical, sensory, social, emotional and cognitive functions.

(2) "Supervision" and "regular consultation" in RCW 18.59.020(4) shall mean an on-site visit occurring at intervals as determined by the occupational therapist to meet the individual's needs, but shall occur at least once every two weeks. The on-site visit shall be documented and the documentation maintained in the individual's treatment records.

(3) "Professional supervision" in RCW 18.59.020(5) shall mean continuous on-site supervision by an occupational therapist or an occupational therapy assistant under the direction of an occupational therapist.

(4) Sections (2) and (3) of this rule shall not be effective until July 1, 1985.

(5) "Clients" include patients, students, and those to whom occupational therapy services are delivered.

(6) "Evaluation" is the process of obtaining and interpreting data necessary for treatment, which includes, but is not limited to, planning for and documenting the evaluation process and results. The evaluation data may be gathered through record review, specific observation, interview, and the administration of data collection procedures, which include, but are not limited to, the use of standardized tests, performance checklists, and activities and tasks designed to evaluate specific performance abilities. [Statutory Authority: RCW 18.59.130(2). 85-12-010 (Order PL 529), § 308-171-001, filed 5/23/85. Statutory Authority: RCW 18.59.130(2) and 18.59.020. 85-05-008 (Order PL 513), § 308-171-001, filed 2/11/85.]

WAC 308-171-010 Recognized educational programs—Occupational therapists. The board recognizes and approves courses of instruction conducted by schools that have obtained accreditation of the program in occupational therapy from the Committee on Allied Health Education and Accreditation of the American Medical Association in collaboration with the American Occupational Therapy Association as recognized in the 1984-1985 *Listing of Educational Programs in Occupational Therapy* published by the American Occupational Therapy Association, Inc. [Statutory Authority: RCW 18.59.130(2). 85-05-008 (Order PL 513), § 308-171-010, filed 2/11/85.]

WAC 308-171-020 Recognized educational programs—Occupational therapy assistants. The board recognizes and approves courses of instruction conducted by schools that have obtained approval of the occupational therapy assistant associate degree programs and occupational therapy assistant certificate programs from the American Occupational Therapy Association as recognized in the 1984-1985 *Listing of Education Programs in Occupational Therapy* published by the American

Occupational Therapy Association, Inc. [Statutory Authority: RCW 18.59.130(2). 85-05-008 (Order PL 513), § 308-171-020, filed 2/11/85.]

WAC 308-171-030 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application fee –	
Occupational therapist	\$30.00
Application fee –	
Occupational therapy assistant	20.00
License renewal for one year –	
Occupational therapist	30.00
License renewal for one year –	
Occupational therapy assistant	20.00
License renewal for two years –	
Occupational therapist	60.00
License renewal for two years –	
Occupational therapy assistant	40.00

[Statutory Authority: RCW 18.59.110. 85-06-012 (Order PL 514), § 308-171-030, filed 2/22/85.]

WAC 308-171-040 License renewal registration date and fee. (1) Individuals making application for initial license, provided they meet the requirements for licensure in the state of Washington, will be issued a license to expire on their next birth anniversary date.

(2) For purposes of implementing a two-year staggered system of renewals:

(a) Every licensee whose birth anniversary date is on an even-numbered date shall renew his or her license on or before the licensee's birth anniversary date for a period of one year for the first renewal, and subsequent renewals shall be for a period of two years; and

(b) Every licensee whose birth anniversary date is on an odd-numbered date shall renew his or her license on or before the licensee's birth anniversary date for a period of two years for the first renewal, and subsequent renewals shall be for a period of two years. [Statutory Authority: RCW 18.59.110. 85-06-012 (Order PL 514), § 308-171-040, filed 2/22/85.]

WAC 308-171-100 Examinations. (1) The current series of the American Occupational Therapy Association certification examination shall be the official examination for licensure as an occupational therapist or as an occupational therapy assistant.

(2) The examination for licensure as an occupational therapist shall be conducted twice a year, in January and June.

(3) The examination for licensure as an occupational therapy assistant shall be conducted twice a year, in January and July.

(4) The executive secretary of the board shall negotiate with the American Occupational Therapy Association, Inc. for the use of the certification examination.

(5) The examination shall be conducted in accord with the American Occupational Therapy Association, Inc.'s security measures and contract.

(6) Applicants shall be notified of the examination results in accordance with the procedures developed by the American Occupational Therapy Association, Inc.

(7) Examination scores will not be released except as authorized by the applicant in writing.

(8) Public notice of the examination dates shall be provided by issuance of press releases by the department at least ninety days prior to the examination dates.

(9) To be eligible for a license, applicants must attain a passing score on the examination administered by the American Occupational Therapy Association, Inc. [Statutory Authority: RCW 18.59.130(2). 85-05-008 (Order PL 513), § 308-171-100, filed 2/11/85.]

WAC 308-171-101 Proof of actual practice. An applicant seeking waiver of the education and experience requirements as provided in RCW 18.59.070(3) shall submit the following as proof of actual practice:

(1) Applicant's affidavit containing the following information:

(a) Location and dates of employment between June 7, 1981 and June 7, 1984;

(b) Description of capacity in which applicant was employed, including job title and description of specific duties;

(c) Description of nature of clientele; and

(d) Name and title of direct supervisor.

(2) Written job description.

(3) Affidavit from employer(s), from June 7, 1981 through June 7, 1984, containing the following information:

(a) Dates of applicant's employment,

(b) Description of applicant's specific duties, and

(c) Employer's title.

After reviewing the information submitted, the board may require submission of additional information if the board deems additional information necessary for purposes of clarifying the information previously submitted.

The proof of actual practice shall be submitted to the board's office no later than March 1, 1985. [Statutory Authority: RCW 18.59.130(2) and 18.59.070(3). 85-05-008 (Order PL 513), § 308-171-101, filed 2/11/85.]

WAC 308-171-102 Examination dates for applicants under RCW 18.59.070(3). (1) Applicants for an occupational therapist license under RCW 18.59.070(3) shall take the examination no later than June 29, 1985.

(2) Applicants for an occupational therapy assistant license under RCW 18.59.070(3) shall take the examination no later than July 20, 1985. [Statutory Authority: RCW 18.59.130(2). 85-05-008 (Order PL 513), § 308-171-102, filed 2/11/85.]

WAC 308-171-103 Persons exempt from licensure pursuant to RCW 18.59.040(5). (1) To qualify for the exemption from licensure pursuant to RCW 18.59.040(5), the individual claiming the exemption shall in writing notify the department, at least thirty days before any occupational therapy services are performed in this state, of the following:

(a) In which state(s) the individual is licensed to perform occupational therapy services and the license number(s); or

(b) If the exemption is claimed pursuant to RCW 18.59.040 (5)(b), the individual shall submit a signed notarized statement attesting to having obtained and maintained certification by the American Occupational Therapy Association, Inc.; not having engaged in unprofessional conduct or gross incompetency as established in WAC 308-171-300; and not having been convicted of a crime of moral turpitude or a felony relating to the profession of occupational therapy; and

(c) A signed notarized statement describing when the occupational therapy services will be performed, where the occupational therapy services will be performed, and how long the individual will be performing occupational therapy services in this state.

(2) "Working days" in RCW 18.59.040(5) shall mean days state offices are open to conduct business. [Statutory Authority: RCW 18.59.130(2), 85-12-010 (Order PL 529), § 308-171-103, filed 5/23/85.]

WAC 308-171-200 Definition of "commonly accepted standards for the profession." "Commonly accepted standards for the profession" in RCW 18.59.040 (5)(b) and 18.59.070 shall mean obtaining certification by the American Occupational Therapy Association, Inc. no later than December 31, 1984 and thereafter maintaining certification, not having engaged in unprofessional conduct or gross incompetency as established by the board in WAC 308-171-300, and not having been convicted of a crime of moral turpitude or a felony which relates to the profession of occupational therapy. [Statutory Authority: RCW 18.59.130(2) and 18.59.070, 85-05-008 (Order PL 513), § 308-171-200, filed 2/11/85.]

WAC 308-171-201 Supervised fieldwork experience--Occupational therapists. "Supervised fieldwork experience" in RCW 18.59.050 (1)(c)(i) shall mean a minimum six months of Level II fieldwork conducted in settings approved by the applicant's academic program. Level II fieldwork is to provide an in-depth experience in delivering occupational therapy services to clients and to provide opportunities for supervised practice of occupational therapist entry-level roles. The minimum six months supervised fieldwork experience required by RCW 18.59.050 (1)(c)(i) shall not include Level I fieldwork experience as defined by the American Occupational Therapy Association.

The supervised fieldwork experience shall consist of a minimum of six months sustained fieldwork on a full-time basis, three months of which shall be in physical dysfunction and three months of which shall be in psycho-social dysfunction. "Full-time basis" is as required by the fieldwork setting. [Statutory Authority: RCW 18.59.130(2), 85-05-008 (Order PL 513), § 308-171-201, filed 2/11/85.]

WAC 308-171-202 Supervised fieldwork experience--Occupational therapy assistants. "Supervised

fieldwork experience" in RCW 18.59.050 (1)(c)(ii) shall mean a minimum two months of Level II fieldwork conducted in settings approved by the applicant's academic or training program. Level II fieldwork is to provide an in-depth experience in delivering occupational therapy services to clients and to provide opportunities for supervised practice of occupational therapy assistant entry-level roles. The minimum two months supervised fieldwork experience required by RCW 18.59.050 (1)(c)(ii) shall not include Level I fieldwork experience as defined by the American Occupational Therapy Association.

The supervised fieldwork experience shall consist of a minimum of two one-month sustained fieldwork placements not less than forty full-time workdays. "Full-time workdays" is as required by the fieldwork setting. [Statutory Authority: RCW 18.59.130(2), 85-05-008 (Order PL 513), § 308-171-202, filed 2/11/85.]

WAC 308-171-300 Unprofessional conduct or gross incompetency. The following conduct, acts, or conditions constitute unprofessional conduct or gross incompetency for any license holder or applicant:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or actions in the practice of the profession which result in, or have a significant likelihood of resulting in, harm to the patient or public;

(5) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) The possession, use, addiction to, prescription for use, diversion, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, or violation of any drug law;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

- (a) Not furnishing any papers or documents;
- (b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority; or
- (c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding;

(9) Failure to comply with an order issued by the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Willful or repeated violations of rules established by any health agency or authority of the state or a political subdivision thereof;

(12) Practice beyond the scope of practice as defined by law;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(19) Violation of chapter 19.68 RCW;

(20) Interference with an investigation or disciplinary proceeding by wilful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action;

(21) Any mental or physical condition which results in, or has a significant likelihood of resulting in, an inability to practice with reasonable skill and safety to consumers.

(22) Abuse of a client or patient or sexual contact resulting from abuse of the client-practitioner relationship. [Statutory Authority: RCW 18.59.130(2) and 18.59.100. 85-05-008 (Order PL 513), § 308-171-300, filed 2/11/85.]

WAC 308-171-301 Code of ethics. (1) It is the professional responsibility of occupational therapists and occupational therapy assistants to provide services for clients without regard to race, creed, national origin, gender, handicap or religious affiliation.

(2) Treatment objectives and the therapeutic process must be formulated to ensure professional accountability.

(3) Services shall be goal-directed in accordance with the overall educational, habilitation or rehabilitation plan and shall include a system to ensure professional accountability.

(4) Occupational therapists and occupational therapy assistants shall recommend termination of services when established goals have been met or when further services would not produce improved client performance.

(5) Occupational therapists and occupational therapy assistants shall accurately represent their competence, education, training and experience.

(6) Occupational therapists and occupational therapy assistants shall accurately record information and report information as required by facility standards and state and federal laws.

(7) All data recorded in permanent files or records shall be supported by the occupational therapist or the occupational therapy assistant's observations or by objective measures of data collection.

(8) Client's records shall only be divulged as authorized by law or with the client's consent for release of information.

(9) Occupational therapists and occupational therapy assistants shall not delegate to other personnel those client-related services where the clinical skills and expertise of an occupational therapist or occupational therapy assistant are required.

(10) If, after evaluating the client, the case is a medical case, the occupational therapist shall refer the case to a physician for appropriate medical direction if such direction is lacking.

(a) Appropriate medical direction shall be sought on at least an annual basis.

(b) A case is not a medical case if there is an absence of pathology or the pathology has stabilized, the client is not under current medical care, and the occupational therapist is only treating the client's functional deficits. [Statutory Authority: RCW 18.59.130(2) and 18.59.100 (1)(b). 85-12-010 (Order PL 529), § 308-171-301, filed 5/23/85.]

**Chapter 308-175 WAC
HEALTH CARE ASSISTANTS**

WAC	
308-175-010	Delegation of functions to health care assistants.
308-175-020	Supervision of health care assistants.
308-175-030	Certification of health care assistants.
308-175-040	Recertification of health care assistants.
308-175-050	Department of licensing responsibilities.
308-175-060	Maintenance of listing of drugs and functions authorized.
308-175-070	Decertification or disciplinary actions.

- 308-175-080 Minimum training and demonstrated proficiency of health care assistants.
 308-175-090 Provision of health care assistants training.

WAC 308-175-010 Delegation of functions to health care assistants. The authority to perform the functions authorized in chapter 18.135 RCW may only be personally delegated from one individual (the delegator) to another individual (the delegatee). The delegator can only delegate those functions that he or she can order within the scope of his or her license. A licensee who is performing a function at or under the direction of another may not further delegate that function. Functions may not be delegated unless a completed and current certification/delegation form is on file with the department of licensing. [Statutory Authority: RCW 18.135.030. 85-06-018 (Order PL 515), § 308-175-010, filed 2/25/85.]

WAC 308-175-020 Supervision of health care assistants. A health care assistant may be supervised by either the practitioner who delegated the act or by a practitioner who could order the act under his or her own license. The practitioner who is supervising the health care assistant must be physically present and immediately available in the facility during the administration of injections. The supervising practitioner need not be present during procedures to withdraw blood. [Statutory Authority: RCW 18.135.030. 85-06-018 (Order PL 515), § 308-175-020, filed 2/25/85.]

WAC 308-175-030 Certification of health care assistants. Health care assistants' certification is valid for two years. The delegating practitioner or health care facility is responsible for certifying or recertifying health care assistants. An updated form must be submitted if a health care assistant is to be delegated functions by a practitioner other than the delegating practitioner indicated on his or her delegation/certification form. [Statutory Authority: RCW 18.135.030. 85-06-018 (Order PL 515), § 308-175-030, filed 2/25/85.]

WAC 308-175-040 Recertification of health care assistants. Updated certification/delegation forms must be submitted within two years from the date of the most recent certification/delegation form on file with the department of licensing. Recertification forms are available from the department of licensing. The department of licensing will not send renewal forms or notifications of necessity to renew certification. [Statutory Authority: RCW 18.135.030. 85-06-018 (Order PL 515), § 308-175-040, filed 2/25/85.]

WAC 308-175-050 Department of licensing responsibilities. The department of licensing will maintain files with regard to certification of health care assistants and delegation of functions. No fee shall be charged by the department with regard to certification of health care assistants. Department of licensing will not approve training programs. [Statutory Authority: RCW 18.135.030. 85-06-018 (Order PL 515), § 308-175-050, filed 2/25/85.]

WAC 308-175-060 Maintenance of listing of drugs and functions authorized. Each delegator must maintain a list of the specific medications/diagnostic agents and the route of administration of each that he or she has authorized for injection. Both the delegator and the delegatee shall sign the above list, indicating the date of each signature. The signed list shall be available for review by the director of the department of licensing or his designee. [Statutory Authority: RCW 18.135.030. 85-06-018 (Order PL 515), § 308-175-060, filed 2/25/85.]

WAC 308-175-070 Decertification or disciplinary actions. Any proceeding taken pursuant to these rules or chapter 18.135 RCW by the department of licensing, by the licensing authority of health care facilities or by the disciplinary board of the delegating or supervising health care practitioner shall be pursuant to the provisions of the Administrative Procedure Act, chapter 34.04 RCW. [Statutory Authority: RCW 18.135.030. 85-06-018 (Order PL 515), § 308-175-070, filed 2/25/85.]

WAC 308-175-080 Minimum training and demonstrated proficiency of health care assistants. (1) In order to administer skin tests or subcutaneous, intradermal, intramuscular and intravenous injections or to perform minor invasive procedures to withdraw blood, a health care assistant shall have been trained and shall have demonstrated proficiency as prescribed in this rule. A delegator or health care facility may require more than the minimum requirements specified by this rule for any health care assistant or for any procedure.

(2) A health care assistant shall be trained for the period of time that is required for that person to demonstrate proficiency to the satisfaction of the training physician, osteopathic physician, podiatrist, certified registered nurse with prescriptive authorization or the training instructor. A health care assistant need only be trained in the functions and procedures that he or she will be delegated to perform.

(3) A health care assistant shall be trained and shall demonstrate proficiency in:

- (a) Pertinent anatomy and physiology appropriate to the function or procedures;
- (b) Proper choice of equipment;
- (c) Proper technique, including sterile technique;
- (d) Knowledge of the hazards and complications of the function or procedure;
- (e) Familiarity with post-treatment or post-test patient care;
- (f) Knowledge of emergency procedures;
- (g) Knowledge of the pharmacology of the medications that the health care assistant will be delegated to administer by injection.

(4) Health care assistant who have been trained prior to the effective date of these rules may demonstrate training and proficiency as required in this rule. Retraining or completion of a training program shall not be necessary if the health care assistant is able to so demonstrate. [Statutory Authority: RCW 18.135.030. 85-

06-018 (Order PL 515), § 308-175-080, filed 2/25/85.]

(Order 144, Resolution No. 153), filed 5/23/84. Statutory Authority: RCW 66.08.030 and 66.98.070.

WAC 308-175-090 Provision of health care assistants training. The training of health care assistants as described in WAC 308-175-080 may be provided either:

(1) Under a licensed physician, osteopathic physician, podiatrist or certified registered nurse with prescriptive authorization, who shall ascertain the proficiency of the health care assistant; or under a registered nurse, physician's assistant, osteopathic physician's assistant, health care assistant, or LPN acting under the direction of a licensed physician, osteopathic physician, podiatrist or certified registered nurse with prescriptive authorization who shall be responsible for determining the content of the training and for ascertaining the proficiency of the health care assistant; or

(2) In a training program provided by a postsecondary institution registered with the Washington state council for post secondary education, or a community college approved by the Washington state board for community college education, or a vocational education program approved by the superintendent of public instruction, or in a private vocational school registered with the Washington state commission on vocational education, or in a program or post-secondary institution accredited by an accrediting agency recognized by the U.S. Department of Education. [Statutory Authority: RCW 18-135.030. 85-06-018 (Order PL 515), § 308-175-090, filed 2/25/85.]

WAC 314-12-050 Loss or destruction of licenses, permits, etc.—Fee. Upon the loss or destruction of any license or permit to purchase liquor thereunder, application for a duplicate must be made to the board. Fee: \$5.00. [Statutory Authority: RCW 66.08.030. 85-24-040 (Order 168, Resolution No. 177), § 314-12-050, filed 11/27/85; Rule 4, filed 6/13/63.]

WAC 314-12-140 Prohibited practices—Contracts—Gifts—Rebates, etc. (1) No contract shall be made or entered into whereby any retail licensee agrees to handle any particular brand or brands of liquor to the exclusion of any other brand or brands of liquor.

(2) No contract shall be made or entered into for the future delivery of liquor to any retail licensee: *Provided*, That this regulation shall not be construed as prohibiting the placing and accepting of orders for the purchase and delivery of liquor which are made in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.

(3) No manufacturer, wholesaler, or importer, or his employee, shall directly or indirectly solicit, give or offer to, or receive from any retail licensee, any employee thereof, or an applicant for a license, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever; nor shall any retail licensee, employee thereof, or an applicant for a license, directly or indirectly, solicit, receive from, or give or offer to any manufacturer, wholesaler or importer, or his employee, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever, except such services as are authorized in this regulation.

(4) Pursuant to RCW 66.28.010 a manufacturer, wholesaler, importer, or his licensed agent may perform the following services for a retailer:

(a) Build, rotate, and restock displays, utilizing filled cans, filled bottles or filled cans of his own brands only, from stock or inventory owned by the retailer.

(b) Rotate, rearrange or replenish bottles or cans of his own brands on shelves or in the refrigerators, but is prohibited from rearranging or moving displays of his products in such a manner as to cover up, hide or reduce the space of display of the products of any other manufacturer, wholesaler or importer.

(c) Provide price cards and may also price goods of his own brands.

(d) Provide point of sale advertising material and brand signs.

(e) Such services may be rendered only upon the specific approval of the retail licensee. Displays and advertising material installed or supplied for use on a retailer's premises must be in conformity with the board's advertising rules as set forth in chapter 314-52 WAC (Title XII).

(f) No manufacturer, wholesaler, importer, or any employee thereof, shall move or handle in any manner any products other than his own brands on the premises of any retail licensee.

Title 314 WAC

LIQUOR CONTROL BOARD

Chapters

- 314-12 General—Applicable to all licensees.
- 314-16 Retail licensees.
- 314-18 Banquet permits.
- 314-20 Beer—Brewers, holders, importers, etc.
- 314-24 Domestic wineries and domestic wine wholesalers.
- 314-38 Permits.
- 314-40 Clubs.
- 314-45 Serving and donating of liquor by suppliers at trade conventions of licensees.

Chapter 314-12 WAC

GENERAL—APPLICABLE TO ALL LICENSEES

WAC

- 314-12-050 Loss or destruction of licenses, permits, etc.—Fee.
- 314-12-140 Prohibited practices—Contracts—Gifts—Rebates, etc.
- 314-12-160 Repealed.
- 314-12-170 Minimum monetary penalty.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 314-12-160 Near beer. [Order 20, § 314-12-160, filed 12/12/72; Rule 15, filed 6/13/63.] Repealed by 84-11-093