

hold. Grant funds will be paid based upon a percentage of completion.

(12) Certification must be presented that local funds are on hand.

(13) Submission of a schedule of the planned progress of the project with estimated dates each step will be completed, is required.

(14) Upon receipt of formal approval by the state library commission, the project must be initiated within a six months' period.

(15) The building plans must meet the approval of the state library. Federal regulations, including but not limited to, evaluation of flood hazards, provision for the physically handicapped, environmental policies and procedures, and competitive bidding must be observed.

(16) When a plaque indicating completion date and source of funds is planned as part of the completed building or when a construction site sign is planned, acknowledgment shall be given to federal participation.

(17) The state library commission will establish a completion date, based upon the project architect's estimate of the time needed. A project is considered to be completed when it has been opened to the public for service.

(18) Expenses related to acquisition of an existing building or of land, architect's fees, preliminary planning and capital improvements mandated by law or regulation may be considered an allowable previous expense and used as matching funds. To be considered an allowable previous expense, the following criteria must be met:

(a) Expenses must be incurred within a three-year period prior to the date of award of the grant by the state library commission.

(b) Expenses must directly relate to the grant project.

(c) Type of funds used must meet allowable match criteria for Library Services and Construction Act projects.

(d) Expenditures must meet all federal regulations applicable to Library Services and Construction Act projects.

(19) Five percent of the federal share of the project will be withheld as the final payment. Final payment of the grant will be made upon completion of the project and when the state library commission has been satisfied that all conditions of the grant have been met, including the completion of a successful audit.

(20) When changes in federal regulations affect the above without sufficient time for formal notice and change, federal regulations will be considered as official.

(21) Projects are reviewed by the agency designated by the governor as federal coordinator.

(22) The advisory council will be kept fully informed as to pending projects, and progress of the approved project.

(23) Participants in federally-funded projects will cooperate with the advisory council during the period of evaluation.

[Statutory Authority: Chapter 27.04 RCW. 88-07-087 (Order 88-03), § 304-12-290, filed 3/21/88. Statutory Authority: RCW 27.04-.030 and 27.04.060. 86-12-067 (Order 86-02), § 304-12-290, filed

6/4/86. Statutory Authority: RCW 27.04.060. 83-13-075 (Order 83-3), § 304-12-290, filed 6/17/83; Order, § 304-12-290, filed 6/22/71.]

**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.
- 308-20 Cosmetology--Barber--Manicurist rules.
- 308-25 Dental hygienists.
- 308-26 Dispensing opticians.
- 308-29 Collection agencies and repossession services.
- 308-31 Podiatry.
- 308-32 Debt adjusters.
- 308-33 Employment agencies--Fee schedules.
- 308-34 Naturopathy.
- 308-40 Dentistry.
- 308-42 Physical therapists.
- 308-48 Funeral directors and embalmers.
- 308-49 Prearrangement funeral services.
- 308-50 Regulation and practice of hearing aid fitters and dispensers.
- 308-51 Massage practitioners.
- 308-51A Education.
- 308-52 Medical examiners.
- 308-53 Optometry--Annual license or registration renewal fee.
- 308-54 Nursing home administrator.
- 308-55 Regulating the practice of ophthalmologists.
- 308-56A Certificates of title--Motor vehicles, etc.
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- 308-61 Abandoned and inoperative vehicles.
- 308-72 Motor vehicle fuel tax.
- 308-79 Aircraft--Indicia of registration.
- 308-90 Vessel dealer registration.
- 308-91 Reciprocity and proration.
- 308-93 Vessel registration and certificates of title.
- 308-94 Snowmobiles and off-road and nonhighway vehicles.
- 308-96A Vehicle licenses.
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- 308-100 Drivers' licenses--Special provisions.
- 308-104 Drivers' licenses.
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- 308-120 Registered nurses.
- 308-121 Nursing assistants.
- 308-122 Licensing of psychologists.
- 308-124 Real estate brokers and salesmen.
- 308-124A Real estate--Licensing and examination.
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- 308-124C Real estate--Records and responsibilities.
- 308-124D Real estate--Operational procedures.
- 308-124E Real estate--Trust account procedures.
- 308-124F Real estate--Miscellaneous provisions.
- 308-124H Real estate courses--Regulation of real estate brokers and salesmen.
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- 308-128C Escrow--Escrow agent office.
- 308-128D Escrow--Records and responsibilities.
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- 308-130 Naturopaths.
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- 308-138A Osteopathic physicians' assistants.
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- 308-171 Occupational therapy.
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- 308-230 Social workers.
- 308-310 Nursing pool fees.
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- 308-410 Uniform Commercial Code field access.

**Chapter 308-04 WAC  
GENERAL PROVISIONS**

WAC  
308-04-020 Reasonable handling fee for dishonored checks in payment of vehicle licenses, etc.

**WAC 308-04-020 Reasonable handling fee for dishonored checks in payment of vehicle licenses, etc.** Whenever registrations, licenses, or permits relating to the licensing or registration of vehicles or vessels have been paid for by checks to county auditors, agents, and subagents appointed or approved by the director pursuant to RCW 46.01.140, if the check has been dishonored by nonacceptance or nonpayment, a handling fee, in an

amount not to exceed fifteen dollars may be assessed for each such instrument. County auditors, agents, and subagents, may collect restitution, and where they have collected restitution may retain the reasonable handling fee.

[Statutory Authority: RCW 46.01.230(3), 87-21-014 (Order TL/RG 38), § 308-04-020, filed 10/9/87.]

**Chapter 308-11 WAC  
REGULATION OF AUCTIONEERS**

WAC  
308-11-030 Auctioneer fees.  
308-11-035 Renewal of registration.  
308-11-050 Surety bond or trust account required.  
308-11-100 Records.

**WAC 308-11-030 Auctioneer fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee            | Fee      |
|-------------------------|----------|
| <b>Auctioneer:</b>      |          |
| Initial application     | \$100.00 |
| Renewal                 | 75.00    |
| Late renewal penalty    | 50.00    |
| Duplicate license       | 15.00    |
| Certification           | 25.00    |
| <b>Auction company:</b> |          |
| Initial application     | 150.00   |
| Renewal                 | 125.00   |
| Late renewal penalty    | 125.00   |
| Duplicate license       | 15.00    |

[Statutory Authority: RCW 43.24.086, 87-10-028 (Order PM 650), § 308-11-030, filed 5/1/87. Statutory Authority: RCW 18.11.060, 86-21-127 (Order PM 622), § 308-11-030, filed 10/22/86. Statutory Authority: 1983 c 168 § 12, 83-17-031 (Order PL 442), § 308-11-030, filed 8/10/83. Formerly WAC 308-11-001.]

**WAC 308-11-035 Renewal of registration.** (1) An auctioneer license will be issued to an applicant, provided the requirements for licensure are met, with an expiration date to be the licensee's next birth anniversary date.

(2) An auction company license will be issued, provided all requirements are met for licensure, which will expire on June 30 of each year.

(3) An application for a license renewal received after the date of expiration will require the payment of the penalty fee in addition to the renewal fee.

[Statutory Authority: RCW 18.11.060 and 18.11.200, 88-01-122 (Order PM 701), § 308-11-035, filed 12/23/87. Statutory Authority: RCW 18.11.200, 86-21-127 (Order PM 622), § 308-11-035, filed 10/22/86.]

**WAC 308-11-050 Surety bond or trust account required.** (1) As required by chapter 18.11 RCW, the amount of the surety bond or other security in lieu of the bond to be filed and maintained for an auctioneer license shall be five thousand dollars.

(2)(a) The amount of the surety bond or other security in lieu of the bond to be filed and maintained for an

auction company license shall be based upon the value of the gross sales during the previous calendar year according to the following scale:

| GROSS SALES                   | BOND/SECURITY AMOUNT |
|-------------------------------|----------------------|
| \$ 0.00 to \$ 24,999.99       | \$ 5,000.00          |
| \$ 25,000.00 to \$ 49,999.99  | \$10,000.00          |
| \$ 50,000.00 to \$ 99,999.99  | \$15,000.00          |
| \$ 100,000.00 to \$499,999.99 | \$20,000.00          |
| \$ 500,000.00 & Above         | \$25,000.00          |

(b) All licensed auction companies shall annually on June 30, submit a financial certification affidavit on forms provided by the department. The information reported will form the basis for the department's approval of the auction company's bond or other security amount each year. A company whose sales increases have placed it in a higher category in the above scale will be required to increase its surety bond or security amount accordingly, and file the increased bond or proof of security with the financial certification affidavit form. A company whose sales have decreased may adjust its bond or security amount in accordance with the scale. New license applicants will be provided with financial certification affidavit forms for estimating the sales for the calendar year.

(3) Each licensee must maintain such a surety bond, or other security in lieu of a bond, in an active status at all times during the period of licensure.

(4)(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 other security used in lieu of a bond shall satisfy the requirements of chapter 18.11 RCW, unless by the express terms of the security the security shall remain open and active 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 (b) of this subsection, each surety bond or other security used in lieu of a bond shall be deemed terminated upon the expiration or revocation of the license in connection with which the bond was issued, or the other security in lieu of a bond was 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 18.11.121 and 18.11.200. 88-23-034 (Order PM 766), § 308-11-050, filed 11/9/88. Statutory Authority: RCW 18.11.200. 86-21-127 (Order PM 622), § 308-11-050, filed 10/22/86. 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.]

**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 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 18.11.200. 87-21-011 (Order PM 686), § 308-11-100, filed 10/9/87. 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.]

## Chapter 308-12 WAC ARCHITECTS

### WAC

|            |   |
|------------|---|
| 308-12-031 | Registration examination.                 |
| 308-12-050 | Registration by reciprocity.              |
| 308-12-083 | Identification of registrant.             |
| 308-12-085 | Corporations or joint stock associations. |
| 308-12-115 | Definitions.                              |
| 308-12-150 | Work experience defined.                  |
| 308-12-312 | Repealed.                                 |
| 308-12-326 | Architect fees.                           |

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

|            |   |
|------------|---|
| 308-12-312 | Fees. [Statutory Authority: RCW 18.08.130. 83-05-006 (Order PL 425), § 308-12-312, filed 2/3/83.] Repealed by 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086. |
|------------|---|

**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 18.08.360 refers to the "entire examination," it means the written examination together with the oral examination. The written examination shall be administered at times and locations 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. The written examination includes computerized versions.

(1) The director shall publish an information guide concerning examination content, locations, and schedules.

(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.

The board may waive the entire oral examination based upon certification by the National Council of Architectural Registration Boards of successful completion of the intern development program. Applicants may submit the "Green Cover" IDP certificate in lieu of the exhibit checklist which is required for the oral examination. This waiver of oral examination does not affect the requirement to summarize the law and rules pertaining to architecture.

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 are not successfully completed as per RCW 18.08.360. 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: RCW 18.08.360, 88-17-085 (Order PM 767), § 308-12-031, filed 8/22/88. Statutory Authority: RCW 18.08.340 and 18.08.360, 88-01-035 (Order PM 694), § 308-12-031, filed 12/11/87. 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 308-12-050 Registration by reciprocity.** Pursuant to RCW 18.08.400, 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. Documentation of NCARB certification 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 18.08.350.

(2) That the applicant provides a written comparative analysis of Washington state law and the law of the applicant's base state, territory or country.

(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.

[Statutory Authority: RCW 18.08.340(1) and 18.08.400, 88-09-066 (Order PM 720), § 308-12-050, filed 4/20/88. Statutory Authority: RCW 18.08.340 and 18.08.350 (3)(a), 86-04-088 (Order PL 579), § 308-12-050, filed 2/5/86. 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 308-12-083 Identification of registrant.** In order to promote public awareness and prevent misunderstanding, architectural firms shall identify the active, licensed architect, responsible for the architectural activities of the firm, pursuant to the following provisions:

(1) Where a firm name is that of a deceased, retired or previous principal, the firm shall within three years after such death, retirement, or departure, designate an active licensed principal in all communications such as telephone directories, announcements, brochures, business cards, letterheads, promotional literature, and other media intended for public display or circulation.

(2) Architectural corporations, licensed under the authority of RCW 18.08.420, shall identify the designated architect in either the firm's name or separately as in subsection (1) of this section.

(3) When a firm uses an assumed business name, an architect responsible for the firm's architectural services shall be clearly identified as in subsection (1) of this section with the name of the firm.

[Statutory Authority: RCW 18.08.420 and 18.08.310, 87-19-095 (Order PM 676), § 308-12-083, filed 9/17/87.]

**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 18.08.420.

(3) The designated architect responsible for the practice of architecture by said corporation shall 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: RCW 18.08.420, 87-19-095 (Order PM 676), § 308-12-085, filed 9/17/87. Statutory Authority: 1985 c 37 § 5, 85-21-065 (Order PL 560), § 308-12-085, filed 10/17/85.]

**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 18.08.320, 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 18.08.320 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.

(6) Direct supervision—The phrase, "under the direct supervision of an architect" as used in connection with architectural work experience for qualification and eligibility for the examination shall refer to any of the following conditions or situations.

(a) The supervising architect is an employer who is knowledgeable of the performance and competence of the applicant.

(b) The supervising architect works for the same employer as the applicant, and is either the direct superior of the applicant, or a co-worker knowledgeable and responsible for the efforts of the applicant.

[Statutory Authority: RCW 18.08.320, 87-19-095 (Order PM 676), § 308-12-115, filed 9/17/87. Statutory Authority: 1985 c 37 § 5, 85-21-065 (Order PL 560), § 308-12-115, filed 10/17/85.]

**WAC 308-12-150 Work experience defined.** (1) In order to receive credit from the board for full-time practical architectural work experience, the applicant must be employed for at least thirty-five hours per week for a minimum of ten consecutive weeks.

(2) In order to receive credit from the board for part-time practical architectural work experience, the applicant must be employed for at least twenty hours per week in periods of six or more consecutive months.

(3) If the applicant is certified by the National Council of Architectural Registration Boards (NCARB) as having successfully completed the architectural Intern Development Program, such work experience may be used in lieu of subsections (1) and (2) of this section, to satisfy the work experience requirements of RCW 18.08.350.

(4) Work experience may be accrued simultaneously while educational credit is being accrued.

[Statutory Authority: RCW 18.08.350, 87-19-095 (Order PM 676), § 308-12-150, filed 9/17/87. Statutory Authority: RCW 18.08.340 and 18.08.350 (3)(a), 86-04-088 (Order PL 579), § 308-12-150, filed 2/5/86.]

**WAC 308-12-312 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-12-326 Architect fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee  | Fee      |
|---|----------|
| Application   | \$ 50.00 |
| Examination (initial or retake full)                            | 300.00   |
| Registration fee  | 35.00    |
| Registration renewal  | 45.00    |
| Late renewal  | 15.00    |
| Certificate replacement   | 15.00    |
| Examination proctor fee   | 50.00    |
| Registration (without full examination)                         | 250.00   |
| Exam retake:  |          |
| Division A: Predesign   | 30.00    |
| Division B: Site design   | 65.00    |
| Division C: Building design                                     | 80.00    |
| Division D: Structural—General                                  | 15.00    |
| Division E: Structural—Lateral forces                           | 10.00    |
| Division F: Structural—Long span                                | 10.00    |
| Division G: Mechanical, plumbing, electrical and safety systems | 30.00    |
| Division H: Materials and methods                               | 30.00    |
| Division I: Construction documents and services                 | 30.00    |
| Duplicate license   | 15.00    |
| Certification   | 25.00    |
| Corporations:   |          |
| Certificate of authorization                                    | 250.00   |
| Certificate of authorization renewal                            | 100.00   |

[Statutory Authority: RCW 43.24.086, 87-10-028 (Order PM 650), § 308-12-326, filed 5/1/87.]

**Chapter 308-13 WAC**  
**BOARD OF REGISTRATION FOR LANDSCAPE**  
**ARCHITECTS**

## WAC

|            |   |
|------------|---|
| 308-13-020 | Qualifications for admittance to the examination. |
| 308-13-025 | Proctoring.                                       |
| 308-13-032 | Licensing examination.                            |
| 308-13-150 | Landscape architect fees.                         |
| 308-13-160 | Renewal of licenses.                              |

**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.

[Statutory Authority: RCW 18.96.060 and 18.96.070. 88-05-025 (Order PM 707), § 308-13-020, filed 2/12/88. 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 308-13-025 Proctoring.** Candidates for examination who have acquired two-thirds of their required practical training, but cannot achieve the balance of their required work experience under the direct supervision of a landscape architect, may appeal to the board to acquire the required experience through the proctoring program.

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.

The proctoring program must be approved by the board before credit may be accrued. No retroactive credit may be approved for proctoring reviews conducted prior to board approval. The proctoring program consists of a minimum of twelve months, and culminates with the board's acceptance of the proctor's report of program completion.

The application fee for the proctoring program shall be included in the application fee for examination as specified in the schedule of landscape architect fees.

[Statutory Authority: RCW 18.96.060 and 18.96.070. 88-15-041 (Order PM 746), § 308-13-025, filed 7/15/88. Statutory Authority: RCW 18.96.060. 85-04-029 (Order PL 511), § 308-13-025, filed 1/31/85.]

**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 of seventy-five percent on each of the six sections of the examination.

(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 and 18.96.090. 88-12-018 (Order PM 726), § 308-13-032, filed 5/24/88. 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 308-13-150 Landscape architect fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee  | Fee    |
|---|--------|
| Application fee:  |        |
| Nonrefundable examination or reexamination (entire) fee | 290.00 |
| Refundable fee for issuance of certificate              | 100.00 |
| Total application fee                                   | 390.00 |
| Reexamination:  |        |
| Section 1 only  | 17.00  |
| Section 2 only  | 23.00  |
| Section 3 only  | 84.00  |
| Section 4 only  | 78.00  |
| Section 5 only  | 53.00  |
| Section 6 only  | 35.00  |
| Renewal (3 years)                                       | 180.00 |

| TITLE OF FEE                                   | FEE    |
|--|--------|
| Late renewal penalty                           | 60.00  |
| Duplicate license                              | 15.00  |
| Reciprocity fee (filing and investigation fee) | 150.00 |
| Certification                                  | 25.00  |
| Replacement certificate                        | 20.00  |

[Statutory Authority: RCW 43.24.086. 88-04-027 (Order PM 702), § 308-13-150, filed 1/26/88. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-13-150, filed 8/10/83. Formerly WAC 308-13-120.]

**WAC 308-13-160 Renewal of licenses.** (1) Effective with the renewal period beginning June 30, 1987, the annual renewal date for landscape architects will be changed to a three year renewal period. Conversion to this renewal system will be accomplished as follows:

(a) Current licensees, whose licenses expire June 30, 1987, and whose birthdates fall in the months of July, August, September or October, will be required to pay a fee equal to one years' renewal fee, or one third of the current three year renewal fee, in order to extend their licenses to expire on June 30, 1988. Subsequent renewals will be for a three year period.

(b) Current licensees, whose licenses expire June 30, 1987, and whose birthdates fall in the months of November, December, January or February, will be required to pay a fee equal to two years' renewal fees, or two thirds of the current three year renewal fee, in order to extend their licenses to expire on June 30, 1989. Subsequent renewals will be for a three year period.

(c) Current licensees, whose licenses expire June 30, 1987, and whose birthdates fall in the months of March, April, May or June, will be required to pay a fee equal to the current three year renewal fee in order to extend their licenses to expire on June 30, 1990. Subsequent renewals will be for a three year period.

(2) On or before June 30, 1987, all new or initial landscape architects licenses will be issued for a three year period with subsequent renewals for a three year period.

(3) Following completion of the conversion to a three year renewal period, licensees will renew every three years on or before June 30.

[Statutory Authority: RCW 46.24.086 [43.24.086] and 18.96.110. 88-01-022 (Order PM 696), § 308-13-160, filed 12/9/87.]

**Chapter 308-20 WAC**

**COSMETOLOGY--BARBER--MANICURIST RULES**

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| 308-20-107 | Use and training of instructor-trainees.   |
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| 308-20-190 | Restricted license.  |
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| 308-20-210 | Cosmetology fees.  |

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

|            |   |
|------------|---|
| 308-20-200 | Fees. [Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-200, filed 9/12/84.] Repealed by 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086. |
|------------|---|

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

(2) 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.

(3) Curriculum—detailed course of study.

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

(5) Instructional objectives—measurable evaluation of the attainment of the student learning objectives.

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

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-010, filed 9/14/88. 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.** A school 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. Cosmetology training consists of a 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.

Any person who has the same qualifications as a cosmetologist and who has completed at least 500 hours of instruction in cosmetology teaching techniques and lesson planning in a school may apply for examination to be licensed as a cosmetology instructor.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-020, filed 9/14/88. 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.

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

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-030, filed 9/14/88. 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) Names and addresses of all school owners;

(2) Names and addresses of all school operators or managers;

(3) Names and addresses of all instructors responsible for the training of students. The department must be notified, in writing, when a change of instructor staff occurs;

(4) 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 must submit a manicurist curriculum. Any school offering cosmetology instructor training must submit a curriculum in cosmetology teaching techniques and lesson planning. Each curriculum must meet the training guidelines established by the director and adopted by rules pursuant to this chapter. A copy of the instructional objectives, student learning objectives, terminal learning objectives and achievement indicator form for each curriculum must be submitted with the application. The achievement indicator form must include the school name and address preprinted on the form;

(5) Each school will submit, at the time of application, a catalog, bulletin or other printed material which contains accurate and current information regarding the operation and requirements of the school. Supplements to the catalog/bulletin are to be fastened to the publication and, if such information supersedes any information contained elsewhere in the catalog/bulletin, it must be clearly indicated on the supplement. The catalog/bulletin is to be made available to all students prior to enrollment and must include, but not be limited to, the following information:

(a) Names of all owners and/or managers.

- (b) Names and qualifications of all instructors.
- (c) Beginning and ending dates of training, including hours of operation, and observed holidays.
- (d) Placement assistance, if any.
- (e) Policy outlining acceptable conduct of students including grounds for dismissal and readmission.
- (f) School policy on absences, leave, tardiness, and make-up work.

(g) School policy and regulations regarding student progress including expected rate of progress, minimum acceptable grades, penalties for unsatisfactory progress, and the rights of students to appeal.

(h) Total cost to students including registration fee, books, supplies, equipment, tuition, lab fees, or any other associated cost for which the student is liable.

(i) A description of each course to include total hours, the course objectives and the method of instruction. (E.g., classroom lab, etc.,) and any certificate or credentials awarded upon completion.

(j) Cancellation and refund policies.

(6) Each school shall submit a copy of the enrollment contract or agreement. The contract/agreement must include at least the following:

(a) The school's cancellation and refund policy;

(b) Adequate information to clearly define the terms of the agreement between the student and the school, including but not limited to:

(i) The name and address of the school and student.

(ii) The date training is to begin, and the number of hours of instruction.

(iii) An itemized list of all costs incurred by the student to complete the training. Such costs shall include tuition and registration fees, books, supplies, and equipment and all other charges made by the school. Methods of payment or payment schedule must be clearly stated.

(c) A statement acknowledging receipt of the copy of the school's catalog/brochure and enrollment agreement by the student;

(d) The school shall retain a copy of the student enrollment agreement and one copy shall be delivered to the student at the time of execution.

(7) A description of the school facilities and equipment. This may 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;

(8) A surety bond as established by WAC 308-20-060 shall be submitted with the 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 (8) of this section.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-040, filed 9/14/88. Statutory Authority: RCW 18.16.030(2) and 18.16.140 as amended by 1987 c 445 § 1. 87-21-010 (Order PM 681), § 308-20-040, filed 10/9/87. 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. A new application must then be submitted to the department within fifteen days of change of ownership. Such notification is to include any changes made in curriculum, management personnel, instructional staff, tuition or registration fee, catalog, brochure, contract or surety bond.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-050, filed 9/14/88. 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.** Every currently licensed school and every applicant for a new or renewed school license is required to have a surety bond which meets legal requirements. 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 one thousand dollars or five percent of the annual gross tuition collected by the school, whichever is greater. The bond shall not exceed twenty-five thousand dollars and shall run to the state of Washington for the protection of unearned prepaid student tuition.

(2) 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 (4) of this section.

(3) 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 protection of unearned prepaid student tuition.

(4) 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.

The director shall give the school at least thirty days' written notice prior to the release of the surety to the effect that upon release of the surety the school license will be null and void by operation of RCW 19.72.130 until a new and sufficient surety bond is filed in the same manner and amount as the bond being terminated. Students shall not receive credit for instruction received during any time a school bond is not in effect.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-060, filed 9/14/88. Statutory Authority: RCW 18.16.030(2) and 18.16.140 as amended by 1987 c 445 § 1. 87-21-010 (Order PM 681), § 308-20-060, filed 10/9/87. Statutory Authority: 1984 c 308. 84-21-096 (Order PL 491), § 308-20-060, filed 10/19/84.]

**WAC 308-20-070 Training guidelines.** A numerical rating scale shall be used to evaluate and record student progress on the achievement indicator form.

The student's competency in attaining learning objectives is to be rated on a scale of "1-4" 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 within the specified hours required for each course. Each month the school shall provide each student with a current copy of his/her achievement indicator form.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-070, filed 9/14/88. 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<br>REQUIRED BEFORE<br>STUDENTS MAY WORK<br>ON CUSTOMERS IN<br>SCHOOL |
|--------|--|
|--------|--|

Barber services training:

|   |   |
|---|---|
| 1. Shampooing   | 2 |
| 2. Haircutting or trimming  | 2 |
| 3. Arranging, dressing, curling or waving (excluding chemical services) | 2 |
| 4. Sanitation of materials, equipment and tools                         | 3 |
| 5. Safety   |   |
| (a) The use of materials, equipment and tools                           | 3 |
| (b) Recognition of diseases or disorders of the skin, scalp or hair     | 3 |

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 |
| (c) Use of chemicals formulated for professional use only              | 3 |

| COURSE   | MINIMUM ACHIEVEMENT<br>REQUIRED BEFORE<br>STUDENTS MAY WORK<br>ON CUSTOMERS IN<br>SCHOOL |
|--|--|
| 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  |

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 |
| 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 are to be recorded at least monthly on each student's achievement indicator form. All ratings should reflect job readiness rather than a grade given in class. The suggested job readiness completion rating for all procedures is "4."

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-080, filed 9/14/88. 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) Only those hours of instruction received under the direction of a licensed instructor and on the premises of the

licensed school may be credited toward the hourly training requirement.

(2) Students shall not receive credit for training received during any period the school license is void, expired, suspended, revoked, or otherwise not currently in effect.

(3) 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.

(4) Students transferring from another state, country or territory may, at the school's discretion, 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 to the school that the objectives have been met.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-090, filed 9/14/88. 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 to each student monthly accumulated totals of all hours obtained for each course offered. 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 as they are achieved: The original report will be kept on file at the school and a copy provided to the student each month.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-100, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-100, filed 9/12/84.]

**WAC 308-20-105 Curriculum for instructor-trainees.** 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; and

(iii) Telephone techniques.

(d) Student's practical assignments.

(e) Motivational supervision.

(f) Student assistance.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-105, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-105, filed 9/12/84.]

**WAC 308-20-107 Use and training of instructor-trainees.** (1) Cosmetology instructor-trainees cannot be used to replace a licensed instructor for the training of students. Instructor-trainees must be under the direct supervision of a licensed instructor at all times.

(2) "Direct supervision" means the licensed cosmetology instructor shall:

(a) Inspect a substantial portion of the instructor-trainee's work;

(b) Be physically present on the premises where the instructor-trainee is working and be available for consultation with the instructor-trainee a minimum of eighty percent of the time claimed as hours of training received. Provided, that "direct supervision" shall not require that the licensed cosmetology instructor while on the premises inspect all the instructor-trainee's work, nor shall it require that the licensed cosmetology instructor and the instructor-trainee be constantly in the same room.

(3) A school licensed under chapter 18.16 RCW and providing instruction to instructor-trainees must provide the department of licensing at least seven days advance



notice, in writing, of the name and address of each person who will receive instruction as a cosmetology instructor-trainee.

(4) No person may be used as, or receive credit for training as, a cosmetology instructor-trainee unless the person holds a current, valid cosmetology license or is currently eligible for licensure as a cosmetologist and has the same qualifications as a cosmetologist.

(5) No person may be used as, or receive credit for training as, a cosmetology instructor-trainee for more than 600 hours total at any school or schools licensed under chapter 18.16 RCW, unless the school has first requested and received from the department of licensing written approval to use or train a certain instructor-trainee for additional hours.

(6) No cosmetology instructor-trainee may receive any wage or commission.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-107, filed 9/14/88.]

**WAC 308-20-109 Instructor-trainee credit for training.** Each cosmetology school shall daily record instructor-trainee hours of instruction received in cosmetology teaching techniques and in lesson planning. The cosmetology school shall provide to each instructor-trainee monthly accumulated totals of hours of instruction the instructor-trainee has received. Except for instruction received in an otherwise state approved teacher training program, only those hours of instruction received under the direct supervision of a licensed instructor and on the premises of the licensed school may be credited toward the instructor-trainee hourly training requirement.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-109, filed 9/14/88.]

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

(2) An 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 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) A separate area with an adequate supply of hot and cold running water, shall be designated as a dispensary for the dispensing of supplies and for the 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) Chemicals must be stored in compliance with state and local laws to ensure maximum protection against fires, fumes, corrosion of containers or contamination. 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. Metal shelves used to store acids must be painted or otherwise rendered immune to attack by acids. Corrosive materials must be kept in a cool, well ventilated area. Materials should be inspected regularly and corroded containers must be discarded immediately.

(8) Approved fire extinguishers must be kept in vicinity of storage area.

(9) Adequate toilet facilities shall be provided 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: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-110, filed 9/14/88. 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 includes but is not necessarily limited to, 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. The examination for a cosmetology instructor's license will cover lesson planning and cosmetology teaching techniques.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772); § 308-20-120, filed 9/14/88. 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 the cosmetologist's, barber's, and manicurist's license:

(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 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: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-130, filed 9/14/88. 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 are administered 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 must include a sworn statement of both the student and the school owner or manager that all statements on the application are true and correct. Each application must be complete in every respect, including fee, before the applicant may be scheduled for examination.

Applications and fees for examination 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 who either (1) fails to appear as scheduled for an examination, or (2) fails to request to be rescheduled at least seven days prior to scheduled examination date shall forfeit fee for examination, except in cases of emergency as determined by the department.

Applications and fees for reexamination must be received by the Professional Licensing Division at 1300 Quince Street, Olympia, Washington on or before the 20th of the month to be scheduled for the following month's examination.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-140, filed 9/14/88. 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. An appeal must be submitted to the department, in writing, stating specific reasons why the student feels he/she is eligible. An appeal must be submitted with a completed examination application, accompanied by the required fee and copy of achievement indicator form showing completion of hours and learning objectives.

A school owner or manager is required to respond in writing stating the reason for refusal to sign. The school

owner or manager shall provide documentation of events or reasons which substantiate his/her refusal to sign. A school's failure to respond within twenty days may 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: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-150, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-150, filed 9/12/84.]

**WAC 308-20-155 Procedure for applicants requiring special accommodations for licensure examination.**

(1) An applicant for a licensure examination who, due to a specific physical, mental or sensory impairment, requires special accommodation in examination procedures, may submit a written request for the specific accommodation needed.

(a) The applicant must submit an individualized written opinion from a physician or other specialist:

(i) Verifying the existence of a specific physical, mental, or sensory impairment;

(ii) Stating whether special accommodation is needed for a specific licensure examination; and

(iii) Stating what special accommodation is necessary. The applicant must also submit to the department a signed and notarized authorization, authorizing the specifically identified physician or other specialist to discuss the matter with the department of licensing's representative.

(b) The written request for special accommodation and individualized written opinion must be submitted to the department of licensing at least eight weeks in advance of the examination date and must be accompanied by a completed application and the application fee.

(c) Only readers and translators provided by the department may be used for reading/translating the examination.

(d) Applicants who pass the cosmetology examination with the assistance of a reader/translator will be issued a license with the following printed restriction: "Requires Reading Supervision For Product Usage When Performing Chemical Services." If a licensee with a license restriction successfully retakes the chemical services portion of the examination without the assistance of a reader or translator, a new license will be issued without the restriction.

(2) Applicants who wish to use a foreign language dictionary during an examination must obtain approval at the examination site prior to the examination. Only dictionaries without definitions will be approved for use.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-155, filed 9/14/88.]

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

The passing score 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 score on the barber examination.

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

Applicants for a cosmetology license will be required to obtain a passing score 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 converted score of eighty on the instructor's examination.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-171, filed 9/14/88. Statutory Authority: RCW 18.16.090, 18.16.020(11) and 18.16.030(2). 87-01-006 (Order PM 614), § 308-20-171, filed 12/5/86. Statutory Authority: 1984 c 208 § 7(2). 85-01-044 (Order PL 502), § 308-20-171, filed 12/13/84.]

**WAC 308-20-190 Restricted license.** Should the director restrict the licensee's scope of practice, the licensee shall surrender the unrestricted license to the department of licensing so the stated restriction can be affixed to the license and the license returned to the licensee. All restricted licenses must be posted at the work station of the individual in clear view of the public. Services beyond those authorized by the restricted license may not be performed by the licensee until the restriction is removed from the license.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-190, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-190, filed 9/12/84.]

**WAC 308-20-200 Repealed.** See Disposition Table at beginning of this chapter.

**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 fees and a penalty fee 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. Students shall not receive credit for instruction received during any period a school license is expired.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-205, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-205, filed 9/12/84.]

**WAC 308-20-210 Cosmetology fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee             | Fee      |
|--------------------------|----------|
| <b>Cosmetologist:</b>    |          |
| Examination application  | \$ 25.00 |
| Renewal                  | 10.00    |
| Late renewal penalty     | 10.00    |
| Duplicate                | 15.00    |
| Certification            | 25.00    |
| Out-of-state application | 25.00    |
| <b>Instructor:</b>       |          |
| Examination application  | 30.00    |
| Renewal                  | 25.00    |
| Late renewal penalty     | 25.00    |
| Duplicate                | 15.00    |
| Certification            | 25.00    |
| Out-of-state application | 25.00    |
| <b>Manicurist:</b>       |          |
| Examination application  | 25.00    |
| Renewal                  | 10.00    |
| Late renewal penalty     | 10.00    |
| Duplicate                | 15.00    |
| Certification            | 25.00    |
| Out-of-state application | 25.00    |
| <b>School:</b>           |          |
| License application      | 150.00   |
| Renewal                  | 150.00   |
| Late renewal penalty     | 150.00   |
| Duplicate                | 15.00    |
| <b>Barber:</b>           |          |
| Examination application  | 25.00    |
| Renewal                  | 10.00    |
| Late renewal penalty     | 10.00    |
| Out-of-state application | 25.00    |
| Duplicate                | 15.00    |
| Certification            | 25.00    |

[Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-20-210, filed 5/1/87.]

### Chapter 308-25 WAC DENTAL HYGIENISTS

|            |   |
|------------|---|
| WAC        |   |
| 308-25-065 | Dental hygiene fees.                                    |
| 308-25-300 | AIDS prevention and information education requirements. |

**WAC 308-25-065 Dental hygiene fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee                              | Fee      |
|---|----------|
| Application examination and reexamination | \$100.00 |
| Renewal                                   | 55.00    |
| Reciprocity                               | 100.00   |
| Duplicate license                         | 15.00    |
| Certification                             | 25.00    |

[Statutory Authority: RCW 43.24.086, 87-10-028 (Order PM 650), § 308-25-065, filed 5/1/87. Statutory Authority: 1983 c 168 § 12, 83-17-031 (Order PL 442), § 308-25-065, filed 8/10/83. Formerly WAC 308-25-060.]

**WAC 308-25-300 AIDS prevention and information education requirements. (1) Definitions.**

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989 persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of licenses. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 license expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

**(4) AIDS education and training.**

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

**(c) Documentation. The applicant shall:**

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

- (ii) Keep records for two years documenting attendance and description of the learning;
- (iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270, 88-22-077 (Order PM 786), § 308-25-300, filed 11/2/88.]

**Chapter 308-26 WAC  
DISPENSING OPTICIANS**

**WAC**

|            |   |
|------------|---|
| 308-26-025 | Examination appeal procedures.                          |
| 308-26-040 | Repealed.   |
| 308-26-045 | Dispensing optician fees.                               |
| 308-26-200 | AIDS prevention and information education requirements. |

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

|            |   |
|------------|---|
| 308-26-040 | Fees. [Statutory Authority: 1983 c 168 § 12, 83-17-031 (Order PL 442), § 308-26-040, filed 8/10/83. Formerly WAC 308-26-020.] Repealed by 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086. |
|------------|---|

**WAC 308-26-025 Examination appeal procedures.**

(1) Any candidate who takes the state examination for licensure and does not pass may request informal review by the dispensing optician examining committee of his or her examination results. This request must be in writing and must be received by the department within thirty days of the postmark of notification of the examination results. The committee will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The committee will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(2) The procedure for filing an informal review is as follows:

(a) Contact the department of licensing office in Olympia for an appointment to appear personally to review incorrect answers on the written portion of failed examination, and score sheets on the failed practical portion of the examination.

(b) The candidate will be provided a form to complete in the department of licensing office in Olympia in defense of examination answers.

(c) The candidate must specifically identify the challenged portion(s) of the examination and must state the specific reason or reasons why the candidate feels the results of the examination should be changed.

(d) The candidate will be identified only by candidate number for the purpose of this review. Letters of reference or requests for special consideration will not be read or considered by the examining committee.

(e) The candidate may not bring in notes or texts for use while completing the informal review form.

(f) The candidate will not be allowed to take any notes or materials from the office upon leaving.

(g) The examining committee will schedule a closed session meeting to review the examinations, score sheets and forms completed by the candidate for the purpose of informal review.

(h) The candidate will be notified in writing of the results.

(3) Any candidate who is not satisfied with the result of the informal examination review may submit a written request for a formal hearing to be held before the dispensing optician examining committee pursuant to the administrative procedures act. Such written request for hearing must be received by the department of licensing within twenty days of the postmark of the result of the committee's informal review of the examination results. The written request must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate feels the results of the examination should be changed. The examining committee will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The committee will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(4) Before the hearing is scheduled either party may request a prehearing conference before an administrative law judge to consider the following:

- (a) The simplification of issues;
- (b) Amendments to the candidate's notice identifying the challenged portion(s) of the examination and the statement of the specific reason(s) why the candidate feels the results of the examination should be changed;
- (c) The possibility of obtaining stipulations, admission of facts and documents;
- (d) The limitation of the number of expert witnesses;
- (e) A schedule for completion of all discovery; and,
- (f) Such other matters as may aid in the disposition of the proceeding.

(5) In the event there is a prehearing conference, the administrative law judge shall enter an order which sets forth the actions taken at the conference, the amendments allowed to the pleading and the agreements made by the parties of their qualified representatives as to any of the matters considered, including the settlement or simplification of issues. The prehearing order limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent prehearing order.

(6) Candidates will receive at least twenty days notice of the time and place of the formal hearing. The hearing will be restricted to the specific portion(s) of the examination the candidate has identified as the bases for his or her challenge of the examination results unless amended by a prehearing order. The issues raised by the candidate at the formal hearing shall be limited to those issues raised by the candidate for consideration at the informal review unless amended by a prehearing order.

[Statutory Authority: RCW 43.24.060. 87-22-019 (Order PM 688), § 308-26-025, filed 10/27/87.]

**WAC 308-26-040 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-26-045 Dispensing optician fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee                              | Fee      |
|---|----------|
| Optician:                                 |          |
| Full examination (or reexamination)       | \$200.00 |
| Reexamination—Practical only              | 30.00    |
| Reexamination—Written (basic) only        | 25.00    |
| Reexamination—Written (contact lens) only | 25.00    |
| Renewal                                   | 125.00   |
| Late renewal penalty                      | 75.00    |
| Duplicate license                         | 15.00    |
| Certification                             | 25.00    |

[Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-26-045, filed 5/1/87.]

**WAC 308-26-200 AIDS prevention and information education requirements.** (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989 persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of licenses. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 license expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; infection control guidelines; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status

shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-26-200, filed 11/2/88.]

**Chapter 308-29 WAC**

**COLLECTION AGENCIES AND REPOSSESSION SERVICES**

**WAC**

|            |                                       |
|------------|---------------------------------------|
| 308-29-030 | License records.                      |
| 308-29-045 | Collection agency fees.               |
| 308-29-060 | Sale of a licensed collection agency. |
| 308-29-070 | Disclosure of rate of interest.       |
| 308-29-080 | Notice to credit reporting bureaus.   |

**WAC 308-29-030 License records.** (1) Each licensee shall notify the director in writing within ten days after any change in ownership of a proprietorship or any change in owners, officers, directors, or managing employee of each office location. Such notification shall consist of reporting the individual's name, position, home address and effective date of change.

(2) Each licensee shall advise the department in writing of any additional information regarding the change or changes in subsection (1) of this section that the department may seek within ten days after the receipt of such a request from the department.

[Statutory Authority: RCW 19.16.410. 87-11-064 (Order PM 653), § 308-29-030, filed 5/20/87; Order PL-141, § 308-29-030, filed 12/18/72.]

**WAC 308-29-045 Collection agency fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee                          | Fee       |
|---------------------------------------|-----------|
| <b>Collection agency—Main office:</b> |           |
| Original application                  | \$ 350.00 |
| Investigation (nonrefundable)         | 250.00    |
| Renewal                               | 525.00    |
| Late renewal penalty                  | 300.00    |
| Reregistration fee after 30 days      | 1,425.00  |
| Duplicate license                     | 15.00     |
| Certification                         | 25.00     |
| <b>Branch office:</b>                 |           |
| Original application                  | 300.00    |
| Renewal                               | 300.00    |
| Late renewal penalty                  | 150.00    |

| Title of Fee                     | Fee    |
|----------------------------------|--------|
| Reregistration fee after 30 days | 750.00 |
| Duplicate license                | 15.00  |
| Certification                    | 25.00  |

[Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-29-045, filed 5/1/87. Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-29-045, filed 11/2/83; 83-17-031 (Order PL 442), § 308-29-045, filed 8/10/83. Formerly WAC 308-29-040.]

**WAC 308-29-060 Sale of a licensed collection agency.** Whenever a licensee intends to sell or otherwise transfer his or its interest in a collection agency, the seller (licensee) and buyer or transferee will insure that there is incorporated in the body of the sale agreement or document of transfer appropriate clauses that set forth provisions relative to the following:

(1) The Washington state collection agency license is not transferable or assignable and buyer is responsible to initiate whatever administrative action is necessary to obtain such license as required by law.

(2) Whether buyer or seller has the responsibility for all payments due customers on or before the effective date of sale.

(3) Whether buyer or seller has the responsibility for maintaining and preserving the accounting records as prescribed by RCW 19.16.230(3).

(4) Whether buyer is restricted from or is authorized to use the seller's collection agency's business name.

(5) The buyer (transferee) or seller (transferor) shall provide notice of the sale or transfer to the seller's or transferor's clients with open accounts. The sale or transfer document shall provide which party to the sale or transfer is responsible for providing said notice.

[Statutory Authority: RCW 19.16.410. 87-11-064 (Order PM 653), § 308-29-060, filed 5/20/87; 86-14-051 (Order PM 602), § 308-29-060, filed 6/27/86; 79-06-084 (Order PL-306), § 308-29-060, filed 6/1/79.]

**WAC 308-29-070 Disclosure of rate of interest.** Whenever a collection agency is required pursuant to RCW 19.16.250 (8)(c) to disclose to the debtor that interest charges are being added to the original obligation, the collection agency must also disclose to the debtor the rate of interest; said rate of interest not to exceed the legal maximum rate pursuant to chapter 19.52 RCW.

[Statutory Authority: RCW 19.16.410. 87-11-064 (Order PM 653), § 308-29-070, filed 5/20/87; 86-14-051 (Order PM 602), § 308-29-070, filed 6/27/86.]

**WAC 308-29-080 Notice to credit reporting bureaus.** In the event a collection agency informs a credit reporting bureau of the existence of a claim, the collection agency shall, within forty-five days of satisfaction of said claim, notify the credit reporting bureau that said claim has been satisfied.

[Statutory Authority: RCW 19.16.410. 87-11-064 (Order PM 653), § 308-29-080, filed 5/20/87; 86-14-051 (Order PM 602), § 308-29-080, filed 6/27/86.]

## Chapter 308-31 WAC

## PODIATRY

## WAC

|            |   |
|------------|---|
| 308-31-010 | Examinations.   |
| 308-31-015 | Repealed.   |
| 308-31-025 | Scope of practice.                                      |
| 308-31-055 | Podiatry fees.  |
| 308-31-057 | AIDS prevention and information education requirements. |
| 308-31-100 | Delegation of acts to unlicensed persons.               |
| 308-31-120 | Acts that may not be performed by unlicensed persons.   |
| 308-31-500 | Professional and ethical standards.                     |

## DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

|            |   |
|------------|---|
| 308-31-015 | Examinations required for licensure. [Statutory Authority: RCW 18.22.015, 87-04-050 (Order PM 638), § 308-31-015, filed 2/3/87; 84-02-077 (Order PL 450), § 308-31-015, filed 1/4/84.] Repealed by 88-11-034 (Order 733), filed 5/13/88. Statutory Authority: RCW 18.22.015(8). |
|------------|---|

**WAC 308-31-010 Examinations.** (1) In order to be licensed to practice podiatry in the state of Washington, all applicants except those who are seeking licensure by endorsement from another state under subsection (6) of this section, must pass Part I and Part II of the national examination prepared by the National Board of Podiatry Examiners in addition to an examination approved by the Washington state podiatry board as the state examination.

(2) Every applicant for a podiatry license shall be required to pass the state examination with a grade of at least 75.

(3) The board shall approve the method of grading each examination, and shall apply such method uniformly to all applicants taking the examination.

(4) The board and the department shall not disclose any applicant's examination score to anyone other than the applicant, unless requested to do so in writing by the applicant.

(5) The applicant will be notified, in writing, of his or her examination scores.

(6) Applicants for licensure who have been licensed by examination in another state or who have successfully passed the examinations given by the National Board of Podiatry Examiners will be required to pass the state approved examination. If the examination taken in another state is the Virginia examination and the applicant passed the Virginia examination on or after June 1988 the applicant shall be deemed to have passed the approved examination in this state.

(7) Applicants failing the state approved examination whether taken in this or another state in which the Virginia examination was taken after June 1988 may be reexamined no more than three times. Applicants who have failed the state approved examination three times may petition the board to be permitted to retake the examination on additional occasions and the applicant must provide satisfactory evidence to the board that he or she has taken remedial measures to increase his or

her likelihood of passing the examination. If the applicant does not provide satisfactory evidence to the board, the board shall deny the request to retake the examination until such time that the applicant can provide satisfactory evidence of remedial measures undertaken to increase his or her likelihood of passing the examination.

[Statutory Authority: RCW 18.22.015 and 1988 c 206 § 604, 89-02-047 (Order PM 813), § 308-31-010, filed 12/30/88. Statutory Authority: RCW 18.22.015(8), 88-11-034 (Order 733), § 308-31-010, filed 5/13/88. Statutory Authority: RCW 18.22.015 and 18.22.010(5), 86-22-042 (Order PM 624), § 308-31-010, filed 11/3/86. Statutory Authority: 1982 c 21 § 10, 83-03-032 (Order 418), § 308-31-010, filed 1/14/83; Order PL 250, § 308-31-010, filed 5/28/76; Order PL 128, § 308-31-010, filed 7/7/72.]

**WAC 308-31-015 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-31-025 Scope of practice.** (1) An "ailment of the human foot" as set forth in RCW 18.22.010 is defined as any condition, symptom, disease, complaint, or disability involving the functional foot. The functional foot includes the anatomical foot and any muscle, tendon, ligament, or other soft tissue structure directly attached to the anatomical foot and which impacts upon or affects the foot or foot function and osseous structure up to and including the articulating surfaces of the ankle joint.

(2) In diagnosing or treating the ailments of the functional foot, a podiatrist is entitled to utilize medical, surgical, mechanical, manipulative, radiological, and electrical treatment methods and the diagnostic procedure or treatment method may be utilized upon an anatomical location other than the functional foot. The diagnosis and treatment of the foot includes diagnosis and treatment necessary for preventive care of the well foot.

(3) A podiatrist may examine, diagnose, and commence treatment of ailments for which differential diagnoses include an ailment of the human foot. Upon determination that the condition presented is not an ailment of the human foot, the podiatrist shall obtain an appropriate consultation or make an appropriate referral to a licensed health care practitioner authorized by law to treat systemic conditions. The podiatrist may take emergency actions as are reasonably necessary to protect the patient's health until the intervention of a licensed health care practitioner authorized by law to treat systemic conditions.

(4) A podiatrist may diagnose or treat an ailment of the human foot caused by a systemic condition provided an appropriate consultation or referral for the systemic condition is made to a licensed health care practitioner authorized by law to treat systemic conditions.

(5) A podiatrist shall not administer a general or spinal anesthetic, however, a podiatrist may treat ailments of the human foot when the treatment requires use of a general or spinal anesthetic provided that the administration of the general or spinal anesthetic is by or under the supervision of a physician authorized under chapter 18.71 or 18.57 RCW.



[Statutory Authority: RCW 18.22.015. 87-09-045 (Order PM 643), § 308-31-025, filed 4/14/87; 87-04-050 (Order PM 638), § 308-31-025, filed 2/3/87.]

**WAC 308-31-055 Podiatry fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee                                | Fee      |
|---|----------|
| Application (examination and reexamination) | \$500.00 |
| Reciprocity application                     | 400.00   |
| License renewal                             | 650.00   |
| Late renewal penalty                        | 10.00    |
| Duplicate license                           | 15.00    |
| Certification                               | 25.00    |

[Statutory Authority: RCW 43.24.086. 87-18-031 (Order PM 667), § 308-31-055, filed 8/27/87. Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-31-055, filed 11/2/83; 83-17-031 (Order PL 442), § 308-31-055, filed 8/10/83. Formerly WAC 308-31-310.]

**WAC 308-31-057 AIDS prevention and information education requirements.** (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989, persons applying for licensure shall submit, in addition to other requirements, evidence to show compliance with the education requirements of subsection (4) of this section.

(3) Renewal of licenses. For the renewal on June 30, 1989, all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4) of this section.

(4) AIDS education and training.

(a) Acceptable education and training. The board will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, suspended, or revoked status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.

(c) Documentation. The licensee shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 18.22.015 and 1988 c 206 § 604. 89-02-047 (Order PM 813), § 308-31-057, filed 12/30/88.]

**WAC 308-31-100 Delegation of acts to unlicensed persons.** 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. 87-04-050 (Order PM 638), § 308-31-100, filed 2/3/87; 84-02-077 (Order PL 450), § 308-31-100, 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, spinal, 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, musculoskeletal, 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. 87-04-050 (Order PM 638), § 308-31-120, filed 2/3/87; 84-02-077 (Order PL 450), § 308-31-120, filed 1/4/84.]

**WAC 308-31-500 Professional and ethical standards.** In addition to those standards specifically expressed in chapter 18.22 RCW and chapter 18.130 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 ailments 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:

- (1) Necessity of care.
- (2) Appropriateness of service rendered in view of the diagnosis.
- (3) Utilization of services (over or under).
- (4) Quality of service(s) rendered.
- (5) Whether the service(s) reported had been actually rendered.

[Statutory Authority: RCW 18.22.015, 87-09-045 (Order PM 643), § 308-31-500, filed 4/14/87; 87-04-050 (Order PM 638), § 308-31-500, filed 2/3/87; 84-02-077 (Order PL 450), § 308-31-500, filed 1/4/84.]

### Chapter 308-32 WAC DEBT ADJUSTERS

#### WAC

308-32-080 Application and fees.

**WAC 308-32-080 Application and fees.** Any individual person applying for a debt adjusting license shall file a completed application together with the investigation, licensing and examination fees with the professional licensing division of the department of licensing at least fifteen days before the date of the examination. Only one examination may be taken for each examination fee and application submitted. The director, at his or her discretion, may waive subsequent investigation fees for individual applicants.

[Statutory Authority: RCW 18.28.170, 87-21-011 (Order PM 686), § 308-32-080, filed 10/9/87; Order 5, § 308-32-080, filed 8/20/68, effective 10/1/68.]

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

#### WAC

308-33-011 Fees.  
308-33-020 Director's review of fees and contracts.  
308-33-030 Manner of setting forth fees in agency contracts.  
308-33-040 Repealed.  
308-33-050 Repealed.  
308-33-060 Informing applicants of agency fee after employment gained.  
308-33-080 Contract term guidelines.  
308-33-095 Examinations.

308-33-105 Employment agency fees.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-33-040 Resume selling—Generally. [Order PL 118, § 308-33-040, filed 3/22/72, effective 4/21/72.] Repealed by 87-21-088 (Order PM 658), filed 10/21/87. Statutory Authority: RCW 19.31.070.  
308-33-050 Restrictions on agencies selling resumes. [Order PL 118, § 308-33-050, filed 3/22/72, effective 4/21/72.] Repealed by 87-21-088 (Order PM 658), filed 10/21/87. Statutory Authority: RCW 19.31.070.

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

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

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

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

(4) The applicant may submit payroll information to the agency within seventy days after reporting to work for reevaluation to reflect a fee based on actual gross earnings for the first sixty days.

[Statutory Authority: RCW 19.31.070, 87-21-088 (Order PM 658), § 308-33-011, filed 10/21/87; 81-02-031 (Order PL 359), § 308-33-011, filed 1/5/81; Order PL 272, § 308-33-011, filed 7/26/77, effective 9/21/77; Order PL 243, § 308-33-011, filed 4/1/76; Order PL-142, § 308-33-011, filed 1/24/73. Formerly WAC 308-33-010.]

**WAC 308-33-020 Director's review of fees and contracts.** The contracts and fee schedules will be reviewed by the director as necessary. Failure to review the fee schedules and contracts, however, shall in no way affect the validity or effectiveness of the existing and director-approved fee schedules and contracts.

[Statutory Authority: RCW 19.31.070, 87-21-088 (Order PM 658), § 308-33-020, filed 10/21/87; 81-02-031 (Order PL 359), § 308-33-020, filed 1/5/81; Order PL-142, § 308-33-020, filed 1/24/73; Order 337001, § 308-33-020, filed 2/26/70, effective 4/1/70.]

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

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

(2) The agency may list, in addition to the monthly salary and agency fee as a percentage of the expected

monthly compensation, the annual salary and agency fee as a percentage of the expected annual compensation.

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

(4) Agencies may not indicate, either orally or in writing, that their contract and fee schedules have been "approved" or in any way "recommended" by the state. However, a licensee may indicate that their contracts are "approved for use."

[Statutory Authority: RCW 19.31.070. 87-21-088 (Order PM 658), § 308-33-030, filed 10/21/87; 81-02-031 (Order PL 359), § 308-33-030, filed 1/5/81; Order PL-142, § 308-33-030, filed 1/24/73; Order 337001, § 308-33-030, filed 2/26/70, effective 4/1/70.]

**WAC 308-33-040 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-33-050 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-33-060 Informing applicants of agency fee after employment gained.** As soon as practicable after an applicant has accepted employment through the efforts of an employment agency, the applicant shall be notified of the amount of the agency fee in a form containing at least the following information:

- (1) Amount of fee expressed in dollars;
- (2) Expected monthly or annual salary (whichever the fee is based upon); and
- (3) Date applicant began or is to begin employment.

[Statutory Authority: RCW 19.31.070. 87-21-088 (Order PM 658), § 308-33-060, filed 10/21/87; Order PL 118, § 308-33-060, filed 3/22/72, effective 4/21/72.]

**WAC 308-33-080 Contract term guidelines.** Contract terms that are acceptable to the director for use in employment agency contracts will be made available upon request.

[Statutory Authority: RCW 19.31.070. 87-21-088 (Order PM 658), § 308-33-080, filed 10/21/87; Order PL-142, § 308-33-080, filed 1/24/73.]

**WAC 308-33-095 Examinations.** (1) Examinations for general managers shall be written and shall consist of multiple choice questions covering the subject matter set forth in RCW 19.31.100, as now or hereafter amended.

(2) The minimum passing grade for the examination shall be seventy-five percent.

(3) Examinations will be conducted before the fifteenth of each month at locations specified by the director.

(4) Applications and fees for examination must be received by the department by the first of each month to be scheduled for the examination to be held the following month.

(5) Applicants failing examination shall submit a fee on each occasion of application for reexamination.

(6) General managers who have passed the examination and do not remain active in the employment agency business shall, if not so actively engaged for longer than

one year, be required to retake and pass the examination prior to being qualified to serve as a general manager.

(7) Examination fees are not refundable.

(8) This section shall take effect June 1, 1987.

[Statutory Authority: RCW 19.31.070. 87-21-088 (Order PM 658), § 308-33-095, filed 10/21/87; Order PL 272, § 308-33-095, filed 7/26/77, effective 9/21/77.]

**WAC 308-33-105 Employment agency fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee                                | Fee      |
|---|----------|
| <b>Agencies:</b>                            |          |
| Original application and license            | \$250.00 |
| Renewal                                     | 225.00   |
| Transfer of license                         | 150.00   |
| Duplicate license                           | 15.00    |
| New/amended contract or fee schedule review | 50.00    |
| <b>Branch office:</b>                       |          |
| Original application and license            | 100.00   |
| Renewal                                     | 125.00   |
| Transfer of license                         | 25.00    |
| Duplicate license                           | 15.00    |
| General manager exam fee                    | 65.00    |

[Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-33-105, filed 5/1/87. Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-33-105, filed 11/2/83; 83-17-031 (Order PL 442), § 308-33-105, filed 8/10/83. Formerly WAC 308-33-100.]

**Chapter 308-34 WAC  
NATUROPATHY**

|            |  |
|------------|--|
| <b>WAC</b> |  |
| 308-34-080 | Review procedures.                     |
| 308-34-090 | Naturopathic physician fees.           |
| 308-34-110 | Eligibility for licensure examination. |
| 308-34-120 | Licensure examination.                 |
| 308-34-130 | Release of examination results.        |
| 308-34-140 | Reexaminations.                        |
| 308-34-150 | Examination appeals.                   |
| 308-34-160 | Renewal of licenses.                   |
| 308-34-170 | Naturopathic physician licensing fees. |
| 308-34-180 | Continuing competency program.         |
| 308-34-190 | License reinstatement.                 |

**WAC 308-34-080 Review procedures.** The director may send a representative or an examining or evaluation committee to inspect any institution requesting approval. Such inspections may be at any reasonable time during the normal operating hours of the institution. The report of the representative or committee and the institution's response shall be submitted as part of the documentation necessary for the director's action on the institution's application. Expenses incurred for the site review shall be the responsibility of the program requesting approval.

[Statutory Authority: RCW 18.36.040. 87-21-011 (Order PM 686), § 308-34-080, filed 10/9/87. 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.]

**WAC 308-34-090 Naturopathic physician fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee                          | Fee      |
|---------------------------------------|----------|
| Application/examination/reexamination | \$275.00 |
| License renewal                       | 250.00   |
| Late renewal penalty                  | 175.00   |
| Duplicate license                     | 15.00    |
| Certification                         | 25.00    |

[Statutory Authority: RCW 43.24.086, 87-18-031 (Order PM 667), § 308-34-090, filed 8/27/87.]

**WAC 308-34-110 Eligibility for licensure examination.** (1) Graduates holding a degree/diploma from a college of naturopathic medicine approved by Washington state department of licensing shall be eligible to take the examination, provided all other requirements of RCW 18.36A.090 are met.

(2) All applicants shall file with the department a completed application, with the required fee, at least 60 days prior to the exam.

(3) Applicants shall request that the college of naturopathic medicine send official transcripts directly to the department.

(4) Applicants who have filed the required applications, whose official transcript has been received by the department, and who meet all qualifications shall be notified of their eligibility, and only such applicants will be admitted to the exam.

[Statutory Authority: RCW 18.36A.060, 88-14-009 (Order PM 742), § 308-34-110, filed 6/24/88.]

**WAC 308-34-120 Licensure examination.** (1) The licensure examination shall consist of the following components and tests:

(a) Basic science component which may include but not be limited to tests in the following subjects: Pathology, anatomy, physiology, microbiology and biochemistry.

(b) Clinical science component which may include but not be limited to tests in the following subjects: Physical diagnosis; nutrition; physical medicine; botanical medicines and toxicology; psychological and lifestyle counseling; emergency medicine, basic skills and public health; lab and x-ray diagnosis.

(c) Law of the state and administrative regulations as they relate to the practice of naturopathic medicine.

(d) The department, at its discretion, may require tests in other subjects. Candidates will receive information concerning additional tests prior to the examination.

(2) Candidates may take the basic science component of the exam after two years of training. A candidate who has achieved a passing score on the basic science component after two years of training must achieve a passing score on the clinical science component and the state law test within twenty-seven months after graduation; otherwise, the candidate's basic science component exam results will be null and void and the candidate must again take the basic science component of the exam. All exam candidates are required to obtain a passing score

on all tests before a license is issued. A candidate who takes the basic science component of the exam after two years of training must submit an application for reexamination, along with reexamination fees, to take the clinical science component and the state law test at a later exam administration.

(3) Examinations shall be conducted twice a year.

(4) The minimum passing score for each test in the examination is seventy-five.

[Statutory Authority: RCW 18.36A.060, 88-14-009 (Order PM 742), § 308-34-120, filed 6/24/88.]

**WAC 308-34-130 Release of examination results.**

(1) Candidates shall be notified of examination results by mail only.

(2) Candidates who successfully complete all components and tests of the examination shall receive a license to practice as a naturopathic physician provided all other requirements are met.

(3) Candidates who fail any test in the examination shall be so notified and shall be sent an application to retake the examination.

(4) A candidate's examination scores shall be released only to the candidate unless the candidate has requested, in writing, that the examination scores also be released to a specific school, individual, or entity.

[Statutory Authority: RCW 18.36A.060, 88-14-009 (Order PM 742), § 308-34-130, filed 6/24/88.]

**WAC 308-34-140 Reexaminations.** (1) A candidate wishing to retake the examination or any portion thereof must file with the department the required reexamination fees and an application to retake the examination at least sixty days before the administration of the exam.

(2) A candidate must retake the entire basic science component if he or she failed to achieve a passing score in three or more basic science tests. A candidate must retake the entire clinical science component if he or she failed to achieve a passing score in four or more clinical science tests. A candidate must retake any test(s) for which the candidate failed to achieve a passing score.

(3) A candidate who failed to achieve a passing score in three or more basic science tests and/or four or more clinical science tests must achieve a passing score on those tests within the next two administrations of the examination. A candidate who does not achieve a passing score within those next two administrations of the exam will be required to retake the entire component.

(4) A candidate must achieve passing scores on all tests in the entire exam within a twenty-seven month period; otherwise the candidate's exam results are null and void and the candidate must retake the entire exam. Provided: WAC 308-34-120(2) shall apply to a candidate who took the basic science component of the exam after two years in training.

(5) A candidate is required to pay a reexamination fee to retake the exam or any portion thereof.

(6) A candidate who took the basic science component of the exam after two years of training must submit an application for reexamination, along with reexamination

fees, to take the clinical science component and the state law test at a later exam administration.

[Statutory Authority: RCW 18.36A.060. 88-14-009 (Order PM 742), § 308-34-140, filed 6/24/88.]

**WAC 308-34-150 Examination appeals.** (1) Any candidate who takes the licensure examination and does not pass may request informal review of his or her examination results. This request must be in writing and must be received by the department within thirty days of the date of service of notification of the examination results. The department will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The department will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(2) The procedure for filing an informal review is as follows:

(a) Contact the department of licensing office in Olympia for an appointment to appear personally to review questions answered incorrectly and the incorrect answers on the written portion of failed examination.

(b) The candidate will be provided a form to complete in the department of licensing office in Olympia in defense of examination answers.

(c) The candidate must specifically identify the challenged portion(s) of the examination and must state the specific reason or reasons why the candidate feels the results of the examination should be changed.

(d) The candidate will be identified only by candidate number for the purpose of this review. Letters of reference or requests for special consideration will not be read or considered by the department.

(e) The candidate may not bring in notes, texts, or resource material for use while completing the informal review form.

(f) The candidate will not be allowed to take any notes or materials from the office upon leaving.

(g) The department will schedule a closed session meeting to review the examinations, score sheets and forms completed by the candidate for the purpose of informal review.

(h) The candidate will be notified in writing of the results.

(3) Any candidate who is not satisfied with the result of the informal examination review may submit a written request for a formal hearing to be held before an administrative law judge. The hearing will be conducted pursuant to the administrative procedures act. The issues raised by the candidate at the formal hearing shall be limited to those issues raised by the candidate for consideration at the informal review unless amended by a prehearing order. Such written request for hearing must be received by the department of licensing within twenty days of the date of service of the result of the department's informal review of the examination results. The written request must specifically identify the challenged portion(s) of the examination and must state the specific

reason(s) why the candidate feels the results of the examination should be changed. The department will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The department will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(4) Before the hearing is scheduled either party may request a prehearing conference before an administrative law judge to consider the following:

(a) The simplification of issues;

(b) Amendments to the candidate's notice identifying the challenged portion(s) of the examination and the statement of the specific reason(s) why the candidate feels the results of the examination should be changed;

(c) The possibility of obtaining stipulations, admission of facts and documents;

(d) The limitation of the number of expert witnesses;

(e) A schedule for completion of all discovery; and,

(f) Such other matters as may aid in the disposition of the proceeding.

(5) In the event there is a prehearing conference, the administrative law judge shall enter an order which sets forth the actions taken at the conference, the amendments allowed to the pleading and the agreements made by the parties of their qualified representatives as to any of the matters considered, including the settlement or simplification of issues. The prehearing order limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent prehearing order.

(6) Candidates will receive at least twenty days notice of the time and place of the formal hearing. The hearing will be restricted to the specific portion(s) of the examination the candidate has identified as the bases for his or her challenge of the examination results unless amended by a prehearing order.

[Statutory Authority: RCW 18.36A.060. 88-14-009 (Order PM 742), § 308-34-150, filed 6/24/88.]

**WAC 308-34-160 Renewal of licenses.** (1) The license renewal date shall coincide with the licensee's birthdate.

(2) Licensees may renew their licenses at the annual renewal fee rate, for one year, from birth date to next birth date.

(3) The late renewal penalty provision will be applied as follows: Before the expiration date of the individual's license, the director shall mail the licensee a notice for renewal of license. The licensee must return such renewal notice, and proof of having met continuing educational requirements, along with current renewal fees prior to the expiration of said license. Failure of any licensee to receive such notice for renewal shall not relieve or exempt such licensee from the requirements of license renewal by the licensee's birthdate. Should the licensee fail to renew his or her license prior to the expiration date, he or she is subject to the late renewal penalty fee.

(4) Any licensee failing to renew his or her license within one year from expiration must reapply for licensing in accordance with the section of this chapter pertaining to license reinstatement.

(5) Failure to renew a license shall invalidate the license and all privileges granted by the license.

(6) A licensee's annual renewal fees may be prorated during the transition period while renewal dates are changed to coincide with the licensee's birthdate.

[Statutory Authority: RCW 18.36A.060. 88-14-009 (Order PM 742), § 308-34-160, filed 6/24/88.]

**WAC 308-34-170 Naturopathic physician licensing fees.** (1) The following fees are payable to the department of licensing.

| Title of Fee                          | Amount   |
|---------------------------------------|----------|
| Application/examination/reexamination | \$275.00 |
| Pregraduate basic science examination | 275.00   |
| License renewal                       | 250.00   |
| Late renewal penalty                  | 175.00   |
| Duplicate license                     | 15.00    |
| Certification                         | 25.00    |

(2) Fees submitted to and processed by the department are nonrefundable.

[Statutory Authority: RCW 43.24.086. 88-20-075 (Order 783), § 308-34-170, filed 10/5/88. Statutory Authority: RCW 18.36A.060. 88-14-009 (Order PM 742), § 308-34-170, filed 6/24/88.]

**WAC 308-34-180 Continuing competency program.**

(1) Beginning with license renewal dates after July 31, 1989, each naturopathic physician licensed under these rules shall complete 20 hours of continuing education each year in courses approved by the director. Prior approval of courses shall be available by application to the director. Only courses in diagnosis and therapeutics as listed in RCW 18.36A.040 shall be eligible for credit.

(2) Along with the license renewal form and fee for license renewal dates after July 31, 1989, the licensee shall submit a completed sworn certification, on a form to be provided by the department, of completion of the twenty hours of continuing education. Failure to submit the sworn certification will result in nonrenewal of the license.

(3) It is the responsibility of the licensee to maintain appropriate records or evidence of compliance with the continuing education requirement. The department may, in its discretion require any licensee to submit, in addition to the sworn certification, proof of completion of continuing education requirements.

(4) A material false statement on the sworn certification, or failure to provide proof of completion of continuing education requirements when proof is required in the department's discretion, is grounds for disciplinary action, including but not limited to, suspension, revocation, or nonrenewal of the license.

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

(6) In emergency situations, such as personal or family illness, the department may in its discretion, for good

cause shown, waive all or part of the continuing education requirement for a particular one year period for an individual licensee. The department may require such verification of the emergency as is necessary to prove its existence.

[Statutory Authority: RCW 18.36A.060. 88-14-009 (Order PM 742), § 308-34-180, filed 6/24/88.]

**WAC 308-34-190 License reinstatement.** (1) Any naturopathic physician whose license has expired must pay the current application fee and penalty fee, if applicable, and apply for reinstatement on an application form provided by the department. The application shall include an explanation for the license lapse and a chronology of the applicant's professional activities since last renewal.

(2) Any licensee who has been out of active practice for one year or more or has allowed his or her license to lapse for a period of three years or more, may, at the discretion of the director, be required to pass the licensing examination in order to determine the applicant's fitness to practice naturopathic medicine.

(3) In all cases, any person seeking to reinstate a license which has lapsed for one year or more must present satisfactory evidence of having completed at least twenty hours of approved continuing education for each year since his or her license expired, lapsed, or otherwise was not current and valid.

[Statutory Authority: RCW 18.36A.060. 88-14-009 (Order PM 742), § 308-34-190, filed 6/24/88.]

**Chapter 308-40 WAC  
DENTISTRY**

**WAC**

- 308-40-030 Repealed.
- 308-40-101 Examination eligibility and application.
- 308-40-102 Examination content.
- 308-40-103 Dismissal from examination.
- 308-40-104 Examination results.
- 308-40-105 Examination review procedures.
- 308-40-125 Dentist fees.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 308-40-030 Previous rules and regulations repealed. [Order, § 3, filed 3/23/60.] Repealed by 88-13-131 (Order PM 740), filed 6/22/88. Statutory Authority: RCW 18.32.040 and 18.130.050.

**WAC 308-40-030 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-40-101 Examination eligibility and application.** (1) To be eligible for the dental examination, the applicant must be a graduate from a dental school approved by the Washington state board of dental examiners. The board of dental examiners adopts those standards of the American Dental Association's Commission on Accreditation which were relevant to accreditation of dental schools and current in January 1981 and has approved all and only those dental schools which

were accredited by the commission as of January 1981. Other dental schools which apply for board approval and which meet these adopted standards to the board's satisfaction will be approved, but it is the responsibility of a school to apply for approval and of a student to ascertain whether or not a school has been approved by the board.

(2) To be eligible for the dental examination the applicant must provide certification of the successful completion of the National Dental Examination Parts I and II.

(3) Applications for the examination may be secured from the state of Washington department of licensing. The application must be completed in every respect, and reach the state of Washington department of licensing at least sixty days prior to the examination.

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

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

(6) Upon establishing examination eligibility, the department of licensing will mail to each applicant examination forms, instructions and schedule. It is imperative that the applicant bring this information to the examination as it will be used by the board throughout the practical examination.

[Statutory Authority: RCW 18.32.040 and 18.130.050. 88-13-131 (Order PM 740), § 308-40-101, filed 6/22/88. Statutory Authority: RCW 18.32.040. 82-04-024 (Order PL 391), § 308-40-101, filed 1/26/82. Statutory Authority: RCW 18.29.030 and 18.32.040. 81-08-043 (Order PL 374), § 308-40-101, filed 3/31/81; 80-05-063 (Order PL 342), § 308-40-101, filed 4/22/80. Statutory Authority: RCW 18.32.040. 79-04-011 (Order 295, Resolution No. 295), § 308-40-101, filed 3/13/79.]

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

(a) Theory: National board only accepted, except as provided in (1)(c).

(b) Practical/practice:

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

Amalgam Class II

Cast gold restoration - Three or more surfaces.

Condensed gold - Class II, III or V

(c) The board may, at its discretion, give an examination in any other subject under (a) or (b) of this subsection, whether in written and/or practical form. The applicant will receive information concerning such examination.

(2) Each applicant must furnish his or her own patient for all phases, as may be required, of the practical/practice 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 prior to the first day of 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 and 18.130.050. 88-13-131 (Order PM 740), § 308-40-102, filed 6/22/88. Statutory Authority: RCW 18.32.040. 87-09-097 (Order PM 649), § 308-40-102, filed 4/22/87; 86-08-046 (Order PL 583), § 308-40-102, filed 3/27/86; 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 308-40-103 Dismissal from examination.** Any applicant whose conduct interferes with the evaluation of professional competency by the board may be dismissed from the examination and all work will be rejected. Such conduct shall include but not be limited to the following:

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

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

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

(d) Failure to follow directions relative to the conduct of the examination, including termination of treatment procedures.

(e) Gross disregard for and/or mutilation of the hard or soft tissues.

[Statutory Authority: RCW 18.32.040 and 18.130.050. 88-13-131 (Order PM 740), § 308-40-103, filed 6/22/88. Statutory Authority: RCW 18.32.040. 82-04-024 (Order PL 391), § 308-40-103, filed 1/26/82.]

**WAC 308-40-104 Examination results.** (1) In order to pass the examination, the applicant must 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 reexamination 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 subsection (2) of this section may apply for reexamination by completing an application and submitting the appropriate fee to the division of professional licensing.

(4) An applicant who fails to appear for examination at the designated time and place shall forfeit the examination fee, unless he or she has notified the department of licensing at least thirty days prior to the scheduled examination of his or her inability to appear. If an applicant notifies the department thirty days or more prior to the designated examination date that he or she will not be appearing, the examination fee will be carried over only to the next regularly scheduled examination. Examination fees are nonrefundable.

[Statutory Authority: RCW 18.32.640, 89-01-083 (Order PM 809), § 308-40-104, filed 12/20/88. 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 308-40-105 Examination review procedures.**

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

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

- (a) A showing of a significant procedural error in the examination process;
- (b) Evidence of bias, prejudice or discrimination in the examination process;
- (c) Other significant errors which result in substantial disadvantage to the applicant.

(3) Any applicant who is not satisfied with the result of the examination review may appeal the board's decision and may request a formal hearing to be held before the board pursuant to the Administrative Procedure Act. Such hearing must be requested within twenty days of receipt of the result of the board's review of the examination results.

[Statutory Authority: RCW 18.32.040 and 18.130.050, 88-13-131 (Order PM 740), § 308-40-105, filed 6/22/88. Statutory Authority: RCW 18.32.040, 87-09-097 (Order PM 649), § 308-40-105, filed 4/22/87; 82-04-024 (Order PL 391), § 308-40-105, filed 1/26/82. Statutory Authority: RCW 18.29.030 and 18.32.040, 80-18-009 (Order 363), § 308-40-105, filed 11/24/80; 80-05-063 (Order PL 342), § 308-40-105, filed 4/22/80.]

**WAC 308-40-125 Dentist fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee                                | Fee      |
|---|----------|
| Application (examination and reexamination) | \$400.00 |
| Partial retake                              | 120.00   |
| Renewal                                     | 165.00   |
| Late renewal penalty                        | 200.00   |
| Reciprocity application                     | 400.00   |
| Duplicate license                           | 15.00    |
| Certification                               | 25.00    |
| Investigation fee                           | 25.00    |

[Statutory Authority: RCW 43.24.086, 87-18-031 (Order PM 667), § 308-40-125, filed 8/27/87. Statutory Authority: 1983 c 168 § 12, 83-17-031 (Order PL 442), § 308-40-125, filed 8/10/83. Formerly WAC 308-40-120.]

### **Chapter 308-42 WAC PHYSICAL THERAPISTS**

#### **WAC**

|            |  |
|------------|--|
| 308-42-010 | Definitions.   |
| 308-42-040 | Examinations—When held.  |
| 308-42-075 | Physical therapy fees.   |
| 308-42-090 | Applications.  |
| 308-42-120 | Renewal of license.  |
| 308-42-123 | AIDS education and training.                                       |
| 308-42-210 | General provisions.  |
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| 308-42-230 | Health care institutions.  |
| 308-42-240 | Physical therapy associations or societies.                        |
| 308-42-250 | Health care service contractors and disability insurance carriers. |
| 308-42-260 | Professional liability carriers.                                   |
| 308-42-270 | Courts.  |
| 308-42-280 | State and federal agencies.  |

**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.

(9) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(10) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

[Statutory Authority: RCW 18.74.023(3), 88-23-014 (Order PM 789), § 308-42-010, filed 11/7/88. 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 308-42-040 Examinations--When held.** (1) Examinations of applicants for licensure as physical therapists shall be held at least twice a year at the time and location prescribed by the board.

(2) 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, 87-08-065 (Order PM 644), § 308-42-040, filed 4/1/87; 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 308-42-075 Physical therapy fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee   | Fee      |
|--|----------|
| Application—Examination (two or more parts—initial/retake) | \$100.00 |
| Application—Examination (one part—initial/retake)          | 60.00    |
| Reciprocity application                                    | 100.00   |
| License renewal  | 35.00    |
| Late renewal penalty                                       | 35.00    |
| Duplicate license  | 15.00    |
| Certification  | 25.00    |

[Statutory Authority: RCW 43.24.086, 87-10-028 (Order PM 650), § 308-42-075, filed 5/1/87. Statutory Authority: 1983 c 168 § 12, 83-17-031 (Order PL 442), § 308-42-075, filed 8/10/83. Formerly WAC 308-42-100.]

**WAC 308-42-090 Applications.** Effective January 1, 1989, persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the educational requirements of AIDS education as set forth in WAC 308-42-123.

[Statutory Authority: RCW 18.74.023(3), 88-23-014 (Order PM 789), § 308-42-090, filed 11/7/88.]

**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.

(2) Effective January 1, 1989, all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-42-123. Persons whose 1989 license expires on or before March 31, 1989, may, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement.

[Statutory Authority: RCW 18.74.023(3), 88-23-014 (Order PM 789), § 308-42-120, filed 11/7/88. 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 308-42-123 AIDS education and training.** (1) Acceptable education and training. The department will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(2) Implementation. Effective January 1, 1989, the requirement for licensure application, renewal, or reinstatement of any license on lapsed, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (1) of this section.

(3) Documentation. The licensee shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the education; and

(c) Be prepared to validate, through submission of these records, that education has taken place.

[Statutory Authority: RCW 18.74.023(3), 88-23-014 (Order PM 789), § 308-42-123, filed 11/7/88.]

**WAC 308-42-210 General provisions.** (1) "Unprofessional conduct" as used in these regulations shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Board" means the physical therapy board, whose address is:

Department of Licensing  
Division of Professional Programs Management  
P.O. Box 9649  
Olympia, WA 98504

(5) "Physical therapist" means a person licensed pursuant to chapter 18.74 RCW.

(6) "Mentally or physically disabled physical therapist" means a physical therapist who has either been determined by a court to be mentally incompetent or mentally ill or who is unable to practice physical therapy with reasonable skill and safety to patients by reason of any mental or physical condition.

[Statutory Authority: RCW 18.130.070, 87-18-040 (Order PM 675), § 308-42-210, filed 8/28/87.]

**WAC 308-42-220 Mandatory reporting.** (1) All reports required by these regulations shall be submitted to the board as soon as possible, but no later than sixty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address and telephone number of the person making the report.

(b) The name and address and telephone numbers of the physical therapist being reported.

(c) The case number of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid the evaluation of the report.

[Statutory Authority: RCW 18.130.070, 87-18-040 (Order PM 675), § 308-42-220, filed 8/28/87.]

**WAC 308-42-230 Health care institutions.** The chief administrator or executive officer of any hospital or nursing home shall report to the board when any physical therapist's services are terminated or are restricted based on a determination that the physical therapist has either committed an act or acts which may constitute unprofessional conduct or that the physical therapist may be mentally or physically disabled.

[Statutory Authority: RCW 18.130.070, 87-18-040 (Order PM 675), § 308-42-230, filed 8/28/87.]

**WAC 308-42-240 Physical therapy associations or societies.** The president or chief executive officer of any physical therapy association or society within this state shall report to the board when an association or society determines that a physical therapist has committed unprofessional conduct or that a physical therapist may not be able to practice physical therapy with reasonable skill and safety to patients as the result of any mental or physical condition and constitutes an apparent risk to the public health, safety or welfare. The report required by this subsection shall be made without regard to whether the license holder appeals, accepts or acts upon the determination made by the association or society. Notification of appeal shall be included.

[Statutory Authority: RCW 18.130.070, 87-18-040 (Order PM 675), § 308-42-240, filed 8/28/87.]

**WAC 308-42-250 Health care service contractors and disability insurance carriers.** The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A and 48.44 RCW operating in the state of Washington, shall report to the board all final determinations that a physical therapist has engaged in overcharging for services or has engaged in overutilization of services or has charged fees for services not actually provided.

[Statutory Authority: RCW 18.130.070, 87-18-040 (Order PM 675), § 308-42-250, filed 8/28/87.]

**WAC 308-42-260 Professional liability carriers.** Every institution or organization providing professional liability insurance directly or indirectly to physical therapists shall send a complete report of any malpractice settlement, award or payment as a result of a claim or action for damages alleged to have been caused by an insured physical therapist's incompetency or negligence in the practice of physical therapy.

[Statutory Authority: RCW 18.130.070, 87-18-040 (Order PM 675), § 308-42-260, filed 8/28/87.]

**WAC 308-42-270 Courts.** The board requests the assistance of all clerks of trial courts within the state to report all professional malpractice judgments and all convictions of licensed physical therapists, other than minor traffic violations.

[Statutory Authority: RCW 18.130.070, 87-18-040 (Order PM 675), § 308-42-270, filed 8/28/87.]

**WAC 308-42-280 State and federal agencies.** The board requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a physical therapist is employed to provide patient care services, to report to the board whenever such a physical therapist has been judged to have demonstrated his/her incompetency or negligence in the practice of physical therapy, or has otherwise committed unprofessional conduct; or is a mentally or physically disabled physical therapist.

[Statutory Authority: RCW 18.130.070, 87-18-040 (Order PM 675), § 308-42-280, filed 8/28/87.]

**Chapter 308-48 WAC**  
**FUNERAL DIRECTORS AND EMBALMERS**

**WAC**

|            |  |
|------------|--|
| 308-48-030 | Restrictions.  |
| 308-48-031 | Embalming and preparation room.                                      |
| 308-48-075 | Display of licenses.   |
| 308-48-085 | Funeral establishments—Inspections.                                  |
| 308-48-140 | Licenses—Applicants from other states.                               |
| 308-48-200 | Report of apprenticeship termination, transfer and credit.           |
| 308-48-210 | Establishment licensure.   |
| 308-48-250 | Repealed.  |
| 308-48-550 | Continuing education reporting requirement.                          |
| 308-48-590 | Qualification for board approval of continuing education activities. |
| 308-48-790 | Crematory endorsements—Registration—Expiration.                      |
| 308-48-800 | Funeral director/embalmer fees.                                      |

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

|            |   |
|------------|---|
| 308-48-250 | Fees. [Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-48-250, filed 8/10/83. Formerly WAC 308-48-310.] Repealed by 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086. |
|------------|---|

**WAC 308-48-030 Restrictions.** (1) Licensees in all their licensed activities, shall comply with all applicable Washington state laws, rules and regulations related to health or the handling or disposal of human remains.

(2) No licensee, apprentice, employee or agent of the licensee, in handling a dead body, shall perform any unnecessary act which will tend to affect adversely the dignity or the respectful and reverential handling and burial or other customary disposal of the dead.

(3) The care and preparation for burial or other disposition of all human dead bodies shall be private. No one shall be allowed in the embalming or preparation rooms while a dead body is being embalmed or during the course of an autopsy except the licensee, his authorized employees, and public officials in the discharge of their duties. This rule shall not apply to duly authorized doctors and nurses employed in a case, nor to members of the immediate family of the deceased or those authorized to be present by the decedent's next of kin.

(4) Every licensee shall provide a written itemization of any property, money, jewelry, possessions or other items of significant value found on a body in the licensee's care, custody or control to the decedent's next of kin or the proper authorities.

[Statutory Authority: RCW 18.39.157(4) [18.39.175(4)]. 88-08-015 (Order PM 716), § 308-48-030, filed 3/28/88. Statutory Authority: RCW 18.39.175. 83-04-020 (Order PL 419), § 308-48-030, filed 1/26/83; Rule 3, filed 9/17/64.]

**WAC 308-48-031 Embalming and preparation room.** (1) Embalming. No embalming of a body of a deceased person shall be performed in a funeral establishment except in a room set aside exclusively for embalming or other preparation of a body of a deceased person. Such room shall be maintained and kept in a clean sanitary condition.

(2) Embalming and preparation room. Every embalming and preparation room shall be constructed, equipped and maintained as follows:

(a) The surfaces of the floor, walls, and ceiling shall be covered with tile or other hard, smooth, impervious washable material.

(b) The room shall be adequately lighted and adequately ventilated. The ventilation shall be provided by an exhaust fan or by an appropriate air-conditioning unit which will completely remove objectionable fumes.

(c) The room shall be equipped and provided with hot and cold running water, a utility sink, and cabinets, closets or shelves for instruments and supplies.

(d) The room shall be equipped with adequate sewage and waste disposal and drainage facilities and systems.

(e) The doors shall be tight closing and rigid and any windows of the room shall be so maintained as to obstruct any view into such room. The room's entry door(s) must be labeled "Private" or "Authorized Entry Only."

(f) The embalming or preparation table shall be nonporous.

(g) The room shall be equipped with proper and convenient covered receptacles for refuse, bandages, cotton, and other waste materials.

[Statutory Authority: RCW 18.39.157(4) [18.39.175(4)]. 88-08-015 (Order PM 716), § 308-48-031, filed 3/28/88.]

**WAC 308-48-075 Display of licenses.** (1) A licensee must display a license in each location where he/she is employed. Legal duplicates provided by the department at a fee to be determined by the director will be displayed when a licensee is employed at more than one location. The display of photocopies is prohibited.

[Statutory Authority: RCW 18.39.175(4). 87-11-063 (Order PM 652), § 308-48-075, filed 5/20/87.]

**WAC 308-48-085 Funeral establishments—Inspections.** (1) Funeral establishments licensed under the provisions of chapter 18.39 RCW will be inspected at least once each year by the duly appointed department inspector.

(2) Inspections shall cover the areas of sanitation and public health as well as conformity with applicable statutes and rules.

[Statutory Authority: RCW 18.39.157(4) [18.39.175(4)]. 88-08-015 (Order PM 716), § 308-48-085, filed 3/28/88; Order PL 273, § 308-48-085, filed 8/1/77.]

**WAC 308-48-140 Licenses—Applicants from other states.** To qualify pursuant to RCW 18.39.130 for licensure as an applicant from another state, an applicant must furnish proof satisfactory to the department that his professional education and experience are comparable to the minimum requirements set out in RCW 18.39.035 and 18.39.045, including proof that the applicant:

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

(2) If an applicant for a funeral director license has successfully completed a funeral director licensure examination in another state or the national board examination, and the current preparation and transportation, public health and state law portions of the Washington examination;

(3) If an applicant for an embalmer's license, has successfully completed an embalmer license examination in another state or the national board examination, and the current preparation and transportation, public health and state law portions of the Washington examination;

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

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

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

Applicants may substitute a year of full time employment as a licensed funeral director or embalmer for each required year of apprenticeship.

[Statutory Authority: RCW 18.35.175(4), 88-13-010 (Order PM 737), § 308-48-140, filed 6/6/88; 86-15-022 (Order PM 604), § 308-48-140, filed 7/11/86. Statutory Authority: RCW 18.39.130, as amended by SHB 871, 83-01-111 (Order PL 416), § 308-48-140, filed 12/21/82; Order 700801, § 308-48-140, filed 8/25/70.]

**WAC 308-48-200 Report of apprenticeship termination, transfer and credit.** (1) The responsibility for notifying the director, department of licensing of apprenticeship registration and termination rests with the employing funeral director or embalmer pursuant to RCW 18.39.120. In order to protect the status of the apprentice in cases where the employing licensee fails to initiate the required report of termination or registration, the affected apprentice should initiate and ensure submission of same. Such report must be submitted within thirty days of the termination or registration of the apprentice's employment, setting forth the information required for apprenticeship credit. The report shall be certified by signature of the supervising employer.

(2) A transfer of apprenticeship report shall be submitted by the apprentice or his new employer to the director, department of licensing, within thirty days of his hiring by a new supervising employer. Such report is to be signed by the apprentice and his new supervising employer. No apprenticeship credit shall be allowed for period worked between the time of transfer and the reporting of same unless such report is submitted within the required thirty days of such transfer. No credit for apprenticeship shall be allowed for any period during which the apprentice is not [duly] [duty] registered pursuant to RCW 18.39.120, except as provided for in WAC 308-48-120. In the event an apprentice's supervising employer dies or is otherwise incapable of certifying apprenticeship credit, such credit may be given by certification of the apprentice of credit due or by certification by another licensee who has knowledge of the work performed and the credit due: Provided, That in

either such case, documentation or reasonable proof of such credit may be required by the director.

[Statutory Authority: RCW 18.39.120 and 18.39.175, 88-01-024 (Order PM 697), § 308-48-200, filed 12/9/87. Statutory Authority: RCW 18.39.175, 83-04-020 (Order PL 419), § 308-48-200, filed 1/26/83; Order PL-249, § 308-48-200, filed 5/21/76.]

**WAC 308-48-210 Establishment licensure.** (1) It is the intent of the board that the establishment licensure process serve to protect consumers by identifying to the department all locations subject to inspection and regulation. Establishments are encouraged to procure an individual license for each location.

(2) Branches of an establishment may operate under the general license of the establishment, pursuant to RCW 18.39.145 and 18.39.148 and the following terms and conditions:

(a) Branch(es) must operate under the same name as the general establishment.

(b) Branch(es) must be identified by location on the general establishment license.

(c) Branch(es) must display a duplicate of the general license.

(d) Branch(es) must have a licensed funeral director and embalmer in its employ and available to provide any services requiring the professional skills of a licensee.

(e) The failure of a branch to meet the standards of an establishment may result in cancellation of the entire general establishment license, pursuant to RCW 18.39.148.

[Statutory Authority: RCW 18.39.175(4), 87-11-063 (Order PM 652), § 308-48-210, filed 5/20/87.]

**WAC 308-48-250 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-48-550 Continuing education reporting requirement.** (1) The licensee or registrant shall submit an affidavit certifying compliance with the continuing education requirement on the form provided by the board. The affidavit 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: RCW 18.39.120 and 18.39.175, 88-01-024 (Order PM 697), § 308-48-550, filed 12/9/87. Statutory Authority: 1984 c 279 § 53(b), 85-01-077 (Order PL 504), § 308-48-550, 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 would be beneficial in improving the knowledge or service capability of licensees and registered apprentices.

[Statutory Authority: RCW 18.39.120 and 18.39.175. 88-01-024 (Order PM 697), § 308-48-590, filed 12/9/87. 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.]

**WAC 308-48-790 Crematory endorsements--Registration--Expiration.** Crematory endorsements shall expire annually on June 30.

[Statutory Authority: RCW 18.35.175(4). 88-13-010 (Order PM 737), § 308-48-790, filed 6/6/88. Statutory Authority: RCW 18.39.175(4) as amended by 1985 c 402 § 6. 86-05-031 (Order PL 581), § 308-48-790, filed 2/19/86.]

**WAC 308-48-800 Funeral director/embalmer fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of fee                        | Fee      |
|-------------------------------------|----------|
| <b>Embalmers:</b>                   |          |
| State examination or reexamination  | \$150.00 |
| Renewal                             | 75.00    |
| Late renewal penalty                | 40.00    |
| Duplicate                           | 15.00    |
| Reciprocity application             | 50.00    |
| Certification                       | 25.00    |
| <b>Embalmer apprentice:</b>         |          |
| Apprentice application              | 50.00    |
| Apprentice renewal                  | 35.00    |
| Duplicate                           | 15.00    |
| Certification                       | 25.00    |
| <b>Funeral director:</b>            |          |
| State examination or reexamination  | 200.00   |
| Renewal                             | 125.00   |
| Late renewal penalty                | 100.00   |
| Duplicate                           | 15.00    |
| Certification                       | 25.00    |
| <b>Funeral director apprentice:</b> |          |
| Apprentice application              | 75.00    |
| Apprentice renewal                  | 45.00    |
| Duplicate license                   | 15.00    |
| Certification                       | 25.00    |
| <b>Funeral establishment:</b>       |          |
| Original application                | 250.00   |
| Renewal                             | 200.00   |
| Preneed application                 | 50.00    |
| Preneed renewal                     | 30.00    |
| Financial statement fee             | 25.00    |
| Crematory endorsement registration  | 50.00    |
| Endorsement renewal                 | 40.00    |

[Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-48-800, filed 5/1/87.]

**Chapter 308-49 WAC  
PREARRANGEMENT FUNERAL SERVICES**

|            |                                |
|------------|--------------------------------|
| <b>WAC</b> |                                |
| 308-49-140 | Registration.                  |
| 308-49-170 | Annual statement requirements. |
| 308-49-180 | Repealed.                      |

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

|            |   |
|------------|---|
| 308-49-180 | Renewal of certificate of registration. [Statutory Authority: 1982 c 66 § 12. 83-04-021 (Order PL 420), § 308-49-180, filed 1/26/83.] Repealed by 87-18-053 (Order PM 677), filed 9/1/87. Statutory Authority: RCW 18.39.290 and 18.39.320. |
|------------|---|

**WAC 308-49-140 Registration.** (1) Before entering into any prearrangement funeral service contracts in this state, a funeral establishment shall first obtain a certificate of registration from the board. To apply for registration, a funeral establishment must file an application on forms approved by the board of funeral directors and embalmers, which includes:

(a) The name, address, and telephone number of the funeral establishment;

(b) The name and license number of the person at the funeral establishment responsible for supervising the sale of funeral merchandise or service on a prearrangement basis;

(c) A statement of the establishment's current financial condition and an explanation of how the establishment plans to offer, market and service prearrangement contracts including:

(i) The type of business organization which operates the funeral establishment, e.g., sole proprietorship, partnership, or corporation and a list of all officers, directors, partners and managers by name and title, and any person owning more than ten percent of the business;

(ii) A balance sheet and a profit and loss statement for the most recently concluded fiscal year and/or other such fiscal documents as the board may require;

(d) The prearrangement funeral contract forms the establishment proposes to use need not be in final printed form when submitted; however, a copy of the final printed form shall be filed with the board before the form is used;

(e) Identification of the qualified public depository the establishment will use with an explanation of the depository's manner of operating and managing the prearrangement funeral service contract trust fund, together with copies of any contract or trust agreement to be entered into in connection with such trust fund, and, if a single trust fund is to be established and maintained with respect to several prearrangement funeral service contracts, a complete explanation of the manner in which records will be maintained to allocate the interest, dividends, increases or accretions and the share of such fund to each contract.

(2) Upon review of the application, the board may require additional information or explanation prior to registration or refusing to register the funeral establishment.

(3) The application shall be accompanied by a check payable to the state treasurer in the amount required by the director for issuance of the certificate of registration.

[Statutory Authority: RCW 18.35.175(4), 88-13-010 (Order PM 737), § 308-49-140, filed 6/6/88. Statutory Authority: RCW 18.39-.290 and 18.39.320, 87-18-053 (Order PM 677), § 308-49-140, filed 9/1/87. Statutory Authority: 1982 c 66 § 12, 83-04-021 (Order PL 420), § 308-49-140, filed 1/26/83.]

**WAC 308-49-170 Annual statement requirements.**

(1) Each registered funeral establishment shall file with the board annually, ninety days after the end of its fiscal year, a true and accurate statement of its financial condition, transactions and affairs for the preceding fiscal year.

(2) The statement shall include a balance sheet and a profit and loss statement for the preceding fiscal year and/or other such fiscal documents as the board may require.

(3) The funeral establishment shall list any changes in its officers, directors, managers or partners or any change in ownership greater than ten percent which have occurred in the preceding fiscal year.

(4) With respect to each prearrangement funeral service contract trust fund, the following information shall be provided:

(a) The name of the depository and the account number;

(b) The number of outstanding contracts at the beginning of the fiscal year;

(c) The total amount paid in by the holders of such contracts pertinent to the trust fund;

(d) The total amount deposited in the trust account;

(e) The number of new contracts issued during the fiscal year;

(f) The amount paid in on such new contracts and the amount deposited in the trust fund for such contracts;

(g) The number of individuals withdrawing from the contracts, the principal amount paid to them and the amount of interest, dividends, or accretions, separately stated, paid to them.

(h) The number of cases where prearrangement funeral merchandise and services covered by the contract have been furnished and delivered and the amount transferred out of the trust fund to the funeral establishment for such services;

(i) The number of outstanding contracts as of the end of the fiscal year and the amount being held in trust for such contracts.

(5) The annual report form shall include verification from the depository as to the amount of money held in funeral prearrangement trust as of the reporting date.

(6) The annual statement shall be accompanied by a fee as determined by the director, payable to the state treasurer.

[Statutory Authority: RCW 18.35.175(4), 88-13-010 (Order PM 737), § 308-49-170, filed 6/6/88. Statutory Authority: RCW 18.39-.290 and 18.39.320, 87-18-053 (Order PM 677), § 308-49-170, filed

9/1/87. Statutory Authority: 1982 c 66 § 12, 83-04-021 (Order PL 420), § 308-49-170, filed 1/26/83.]

**WAC 308-49-180 Repealed.** See Disposition Table at beginning of this chapter.

**Chapter 308-50 WAC**

**REGULATION AND PRACTICE OF HEARING AID FITTERS AND DISPENSERS**

**WAC**

|            |   |
|------------|---|
| 308-50-010 | Examinations.   |
| 308-50-020 | Reexaminations.   |
| 308-50-035 | Examination review and appeal procedures.               |
| 308-50-375 | Repealed.   |
| 308-50-440 | Hearing aid fitter/dispenser fees.                      |
| 308-50-500 | AIDS prevention and information education requirements. |

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

|            |   |
|------------|---|
| 308-50-375 | Fees. [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.] Repealed by 87-18-031 (Order PM 667), filed 8/27/87. Statutory Authority: RCW 43.24.086. |
|------------|---|

**WAC 308-50-010 Examinations.** (1) The examination required of applicants shall be in two parts: Written and practical, each consisting of several sections: *Provided*, That effective with the July 1988 examination, the examination shall be in two parts: Written and practical.

(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: *Provided*, That effective with the July 1988 examination, the minimum passing grade shall be seventy percent for each part to pass 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(3), 87-14-030 (Order PM 654), § 308-50-010, filed 6/26/87. 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): *Provided*, That effective with the July 1988 examination, should



an applicant fail either the written part or any portion(s) of the practical part of the examination, he/she may apply to the department to retake the failed written part and/or failed portion(s) of the practical part of the examination.

(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(3), 87-14-030 (Order PM 654), § 308-50-020, filed 6/26/87; 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 308-50-035 Examination review and appeal procedures.** (1) Each applicant who is administered the examination for licensure and does not pass both parts of the examination will be provided information indicating the area of the examination in which the applicant was deficient with the notice of the examination results.

(2) Any applicant who does not pass a part of the examination may request an informal review by the council of his or her examination results. This request must be in writing and must be received by the department within thirty days of the postmark of the notice of examination results.

(3) The procedure for the informal review is as follows:

(a) An applicant submitting a written request for an informal review by the deadline described in (2) above will be contacted by the department to arrange an appointment to appear personally in the Olympia office to review the part or parts of the examination failed.

(b) The applicant will be provided a form to complete in the Olympia office in defense of examination answers and/or examination performance.

(c) The applicant will be identified only by applicant number for the purpose of this procedure. Letters of reference or requests for special consideration will not be read or considered by the council.

(d) That applicant may bring textbooks or published material for use in completing the informal review, but such material must be retained by the Olympia office until the council has completed the informal review request submitted by the applicant.

(e) The applicant will not be allowed to take any notes or materials from the office upon leaving.

(f) The information submitted to the council for its consideration in the informal review must state the specific reason or reasons why the results of the examination should be changed. The council will not modify examination results unless the applicant can prove or show conclusive evidence of error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The council will not consider a challenge to the examination unless the total revised score including the questions or sections to be reviewed could result in a passing score in the examination.

(g) The council will schedule a closed session meeting to conduct the informal review of the material submitted by the applicant.

(h) The applicant will be notified in writing of the results of the informal review.

(4) Any applicant who is not satisfied with the result of the examination review may request that a formal hearing be held before the council pursuant to the Administrative Procedures Act. Such a hearing must be prepared within thirty days of postmark of the notification of the result of the council's informal review of the applicant's examination results. The request must be in writing and must state the specific reasons why the results of the examination should be changed. The council will not modify examination results unless the applicant can prove or show conclusive evidence of error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The council will not consider a challenge to the examination unless the total revised score including the questions or sections to be reconsidered could result in a passing score in the examination.

(5) The hearing will not be scheduled until the applicant and the state's attorney have appeared before an administrative law judge for a prehearing conference to consider the following:

(a) The simplification of issues;

(b) The necessity of amendments to the notice of specific reasons for the examination result modification;

(c) The possibility of obtaining stipulations, admission of facts and documents;

(d) The limitation of the number of expert witnesses;

(e) A schedule for completion of all discovery; and,

(f) Such other matters as may aid in the disposition of the proceeding.

(6) The administrative law judge shall enter an order which recites the actions taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent prehearing order.

(7) Applicants will receive at least twenty days notice of the time and place of the formal hearing. The hearing will be restricted to the specific reasons the applicant has identified as the basis for a change in the examination score.

[Statutory Authority: RCW 18.35.161(3), 87-14-030 (Order PM 654), § 308-50-035, filed 6/26/87.]

**WAC 308-50-375 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-50-440 Hearing aid fitter/dispenser fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee                                    | Fee      |
|---|----------|
| Trainee:  |          |
| Initial application                             | \$300.00 |
| Trainee transfer of sponsor—Within fifteen days | 75.00    |
| Trainee transfer of sponsor—Over fifteen days   | 100.00   |
| Extension of trainee license                    | 200.00   |
| Fitter/dispenser:                               |          |
| Examination or reexamination (full)             | 500.00   |
| Partial reexamination                           | 175.00   |
| Initial license                                 | 250.00   |
| Renewal   | 200.00   |
| Late renewal penalty                            | 150.00   |
| Duplicate license                               | 15.00    |
| Certification                                   | 25.00    |

[Statutory Authority: RCW 43.24.086. 87-18-031 (Order PM 667), § 308-50-440, filed 8/27/87.]

**WAC 308-50-500 AIDS prevention and information education requirements.** (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective July 1, 1989 persons who submit an application for a license to fit/dispense hearing aids or who submit an application for a trainee permit shall submit, prior to being granted a license and in addition to the other requirements for licensure, evidence to show compliance with the educational requirements of subsection (4).

(3) Renewal of licenses. Effective with the renewal period beginning July 1, 1989 and ending June 30, 1990, all persons making application of licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(4) AIDS education and training.

(a) Acceptable education and training. The council will accept education and training that is consistent with the topical outline available from the office on AIDS. Such education and training shall be a minimum of four clock hours regarding the prevention, transmission and treatment of AIDS, and may include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective July 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The licensee or applicant for licensure shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: 1988 c 206 § 604. 88-23-106 (Order PM 797), § 308-50-500, filed 11/22/88.]

**Chapter 308-51 WAC  
MESSAGE PRACTITIONERS**

WAC

- 308-51-010 Applications.
- 308-51-020 Repealed.
- 308-51-021 Reciprocity.
- 308-51-040 Repealed.
- 308-51-050 Equipment and sanitation.
- 308-51-060 Repealed.
- 308-51-070 Repealed.
- 308-51-080 Repealed.
- 308-51-100 Scope of examination.
- 308-51-110 Grading of examinations.
- 308-51-125 Examination appeal procedures.
- 308-51-140 Special examination.
- 308-51-150 Repealed.
- 308-51-200 Repealed.
- 308-51-210 Massage fees.
- 308-51-220 Reexamination for assurance of competency.
- 308-51-320 AIDS prevention and information education requirements.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 308-51-020 Licenses. [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.] Repealed by 88-11-011 (Order PM 725), filed 5/10/88. Statutory Authority: RCW 18.108.025.
- 308-51-040 Denial, suspension or revocation of license. [Order PL 231, § 308-51-040, filed 10/30/75.] Repealed by 88-11-011 (Order PM 725), filed 5/10/88. Statutory Authority: RCW 18.108.025.
- 308-51-060 Facility standards. [Order PL 231, § 308-51-060, filed 10/30/75.] Repealed by 88-11-011 (Order PM 725), filed 5/10/88. Statutory Authority: RCW 18.108.025.
- 308-51-070 Communicable disease control. [Order PL 231, § 308-51-070, filed 10/30/75.] Repealed by 88-14-097 (Order PM 743), filed 7/6/88. Statutory Authority: RCW 18.108.025.
- 308-51-080 Inspection of massage premises. [Order PL 238, § 308-51-080, filed 2/9/76.] Repealed by 88-11-011 (Order PM 725), filed 5/10/88. Statutory Authority: RCW 18.108.025.
- 308-51-150 Massage business licensee reports. [Order PL 255, § 308-51-150, filed 8/20/76.] Repealed by 88-11-011 (Order PM 725), filed 5/10/88. Statutory Authority: RCW 18.108.025.
- 308-51-200 Fees. [Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-51-200, filed 11/2/83; 83-17-031 (Order PL 442), § 308-51-200, filed 8/10/83. Formerly WAC 308-51-030.] Repealed by 87-18-031 (Order PM 667), filed 8/27/87. Statutory Authority: RCW 43.24.086.

**WAC 308-51-010 Applications.** Application forms for licensure shall be prepared by the director and shall provide for the statement of all information required for the license in question. An applicant shall be required to furnish to the director a current photograph of passport size, approximately two inches by two inches, with the original application and satisfactory evidence to establish that all requirements for the license have been fulfilled by the applicant, including the requirement that the applicant be of good moral character and is not in violation of chapter 18.130 RCW.

[Statutory Authority: RCW 18.108.025, 88-11-011 (Order PM 725), § 308-51-010, filed 5/10/88. 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.]

**WAC 308-51-020 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-51-021 Reciprocity.** The board, at its discretion, and subject to the laws pertaining to the licensing of massage practitioners may endorse a massage practitioner license issued by the proper authorities of any other state, territory, or foreign jurisdiction upon payment of the application fee and initial license fee and submission of evidence satisfactory to the board:

(1) That such other state, territory, or foreign jurisdiction maintains a system and standard of education and examination for massage practitioners which is substantially equivalent to that required in Washington;

(2) That such applicant provides proof, in a manner approved by the department, that the education and examination requirements of the alternative state, territory, or foreign jurisdiction are equivalent to that of Washington;

(3) That such applicant successfully demonstrates, to the satisfaction of the board, a working knowledge of Washington laws pertaining to the practice of massage;

(4) That such applicant has not had any disciplinary action taken against himself/herself including a license revocation or suspension in any state, territory, or foreign jurisdiction in which the applicant has received a massage practitioner's license or reciprocal endorsement;

(5) That such applicant, after meeting the preceding requirements, must submit the application fee, initial license fee and is subject to annual renewal fees and late penalty fees.

[Statutory Authority: RCW 18.108.025, 88-19-048 (Order PM 770), § 308-51-021, filed 9/14/88.]

**WAC 308-51-040 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-51-050 Equipment and sanitation.** (1) All practitioners utilizing hydrotherapies including but not limited to cabinet, vapor or steam baths, whirlpool, hot tub or tub baths shall have available adequate shower facilities.

(2) All cabinets, showers, tubs, basins, massage or steam tables, hydrotherapy equipment, and all other

fixed equipment used shall be thoroughly cleansed and shall be rendered free from harmful organisms by the application of an accepted bactericidal agent.

(3) Combs, brushes, shower caps, mechanical, massage and hydrotherapy instruments, or bathing devices that come in contact with the body shall be sterilized or disinfected by modern and approved methods and instruments. Devices, equipment or parts thereof having been used on one person shall be sterilized or disinfected before being used on another person.

(4) Impervious material shall cover, full length, all massage tables or pads, directly under fresh sheets and linens or disposable paper sheets.

(5) All single service materials and clean linen such as sheets, towels, gowns, pillow cases and all other linens used in the practice of massage, shall be furnished by the practitioner for the use of each client. Linens shall be stored in a sanitary manner.

(6) All towels and linens used for one person shall be laundered or cleaned before they are used by any other person.

(7) All soiled linens shall be immediately placed in a covered receptacle.

(8) Soap and clean towels shall be provided by the practitioner for use by clients and employees.

(9) All equipment shall be clean, well maintained and in good repair.

[Statutory Authority: RCW 18.108.025, 88-11-011 (Order PM 725), § 308-51-050, filed 5/10/88; Order PL 231, § 308-51-050, filed 10/30/75.]

**WAC 308-51-060 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-51-070 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-51-080 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-51-100 Scope of examination.** (1) The examination for a massage practitioner's license shall, except as noted in subsection (2) of this section, consist of written questions as well as a practical demonstration of massage therapy.

(2) An applicant handicapped by blindness will not be subject to a written examination. A blind applicant will be asked questions orally to appropriately test the range and depth of his/her knowledge of the subjects shown in subsection (3) of this section.

(3) Questions will be sufficient in number to satisfy the board of massage that the applicant has been given an adequate opportunity to express his or her knowledge relating to subjects as stated in RCW 18.108.073(2).

(4) The practical demonstration of massage will be conducted before the examiner(s) and the applicant will be required to perform massage therapy. The following will be evaluated:

- (a) Professional manner,
- (b) Lubrication,

- (c) Overall demonstration of work: Pressure, rhythm, smoothness, organization,
- (d) Interaction with client,
- (e) Effleurage,
- (f) Petrissage,
- (g) Friction,
- (h) Vibration,
- (i) Tapotement,
- (j) Joint demonstration and Swedish gymnastics,
- (k) Specific muscle demonstration,
- (l) Client endangerment,
- (m) Draping and turning,
- (n) Treatment of various conditions.

[Statutory Authority: RCW 18.108.025. 88-11-011 (Order PM 725), § 308-51-100, filed 5/10/88. 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.** Each applicant must obtain a grade of 70 or better on each portion of the examination before being considered by the board to be technically qualified for licensing as a massage practitioner.

[Statutory Authority: RCW 18.108.025. 88-11-011 (Order PM 725), § 308-51-110, filed 5/10/88. 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 308-51-125 Examination appeal procedures.**

(1) Any candidate who takes the state examination for licensure and does not pass either the written examination or the practical examination, may request review of the results of either examination by the Washington state board of massage.

(a) The board will not modify examination results unless the candidate presents clear and convincing evidence of error in the examination content or procedure, or bias, prejudice or discrimination in the examination process.

(b) The board will not consider any challenges to examination scores unless the total of the potentially revised score would result in issuance of a license.

(2) The procedure for requesting an informal review of examination results is as follows:

(a) The request must be in writing and must be received by the department within thirty days of the date on the letter of notification of examination results sent to the candidate.

(b) The following procedures apply to an appeal of the results of the written examination.

(i) In addition to the written request required in (a) of this subsection, the candidate must appear personally in the department office in Olympia for an examination review session. The candidate must contact the department to make an appointment for the exam review session.

(ii) The candidate's incorrect answers will be available during the review session. The candidate will be given a

form to complete in defense of the examination answers. The candidate must specifically identify the challenged questions on the examination and must state the specific reason(s) why the candidate believes the results should be modified.

(iii) The candidate will be allowed one-half the time originally allotted to take the examination for this review session.

(iv) The candidate may not bring in any resource material for use while completing the informal review form.

(v) The candidate will not be allowed to remove any notes or materials from the office upon completing the review session.

(c) The following procedures apply to an appeal of the results of the practical examination.

(i) In addition to the written request required in (a) of this subsection, the candidate must, within thirty days of the date on the letter of notification of exam results, request in writing a breakdown of the candidate's scores in the various areas of the examination.

(ii) The candidate will be sent the breakdown and will also be provided a form to complete in defense of the candidate's examination performance. The candidate must complete the form and specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate believes the results should be modified. This form must be returned to the department within fifteen days of the date on the letter of breakdown sent to the candidate.

(d) The board will schedule a closed session meeting to review the examinations, score sheets and forms completed by the candidate. The candidate will be notified in writing of the board decision.

(i) The candidate will be identified only by candidate number for the purpose of this review.

(ii) Letters of referral or requests for special consideration will not be read or considered by the board.

(e) Any candidate who is not satisfied with the results of the informal examination review may request a formal hearing before the board to challenge the examination results.

(3) The procedures for requesting a formal hearing are as follows:

(a) The candidate must complete the informal review process before requesting a formal hearing.

(b) The request for formal hearing must be received by the department within twenty days of the date on the notice of the results of the board's informal review.

(c) The written request must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate believes the examination results should be modified.

(d) Candidates will receive at least twenty days notice of the time and place of the formal hearing.

(e) The hearing will be restricted to the specific portion(s) of the examination the candidate has identified in the request for formal hearing.

(f) The formal hearing will be conducted pursuant to the Administrative Procedure Act, chapter 34.04 RCW.

(g) The candidate will be notified in writing of the board decision.

[Statutory Authority: RCW 18.108.025. 88-11-011 (Order PM 725), § 308-51-125, filed 5/10/88. Statutory Authority: RCW 18.108.020. 87-21-049 (Order PM 685), § 308-51-125, filed 10/15/87.]

**WAC 308-51-140 Special examination.** An applicant who states that the applicant cannot read or speak the English language with sufficient facility to take the written or practical examination may elect one of the following options:

- (1) To have the examination read in English; or
- (2) Take the examination with the assistance of a translator.

The applicant must notify the department of the applicant's need for a translator at the time of filing an application to take the massage exam.

The translator shall not define or translate from English to the requested language any medical terms, conditions, or treatments.

[Statutory Authority: RCW 18.108.025. 88-19-048 (Order PM 770), § 308-51-140, filed 9/14/88; 88-11-011 (Order PM 725), § 308-51-140, filed 5/10/88; Order PL 248, § 308-51-140, filed 5/25/76.]

**WAC 308-51-150 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-51-200 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-51-210 Massage fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee                            | Fee      |
|---|----------|
| [Massage practitioner:]                 |          |
| Written examination and reexamination   | \$ 60.00 |
| Practical examination and reexamination | 80.00    |
| Reciprocity                             | 50.00    |
| Initial License                         | 80.00    |
| Renewal                                 | 70.00    |
| Late Renewal Penalty                    | 75.00    |
| Certification                           | 25.00    |
| Duplicate License                       | 15.00    |

[Statutory Authority: RCW 43.24.086. 88-24-042 (Order PM 788), § 308-51-210, filed 12/6/88; 87-18-031 (Order PM 667), § 308-51-210, filed 8/27/87.]

**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 308-51-220 Reexamination for assurance of competency.** (1) An applicant for licensure who has been previously licensed shall retake both the practical and written portions of the examination and achieve passing scores before relicensure under any one of the following circumstances:

- (a) The applicant has been unlicensed voluntarily for more than thirty-six calendar months; or
- (b) The applicant's license has been revoked or suspended by reason of a disciplinary action by the director of the department of licensing.

(2) The director may require reexamination in any disciplinary order, based upon findings and conclusions relative to the competency of a licensee to practice massage before issuing an unconditional license.

(3) Whenever reexamination is required, the licensee shall pay the appropriate fees set forth in WAC 308-51-210.

[Statutory Authority: RCW 18.108.025. 88-11-011 (Order PM 725), § 308-51-220, filed 5/10/88.]

**WAC 308-51-320 AIDS prevention and information education requirements.** (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989 persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of licenses. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 license expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; infection control guidelines; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

- (i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;
- (ii) Keep records for two years documenting attendance and description of the learning;
- (iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-51-320, filed 11/2/88.]

### Chapter 308-51A WAC EDUCATION

#### WAC

|             |   |
|-------------|---|
| 308-51A-010 | Definitions.  |
| 308-51A-020 | Approval of school, program, or apprenticeship program. |
| 308-51A-030 | Scope and purpose.                                      |
| 308-51A-040 | Training.   |
| 308-51A-050 | Curriculum—Academic standards—Faculty—Student clinic.   |
| 308-51A-060 | Health, sanitation, and facility standards.             |

**WAC 308-51A-010 Definitions.** For the purpose of administering chapter 18.108 RCW, the following terms shall be considered in the following manner:

(1) A massage school is an institution which has the sole purpose of offering training in massage therapy.

(2) A massage program is training in massage therapy offered by an academic institution which also offers training in other areas of study. A program is an established area of study offered on a continuing basis.

(3) An apprentice is defined, for purposes of this chapter, as one who has successfully completed:

(a) One hundred thirty hours of instruction in anatomy, physiology, and kinesiology including palpation, range of motion and physics of joint function. There must be a minimum of forty hours of kinesiology.

(b) Fifty hours of instruction in pathology, including indications and contraindications to massage therapy and palpations.

(c) Certification in American Red Cross first aid and American Heart Association CPR or the equivalent.

The above courses must be successfully completed within five years immediately preceding entry into an apprenticeship agreement. The apprentice then shall receive complete training in:

(i) Hydrotherapy (fifteen hours);

(ii) Theory and practice of massage therapy (two hundred fifty hours) at a minimum to include Swedish and deep tissue techniques, remedial gymnastics, body mechanics of the practitioner, and medical treatments. A maximum of fifty of these hours may include time spent in a student clinic; and

(iii) Clinical practices (fifty-five hours), at a minimum to include hygiene, recordkeeping, medical terminology, professional ethics, business management, human behavior, client interaction, and state and local laws. Training in hydrotherapy, theory and practice of massage therapy, and clinical practices shall be completed in no less than six months or longer than two years from the date of entry into an apprenticeship program.

(4) A massage apprenticeship is training in massage therapy which is offered by a qualified massage practitioner to an apprentice on the basis of an apprenticeship agreement between the massage practitioner and the apprentice. Such agreement shall comply with the educational standards as set forth in this chapter. A qualified

massage practitioner is defined as a person that shall have not less than three years full-time experience in the practice of massage immediately preceding the function as an apprenticeship trainer of massage therapy in an apprenticeship agreement and shall be licensed under this chapter and currently engaged in the practice of massage.

Hereinafter, qualified massage practitioner is referred to as apprenticeship trainer, and apprenticeship program is referred to as program.

[Statutory Authority: RCW 18.108.025. 88-13-038 (Order PM 739), § 308-51A-010, filed 6/9/88.]

**WAC 308-51A-020 Approval of school, program, or apprenticeship program.** The board may accept proof of AMTA, (American Massage Therapy Association), approval of a school or program in lieu of the requirements contained in this chapter. Approval in this manner may be requested on a form provided by the department. The board will consider for approval any school, program, or apprenticeship program which meets the requirements as outlined in this chapter.

(1) Approval of any other school or program may be requested on a form provided by the department.

(2) Application for approval of a school or program, shall be made by the authorized representative of the school or the administrator of the apprenticeship agreement.

(3) The authorized representative of the school or the administrator of the apprenticeship program may request approval of the school or program, as of the date of the application or retroactively to a specified date.

(4) The application for approval of a school or program shall include, but not be limited to, documentation required by the board pertaining to: Syllabus, qualifications of instructors, facilities, outline of curriculum plan specifying all subjects and length in hours such subjects are taught, class objectives, and a sample copy of one of each of the following exams: Anatomy, physiology, and massage therapy.

(5) Any school or program that is required to be licensed by private vocational education (see chapter 28C.10 RCW or Title 28B RCW), or any other statute, must complete these requirements before being considered by the board for approval.

(6) The board will evaluate the application and, if necessary, conduct a site inspection of the school or program, prior to granting approval by the board.

(7) Upon completion of the evaluation of the application, the board may grant or deny approval or grant approval conditioned upon appropriate modification to the application.

(8) In the event the department denies an application or grants conditional approval, the authorized representative of the applicant's school or program may request a review within thirty days of the board's adverse decision/action. Should a request for review of an adverse action be made after thirty days following the board's action, the contesting party may obtain review only by submitting a new application.

(9) The authorized representative of an approved school or program or the administrator of an apprenticeship agreement shall notify the board of significant changes with respect to information provided on the application within sixty days.

(10) The board may inspect or review an approved school or program at reasonable intervals for compliance. Approval may be withdrawn if the board finds failure to comply with the requirements of law, administrative rules, or representations in the application.

(11) The authorized representative of a school or administrator of an agreement must immediately correct the deficiencies which resulted in withdrawal of the board's approval.

[Statutory Authority: RCW 18.108.025. 88-13-038 (Order PM 739), § 308-51A-020, filed 6/9/88.]

**WAC 308-51A-030 Scope and purpose.** (1) The minimum educational requirements for licensure to practice massage therapy in Washington is successful completion of a course of study from a massage school or program approved by the board.

(2) The purpose of this chapter is to provide a set of standards and procedures by which massage schools or programs may obtain approval by the board in order that graduates of those schools or programs may be permitted to take examinations for licensure.

[Statutory Authority: RCW 18.108.025. 88-13-038 (Order PM 739), § 308-51A-030, filed 6/9/88.]

**WAC 308-51A-040 Training.** The training in massage therapy shall consist of a minimum of five hundred hours. An hour of training is defined as fifty minutes of actual instructional time. Certification in American Red Cross first aid and American Heart Association CPR or the equivalent shall be required. This requirement is in addition to the five hundred hours of training in massage therapy. These five hundred hours are not to be completed in less than six months and shall consist of the following:

(1) One hundred thirty hours of anatomy, physiology, and kinesiology including palpation, range of motion, and physics of joint function. There must be a minimum of forty hours of kinesiology.

(2) Fifty hours of pathology including indications and contraindications to massage therapy and palpations.

(3) Two hundred fifty hours of theory and practice of massage therapy, at a minimum to include Swedish and deep tissue techniques, remedial gymnastics, body mechanics of the practitioner, and medical treatments. A maximum of fifty of these hours may include time spent in a student clinic.

(4) Fifteen hours of hydrotherapy.

(5) Fifty-five hours of clinical practices, at a minimum to include hygiene, recordkeeping, medical terminology, professional ethics, business management, human behavior, client interaction, and state and local laws.

[Statutory Authority: RCW 18.108.025. 88-13-038 (Order PM 739), § 308-51A-040, filed 6/9/88.]

**WAC 308-51A-050 Curriculum--Academic standards--Faculty--Student clinic.** (1) The curriculum of the school or program shall be designed and presented to meet or exceed the requirement of five hundred hours.

(2) Academic standards. The school or apprenticeship trainer shall regularly evaluate the quality of its instruction and have a clearly defined set of standards of competence required of its students. Promotion to each successive phase of the program and graduation shall be dependent on mastery of the knowledge and skills presented in the program.

(3) Faculty. Apprenticeship trainers and faculty members shall be qualified by training and experience to give effective instruction in the subject(s) taught. The apprenticeship trainer and faculty should develop and evaluate the curriculum instructional methods and facilities; student discipline, welfare, and counseling; assist in the establishment of administrative and educational policies, and scholarly and professional growth. Schools or programs shall not discriminate on the basis of sex, race, age, color, religion, physical handicap, or national or ethnic origin in the recruitment and hiring of faculty.

(4) Student clinic (optional program). The clinical facilities shall be adequate in size, number, and resources to provide for student practice of massage therapy on the general public. There shall be properly equipped rooms for consultations, massage therapy, and equipment as required in the practice of massage. A faculty member who is a licensed massage practitioner and adequately experienced in massage therapy must be present in the clinic at all times the clinic is open and in direct supervision of, and have final decision in, the massage therapy which is rendered to clients by students.

[Statutory Authority: RCW 18.108.025. 88-13-038 (Order PM 739), § 308-51A-050, filed 6/9/88.]

**WAC 308-51A-060 Health, sanitation, and facility standards.** All programs will have adequate facilities and equipment available for students learning massage therapy. All facility equipment will be maintained in accordance with local rules and ordinances in addition to those imposed by chapter 308-51 WAC. Instructional and practice equipment shall be similar to that found in common occupational practice. An adequate reference library, appropriate to the subjects being taught, shall be available.

[Statutory Authority: RCW 18.108.025. 88-13-038 (Order PM 739), § 308-51A-060, filed 6/9/88.]

**Chapter 308-52 WAC  
MEDICAL EXAMINERS**

|            |  |
|------------|--|
| WAC        |  |
| 308-52-138 | Physician assistants—Program approval.           |
| 308-52-139 | Physician assistant—Registration.                |
| 308-52-140 | Physician assistant—Utilization.                 |
| 308-52-147 | Remote site—Utilization—Limitations, geographic. |
| 308-52-148 | Noncertified physician assistants.               |
| 308-52-149 | Certified physician assistants.                  |
| 308-52-315 | Repealed.  |
| 308-52-590 | Physician and surgeon fees.                      |
| 308-52-600 | Credentialing of physician and surgeons.         |



308-52-610 Credentialing of physician assistants.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

308-52-315 Fees. [Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-52-315, filed 11/2/83; 83-17-031 (Order PL 442), § 308-52-315, filed 8/10/83. Formerly WAC 308-52-310.] Repealed by 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086.

**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 *Committee on Allied Health Education and Accreditation* 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 *Committee on Allied Health Education and Accreditation* 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. 88-06-008 (Order PM 706), § 308-52-138, filed 2/23/88; 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 No. 78-140), § 308-52-138, filed 3/14/78.]

**WAC 308-52-139 Physician assistant--Registration.**

(1) Classification. Each physician assistant will be classified according to the specialty or content of his or her training program.

(2) Registration procedure. Applications shall be made jointly by the physician and the assistant on forms supplied by the board. Applications and supporting documents must be on file in the board office prior to consideration for registration.

(3) Registration expiration and renewal. Physician assistant original registration will be issued to expire on the physician assistant's next birthdate. Each registered assistant and the registering physician shall be required to submit an application and fees annually for renewal of their registration at least sixty days prior to the expiration of the registration. Application for renewal shall be submitted on forms provided by the board.

(4) Change of registration. In the event that a physician assistant who is currently registered desires to become associated with another physician. Application for transfer of registration shall be made on forms provided by the board.

[Statutory Authority: RCW 18.71.017 and 18.71A.020. 88-21-047 (Order PM 782), § 308-52-139, filed 10/13/88. Statutory Authority: RCW 18.71A.020. 88-06-008 (Order PM 706), § 308-52-139, filed 2/23/88; 86-12-031 (Order PM 599), § 308-52-139, filed 5/29/86; 82-24-013 (Order PL 412), § 308-52-139, filed 11/19/82; 81-03-078 (Order PL 368), § 308-52-139, filed 1/21/81; 80-15-031 (Order PL-353), § 308-52-139, filed 10/8/80; 78-04-029 (Order PL 285, Resolution No. 78-140), § 308-52-139, filed 3/14/78.]

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

(1) Limitations, number.

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

(b) The number of physician assistants in excess of two who may be supervised by a single physician in settings as outlined in subsection (2) of this section shall be established by the board on an individual basis.

(2) Limitations, health care institutions. A physician assistant working in or for a hospital, clinic, long term care facility, or other health care organization shall be

registered and supervised in the same manner as any other physician assistant and his or her functions shall be limited to those approved by the board. The extent to which a physician assistant may practice and write orders is subject to the bylaws of the facility. His or her responsibilities, if any, to other physicians must be defined in the application for registration. The physician may be permitted, at the discretion of the board, to utilize the physician assistant in a manner consistent with the standards set forth in WAC 308-52-150.

(3) Limitations, trainees. An individual enrolled in a training program for physician assistants may function only in direct association with his preceptorship physician or a delegated alternate physician in the immediate clinical setting, or, as in the case of specialized training in a specific area, an alternate preceptor approved by the program. They may not function in a remote location or in the absence of the preceptor.

[Statutory Authority: RCW 18.71A.020. 88-06-008 (Order PM 706), § 308-52-140, filed 2/23/88; 86-16-054 (Order PM 609), § 308-52-140, filed 8/1/86; 86-12-031 (Order PM 599), § 308-52-140, filed 5/29/86; 83-07-014 (Order PL 428), § 308-52-140, filed 3/10/83; 82-24-013 (Order PL 412), § 308-52-140, filed 11/19/82; 82-03-022 (Order PL 390), § 308-52-140, filed 1/14/82; 81-03-078 (Order PL 368), § 308-52-140, filed 1/21/81; 78-04-029 (Order PL 285, Resolution No. 78-140), § 308-52-140, filed 3/14/78.]

**WAC 308-52-147 Remote site--Utilization--Limitations, geographic.** (1) No physician assistant shall be utilized in a place geographically separated from the supervising physician without the express permission of the board. A remote site shall be defined as a setting physically separate from the supervising physician's primary place for meeting patients or a setting where a supervising physician is present less than twenty-five percent of the practice time of the physician assistant.

(2) Special permission may be granted to utilize a physician assistant in a remote site if:

(a) There is a demonstrated need for such utilization;

(b) Adequate provision for immediate communication between the primary or alternate physician and the physician assistant exists;

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

(d) The responsible physician spends at least ten percent of the practice time of the physician assistant in the remote office. In the case of part time or unique practice settings, the sponsoring physician may petition the board to modify the on-site requirement providing the sponsoring physician demonstrates that adequate supervision is being maintained by an alternate method. The board will consider each request on an individual basis;

(e) All patient activities, functions, services and treatment measures are properly documented in written form by the physician assistant and reviewed and countersigned by the supervising physician;

(f) The provisions of WAC 308-52-141(4) are met;

(g) The waiting room and offices of all facilities approved as remote sites must have posted a printed announcement that the (named) sponsor is responsible for

all care rendered, and the (named) individual providing the care is a physician assistant. Identification of the clinic on the outside facade must include the names of the physician sponsor and the physician assistant.

[Statutory Authority: RCW 18.71A.020. 88-06-008 (Order PM 706), § 308-52-147, filed 2/23/88.]

**WAC 308-52-148 Noncertified physician assistants.**

(1) Individuals will be considered as noncertified physician assistants as follows:

(a) Individuals who have graduated from a board approved training program and who have not passed the National Commission on Certification of Physician's Assistants (NCCPA) initial certification examination.

(b) Individuals who are foreign medical graduates who have been certified by the Educational Commission for Foreign Medical Graduates (ECFMG).

(2) On or after March 1, 1988, applicants for original registration will be designated noncertified and considered for registration as follows:

(a) A noncertified physician assistant may perform services for which he or she has been trained as outlined in the procedure reference and guideline established by the board.

(i) The noncertified physician assistant may not practice in a remote site, or prescribe controlled substances unless specially approved by the board.

(ii) A noncertified physician assistant and supervising physician shall ensure that, with respect to each patient, all activities, functions, services and treatment measures are immediately and properly documented in written form by the noncertified physician assistant. Every written entry shall be reviewed and countersigned by the supervising physician within two working days unless a different time period is authorized by the board.

(3) The application for registration of a noncertified physician assistant must include a detailed plan describing the manner in which the noncertified physician assistant will be utilized. The board will grant specific approval for the tasks which may be performed by the specialized, noncertified physician assistant based upon the curriculum of the program from which the noncertified physician assistant graduated as contained in the files of the board. In the case of the noncertified family practice (primary care) and non-certified pediatric physician assistants, the board will issue a list of tasks which noncertified physician assistants are commonly trained to perform. No physician assistant shall be registered to perform tasks not contained in the program approval.

(4) It shall be the responsibility of the supervising physician to ensure that adequate supervision and review of the work of the noncertified physician assistant is provided.

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

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

(5) The noncertified physician assistant, at all times when meeting or treating patients, must wear an identifying badge in a prominent place on his or her person identifying him or her as a physician assistant.

(6) No noncertified physician assistant may advertise themselves in any manner which would tend to mislead the public generally or the patients of the physician as to their role.

[Statutory Authority: RCW 18.71A.020. 88-06-008 (Order PM 706), § 308-52-148, filed 2/23/88.]

**WAC 308-52-149 Certified physician assistants.** (1) On or after March 1, 1988, individuals who have graduated from a board approved training program and who have passed the National Commission on Certification of Physician's Assistants (NCCPA) initial certification examination will be considered as certified physician assistants.

(2) A certified physician assistant may provide those services which he or she is competent to perform and which are consistent with the certified physician assistant's education, training, and experience.

(3) The supervising physician shall be responsible for determining the tasks and degree of supervision required for performance of special tasks in accordance with the board approved standard utilization plan. Any task or level of supervision in excess of those authorized must be supported by a written explanation describing the physician assistant's training, experience and demonstrated ability. The board may approve expanded tasks or supervision levels on an individual basis. If the certified physician assistant is being trained to perform additional tasks beyond those authorized, such training may be carried out only under the direct, personal supervision of the supervising physician or a qualified person designated by him or her. Evidence that is satisfactory to the board must be submitted demonstrating that he or she has been trained in that function and his or her competence has been properly and adequately tested. Requests for approval of newly acquired skill may be considered by a reviewing board member or at any regular meeting of the board.

(4) The functions of the certified physician assistant include performing diagnostic, therapeutic preventive and health maintenance services in any setting in which the physician renders care in order to allow more effective and focused application of the physician's particular knowledge and skills. The certified physician assistant is accountable for their own actions.

(5) It shall be the responsibility of the supervising physician to ensure adequate supervision and review of the work of the physician assistant is provided.

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

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

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

(6) The certified physician assistant must, at all times when meeting or treating patients, wear an identifying badge in a prominent place on his or her person identifying him or her as a certified physician assistant.

(7) No certified physician assistant may advertise themselves in any manner which would tend to mislead the public generally or the patients of the physician as to their role.

[Statutory Authority: RCW 18.71A.020. 88-06-008 (Order PM 706), § 308-52-149, filed 2/23/88.]

**WAC 308-52-315 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-52-590 Physician and surgeon fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee  | Fee      |
|---|----------|
| <b>Physician and surgeons:</b>                                  |          |
| Application with examination or reexamination (both components) | \$375.00 |
| Examination or reexamination (component I)                      | 170.00   |
| Examination or reexamination (component II)                     | 195.00   |
| Applicants (without full examination)                           | 150.00   |
| Renewal   | 35.00    |
| Late renewal penalty  | 15.00    |
| Disciplinary assessment   | 35.00    |
| Surcharge-impaired physician                                    | 15.00    |
| Certification   | 25.00    |
| Duplicate license   | 15.00    |
| <b>Limited license:</b>   |          |
| Limited license application                                     | 75.00    |
| Original license  | 45.00    |
| Renewal   | 35.00    |
| Duplicate license   | 15.00    |
| Disciplinary assessment   | 35.00    |
| Surcharge-impaired physician                                    | 15.00    |
| <b>Physician's assistants:</b>                                  |          |
| Application   | 25.00    |
| Renewal   | 10.00    |
| Duplicate license   | 15.00    |

[Statutory Authority: 1987 c 416 § 2. 87-19-130 (Order PM 680), § 308-52-590, filed 9/22/87. Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-52-590, filed 5/1/87.]

**WAC 308-52-600 Credentialing of physician and surgeons.** All completed applications, both limited and full, must be reviewed by a member of the board prior to examination and/or licensure.

[Statutory Authority: RCW 18.71.017 and 18.71A.020. 88-21-047 (Order PM 782), § 308-52-600, filed 10/13/88.]

**WAC 308-52-610 Credentialing of physician assistants.** All completed applications, both original and transfer, must be reviewed by a member of the board prior to registration.

[Statutory Authority: RCW 18.71.017 and 18.71A.020. 88-21-047 (Order PM 782), § 308-52-610, filed 10/13/88.]

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

|            |   |
|------------|---|
| WAC        |   |
| 308-53-010 | Renewal of licenses.                    |
| 308-53-020 | Optometry fees.                         |
| 308-53-030 | Temporary permit policy recommendation. |
| 308-53-084 | Examination subjects.                   |
| 308-53-085 | Grading examinations.                   |
| 308-53-100 | Continuing education requirement.       |
| 308-53-120 | Courses presumed to qualify for credit. |
| 308-53-145 | Credit for reports.                     |
| 308-53-170 | Surplus credit hours.                   |
| 308-53-200 | Minimum equipment requirements.         |
| 308-53-320 | Examination appeal procedures.          |

**WAC 308-53-010 Renewal of licenses.** (1) The annual license renewal date for licensed optometrists coincides 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.

(2) Licensees shall renew their licenses, at the annual renewal fee rate, for one year, from birth anniversary date to the next birth anniversary date.

(3) All applicants for license renewal must comply with the continuing education requirements set forth in WAC 308-53-100 to 308-53-180.

[Statutory Authority: RCW 18.54.070. 88-07-047 (Order PM 710), § 308-53-010, filed 3/11/88; Order PL 239, § 308-53-010, filed 3/3/76; Order 228, § 308-53-010, filed 11/6/75; Order PL 173, § 308-53-010, filed 8/22/74.]

**WAC 308-53-020 Optometry fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee                 | Fee      |
|------------------------------|----------|
| Examination or reexamination | \$100.00 |
| Initial license              | 150.00   |
| License renewal              | 160.00   |
| Duplicate license            | 15.00    |
| Certification                | 25.00    |

[Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-53-020, filed 5/1/87. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-53-020, filed 8/10/83. Formerly WAC 308-53-310.]

**WAC 308-53-030 Temporary permit policy recommendation.** To protect the public, the board recommends to the director that temporary permits not be issued pursuant to the discretion granted in 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. 88-07-047 (Order PM 710), § 308-53-030, filed 3/11/88. 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 308-53-084 Examination subjects.** Every qualified applicant for a license as an optometrist shall successfully pass all examinations. The examinations may include, but not be limited to, the following subjects and types of examination:

(1) Successful completion of a written test on Washington state law pertaining to the practice of optometry is required of all applicants.

(2) Every applicant shall complete a practical examination conducted by the board, which may include, but not be limited to: Funduscopy; lensometry; retinoscopy; biomicroscopy; tonometry; radiuscope; and two oral interviews on diagnostic and patient management procedures. Each applicant must furnish his/her own patient for the practical examination.

[Statutory Authority: RCW 18.54.070(5). 87-09-046 (Order PM 646), § 308-53-084, filed 4/14/87; 86-13-008 (Order PM 598), § 308-53-084, filed 6/5/86.]

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

(1) Pass the practical examination section with a minimum average score of seventy-five, with no score below sixty-five;

(2) Pass both oral interviews on diagnostic and patient management procedures with a minimum score of seventy-five on each interview section;

(3) Obtain a minimum score of seventy-five on the written examination on Washington state law relating to optometry.

[Statutory Authority: RCW 18.54.070(5). 87-09-046 (Order PM 646), § 308-53-085, filed 4/14/87; 86-13-008 (Order PM 598), § 308-53-085, filed 6/5/86; 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 308-53-100 Continuing education requirement.** Each applicant for renewal of a license to practice optometry in the state of Washington must have completed fifty hours of continuing education within the two years previous to his first renewal date, and must complete fifty hours of continuing education within each successive two-year period. 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. Failure to complete this requirement is cause for revocation of the license of any optometrist pursuant to RCW 18.130.180(7), or for refusal to renew the license of any optometrist, except that an optometrist applying for the first renewal of his license subsequent to his initial licensing will be exempt from this requirement.

[Statutory Authority: RCW 18.54.070. 88-07-047 (Order PM 710), § 308-53-100, filed 3/11/88. Statutory Authority: RCW 18.54.070(5). 80-01-088 (Order PL 326), § 308-53-100, filed 12/28/79; Order PL 239, § 308-53-100, filed 3/3/76.]

**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, 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.

[Statutory Authority: RCW 18.54.070. 88-07-047 (Order PM 710), § 308-53-120, filed 3/11/88. 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.]

**WAC 308-53-145 Credit for reports.** Continuing education credit may be given for reports on professional optometric literature. Such report shall list ten descriptive basic statements from each article for each hour of credit. Such report shall be submitted typewritten to the department of licensing, professional licensing division in Olympia. Professional literature approved for such reports are: American Journal of Optometry and Physiological Optics, American Optometric Association News, Contact Lens Forum, Contacto, Insight, International Contact Lens Clinic, Journal of American Optometric Association, Journal on Optometric Education, Journal of Optometric Vision Development, OEP Monthly, Optometric Management, Optometric Monthly, Optometric World, Review of Optometry, 20/20 Magazine. Other professional literature may be submitted in advance for the board's consideration and approval. Literature utilized shall not be issuance dated over two years on the date of submission of the report for credit. Reports shall list the title of the article(s), literature that the article(s) was taken from, the date of issuance/publication of the literature, page(s) utilized, and author(s). A copy of the article utilized shall be submitted whenever possible.

The combined maximum continuing education credit that may be granted under this section and WAC 308-

53-146 is twenty percent for every two-year requirement period.

[Statutory Authority: RCW 18.54.070. 88-07-047 (Order PM 710), § 308-53-145, filed 3/11/88. Statutory Authority: RCW 18.54.070(5). 80-04-054 (Order PL 331), § 308-53-145, filed 3/21/80.]

**WAC 308-53-170 Surplus credit hours.** Continuing education credits in excess of the required hours earned in any renewal period may not be carried forward to a subsequent reporting period.

[Statutory Authority: RCW 18.54.070. 88-07-047 (Order PM 710), § 308-53-170, filed 3/11/88; Order PL 239, § 308-53-170, filed 3/3/76.]

**WAC 308-53-200 Minimum equipment requirements.** (1) At the minimum, every licensed optometrist must have immediate access on the premises to the following equipment and accessories, all of which must be in working condition:

- (a) Adjustable examining chair;
- (b) Phoropter/refractor;
- (c) Retinoscope;
- (d) Ophthalmoscope;
- (e) Pupillary distance measuring device;
- (f) Projector and screen; or illuminated test cabinet, or chart for distant vision testing;
- (g) Nearpoint vision testing equipment;
- (h) Lensometer/vertometer;
- (i) Tonometer;
- (j) Biomicroscope/slit lamp;
- (k) A clinically accepted visual field testing instrument or equipment.

(2) In addition to the equipment and accessories listed in subsection (1) above, if a licensed optometrist prescribes contact lenses he must have in his office the following equipment, all of which must be in working condition:

- (a) Diameter gauge;
- (b) Thickness gauge;
- (c) Cobalt or black light instrument;
- (d) Magnifier, which may separate or part of cobalt or black light instrument;
- (e) Radiuscope/contactogauge type measuring instrument;
- (f) Thickness tables;
- (g) Diopter to millimeter conversion tables;
- (h) Ophthalmometer/P.E.K. corneal measurement type instrument.

[Statutory Authority: RCW 18.54.070. 89-01-087 (Order 812), § 308-53-200, filed 12/21/88, effective 1/1/90; Order PL 256, § 308-53-200, filed 9/13/76.]

**WAC 308-53-320 Examination appeal procedures.**

(1) Any candidate who takes the state examination for licensure and does not pass may request informal review by the board of his or her examination results. This request must be in writing and must be received by the department within thirty days of the postmark of notification of the examination results. The board will not set aside their prior determination unless the candidate proves the challenged score was the result of fraud, coercion, arbitrariness or manifest unfairness by the board.

The board will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(2) The procedure for filing an informal review is as follows:

(a) Contact the department of licensing office in Olympia for an appointment to appear personally to review incorrect answers on failed written tests and score sheets on failed practical tests.

(b) Candidate will be provided a form to complete in the department of licensing office in Olympia in defense of test answers.

(c) The candidate must state the specific reason or reasons why the candidate feels the results of the test should be changed.

(d) Candidate will be identified only by candidate number for the purpose of this review. Letters of reference or requests for special consideration will not be read or considered by the board.

(e) Candidate may not bring in notes or texts for use while completing the informal review form.

(f) Candidate will not be allowed to take any notes or materials from the office upon leaving.

(g) The optometry board will schedule a closed session meeting to review the tests and forms completed by the candidate for the purpose of informal review.

(h) The candidate will be notified in writing of the results.

(3) Any candidate who is not satisfied with the result of the examination review may request a formal hearing to be held before the board pursuant to the Administrative Procedure Act. Such hearing must be requested within twenty days of the postmark of the result of the board's review of the examination results. The request must state the specific reason or reasons why the candidate feels the results of the examination should be changed. These reasons shall not be broader than those stated for the informal review. The board will not set aside its prior determination unless the candidate proves the challenged score was the result of fraud, coercion, arbitrariness or manifest unfairness by the board. The board will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

[Statutory Authority: RCW 18.54.070. 87-17-020 (Order PM 666), § 308-53-320, filed 8/12/87.]

### Chapter 308-54 WAC NURSING HOME ADMINISTRATOR

#### WAC

|            |   |
|------------|---|
| 308-54-130 | Courses of study.                                       |
| 308-54-140 | Repealed.   |
| 308-54-162 | AIDS prevention and information education requirements. |
| 308-54-170 | Temporary permits.                                      |
| 308-54-315 | Nursing home administrator fees.                        |

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

|            |  |
|------------|--|
| 308-54-140 | Approval of courses of study. [Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § |
|------------|--|

308-54-140, filed 12/29/86. 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.] Repealed by 88-23-038 (Order PM 791), filed 11/9/88. Statutory Authority: RCW 18.52.100(11).

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

(1) Such course of study must be registered before being offered;

(2) Such course of study shall consist of a minimum of one hour of organized instruction with the exception of board-approved correspondence courses of study;

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

(a) Applicable standards of environmental health and safety

(b) Local health and safety regulations

(c) General administration

(d) Psychology of patient care

(e) Principles of medical care

(f) Personal and social care

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

(h) Departmental organization and management

(i) Community inter-relationships;

(4) Such course of study shall issue certificates of attendance or other evidence satisfactory to the board; and

(5) All courses of study for continuing education are subject to board approval.

[Statutory Authority: RCW 18.52.100(11). 88-23-038 (Order PM 791), § 308-54-130, filed 11/9/88. Statutory Authority: RCW 18.52.100(14) and 18.52.110(2). 82-20-092 (Order PL 407), § 308-54-130, filed 10/6/82. Statutory Authority: RCW 18.52.100(14) and 18.52.110. 80-01-057 (Order PL 328), § 308-54-130, filed 12/20/79; Order PL 265, § 308-54-130, filed 3/21/77; Order PL 260, § 308-54-130, filed 12/10/76; Order PL 107, § 308-54-130, filed 3/3/71.]

**WAC 308-54-140 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-54-162 AIDS prevention and information education requirements.** (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989 persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) Renewal of licenses. Effective with the renewal period beginning January 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 license expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 18.52.100(11). 88-23-038 (Order PM 791), § 308-54-162, filed 11/9/88.]

**WAC 308-54-170 Temporary permits.** (1) Upon the director's receipt of the application and temporary permit fees, a temporary permit may be issued by the director under the criteria, circumstances, and requirements, stated in this section, and without examination, for a period up to six months. Such permits shall be subject to confirmation, rescission, or modification by order of the board upon review at the next board meeting. A person holding a temporary permit shall work closely with the representative of the board. A permit holder shall not be eligible for a subsequent permit and such permit shall terminate upon the holder being advised of the licensure examination results. A temporary permit shall be valid only for the specific facility for which it is issued and shall terminate upon the permit

holder's departure from the facility unless otherwise approved by the board. An applicant shall meet all of the following criteria:

(a) Be currently licensed and in good standing as a nursing home administrator in another state.

(b) Have passed the national examination with an equivalent score of 75% or better. Applicants licensed prior to the existence of the national examination will be individually reviewed.

(c) The applicant is otherwise eligible for the licensure examination in this state and has met the requirements and applied for the next scheduled examination.

(d) Have a written agreement for consultation with a Washington state licensed nursing home administrator, which is subject to review by the board at its next regularly scheduled meeting.

(e) The foregoing provisions of (a) and (b) of this subsection shall not apply in the case of an administrator of a religious care facility described in RCW 18.51.170 and acting under a limited license described in RCW 18.52.070(3).

(2) The following circumstances will be considered for the issuance of a temporary permit:

(a) There is a specific vacancy due to the departure of the nursing home administrator from a facility which creates an undue hardship.

(b) Illness of the current nursing home administrator of the facility which prevents such person from performing his/her duties.

[Statutory Authority: RCW 18.52.100(11). 88-23-038 (Order PM 791), § 308-54-170, filed 11/9/88. Statutory Authority: RCW 18.52.100. 80-08-066 (Order 348), § 308-54-170, filed 7/1/80. Statutory Authority: RCW 18.52.100 (10) and (14). 78-02-009 (Order PL 282), § 308-54-170, filed 1/6/78; Order PL 107, § 308-54-170, filed 3/3/71.]

**WAC 308-54-315 Nursing home administrator fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee                                   | Fee      |
|--|----------|
| Application (examination and original license) | \$250.00 |
| Reexamination (partial)                        | 200.00   |
| Application—Reciprocity                        | 150.00   |
| Temporary permit                               | 150.00   |
| Renewal  | 160.00   |
| Late renewal penalty                           | 160.00   |
| Duplicate license                              | 15.00    |
| Certification                                  | 25.00    |

[Statutory Authority: RCW 43.24.086. 87-18-031 (Order PM 667), § 308-54-315, filed 8/27/87. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-54-315, filed 8/10/83. Formerly WAC 308-54-310.]

### Chapter 308-55 WAC

#### REGULATING THE PRACTICE OF OCULARISTS

WAC  
308-55-025 Ocularist fees.



308-55-200 AIDS prevention and information education requirements.

**WAC 308-55-025 Ocularist fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee                | Fee       |
|-----------------------------|-----------|
| Application and examination | \$ 500.00 |
| Renewal                     | 500.00    |
| Late renewal penalty        | 500.00    |
| Duplicate license           | 15.00     |
| Certification               | 25.00     |

[Statutory Authority: RCW 43.24.086, 87-18-031 (Order PM 667), § 308-55-025, filed 8/27/87. Statutory Authority: 1983 c 168 § 12, 83-17-031 (Order PL 442), § 308-55-025, filed 8/10/83. Formerly WAC 308-55-010.]

**WAC 308-55-200 AIDS prevention and information education requirements.** (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989 persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of licenses. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 license expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applications who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; infection control guidelines; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270, 88-22-077 (Order PM 786), § 308-55-200, filed 11/2/88.]

**Chapter 308-56A WAC**

**CERTIFICATES OF TITLE--MOTOR VEHICLES, ETC.**

WAC

- 308-56A-021 Assessment of penalty fee for late application for title.
- 308-56A-022 Conditions under which penalty fees are not assessed.
- 308-56A-023 Conditions under which penalty fees may be waived.
- 308-56A-125 Foreign title.
- 308-56A-275 Certification of signature.
- 308-56A-285 Certification of signature--Vehicle dealer.
- 308-56A-300 Application for title for abandoned vehicles.
- 308-56A-465 Fleets.

**WAC 308-56A-021 Assessment of penalty fee for late application for title.** When ownership of a Washington titled vehicle changes, the purchaser or transferee must complete and submit to the department or to a vehicle licensing agent an application for certificate of title and license registration within fifteen days after the date of delivery of the vehicle. Penalty fees will be assessed for late application under the following circumstances:

(1) Documents submitted for application for new title indicate more than 15 days have elapsed since date of delivery of the vehicle;

(2) Someone other than the first purchaser shown is making application (unless verification is provided that he/she acquired the vehicle less than 16 days prior to application for title;

(3) The date of delivery is declared to be 15 days prior to date of application. An affidavit of delivery is required when:

(a) Conflicting dates appear on supporting documents;

(b) Dates on title or supporting documents have been altered;

(c) No evidence of the date of delivery is present; or,

(d) An undated title is presented;

(4) Partial ownership has changed more than fifteen days previously.

When a divorce settlement or other legal action affecting ownership of the vehicle takes place after the date that the title is signed off, the date of the final legal action may be used as the date from which penalty fees are computed.

[Statutory Authority: RCW 46.01.110 and 46.12.101 as amended by 1987 c 127 § 1, 87-21-012 (Order TL/RG/36), § 308-56A-021, filed 10/9/87.]

**WAC 308-56A-022 Conditions under which penalty fees are not assessed.** Penalty fees are not assessed for late application for title under the following conditions:

- (1) The vehicle is sold by a Washington dealer (dealer report of sale box on the application is completed);
- (2) A prior Washington record cannot be found;
- (3) Department of licensing records indicate the vehicle was totaled by an insurance company or reported destroyed by a wrecking yard;
- (4) The vehicle is being titled as home made or assembled for the first time;
- (5) The vehicle is acquired by inheritance or community property from the owner of record.

[Statutory Authority: RCW 46.01.110 and 46.12.101 as amended by 1987 c 127 § 1. 87-21-012 (Order TL/RG/36), § 308-56A-022, filed 10/9/87.]

**WAC 308-56A-023 Conditions under which penalty fees may be waived.** Penalty fees for late application for certificate of title and license registration may be waived when the department is presented with proof satisfactory to the department that the delay in submitting the application was due to reasons beyond the control of the purchaser, including one or more of the following circumstances:

- (1) A request by the department of licensing for additional required supporting documents;
- (2) Extended hospitalization or illness of the purchaser;
- (3) Failure of a legal owner to release his/her/their interest;
- (4) Department, auditor, agent, or subagent error;
- (5) Incarceration of the purchaser by a judiciary system;
- (6) A seller's report of sale filed by purchaser thinking it transferred title;
- (7) Other reasons which the director may determine are valid.

[Statutory Authority: RCW 46.01.110 and 46.12.101 as amended by 1987 c 127 § 1. 87-21-012 (Order TL/RG/36), § 308-56A-023, filed 10/9/87.]

**WAC 308-56A-125 Foreign title.** If the application for title is for a vehicle previously titled and/or registered in another state, the application must be accompanied by either a foreign title properly released and the registration, if available, or the registration properly released if it is a nontitle state; provided that no release is required if there is no change in ownership.

[Statutory Authority: RCW 46.01.110. 88-20-035 (Order TL/RG 44), § 308-56A-125, filed 9/30/88; Order MV 208, § 308-56A-125, filed 7/31/74.]

**WAC 308-56A-275 Certification of signature.** The signature of every applicant to be shown on the certificate of title as the registered owner and of other signatures, as required, shall be subscribed to and sworn to by that person before a notary public, county auditor, deputy auditor, an authorized agent approved by the director of licensing, an agent appointed by the director of licensing, an employee or appointee of either type or agent, or an employee of the department of licensing

authorized by the director to certify to an applicant's signature. Approved identification of the person signing shall be required.

[Statutory Authority: RCW 46.01.110. 88-20-035 (Order TL/RG 44), § 308-56A-275, filed 9/30/88; Order MV 208, § 308-56A-275, filed 7/31/74.]

**WAC 308-56A-285 Certification of signature-- Vehicle dealer.** When a vehicle is sold by a licensed vehicle dealer, such signatures may be certified to by an individual named on the dealer's bond filed with the department of licensing.

[Statutory Authority: RCW 46.01.110. 88-20-035 (Order TL/RG 44), § 308-56A-285, filed 9/30/88; Order MV 208, § 308-56A-285, filed 7/31/74.]

**WAC 308-56A-300 Application for title for abandoned vehicles.** An application for title for any abandoned vehicle, as defined in RCW 46.55.010(1), sold by a registered tow truck operator, as defined in RCW 46.55.010(6), must be accompanied by a copy of the properly completed abandoned vehicle report - affidavit of sale submitted and processed in accordance with RCW 46.55.130 (2)(h).

[Statutory Authority: RCW 46.01.110 and 46.12.101 as amended by 1987 c 127 § 1. 87-21-012 (Order TL/RG/36), § 308-56A-300, filed 10/9/87; Order MV 208, § 308-56A-300, filed 7/31/74.]

**WAC 308-56A-465 Fleets.** Any application for title by a registered owner having fifteen or more vehicles registered in that name shall be identified as a "fleet" by placing this "fleet owner" identifier symbol on the application. The identifier symbol is issued by the department of licensing in Olympia.

[Statutory Authority: RCW 46.01.110. 88-23-037 (Order TL/RG 46), § 308-56A-465, filed 11/9/88; Order MV 208, § 308-56A-465, filed 7/31/74.]

## Chapter 308-58 WAC REPORTING DESTROYED VEHICLES

WAC

- 308-58-020 Method of reporting destruction.  
308-58-030 Sale of salvage.

**WAC 308-58-020 Method of reporting destruction.** An insurance company settling a claim for a destroyed vehicle will report such settlement by one of two methods:

- (1) If the title comes into the insurer's possession in the course of a settlement with a first or third party claimant, the title will be forwarded to the department of licensing within five days. The insurer will type or print on the title, the name and address of the insurer, a notation "DESTROYED" or, in the event the vehicle is a total loss under the definitions contained in WAC 308-58-010, but in the opinion of the insurer may be repaired at a cost not to exceed sixty percent of its fair market value if repaired, a notation "TOTAL COST OF REPAIR LESS THAN SIXTY PERCENT," and the approximate date of destruction. The requested information will be

placed on the title in such a manner as not to obscure any of the printed matter on the title itself. The title, with the information thereon, will be mailed to the Vehicle Records Section, Department of Licensing, Olympia, Washington 98504.

(2) If the destroyed vehicle and its title do not come into the insurer's possession, the insurer will report the fact of settlement within five days of settlement on a form to be supplied by the department of licensing. The report will include the following information:

- (a) Year, make, series and body style of vehicle;
- (b) License plate number, last year of registration and name of state in which registered;
- (c) Registered and legal owner's name and address, if known;
- (d) Cause of damage;
- (e) Whether vehicle is repairable (A vehicle should be considered repairable only if its cost of repair would not exceed sixty percent of its fair market value if repaired.);
- (f) Date of sale and amount of sale;
- (g) Name and address of purchaser and whether he is the assured, private party, salvage buyer, auto wrecker or fragmentizer;
- (h) Name and address of insurance company or adjuster;
- (i) Date of report.

In an instance where an insurer does not obtain possession of the title, the registered owner will forward the title to the department of licensing within five days of the destruction of the vehicle. The title will be endorsed by the legal owner to release his interest, if the legal owner is not the same as the registered owner. The registered owner will print or type on the title the word "DESTROYED," the approximate date of destruction and sign the title. The license plates from the vehicle will be surrendered to any office of the department of licensing.

The title for a vehicle that has been destroyed, which title has not been surrendered to the department, shall be cancelled. Notice of this cancellation will be mailed to the legal owner of the vehicle by regular mail to his address as shown in the department's vehicle records. The legal owner will promptly return the cancelled title to the department.

[Statutory Authority: RCW 46.01.110, 88-23-037 (Order TL/RG 46), § 308-58-020, filed 11/9/88; Order MV 142, § 308-58-020, filed 8/28/72.]

**WAC 308-58-030 Sale of salvage.** After the title has been sent to the department of licensing as a part of the report of destruction, and the owner decides to sell the damaged vehicle, it may be sold by using a bill of sale instead of the title. The bill of sale must include the statement that the vehicle's title has been sent to Olympia as a part of the report of destruction. In the case of a registered owner, his signature on the bill of sale must be notarized to convey his interest in the vehicle to a purchaser unless the purchaser is a licensed auto wrecker or dealer in which case a bill of sale need not be notarized. In the case of an insurer, the bill of sale must be signed by someone authorized by the insurance company to sign on its behalf. The title of the person signing

for the insurance company must be shown on the bill of sale.

An auto wrecker licensed under chapter 46.80 RCW may utilize a bill of sale issued in accordance with the preceding paragraph in lieu of a title to comply with RCW 46.80.090.

[Statutory Authority: RCW 46.01.110, 88-20-035 (Order TL/RG 44), § 308-58-030, filed 9/30/88; Order MV 142, § 308-58-030, filed 8/28/72.]

## Chapter 308-61 WAC

### ABANDONED AND INOPERATIVE VEHICLES

#### WAC

|            |   |
|------------|---|
| 308-61-026 | Definitions continued—Registered tow truck operator.              |
| 308-61-050 | Repealed.   |
| 308-61-108 | General licensing provisions.                                     |
| 308-61-135 | General provisions.   |
| 308-61-158 | Storage of vehicles.  |
| 308-61-175 | Procedures for selling vehicles.                                  |
| 308-61-210 | Wreckers—Special plates.  |
| 308-61-240 | Wreckers—Records and procedures for monthly reports.              |
| 308-61-260 | Wreckers—Selling used vehicles.                                   |
| 308-61-330 | Hulk hauler—Procedures for acquiring and selling vehicles.        |
| 308-61-430 | Scrap processor—Procedures for acquiring vehicles for demolition. |

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

|            |  |
|------------|--|
| 308-61-050 | Grounds for denial, suspension, revocation and, in the case of a registered tow truck operator, also a civil fine—Unlawful practices. [Statutory Authority: Chapter 46.55 RCW, 86-03-011 (Order DLR-088), § 308-61-050, filed 1/6/86. Statutory Authority: RCW 46.52.115, 79-10-012 (Order 554-DOL), § 308-61-050, filed 9/7/79; Order MV 174, § 308-61-050, filed 10/19/73.] Repealed by 88-06-025 (Order DLR 164), filed 2/25/88. Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080. |
|------------|--|

**WAC 308-61-026 Definitions continued—Registered tow truck operator.** (1) "Affidavit of sale" – that document prescribed by the department and given to the successful bidder by the operator. The affidavit shall state that the sale was conducted properly pursuant to chapter 46.55 RCW. The affidavit may be submitted to the department with an application for certificate of title or may be used as a title document by a licensed auto wrecker, hulk hauler or scrap processor.

(2) "Secure area" – a place of safety for vehicle storage and in an area completely enclosed by a fence of sufficient height and construction to prevent access by the general public, with a gate which can be locked. The fence shall be at least six feet high with at least two strands of barbed wire along the top, for a total combined height of eight feet or more, provided, however, that the fencing requirement may be waived by the department where, due to the topography or zoning a fence would be impracticable and the storage area is secure without a fence. When a licensee has operator registrations under more than one name and owns or leases a

common secure area, the areas for each operator registration must be segregated by a physical barrier at least as strong as one strand of chain, cable or barbed wire. When two or more operators with different ownership share a secured area, those respective areas must be segregated by an eight-foot fence as described above.

Wherever practicable secure storage areas will be located on improved property which is leveled and illuminated at night for the safe keeping of stored vehicles.

(3) "Abandoned vehicle report" – is that document, prescribed by the department, by which the operator is to report to the department his/her possession of an abandoned vehicle.

(4) "Notice of custody and sale" – is that document sent by the operator to the registered owner, legal owner (lien holder) giving notice of the amount of the operator's lien for services, place and time of public auction if the vehicle is not redeemed, and of the operator's right to seek a deficiency against the last registered owner.

(5) "Registered tow truck operator's business location" – is a location at which records and files necessary to conduct the business are kept, and where the operator can normally be contacted by the public.

[Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080. 88-06-025 (Order DLR 164), § 308-61-026, filed 2/25/88. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-026, filed 1/6/86.]

**WAC 308-61-050 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-61-108 General licensing provisions.** (1) Staggered licensing – the annual registration issued to tow truck operators shall expire on the date indicated by the director.

(2) Additional secure areas for vehicle storage – additional storage locations may be operated under one registration. No additional bond or insurance will be required for such premises so long as each is covered by the bond and insurance.

(3) If an operator has more than one registered business location, storage areas for each business location must be listed with the department under its registration.

(4) Change of name and/or address – the department shall be notified immediately, on a form provided by the department, of any change of name and/or address of any business location or of the addition of any location.

(5) Changes of ownership – any change of partners or of corporate officers shall be immediately reported to the department in writing. A complete change in ownership requires a new registration.

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

[Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080. 88-06-025 (Order DLR 164), § 308-61-108, filed 2/25/88. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-108, filed 1/6/86.]

**WAC 308-61-135 General provisions.** (1) The properly executed written authority to tow or other evidence of lawful possession shall suffice in lieu of current

license plates or trip permits for unauthorized or abandoned vehicles.

(2) Billing invoices shall indicate the time of day when an unauthorized or abandoned vehicle arrived at the secure storage area.

(3) A seller's report of sale filed with the department on a form furnished by the department shall relieve a registered owner from liability for costs incurred in the removal and storage of an unauthorized/abandoned vehicle, in addition to relieving that person from other liability pursuant to RCW 46.12.101.

(4) The junk vehicle affidavit of sale as described in (section 23) may be used to sell a vehicle to a licensed hulk hauler, scrap processor, vehicle wrecking yard or it may be used as a supporting document for issuance of a title.

(5) A stored vehicle may be redeemed any time before the start of auctioning of that particular vehicle.

(6) The written notice of the right of redemption and opportunity for a hearing to contest the validity of an impoundment, to be sent with the twenty-four hour impoundment notice on an unauthorized vehicle impoundment, shall be separate and in addition to the notice of opportunity for a hearing given to those who redeem vehicles.

[Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080. 88-06-025 (Order DLR 164), § 308-61-135, filed 2/25/88. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-135, filed 1/6/86.]

**WAC 308-61-158 Storage of vehicles.** (1) Handling and returning vehicles in substantially the same condition means that vehicles are to be handled with care so that their value is not diminished.

(2) A vehicle being held for storage by agreement or being held under police authority or pursuant to a writ or court order shall not be considered abandoned, nor shall it be processed as such. Any storage fees accrued while under agreement, under police hold, or pursuant to a writ or court order, shall not be included in the abandoned vehicle lien. Upon the expiration of a storage agreement, the lifting of a police hold, or when the writ or court order is no longer in effect, the operator shall begin the unauthorized abandoned vehicle processing, including the notification to vehicle owners by first class mail within twenty-four hours.

(3) When vehicles are stored pursuant to a writ or court order, the operator shall keep evidence of the inception and termination dates of the writ or court order in the vehicle transaction file.

(4) Vehicles in the custody of an operator shall be kept entirely within a secure area owned or operated under that registration.

(5) An operator shall not charge for relocating vehicles between separate secure storage areas which he/she owns or operates.

[Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080. 88-06-025 (Order DLR 164), § 308-61-158, filed 2/25/88. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-158, filed 1/6/86.]

**WAC 308-61-175 Procedures for selling vehicles.**

(1) For purposes of advertising the sale of abandoned vehicles the vehicle identification number shall be used if no license plates are on the vehicle.

(2) A newspaper of general circulation in the county shall mean a newspaper which is one of three with the largest circulation in the county where the sale will be conducted.

(3) If a vehicle in the custody of an operator is not identifiable, including no license plates or registration, the operator shall conduct an examination of the vehicle only to determine its make, model, year and vehicle identification number which shall be included on the abandoned vehicle report to the department.

(4) If the department cannot provide owner information on a vehicle after the operator submits an abandoned vehicle report, the operator may then inspect the vehicle as permitted in RCW 46.55.100(5) to determine whether owner information is within the vehicle.

(5) Upon inspection of the vehicle as provided in subsection (4) of this section the operator may return the original abandoned vehicle report with additional information from the inspection of the vehicle to assist the department in providing owner information.

(6) The department may require an inspection by the Washington state patrol to verify the vehicle identification number of an unidentified vehicle. All such information shall be reported to the department, which will communicate with such other states as may be necessary to determine whether the registered and legal owner information is available for the vehicle.

(7) After all reasonable efforts to obtain the owner information have proved unsuccessful, the vehicle may be disposed of in accordance with all procedures except that the notification to the registered and legal owners by certified or registered mail may be omitted. A record of all steps taken to locate the owner(s) of the vehicle shall be kept by the operator for a period of three years.

(8) If the operator elects to bid at auction, that bid must be disclosed as such, and shall not merely be an effort to set a minimum for other bids. If an operator is the successful bidder and the bid exceeds the lien for towing and storage, the excess funds shall be remitted to the department just as in any other sale. The operator cannot elect to retain a vehicle at auction because the operator feels that the bidding is insufficient.

[Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080. 88-06-025 (Order DLR 164), § 308-61-175, filed 2/25/88. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-175, filed 1/6/86.]

**WAC 308-61-210 Wreckers--Special plates.** All vehicles used for towing or transporting vehicles or hulks by a motor vehicle wrecker on the highways of this state in the conduct of his business shall bear regular license plates and, in addition, special wrecker's plates. Wrecker's plates may be obtained at a fee of six dollars which includes \$1.00 for reflectorization under RCW 46.16-.237 for the first set, and three dollars including reflectorization for each additional set.

The wrecker may purchase sets of plates equal in number to the number of vehicles reported on his application as owned, rented, leased and operated by him and used by him for towing or transporting of vehicles or hulks in the conduct of his business. Should the wrecker purchase, lease, or rent additional vehicles for towing or transporting of vehicles or hulks in his business during the course of the year, he shall so inform the department and may, at the department's discretion, obtain additional plates for such vehicles.

Each vehicle used for towing or transporting of vehicles or hulks shall display both wrecker plates assigned to it, provided that when any vehicle being towed does not have valid license plates, wrecker plates may be split, with one being displayed on the front of the towing vehicle and the other on the rear of the vehicle being towed.

[Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080. 88-06-025 (Order DLR 164), § 308-61-210, filed 2/25/88. Statutory Authority: RCW 46.80.140 and 46.79.080. 82-12-038 (Order DOL 684), § 308-61-210, filed 5/27/82. Statutory Authority: RCW 46.80-.140. 79-10-011 (Order 553-DOL), § 308-61-210, filed 9/7/79; Order MV 174, § 308-61-210, filed 10/19/73.]

**WAC 308-61-240 Wreckers--Records and procedures for monthly reports.** (1) **Wrecker books and files.** The wrecker shall maintain books and files which shall contain the following:

- (a) A record of each vehicle or part acquired giving:
  - (i) A description of the vehicle or part by make, model, year, and for major component parts vehicle identification number and "yard number" assigned at the time the vehicle or major component part was placed in the wrecking yard;
  - (ii) The date purchased or acquired by the wrecker, and the name of the person, firm or corporation from which the vehicle or parts were obtained;
  - (iii) The certificate of title number if registered in a title state, or registration number if a nontitle state or description of document used in lieu of title such as authorizations to dispose and affidavits of sale or bills of sale for vehicle parts; and
  - (iv) The name of the state and license number in state last registered.
- (b) A record of the disposition of the motor, body, and major component parts giving the name of the person purchasing the part(s), if any. Sales to scrap processors shall be accompanied by an invoice or bill of sale, listing each vehicle by its yard number. The wrecker shall retain a copy of such invoice or bill of sale for purposes of inspection for three years; and

- (c) A record of each vehicle towed giving:
  - (i) A description of the vehicle by make, model, year, identification number, license number and name of the owner; and
  - (ii) A statement giving the place where picked up, destination, and date.

These records will be subject to inspection by authorized representatives of the department and law enforcement officials during regular business hours. The foregoing information shall be entered in the wrecker's

records within two business days of the event requiring the entry, such as receipt of a vehicle.

(2) **Must furnish written reports.** By the tenth of the month following receipt of vehicles to be destroyed, each wrecker shall submit a report on the form provided by the department, of all vehicles destroyed, and all vehicles received during the month, whether or not such vehicles have been destroyed. This report shall be made in duplicate. The original shall be sent to the department and the duplicate retained for the wrecker's files. If no vehicles are received to destroy during the month, the monthly report must be sent in stating "none." The report shall give such information for vehicles only as the wrecker is required to keep by subsections (1)(a)(i), (ii), (iii), (iv), and (b), above; it shall be accompanied by properly endorsed certificates of title or other adequate evidence of ownership and registration certificates: *Provided*, That records on acquisitions and sales of vehicle parts need not be included in reports submitted to the department but records shall be kept for three years from date of purchase and available for inspection.

(3) **Identity of vehicles in yard.** All vehicles placed in the yard shall be identified by a yard number as assigned in the records with numerals marked so as to be clearly visible and legible. If a part of a vehicle is sold which has the number on it, the vehicle shall be renumbered in another location on the vehicle.

[Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080. 88-06-025 (Order DLR 164), § 308-61-240, filed 2/25/88. Statutory Authority: RCW 46.80.140 and 46.79.080. 82-12-038 (Order DOL 684), § 308-61-240, filed 5/27/82; Order MV 451, § 308-61-240, filed 9/26/77; Order MV 174, § 308-61-240, filed 10/19/73.]

#### **WAC 308-61-260 Wreckers--Selling used vehicles.**

(1) Any motor vehicle wrecker who buys motor vehicles for the purpose of sale in an unaltered condition or as a whole vehicle may sell such vehicles if he holds a vehicle dealer's license.

(2) All vehicles acquired for sale under a vehicle dealer's license which are inoperable at the time of acquisition shall be kept inside the wrecking yard and shall be segregated from the remainder of the operation by a continuous physical barrier.

(3) "Inoperable" as used in this section shall mean a vehicle which does not comply with requirements for vehicles used on public streets with regard to brakes, lights, tires, safety glass and other safety equipment. However, for purposes of this section, inoperable shall not include a requirement to be currently licensed.

[Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080. 88-06-025 (Order DLR 164), § 308-61-260, filed 2/25/88. Statutory Authority: RCW 46.80.140 and 46.79.080. 82-12-038 (Order DOL 684), § 308-61-260, filed 5/27/82. Statutory Authority: RCW 46.80.140, 79-10-011 (Order 553-DOL), § 308-61-260, filed 9/7/79; Order MV 174, § 308-61-260, filed 10/19/73.]

**WAC 308-61-330 Hulk hauler--Procedures for acquiring and selling vehicles.** (1) **Supporting acquisition for transport, resale.** The hulk hauler may acquire vehicles or hulks for transport and resale to a licensed motor vehicle wrecker or scrap processor if the transferor can furnish proof of ownership, in the form of a certificate of

title properly endorsed, from a state issuing a title, or a certificate of registration and notarized bill of sale from a state issuing only a registration certificate. If such evidence of ownership is not available, the following documents may serve to support acquisition or possession by a licensed hulk hauler:

(a) Private persons. Acquisitions from private persons may also be supported by an:

(i) Affidavit of lost or stolen title signed by the owner on record with the department, and release of interest from the owner.

(ii) Affidavit of sale from the landowner who has complied with RCW 46.55.230.

(b) All licensees other than wreckers. In addition to a properly endorsed title, acquisition from licensees other than wreckers may also be supported by one of the following:

(i) Affidavit of lost or stolen title signed by owners of record with the department, and release of interest from the owner.

(ii) Affidavit of sale from the landowner who has complied with RCW 46.55.230.

(iii) Affidavit of sale from a registered tow truck operator.

(c) Licensed vehicle wreckers. Acquisition from wreckers licensed by the department may be supported by obtaining his invoice or bill of sale listing each vehicle by the wrecker's "yard number." Such invoice or bill of sale shall be given to the scrap processor purchasing the vehicles listed therein.

(2) **Must possess supporting documentation.** Before a hulk hauler may transport any vehicle for resale, he shall have in his possession documents to support lawful acquisition or possession, as enumerated in subsection (1) of this section. Such documentation shall be in his possession at all times while the vehicle is transported.

(3) **Handling vehicles.** A hulk hauler may not operate as a wrecker or remove parts from vehicles, provided that he may remove the parts necessary to sell vehicle salvage to a licensed scrap processor, e.g., the upholstery, gasoline tank, and tires, so long as such parts are removed on the premises of a licensed wrecker or scrap processor where prior permission is granted or at a location approved by the department.

(4) **May sell to licensed wreckers and scrap processors.** Vehicles in the possession of a licensed hulk hauler may only be sold to a licensed wrecker or scrap processor.

[Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080. 88-06-025 (Order DLR 164), § 308-61-330, filed 2/25/88. Statutory Authority: RCW 46.79.080. 79-10-010 (Order 552-DOL), § 308-61-330, filed 9/7/79; Order MV 174, § 308-61-330, filed 10/19/73.]

**WAC 308-61-430 Scrap processor--Procedures for acquiring vehicles for demolition.** (1) **Supporting acquisition.** A scrap processor may acquire vehicles for demolition if the transferor can furnish proof of ownership, in the form of a certificate of title properly endorsed, from a state issuing a title, or a certificate of registration and notarized bill of sale from a state issuing a registration certificate only. If such evidence of ownership is not



available, the following documents may serve to support acquisition or possession by a licensed scrap processor:

(a) **Private persons.** Acquisition from private persons may also be supported by an:

(i) Affidavit of lost or stolen title and release of interest from the owner.

(ii) Affidavit of sale from the landowner who has complied with RCW 46.55.230.

(b) **All licensees other than wreckers.** Acquisition from licensees other than wreckers may also be supported by one of the following:

(i) Affidavit of lost or stolen title and release of interest from the owner.

(ii) Affidavit of sale from the landowner who has complied with RCW 46.55.230.

(iii) Affidavit of sale from a registered tow truck operator.

(iv) Invoice or bill of sale from wrecker.

(c) **Licensed vehicle wreckers.** Acquisition from wreckers licensed by the department do not require the detailed supporting documentation otherwise required, provided that the wrecker has made monthly reports of vehicles wrecked or dismantled, or acquired for such purpose, and has provided an invoice or bill of sale listing each vehicle in the load to be purchased by "yard number." The scrap processor should verify that he is dealing only with currently licensed wreckers; for this purpose, the department will provide lists of licensed wreckers to scrap processors periodically.

**(2) Out-of-state vehicles.**

(a) Scrap processors may acquire vehicle salvage from out of state provided that the acquisition is supported by appropriate documentation of ownership of each vehicle of the types enumerated in subsection (1); or

(b) Submit an affidavit prepared by the out-of-state hauler certifying his rightful and true possession of the vehicles contained in the bulk shipment and that he has complied with all statutes, rules and regulations relating to such vehicles in the state or province of origin.

[Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080. 88-06-025 (Order DLR 164), § 308-61-430, filed 2/25/88. Statutory Authority: RCW 46.79.080. 79-10-010 (Order 552-DOL), § 308-61-430, filed 9/7/79; Order MV 174, § 308-61-430, filed 10/19/73.]

**Chapter 308-72 WAC  
MOTOR VEHICLE FUEL TAX**

**WAC**

|            |   |
|------------|---|
| 308-72-502 | Sale or distribution at wholesale.                                    |
| 308-72-504 | Bona fide wholesale merchant.   |
| 308-72-506 | Application for distributor's license.                                |
| 308-72-508 | Requirements to qualify for a motor vehicle fuel distributor license. |
| 308-72-512 | Cancellation of distributor's license.                                |
| 308-72-540 | Tax exempt transactions.  |

**WAC 308-72-502 Sale or distribution at wholesale.** "Sale or distribution at wholesale" includes all sales or distributions of motor vehicle fuel owned or controlled by a distributor, from bulk storage or from a fuel delivery vehicle owned or controlled by him/her, to two or

more of his/her own retail service stations, where no change of title or ownership occurs. This is the same standard used in RCW 82.04.270 for imposition of business and occupation tax levied on wholesalers and distributors. A common carrier fuel delivery vehicle is "controlled by" the distributor if the common carrier's entire load is motor vehicle fuel owned or controlled by one distributor and the distributor, through the bill of lading, controls the time and place of pick-up and delivery of the entire load of motor vehicle fuel.

[Statutory Authority: RCW 82.36.435. 88-23-015 (Order PFT 88-004), § 308-72-502, filed 11/7/88; 88-07-095 (Order PFT 88-003), § 308-72-502, filed 3/22/88.]

**WAC 308-72-504 Bona fide wholesale merchant.** "Bona fide wholesale merchant" for purposes of licensure as a distributor under chapter 82.36 RCW, means any person whose sales or distribution of motor vehicle fuel at wholesale, regardless of whether there is a change in title or ownership of the fuel, constitute a substantial, as distinguished from incidental, sporadic or infrequent part of his/her total volume of motor vehicle fuel sales or distributions in any given month. Provided: No part of one's sales or distributions from a retail service station may be considered to qualify one as a "bona fide wholesale merchant" to qualify as a "distributor" for purposes of RCW 82.36.010(3), regardless of whether there were wholesale sales or distributions from a retail service station.

[Statutory Authority: RCW 82.36.435. 88-07-095 (Order PFT 88-003), § 308-72-504, filed 3/22/88.]

**WAC 308-72-506 Application for distributor's license.** Application for motor vehicle fuel distributor license shall be made to the department on forms furnished by the department, and shall be accompanied by a fee of ten dollars and the bond or security required by RCW 82.36.060.

The application form shall include the following:

- (1) Name of applicant.
- (2) Physical business address.
- (3) Mailing address if different from the business address.
- (4) Federal Identification Number or Social Security Number.
- (5) Washington department of revenue registration number.
- (6) Information as to type of business organization, i.e., individual, partnership or corporation, and related information.
- (7) Information as to whether the applicant or its principals, partners, or corporate officers, or share holders holding 50% or more of its shares, are currently or have previously been licensed in Washington as distributors.
- (8) Tax liability information.
- (9) Names of suppliers.
- (10) Place where records may be examined.
- (11) A declaration signed by the applicant or authorized representative that the statements contained in the application are true and correct.



The information in the application is subject to disclosure to the Internal Revenue Service.

The department may send an investigator to the business site to verify information contained in the application, and to examine the facilities of the applicant.

[Statutory Authority: RCW 82.36.435. 88-07-095 (Order PFT 88-003), § 308-72-506, filed 3/22/88.]

**WAC 308-72-508 Requirements to qualify for a motor vehicle fuel distributor license.** To qualify for a motor vehicle fuel distributor license the applicant must:

- (1) Meet the definition of a distributor as defined in RCW 82.36.010(3); and
- (2) Have made application for the distributor license on forms furnished by the department; and
- (3) Have paid the required filing fee of ten dollars; and
- (4) Have furnished the bond or security required in RCW 82.36.060; and
- (5) Be registered with the secretary of state, if required by law; and
- (6) Be registered to do business in the state; and
- (7) Have facilities for the safe and proper storage and handling or delivery of motor vehicle fuel; and
- (8) Have provided a Federal Identification Number (FIN) or Social Security Number (SSN).

[Statutory Authority: RCW 82.36.435. 88-07-095 (Order PFT 88-003), § 308-72-508, filed 3/22/88.]

**WAC 308-72-512 Cancellation of distributor's license.** A distributor license may be cancelled by the director under the following circumstances.

(1) Upon written request of the distributor, such cancellation to be come effective sixty days from the date of receipt of the written request of such distributor for cancellation thereof.

(2) Upon investigation and sixty days notice if the director ascertains and finds that the person to whom the license is issued is no longer engaged in the business of a distributor, and has not been so engaged for the period of six months prior to such cancellation. A licensee whose sales or distributions of motor vehicle fuel at wholesale constitutes less than a substantial part of his/her total volume of sales during a consecutive six month period, as disclosed by the licensee's monthly fuel tax reports, is considered no longer engaged in the business of a distributor, and the distributor license must be cancelled as provided in RCW 82.36.190.

(3) Upon failure to file a new bond or to make deposits (cash) in accordance with RCW 82.36.060, when surety requests to be released or discharged.

(4) Upon failure to file new or additional surety bond or to deposit additional securities within thirty days after being requested to do so by the department.

[Statutory Authority: RCW 82.36.435. 88-07-095 (Order PFT 88-003), § 308-72-512, filed 3/22/88.]

**WAC 308-72-540 Tax exempt transactions.** (1) Exports. Exemption from the motor vehicle fuel tax may be claimed when a licensed distributor delivers motor vehicle fuel:

(a) To a customer at a point outside the state by means of equipment owned and operated or completely controlled by the licensed distributor.

(b) To a common or contract "carrier" for transportation to a destination outside the state under a bill of lading or a shipping contract that definitely establishes that the Washington licensed distributor claiming the export actually and, in fact, retains title to and control over said fuel until actual delivery to its destination out of the state of Washington.

(c) To another Washington licensed distributor at a destination outside the state. The delivering distributor shall claim exemption by reason of export and shall report such transactions in the same manner as an export to any other customer.

(d) To another Washington licensed distributor at a destination outside this state following a receipt from another licensed distributor in this state. The licensed distributor receiving the fuel in this state shall be deemed the exporter.

(e) To a buyer in an individual quantity of 500 gallons or less for export by the buyer provided that the licensed distributor is also licensed in and agrees to pay the applicable fuel tax to the state, territory or country of destination.

(f) Into the transportation equipment of a buyer or a common or contract carrier employed by the buyer if the buyer transports the fuel to a location in a foreign nation.

(2) United States armed forces and National Guard. Exemption from the motor vehicle fuel tax may be claimed when a licensed distributor delivers motor vehicle fuel:

(a) To the United States armed forces or National Guard under a government bill of lading for the express purpose of exportation from the state by the armed forces or National Guard.

(b) Into the fuel tanks of ships operated by the United States armed forces or National Guard and bearing armed forces or National Guard identification names or numbers.

(c) Into the storage facilities of the United States armed forces or National Guard maintained exclusively for the purpose of fueling ships.

(d) Within the state in accordance with a credit or courtesy card issued to the United States armed forces or National Guard by a licensed distributor provided that a delivery is made into the fuel tanks of ships operated by the United States armed forces or National Guard.

(e) No exemptions shall be granted for motor vehicle fuel sold to contractors acting as agents of the United States armed forces or National Guard for use in the performance of contracts with the United States armed forces or National Guard.

(3) Sales or distributions to other licensed distributors. Exemption from the motor vehicle fuel tax may be claimed when a licensed distributor delivers motor vehicle fuel to another Washington licensed distributor in this state except no sale or distribution of motor vehicle fuel from one licensed distributor to another licensed

distributor may be made free of motor vehicle fuel tax where the sale or distribution is a withdrawal of motor vehicle fuel for delivery to a retail service station or to unlicensed bulk storage. No exemption from motor vehicle fuel tax may be claimed where a sale or distribution is a withdrawal of motor vehicle fuel for delivery to a retail service station or to unlicensed bulk storage.

[Statutory Authority: RCW 82.36.435, 88-07-095 (Order PFT 88-003), § 308-72-540, filed 3/22/88; Order 107MV, § 308-72-540, filed 9/10/71.]

### Chapter 308-79 WAC AIRCRAFT--INDICIA OF REGISTRATION

WAC  
308-79-050 Repealed.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-79-050 Display of indicia of registration. [Statutory Authority: RCW 47.68.250, 86-10-003 (Order TL/RG 22), § 308-79-050, filed 4/24/86.] Repealed by 87-16-058 (Order TL/RG 35), filed 7/30/87. Statutory Authority: RCW 47.68.250 as amended by 1987 c 220 § 3.

**WAC 308-79-050 Repealed.** See Disposition Table at beginning of this chapter.

### Chapter 308-90 WAC VESSEL DEALER REGISTRATION

WAC  
308-90-010 Repealed.  
308-90-020 Repealed.  
308-90-030 Definitions.  
308-90-040 Dealer registration application form.  
308-90-050 Repealed.  
308-90-060 Display of registration.  
308-90-070 Dealer registration numbers.  
308-90-080 Registration fee—Renewal.  
308-90-090 Change of business location.  
308-90-110 Statement of change in business structure, ownership interest or control.  
308-90-120 Trust account.  
308-90-130 Consignment.  
308-90-140 Listing.  
308-90-150 Title transfer.  
308-90-160 Bond exemption.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-90-010 Promulgation authority. [Statutory Authority: Chapter 7, Laws of 1983, 83-14-061 (Order 722 DOL), § 308-90-010, filed 7/1/83.] Repealed by 88-03-038 (Order DLR-162), filed 1/19/88. Statutory Authority: 1987 c 149 § 1.  
308-90-020 Organization. [Statutory Authority: Chapter 7, Laws of 1983, 83-14-061 (Order 722 DOL), § 308-90-020, filed 7/1/83.] Repealed by 88-03-038 (Order DLR-162), filed 1/19/88. Statutory Authority: 1987 c 149 § 1.  
308-90-050 Branch location—Separate registration. [Statutory Authority: Chapter 7, Laws of 1983, 83-14-061 (Order 722 DOL), § 308-90-050, filed 7/1/83.] Repealed by 88-03-038 (Order DLR-162), filed 1/19/88. Statutory Authority: 1987 c 149 § 1.

**WAC 308-90-010 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-90-020 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-90-030 Definitions.** (1) "Firm" means a person, partnership, association or corporation engaged in the business of selling vessels at retail or wholesale in this state.

(2) "Display decal" means a vessel dealer identifier designed and produced by the department which is used by Washington registered vessel dealers.

(3) "Identification card" is a card that may be issued by a firm identifying a person as authorized to operate vessels for vessel dealer business.

(4) "Bona fide employee" is a person who works for the firm and appears on the firm's employment records.

(5) "Consignment" means an arrangement whereby a vessel dealer accepts entrustment of a vessel and agrees to sell the vessel on behalf of another.

(6) "Listing" means an arrangement whereby the seller will compensate the vessel dealer to obtain a willing purchaser for the seller's vessel.

(7) "Broker" means a vessel dealer who arranges the sale between the buyer and seller of a vessel and receives a form of compensation.

[Statutory Authority: 1987 c 149 § 1, 88-03-038 (Order DLR-162), § 308-90-030, filed 1/19/88. Statutory Authority: 1983 c 7, 83-14-061 (Order 722 DOL), § 308-90-030, filed 7/1/83.]

**WAC 308-90-040 Dealer registration application form.** (1) Any firm making application for registration as a vessel dealer under chapter 88.02 RCW shall, on a form provided by the department, provide the following information:

(a) The name and business address of the firm and a list of additional business addresses of the firm, if any.

(b) The name of all owners of ten percent or more of the assets of the firm and title(s) of office held, if any.

(c) The firm's business structure and place of organization.

(d) The business registration number issued by the department of revenue.

[Statutory Authority: 1987 c 149 § 1, 88-03-038 (Order DLR-162), § 308-90-040, filed 1/19/88. Statutory Authority: 1983 c 7, 83-14-061 (Order 722 DOL), § 308-90-040, filed 7/1/83.]

**WAC 308-90-050 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-90-060 Display of registration.** (1) The registration of a dealer shall be prominently displayed, visible to the public at the address appearing on the registration.

(2) A copy of the vessel dealer registration shall be displayed as in subsection (1) of this section at all business locations of the firm.

[Statutory Authority: 1987 c 149 § 1, 88-03-038 (Order DLR-162), § 308-90-060, filed 1/19/88. Statutory Authority: 1983 c 7, 83-14-061 (Order 722 DOL), § 308-90-060, filed 7/1/83.]

**WAC 308-90-070 Dealer registration numbers.** (1)

The department shall assign a registration number for each firm registered as a dealer. The registration number shall be consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the Code of Federal Regulations. (Example: WN 7XXX DA)

(2) The dealer's registration number shall be displayed on all vessels owned by the dealer when being operated on the water pursuant to RCW 88.02.023.

(3) The vessel dealer shall display his/her registration number in three inch block numbers/letters on both sides of the forward one-half of the vessel. The registration number may be permanently fixed to the vessel or to a removable display fixture. The numbers/letters shall be displayed in a single line.

[Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-070, filed 1/19/88. Statutory Authority: 1983 c 7. 83-14-061 (Order 722 DOL), § 308-90-070, filed 7/1/83.]

**WAC 308-90-080 Registration fee--Renewal.** (1)

Any firm desiring to be a dealer must include with the application the required registration fee.

(2) Vessel dealers will reapply for a registration on or before the expiration of their registration.

(3) The annual registration renewal fee must be paid on or before each renewal date. If an application for renewal is not received by the department on or before the last day of the expiration month the registration is expired. The registration may be reinstated at any time within the next succeeding thirty days if renewal application and payment of the annual renewal fee then in default is received by the department. Registrations not renewed within thirty days of the renewal date then in default shall be cancelled. A new registration may be obtained by satisfying the procedures and qualifications for initial registration.

(4) If no department denial action is pending, the department shall issue a vessel dealer registration and renewal decals depicting the expiration of the registration upon receipt of a dealer's renewal fee and renewal application. The dealer shall affix the decal as a prefix to the dealer registration number on any vessels operated on the waters pursuant to RCW 88.02.023.

[Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-080, filed 1/19/88. Statutory Authority: 1983 c 7. 83-14-061 (Order 722 DOL), § 308-90-080, filed 7/1/83.]

**WAC 308-90-090 Change of business location.** The dealer shall notify the department of any change of the firm's business location or mailing address prior to engaging in business at the new location. Notification shall be made by filing a change of address application on a form provided by the department accompanied by the return of the registration issued to the former location or address. The vessel dealer will provide a list of all business locations of the firm when changing the business address of the firm's office.

[Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-090, filed 1/19/88. Statutory Authority: 1983 c 7. 83-14-061 (Order 722 DOL), § 308-90-090, filed 7/1/83.]

**WAC 308-90-110 Statement of change in business structure, ownership interest or control.** Any person, firm, association, corporation or trust registered as a dealer must, within ten days following any change in its business or ownership structure, file a statement describing with particularity the change effected in its business structure or the change in ownership interest. In addition, persons newly assuming executive or control functions, including but not limited to new corporate officers, directors, majority stockholders, managing partners, managing trustees, must file within ten days of assuming such function.

[Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-110, filed 1/19/88. Statutory Authority: 1983 c 7. 83-14-061 (Order 722 DOL), § 308-90-110, filed 7/1/83.]

**WAC 308-90-120 Trust account.** (1) The dealer's separate trust account cannot accrue interest.

(2) Any fees assessed by the depository against the trust account shall not be paid from purchasers trust funds.

[Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-120, filed 1/19/88.]

**WAC 308-90-130 Consignment.** (1) All purchasers funds received, including deposits or payments or proceeds from the sale of trade-in vessels on a consignment sale, shall be placed in the vessel dealers trust account as required in section 11, chapter 149, Laws of 1987, and said funds shall remain in such trust account until the consignor's and the legal owner's interest, if any, have been fully satisfied.

(2) The sale of a consigned vessel by a vessel dealer is a retail sale and the dealer is required to transfer title as found in section 8, chapter 149, Laws of 1987.

[Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-130, filed 1/19/88.]

**WAC 308-90-140 Listing.** (1) All purchasers funds received, including deposits or payments or proceeds from the sale of trade-in vessels on a listing sale shall be placed in the vessel dealers trust account as required in section 11, chapter 149, Laws of 1987, and said funds shall remain in such trust account until the listed vessel sale is completed.

(2) At the time the sale closes and at vessel delivery the listing dealer shall pay any outstanding liens from trust funds in order to obtain title for transfer.

(3) The sale of a listed vessel by a vessel dealer is a retail sale and the vessel dealer is required to transfer title as provided in section 8, chapter 149, Laws of 1987.

[Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-140, filed 1/19/88.]

**WAC 308-90-150 Title transfer.** (1) The vessel dealer is required to make application for title in the purchaser's name within fifteen days following the sale of the vessel.

(2) The vessel dealer or the dealer's authorized agent shall sign or type his/her firm name and vessel dealer number on the purchaser's application for title. If an

authorized agent signs for the dealer the agent shall give their title.

[Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-150, filed 1/19/88.]

**WAC 308-90-160 Bond exemption.** (1) Applicants or registered vessel dealers desiring to be exempt from the bonding requirement must provide a statement that they sell fifteen or fewer vessels per year having a retail value of not more than two thousand dollars each.

(2) Registered vessel dealers who have stated that they qualify for the exemption shall immediately file the required surety bond with the department at the time their sales exceed the statutory exemption number or value. Failure to file the bond will subject the vessel dealer to penalties prescribed in section 12, chapter 149, Laws of 1987.

[Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-160, filed 1/19/88.]

**Chapter 308-91 WAC**  
**RECIPROCITY AND PRORATION**  
 (Formerly chapter 410-16 WAC)

|            |   |
|------------|---|
| WAC        |   |
| 308-91-010 | Proration and reciprocity agreements.                       |
| 308-91-020 | Repealed.   |
| 308-91-030 | Definitions.  |
| 308-91-040 | General provisions.   |
| 308-91-050 | Applications for proportional registration.                 |
| 308-91-060 | Mileage and prorate percentage.                             |
| 308-91-070 | Quarterly licensing for proportionally registered vehicles. |
| 308-91-080 | Temporary authorization permit.                             |
| 308-91-090 | Leased and rented vehicles.                                 |
| 308-91-100 | Repealed.   |
| 308-91-110 | Repealed.   |
| 308-91-120 | Federal heavy vehicle use tax.                              |
| 308-91-130 | Hunter's permit.  |
| 308-91-140 | Vehicle transaction fee.                                    |
| 308-91-150 | Form of payment required—Dishonored checks.                 |
| 308-91-160 | Reciprocity for combinations of vehicles.                   |
| 308-91-170 | Washington fee/tax receipt.                                 |

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

|            |  |
|------------|--|
| 308-91-020 | Instructions, procedures and declarations. [Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-020, filed 12/28/83.] Repealed by 88-06-061 (Order PFT 8803), filed 3/2/88. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW.                   |
| 308-91-100 | Operation of rental vehicles. [Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-100, filed 12/28/83.] Repealed by 88-06-061 (Order PFT 8803), filed 3/2/88. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW.                                |
| 308-91-110 | Utility trailer rentals—Certified average registration plan. [Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-110, filed 12/28/83.] Repealed by 88-06-061 (Order PFT 8803), filed 3/2/88. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. |

**WAC 308-91-010 Proration and reciprocity agreements.** The state of Washington is a member of the uniform vehicle registration proration and reciprocity agreement which is hereafter referred to as the "compact" and the international registration plan which is hereafter referred to as the "IRP." These agreements provide for the proportional registration of fleets of commercial or apportioned vehicles operated in two or more jurisdictions that are members of the compact and/or the IRP. Member jurisdictions of the compact who are not also members of the IRP are Alaska, British Columbia, Nevada, and New Mexico.

[Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-010, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-010, filed 12/28/83. Formerly chapter 410-16 WAC.]

**WAC 308-91-020 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-91-030 Definitions.** The definitions set forth below, and in chapters 46.04, 46.85, and 46.87 RCW, apply throughout this chapter.

(1) "Backing plate" means a license plate which is designed for displaying validation decals, stickers or tabs issued by jurisdictions of the compact in which the vehicle displaying the plate is proportionally registered.

(2) "Base jurisdiction," under provisions of the compact, means the jurisdiction in which the owner has "properly registered" vehicle(s) of a fleet as defined in RCW 46.87.020(14).

(3) "Base plate" means the vehicle license plate assigned to a vehicle by the base jurisdiction. Under the provisions of the IRP, this would be an "apportioned plate."

(4) "Compact" means the uniform vehicle registration proration and reciprocity agreement.

(5) "Combination of vehicles" means a power unit used in combination with trailer(s), semi-trailer(s) and/or converter gear.

(6) "Department" means the department of licensing, state of Washington.

(7) "Interstate operation" means vehicle movement between or through two or more jurisdictions.

(8) "Intrastate operation" means vehicle movement within a single jurisdiction, from one point within that jurisdiction to another point within the same jurisdiction.

(9) "Latest purchase cost or price" means the actual purchase cost or price, if reasonable, for a vehicle paid by the current owner, including the value of any trade-in or other valuable considerations, cost of accessories and modifications but excluding taxes. Reasonable purchase cost is considered to be the fair market value of the vehicle as determined from guide books, reports or compendiums of value recognized in the automotive industry. All values are to be expressed in United States dollars.

(10) "Reciprocity jurisdiction" means a jurisdiction with which the state of Washington extends full vehicle

license reciprocity because of an agreement, arrangement, declaration or mirror reciprocity as provided for in RCW 46.85.080.

[Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46-.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-030, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-030, filed 12/28/83.]

**WAC 308-91-040 General provisions.** (1) Fleet composition. Carriers may separate their commercial or apportionable vehicles into two or more fleets if such divisions are consistent with their operational practices, by reason of equipment design, or restrictions imposed by member jurisdictions.

(2) Records substantiating the latest purchase cost or price and year of purchase of each vehicle in the fleet must be retained for the period specified in RCW 46.87.310 and made available to the department upon request.

(3) Filing and compliance dates. Proportional registration annual renewal applications must be filed with the prorate section of the department on or before December 1 of the year immediately preceding the year in which proportional registration is sought to insure timely issuance of identification for the new registration year. No temporary operating authority will be issued for renewal vehicles if the renewal application is received by the department after the above date. Washington proportional registrations expire at midnight, December 31st of each registration year; however, vehicles undergoing renewal processing and for which renewal fees and taxes have been received by the department prior to the beginning of the registration year, will have until March 1st of such registration year to display current year prorate credentials. During the first two months of the registration year, such vehicles will display the credentials issued for the previous registration year.

(4) Proportional registration credentials. Washington prorate credentials consist of a cab card, which describes the vehicle and period for which the vehicle has been proportionally registered, and a prorate backing plate upon which is affixed a current prorate validation tab. If the vehicle described on the cab card is Washington based, apportioned license plates, with current validation tab affixed, will be issued in lieu of the backing plate. If the vehicle is operating under the IRP, the cab card must show the jurisdiction(s) and gross weight for which the vehicle is registered. The cab card is to be carried in or on the vehicle to which it has been issued, or in the case of a trailing unit, it may be carried in or on the power unit of the combination. Photocopies or other facsimiles of the cab card are invalid. The cab card issued by the department or the IRP base jurisdiction is the only acceptable evidence of proportional registration in this state. The prorate backing plate, if applicable, is mounted on the front of a power unit and on the rear of a trailing unit. The validation tab shall be affixed to the upper left-hand corner square of the prorate backing plate or the space designated on the apportioned plate if applicable.

(5) Transfer of proportional registration credentials. Washington proportional registration credentials cannot be transferred from one vehicle to another vehicle or from one carrier to another carrier.

(6) Surrender of proportional registration credentials. Upon termination of proportional registration or deletion of a vehicle from a fleet, prorate credentials will be disposed of as follows:

(a) Vehicle based in Washington. The cab card and apportioned plate(s) with validation tab attached must be returned to the prorate section of the department. If vehicle is being deleted from the fleet, credentials must accompany the application effecting the deletion.

(b) Vehicle registered under provisions of the compact and based in another jurisdiction. Only the Washington cab card is returned to the prorate section. The prorate backing plate with validation tab attached must be returned to the prorate unit of the base jurisdiction licensing agency. If vehicle is being deleted from the fleet, cab card must accompany the application effecting the deletion. The end of year (December 31st) deletion of a vehicle listed on the renewal application need not be accompanied by the identification issued to such vehicle.

(c) Vehicles based in IRP jurisdictions. Upon termination of proportional registration or deletion of a vehicle from a fleet, the credentials must be returned to the base jurisdiction.

[Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46-.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-040, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-040, filed 12/28/83.]

**WAC 308-91-050 Applications for proportional registration.** Applicants desiring proportional registration in this state must make application to the prorate section of the department in the manner and upon the forms prescribed. Forms will be made available by the department. Washington based carriers desiring registration in other IRP jurisdictions must indicate on their applications the jurisdictions in which the fleet is (is to be) registered, list vehicles by gross weight groups and indicate within each gross weight group the gross weight each vehicle of the group is to be registered for in each jurisdiction listed. Incorrect or incomplete applications will be returned without action.

The application for any fleet shall bear the same applicant's name, or be identified therewith, for each jurisdiction in which proportional registration is sought for such fleet.

After an original proportional registration application has been filed with this state for a fleet, vehicles can only be added or deleted, or changes made in registered/combined gross vehicle weight, by filing a proration application supplement - Schedule "C" in the manner prescribed.

In circumstances where immediate operation of vehicles being added to the fleet is essential, a temporary letter of authority may be requested by the applicant for such vehicles, pending processing of the application and issuance of prorate credentials by the department, provided that:

(1) Licensing fees and taxes have been paid in full for the fleet's original Washington proportional registration application; and

(2) The proportional registration renewal application or supplement - Schedule "C" adding such vehicles to the proportionally registered fleet is acceptable and on file in the prorate section of the department; and

(3) The applicant's proportional registration account is considered to be in good standing and on active status.

The temporary letter of authority will permit operation of the vehicles listed thereon, in jurisdictions and at gross weights indicated, for a period of time to be determined by the department but not longer than two months from the effective date of the letter. The temporary letter of authority will be issued by one of the following means as requested by the applicant:

- (1) Mail;
- (2) Collect facsimile or other electronic transmission for which the requestor pays the transmission fees.

[Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-050, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-050, filed 12/28/83.]

#### **WAC 308-91-060 Mileage and prorate percentage.**

(1) Vehicles developing mileage experience must travel in two or more jurisdictions during the registration year. The mileage reported must be the actual miles accumulated by only those vehicles that were part of the proportionally registered fleet during the mileage experience year. If a vehicle was part of the proportionally registered fleet for only a part of the experience year, then only the miles accumulated by this vehicle during the time it was a part of the fleet are to be included in the mileage experience year. If a carrier has more than one prorate fleet, a separate mileage report must be kept for each fleet.

(2) Vehicles operating only intrastate are not eligible for proportional registration and cannot be considered as part of a prorate fleet. Mileage accumulated by such vehicles cannot be included in the mileage experience year of any prorate fleet.

(3) Mileage computation.

(a) Applications containing either power units and trailing units pulled by such power units or power units only: Use miles of prorate fleet power units only.

(b) Fleets containing trailing units that are operated in jurisdictions in addition to those in which the power units of the fleet are operated, or trailing units of a fleet operated with motor vehicles that are not part of the fleet, shall be placed in separate fleets.

(c) Applications for trailer fleet only: Use miles of power units only, whether prorated or not, which are operated in combination with the prorated trailers.

(4) The prorate section of the department will not accept any original or renewal prorate applications which contains one or more of the following:

(a) Estimated mileage that does not realistically reflect proposed operations.

(b) Estimated mileage on renewal applications, unless operations began so late in the previous registration year

that an actual mileage experience year is not yet available.

(c) Mileage data, other than estimated mileage, expressed in rounded-off numbers on renewal applications.

(d) Identical mileage data reported for consecutive registration years for the same fleet, except when mileage is estimated.

(5) To compute the prorate percentages, divide the miles for each jurisdiction by the total fleet miles. The results are to be computed to the fourth decimal of the percent and rounded up to the third decimal. Express the percent in two digits before the decimal and three digits after the decimal. The Washington prorate percentage established on an original or renewal application will remain in effect for all supplemental applications filed during the registration year unless adjusted by audit or under the provisions of RCW 46.87.120.

[Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-060, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-060, filed 12/28/83.]

**WAC 308-91-070 Quarterly licensing for proportionally registered vehicles.** In order to participate in the quarterly (three months) licensing program, a Washington based carrier must initially make its desire known to the prorate section by attaching a note or letter to the original or renewal proration application stating its desire to participate in the quarterly licensing program. Participation will then continue as long as the fleet maintains eligibility under the provisions of RCW 46.87.160, the carrier withdraws from the program or the privilege is withdrawn by the department for cause. This program pertains only to the quarterly payment of the license fee prescribed in RCW 46.16.070; it does not authorize partial payment of any other fee or tax authorized or required for payment by another statute or rule.

[Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-070, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-070, filed 12/28/83.]

**WAC 308-91-080 Temporary authorization permit.** Washington temporary authorization permits (TAPs) are available to carriers who have been prorated with the state of Washington for a minimum of one year; have not had their TAP or prorate privileges suspended, revoked or canceled in this state within the past three years; and who have a history of making prompt payment of fees when due and final, usually within thirty days of the billing date. These permits may be used by qualified carriers to allow immediate operation of vehicles being added to their fleet pending issuance of proportional registration credentials.

Carriers desiring the privilege of obtaining and using TAPs must make application in writing to the prorate section of the department and indicate their anticipated annual requirements for these permits. Upon approval of the application, the carrier may place an order for ten or more TAPs utilizing order forms to be provided by the department; payment as prescribed in RCW 46.87.080

must accompany the application. TAPs are valid for a period of two months from the date of issue by the carrier. The following procedures govern the use and issuance of these permits:

(1) TAPs are serially numbered and must be issued by the carrier in sequential order. Carriers are accountable and liable for all TAPs purchased from the department. These permits are not transferable and may be utilized only by the carrier to whom they were issued for use with vehicles being added to their fleet or fleets. Carriers must return all unused TAPs at such time as they cancel or fail to renew their Washington prorate account; or at such time as the department withdraws, suspends, revokes or cancels their TAP and/or prorate privileges in this state. No refunds or credits will be given for TAPs that are returned to the department.

(2) TAPs may only be used for vehicles being added to a carrier's established fleet. They cannot be used to increase gross weight on a vehicle or for a vehicle that has already been listed on a proportional registration application Schedule "A" or prorational registration application supplement Schedule "C" or renewal application which has been submitted to the prorate section of the department. Only one permit may be issued for any one vehicle.

(3) TAPs must be filled out with a typewriter. All applicable blanks must be completed with requested data. If an error is made in the issue date, expiration date, gross weight, license plate number, serial/identification number blanks or in the jurisdiction/weight section, void the permit by printing the word "VOID" in large letters across the face of the permit. Then return the vehicle copy and prorate copy to the department within one week or with your next proration application supplement, whichever is sooner. If TAP is to be used for a vehicle being added to a fleet registered under the provisions of the IRP, the jurisdiction postal code abbreviation, along with the declared operating weight for such jurisdiction, must be indicated in the space provided for each jurisdiction in which the fleet is registered. Jurisdiction/weight listings must begin in the upper left space provided and continue across the form to the right. Each line must be completed before starting the next line immediately below if needed. After the last entry, spaces to the right must be filled with asterisks as must be the entire line immediately below the last completed line in this section of the form. The purpose of the asterisks is to preclude entry of additional jurisdictions/weights. Retain the applicant's file copy for four years pending possible audit of account under the provisions of RCW 46.87.310. No refund or credit will be given for voided permits; and, they must be accounted for in the department records.

(4) The original copy of the TAP is to be carried in the vehicle to which it was issued; however, if the vehicle is a trailing unit, it may be carried in the towing vehicle. The second copy of the permit is to be retained in the carrier's files for a period of four years pending possible audit under the provisions of RCW 46.87.310. The third

copy is to be attached to a Washington proration application supplement which is used to add the vehicle to the carrier's fleet.

(5) When TAPs have been issued, a proration application supplement Schedule "C," listing such vehicles as additions to the fleet, must be submitted to the prorate section of the department, along with the third copy of the TAP attached, within one week of the issue date of such TAPs. To facilitate compliance with this requirement, proration application supplement Schedule "C" and TAPs should be issued from the same location. Failure to submit a proration application for vehicles to which TAPs have been issued, within one week, shall be cause for suspension and cancellation of TAP and/or proportional registration privileges in the state of Washington.

(6) Other causes for suspension and cancellation of TAP and/or proportional registration privileges are:

- (a) Failure to comply with these rules and procedures; or
- (b) Failure to complete TAPs in their entirety prior to use; or
- (c) Failure to comply with Washington prorate instructions, rules or laws; or
- (d) Failure to make timely payment of registration fees, taxes or audit assessments when due and final (usually within thirty days); or
- (e) Failure to maintain accountability of TAPs.

[Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-080, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-080, filed 12/28/83.]

**WAC 308-91-090 Leased and rented vehicles.** (1) The registration of rental vehicles will be conducted under the provisions, currently identified as article XI—registration of rental vehicles, of the international registration plan (IRP) as now written or hereafter amended. Rental vehicles under this section include: Trucks, tractors, and truck-tractors; trucks of one-way fleets (less than 26,000 pounds gross weight); trailers and semitrailers (exceeding 6,000 pounds gross weight), utility trailers (not exceeding 6,000 pounds gross weight), and passenger cars (includes recreational vehicles). A copy of the rental/lease agreement must be carried in the rental/leased vehicle or if it is a nonpowered vehicle, the vehicle providing the motive power for the combination.

(2) Single trip lease. The requirements for single trip leasing are as follows:

- (a) The lessor's vehicles must be prorated in this state or operated under authority of vehicle trip permits.
- (b) The duration of the lease agreement is for a single trip and cannot exceed thirty days.
- (c) A completed copy of the single trip lease agreement must be carried in the lessor's vehicle throughout the duration of the lease.
- (d) All mileage accumulated throughout the duration of the single trip lease agreement will be recorded by the lessor and become a part of the lessor's mileage experience year. The mileage records, trip reports and single trip lease agreement must be maintained by the lessor



for a period of four years following the mileage experience year or period upon which the application is based.

(3) Normally the lessee of a vehicle is responsible for its licensing under proportional registration subject to the following exceptions:

(a) Household goods carriers, wherein the agent is the lessor and the company is the lessee, may file and register as dual applicants. Under this procedure, the lessor's fleet is prorated in its name and cab cards are issued in the name of both the lessor and lessee. The application is based on the lessor's vehicles and the mileage accumulated by the lessor under its name and that of the lessee. The application should be filed in the name of the lessee and the lessor. For equipment owned and operated by owner-operators, other than service representatives, and used exclusively to transport cargo for the household goods carrier, the vehicle shall be registered by the carrier in the base jurisdiction of the carrier, but in both the owner-operator's name and that of the carrier as lessee, with the apportionment of fees according to the records of the carrier.

(b) The lessor of a single trip lease agreement is responsible for licensing and recordkeeping.

(c) Optional for rental vehicles referred to in subsection (1) of this section.

[Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-090, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-090, filed 12/28/83.]

**WAC 308-91-100 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-91-110 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-91-120 Federal heavy vehicle use tax.** (1) Any owner registering a Washington based fleet of commercial vehicles in one or more other jurisdictions and engaged in interstate operation, may, in lieu of registration of vehicles under the provisions of chapter 46.16 RCW, proportionally register the vehicles of the fleet under the provisions of chapter 46.87 RCW by filing a proportional registration application with the department.

(2) The department of licensing shall require owners of motor vehicles with a declared combined gross weight of 55,000 pounds or more to provide proof, acceptable to the department, that the federal heavy vehicle use tax imposed by section 4481 of the Internal Revenue Code of 1954 has been suspended or paid at the time of registration unless specifically exempt by the rules and regulations of the Internal Revenue Service. The department shall refuse registration of such vehicles if sufficient proof is not presented at time of registration. Acceptable proof for registration purposes is:

(a) The original or photocopy of an Internal Revenue Service (IRS) receipted schedule 1 (IRS form 2290) schedule of highway motor vehicles; or

(b) Photocopy of IRS form 2290 with schedule 1 as filed with the IRS and a photocopy of the front and

back sides of the cancelled check used for the payment of taxes to the IRS.

[Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-120, filed 3/2/88.]

**WAC 308-91-130 Hunter's permit.** (1) Upon request, Washington will provide a means of temporary registration (hunter's permit) for owner-operators to move their empty vehicle or combination of vehicles from one lessee-carrier fleet, which they were a part of, to a new lessee-carrier fleet to which they will become a part of. This temporary authority will be issued without cost and be valid for ten days from the date of issue. Photocopies of the permit will not be valid.

(2) The purpose of a hunter's permit is to allow an owner-operator to move their empty (unladen) vehicle or combination of vehicles from one lessee-carrier fleet to another without the need for further registration and/or violation of general registration statutes in IRP jurisdictions.

(3) A hunter's permit issued by an IRP jurisdiction to an owner-operator, who was formerly based in such jurisdiction, will be honored in this state for operation at the unladen weight of the vehicle or combination of vehicles listed therein. If vehicles operating under authority of a hunter's permit attempt to carry any load or if the permit appears to have been tampered with, it shall be considered to be invalid and will be confiscated. Photocopies of hunter's permits are not acceptable.

[Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-130, filed 3/2/88.]

**WAC 308-91-140 Vehicle transaction fee.** The vehicle transaction fee pursuant to RCW 46.87.130 is hereby established in the amount of three dollars.

[Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-140, filed 3/2/88.]

**WAC 308-91-150 Form of payment required--Dishonored checks.** (1) An original or renewal application assessment for proportional registration fees/taxes due the state of Washington shall be paid in United States funds via cash, cashier's check, certified check, or money order. All other assessments may be paid by company or personal checks unless guaranteed payment is specifically required by the department.

(2) Any registrant who tenders two or more checks that are subsequently dishonored by the bank or other financial institution upon whom they were drawn, in any twelve continuous month period, may be required to tender all subsequent payments in person by cash or by cashier's check, certified check, or money order.

(3) A handling fee in the amount of ten dollars shall be assessed the drawer for each check dishonored by the bank or other financial institution upon whom it was drawn and interest on the amount of each check shall accrue from the date of dishonor at the rate of twelve percent per annum. The interest and handling fee shall be deposited into the highway safety fund.

[Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46-87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-150, filed 3/2/88.]

**WAC 308-91-160 Reciprocity for combinations of vehicles.** Combinations of vehicles operating in or through the state of Washington will be granted reciprocity if the vehicles making up the combination are all properly registered in reciprocity jurisdictions. Combinations containing one or more vehicles that are not properly registered in reciprocity jurisdictions will cause all vehicles within the combination to be registered or temporarily registered in the state of Washington.

[Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46-87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-160, filed 3/2/88.]

**WAC 308-91-170 Washington fee/tax receipt.** When an IRP member jurisdiction, acting in behalf of the state of Washington, issues a cab card indicating a vehicle is duly registered for operation in or through the state of Washington but the IRP member jurisdiction has not first calculated and collected the prescribed fees/taxes for such vehicle, the cab card will not be honored in this state unless accompanied by a Washington fee/tax receipt. Such receipt will only be issued after this state calculates and collects the prescribed fees/taxes for the vehicle being registered.

[Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46-87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-170, filed 3/2/88.]

## Chapter 308-93 WAC

### VESSEL REGISTRATION AND CERTIFICATES OF TITLE

#### WAC

|            |  |
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**WAC 308-93-010 Definitions.** Unless the context clearly indicates 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.

(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 statement of origin (MSO)" 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) "Tender" means a craft used exclusively to furnish transportation from a larger vessel to shore and return.

(19) "Use of waters" means to navigate, operate, employ, or moor any vessel upon the waters.

(20) "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.

(21) "Vessel data form" means the information application completed by the applicant showing all required description data for the vessel registration and title.

(22) "Waters of this state" means any waters within the territorial limits of this state.

(23) "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.

(24) "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.

(25) "UCC" means Uniform Commercial Code.

(26) "UCC search" means a Uniform Commercial Code financing statement search pursuant to RCW 62A.9-407(2).

[Statutory Authority: RCW 88.02.120 and 88.02.100. 87-09-073 (Order TL/RG-32), § 308-93-010, filed 4/22/87. Statutory Authority: RCW 88.02.030, 88.02.070, 88.02.120, 88.02.130, 88.02.140, 88.02.150 and 88.02.100. 86-10-068 (Order TL/RG 25), § 308-93-010, filed 5/7/86. 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 308-93-074 Class "A" titles issued.** The department may issue a Class "A" certificate of title to a vessel when an application includes one or more of the following:

(1) A manufacturer's statement of origin, carpenter certificate, or factory invoice indicating a date of sale on or after July 1, 1985.

(2) A manufacturer's statement of origin, carpenter certificate, or factory invoice indicating a date of sale prior to July 1, 1985, accompanied by a UCC search and proper releases.

(3) A previously issued and properly released Washington Class "A" title for the vessel.

(4) A Class "B" title accompanied by UCC search and proper releases.

(5) A certificate of title issued by a foreign state or jurisdiction accompanied by a UCC search conducted in the state or jurisdiction issuing such title and the proper releases of interest.

(6) A properly released certificate of title where the title was issued by a foreign state or jurisdiction, if the only method of perfecting a lien in that state or jurisdiction is by notation on the certificate of title.

[Statutory Authority: RCW 88.02.120 and 88.02.100. 87-09-073 (Order TL/RG-32), § 308-93-074, filed 4/22/87. Statutory Authority: RCW 88.02.030, 88.02.070, 88.02.120, 88.02.130, 88.02.140, 88.02.150 and 88.02.100. 86-10-068 (Order TL/RG 25), § 308-93-074, filed 5/7/86.]

**WAC 308-93-087 Disclosure of names and addresses of individual vessel owners.** (1) The name and/or address of an individual vessel owner shall not be released by the department, county auditor, or other public agency except upon written request which contains:

(a) The signature of the person requesting disclosure; and

(b) The full legal name and address of the person requesting disclosure.

(2) The request for disclosure is a public record and is:

(a) Subject to inspection;

(b) Subject to copying; and

(c) To be retained by the disclosing agency for two years.

(3) Notice that a disclosure request has been honored shall be sent to the affected vessel owner by the disclosing agency indicating:

(a) The name and address of the person requesting disclosure:

(b) Reason for the disclosure request;

(c) Date record information was provided;

(d) Vessel registration number; and

(e) Hull identification number.

(4) This section does not apply to persons who routinely request disclosure of vessel registration information for use in the course of their business or occupation.

[Statutory Authority: RCW 88.02.070. 88-24-003 (Order TL/RG 47), § 308-93-087, filed 11/29/88.]

**WAC 308-93-295 Temporary permits to operate vessels.** A vessel dealer who holds a proper and valid vessel dealer license issued pursuant to chapter 88.02 RCW may issue, under the following circumstances and procedures, temporary permits to operate vessels:

(1) The vessel has been sold and does not bear a currently valid Washington decal.

(2) The dealer shall fill out the title portion of the permit, detailing all owners and all fees collected, including the dealer's report of sale and date of sale. All registered owners must sign the application.

(3) The dealer shall detach the cardboard copy of the permit and record the date of expiration in dark permanent ink, with bold letters and numbers, on the permit side of that copy. The balance of the copies shall be presented to a license agent by the vessel dealer within fifteen calendar days as an application for registration and title.

(4) The cardboard copy of the permit and a purchase order identifying the sale must be carried in the vessel and be readily available upon request.

(5) The dealer must collect title and registration fees required for a June expiration.

(6) The temporary license permit issued by a dealer is valid for fifteen calendar days from the date of delivery of the vessel. No more than one fifteen day permit may be issued for a vessel after sale.

(7) A dealer may not use a temporary license permit for a dealer or dealer-employee operated vessel, or as a demonstration permit.

(8) Fees paid by a dealer for temporary license permit applications are not refundable unless the dealer ceases doing business as a vessel dealer. The fee paid for a single application may be taken as a credit on that application when it is presented to a license agent with the balance of the appropriate fees.

(9) Temporary permits are not transferable from one vessel dealer to another.

[Statutory Authority: 1987 c 149 § 9. 88-01-011 (Order TL/RG 40), § 308-93-295, filed 12/7/87.]

**Chapter 308-94 WAC**  
**SNOWMOBILES AND OFF-ROAD AND**  
**NONHIGHWAY VEHICLES**

## WAC

|            |  |
|------------|--|
| 308-94-010 | Registration of snowmobiles.   |
| 308-94-020 | Repealed.  |
| 308-94-030 | Application for registration.  |
| 308-94-035 | Snowmobile registration—Fee.   |
| 308-94-040 | Snowmobile registration year.  |
| 308-94-050 | Registration certificate.  |
| 308-94-060 | Repealed.  |
| 308-94-070 | Display of snowmobile registration number, decals and validation tabs.     |
| 308-94-080 | Nonresident temporary snowmobile permit.                                   |
| 308-94-100 | Snowmobile dealer permit.  |
| 308-94-110 | Snowmobile dealer plates—Cost.   |
| 308-94-160 | Registration and titling of off-road and nonhighway vehicles.              |
| 308-94-170 | Certificates of title.   |
| 308-94-180 | Repealed.  |
| 308-94-181 | Vehicles titled that are not eligible for road use.                        |
| 308-94-190 | Repealed.  |
| 308-94-191 | Vehicles issued regular title and off-road use permits.                    |
| 308-94-200 | Off-road and nonhighway vehicle use permit period.                         |
| 308-94-210 | Off-road and nonhighway vehicle use permit not required—When.              |
| 308-94-220 | Display of off-road and nonhighway vehicle use permit decal.               |
| 308-94-230 | Repealed.  |
| 308-94-240 | Validating tab—Display.  |
| 308-94-250 | The off-road and nonhighway vehicle use permit must be carried on vehicle. |
| 308-94-260 | Repealed.  |
| 308-94-261 | Temporary off-road and nonhighway vehicle use permit.                      |
| 308-94-265 | Off-road vehicle dealer permit.  |
| 308-94-270 | Off-road vehicle dealer plates—Cost.                                       |

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS**  
**CHAPTER**

|            |   |
|------------|---|
| 308-94-020 | Appointment of agents. [Order MV-159, § 308-94-020, filed 1/2/73; Order 111 MV, § 308-94-020, filed 10/5/71.] Repealed by 87-03-041 (Order TL/RG 29), filed 1/16/87. Statutory Authority: RCW 46.01.110.  |
| 308-94-060 | Registration for snowmobiles used as all terrain vehicles. [Order MV-159, § 308-94-060, filed 1/2/73; Order 111 MV, § 308-94-060, filed 10/5/71.] Repealed by 87-03-041 (Order TL/RG 29), filed 1/16/87. Statutory Authority: RCW 46.01.110.              |
| 308-94-180 | All terrain vehicle titling not required for vehicles presently titled. [Order MV-158, § 308-94-180, filed 1/2/73; Order 112 MV, § 308-94-180, filed 10/5/71.] Repealed by 87-03-041 (Order TL/RG 29), filed 1/16/87. Statutory Authority: RCW 46.01.110. |
| 308-94-190 | Licensing of vehicles titled as all terrain vehicles. [Order MV-158, § 308-94-190, filed 1/2/73; Order 112 MV, § 308-94-190, filed 10/5/71.] Repealed by 87-03-041 (Order TL/RG 29), filed 1/16/87. Statutory Authority: RCW 46.01.110.                   |
| 308-94-230 | Surrender of license plates required. [Order MV-158, § 308-94-230, filed 1/2/73; Order 112 MV, § 308-94-230, filed 10/5/71.] Repealed by 87-03-041 (Order TL/RG 29), filed 1/16/87. Statutory Authority: RCW 46.01.110.                                   |
| 308-94-260 | Nonresidents. [Order MV-158, § 308-94-260, filed 1/2/73; Order 112 MV, § 308-94-260, filed 10/5/71.] Repealed by 87-03-041 (Order TL/RG 29), filed 1/16/87. Statutory Authority: RCW 46.01.110.   |

**WAC 308-94-010 Registration of snowmobiles.** The provisions of WAC 308-94-010 through 308-94-150 shall apply to the registration of snowmobiles and the administration of the Snowmobile Registration Act, chapter 46.10 RCW.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-010, filed 1/16/87; Order MV-159, § 308-94-010, filed 1/2/73; Order 111 MV, § 308-94-010, filed 10/5/71.]

**WAC 308-94-020 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-94-030 Application for registration.** An application for registration of a snowmobile shall include:

- (1) Name and address of registered owner(s);
- (2) Make and model year of snowmobile;
- (3) Method of propulsion, including but not limited to skis, tracks, wheels or combination thereof;
- (4) Purchase price and year of purchase or declared value and year of declaration;
- (5) Proof of payment of sales tax or a bill of sale establishing the price paid for the vehicle;
- (6) Previously issued registration certificate, or a duplicate thereof if the application is for the transfer of registered snowmobile;
- (7) Vehicle identification number; and
- (8) Appropriate fees.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-030, filed 1/16/87; Order 111 MV, § 308-94-030, filed 10/5/71.]

**WAC 308-94-035 Snowmobile registration—Fee.** Beginning with the registrations that expire September 30, 1989, the registration fee for snowmobiles required to be registered in accordance with RCW 46.10.020 shall be \$12.50 annually.

[Statutory Authority: RCW 46.10.040, 43.51.040 and 43.51.060. 87-24-032 (Order 102), § 308-94-035, filed 11/24/87.]

**WAC 308-94-040 Snowmobile registration year.** The registration year for snowmobiles is October 1 through September 30 of the following year. There is no abatement of the snowmobile registration fee, regardless of the date the snowmobile was acquired.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-040, filed 1/16/87; Order MV-355, § 308-94-040, filed 5/10/76; Order MV-159, § 308-94-040, filed 1/2/73; Order 111 MV, § 308-94-040, filed 10/5/71.]

**WAC 308-94-050 Registration certificate.** The snowmobile registration certificate must be carried in the snowmobile, or on the person of the snowmobile operator and must be made available for inspection by any person having the authority to enforce the provisions of the snowmobile act.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-050, filed 1/16/87; Order 111 MV, § 308-94-050, filed 10/5/71.]

**WAC 308-94-060 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-94-070 Display of snowmobile registration number, decals and validation tabs.** The decals showing the registration number shall be affixed to the right and left sides or on the front and rear of the snowmobile. They must be located so that snow, passenger, driver or load will not obscure them.

The date tab indicating the month of expiration is to be located in front of the registration numbers no more than two inches from the beginning of the numbers. The tab indicating the year of expiration is to be placed no more than two inches from the last digit of the registration numbers.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-070, filed 1/16/87; Order MV-355, § 308-94-070, filed 5/10/76; Order MV-159, § 308-94-070, filed 1/2/73; Order 111 MV, § 308-94-070, filed 10/5/71.]

**WAC 308-94-080 Nonresident temporary snowmobile permit.** An application for a temporary permit shall include:

- (1) Name and address of the applicant;
- (2) Plate or registration number if registered in another state;
- (3) Make and year of vehicle;
- (4) Vehicle identification number;
- (5) Method of propulsion, including but not limited to skis, tracks, wheels, or combination thereof;
- (6) Appropriate fees; and
- (7) Expiration date of the foreign state registration.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-080, filed 1/16/87; Order 111 MV, § 308-94-080, filed 10/5/71.]

**WAC 308-94-100 Snowmobile dealer permit.** The snowmobile dealer permit will be effective for one calendar year, except for the initial staggered dealer permit period when the director will assign staggered renewal dates. If a dealer purchases snowmobile dealer plates, they must be used for testing or demonstrating a snowmobile. A dealer may not test or demonstrate a snowmobile without either a valid registration or a valid dealer plate.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-100, filed 1/16/87; Order 111 MV, § 308-94-100, filed 10/5/71.]

**WAC 308-94-110 Snowmobile dealer plates--Cost.** A snowmobile dealer shall pay three dollars and fifty cents plus the reflectorization fee for each dealer plate ordered from the department.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-110, filed 1/16/87; Order MV-159, § 308-94-110, filed 1/2/73; Order 111 MV, § 308-94-110, filed 10/5/71.]

**WAC 308-94-160 Registration and titling of off-road and nonhighway vehicles.** The provisions of WAC 308-94-160 through 308-94-300 shall apply to the registration and titling of off-road and nonhighway vehicles pursuant to the provisions of chapter 46.09 RCW. For purposes of these rules, the terms "registration" and "permit" have the same meaning.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-160, filed 1/16/87; Order MV-158, § 308-94-160, filed 1/2/73; Order 112 MV, § 308-94-160, filed 10/5/71.]

**WAC 308-94-170 Certificates of title.** Certificates of title for off-road and nonhighway vehicles will be issued pursuant to the same rules, regulations, and procedures as for other classes of vehicles. A certificate of title may be issued pursuant to WAC 308-94-181 or 308-94-191, whichever is applicable, but in no event shall more than one title be issued for a single off-road or nonhighway vehicle.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-170, filed 1/16/87; Order 112 MV, § 308-94-170, filed 10/5/71.]

**WAC 308-94-180 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-94-181 Vehicles titled that are not eligible for road use.** When the manufacturer's statement of origin or other document indicates that a vehicle is "not eligible for road use" or "does not qualify for road use," any Washington title issued will bear the designation "not eligible for road use."

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-181, filed 1/16/87.]

**WAC 308-94-190 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-94-191 Vehicles issued regular title and off-road use permits.** Vehicles that qualify for road use will be issued regular titles and may be issued off-road use permits or regular road license without having the title reissued.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-191, filed 1/16/87.]

**WAC 308-94-200 Off-road and nonhighway vehicle use permit period.** (1) The registration year of off-road and nonhighway permits will commence with the first day of the calendar month in which the off-road and nonhighway permit is first applied for, and end the last day of the preceding month of the following calendar year, except that permits first applied for in January will end December 31 of the same calendar year.

(2) Subsequent renewals of the off-road and nonhighway permit will retain the registration year first established, provided that if a new owner applies for an off-road or nonhighway permit at time of applying for transfer of title, and the off-road and nonhighway permit has been expired for more than thirty days, a new registration year may be established. Also, if an off-road and nonhighway vehicle has not been licensed as an off-road and nonhighway vehicle for the registration year immediately preceding the registration year in which the application for off-road and nonhighway permit is being made, or when the vehicle has been registered in another jurisdiction subsequent to any prior off-road and nonhighway registration in Washington, a new registration

year may be assigned. There is no abatement of the off-road and nonhighway permit fee.

(3) An owner desiring to continue operating an off-road and nonhighway vehicle shall renew and display the validating tab no later than the first day of the month immediately following the month of expiration of the previously issued validating tab, or shall purchase and display a temporary use permit valid for sixty days.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-200, filed 1/16/87; Order MV-355, § 308-94-200, filed 5/10/76; Order MV-158, § 308-94-200, filed 1/2/73; Order 112 MV, § 308-94-200, filed 10/5/71.]

**WAC 308-94-210 Off-road and nonhighway vehicle use permit not required--When.** A vehicle used exclusively within the exceptions set forth in RCW 46.09.050 is not required to obtain an off-road or nonhighway vehicle use permit. Owners of off-road and nonhighway vehicles which may be converted to snowmobiles shall not be required to obtain off-road and nonhighway vehicle use permits if the vehicles are currently and validly registered as snowmobiles.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-210, filed 1/16/87; Order MV-158, § 308-94-210, filed 1/2/73; Order 112 MV, § 308-94-210, filed 10/5/71.]

**WAC 308-94-220 Display of off-road and nonhighway vehicle use permit decal.** (1) An off-road vehicle shall display use permit numbers in a prominent place on said vehicles either as a decal or a painted number. Painted numbers must be displayed in characters at least one inch in height with a minimum of one-eighth inch stroke in a color contrasted with the background to obtain maximum legibility of the number. The characters must be spaced so that the use permit number is readily legible. The number must be clearly visible from the front, or rear, or from both sides of the vehicle. The decals showing the annual off-road and nonhighway use permit number must be affixed to the right and left side or on the front and rear of the off-road vehicle. The decals must be located so as not to be obscured by the driver, passenger, or load.

(2) When a highway licensed vehicle is being operated as an off-road or nonhighway vehicle, the license plate must be displayed in the same manner as required for highway use.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-220, filed 1/16/87; Order MV-158, § 308-94-220, filed 1/2/73; Order 112 MV, § 308-94-220, filed 10/5/71.]

**WAC 308-94-230 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-94-240 Validating tab--Display.** The tab issued by the department indicating the month of expiration of the annual use permit must be affixed no more than two inches in front of the beginning of the annual use permit decal. The tab indicating the year of expiration of the permit must be affixed no more than two inches following the last digit in the permit decal number.

[1988 WAC Supp—page 2054]

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-240, filed 1/16/87; Order MV-355, § 308-94-240, filed 5/10/76; Order MV-158, § 308-94-240, filed 1/2/73; Order 112 MV, § 308-94-240, filed 10/5/71.]

**WAC 308-94-250 The off-road and nonhighway vehicle use permit must be carried on vehicle.** The off-road and nonhighway vehicle use permit must be carried on the off-road and nonhighway vehicle at all times. The permit may be carried by the operator on his or her person or in a moisture proof protective case attached to the vehicle. The use permit must be made available for inspection by any person having the authority to enforce the provisions of the Off-Road and Nonhighway Vehicle Act.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-250, filed 1/16/87; Order MV-158, § 308-94-250, filed 1/2/73; Order 112 MV, § 308-94-250, filed 10/5/71.]

**WAC 308-94-260 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-94-261 Temporary off-road and nonhighway vehicle use permit.** An application for a temporary off-road and nonhighway vehicle use permit may include the following:

- (1) Name and address of the applicant;
- (2) Off-road or nonhighway vehicle plate or registration number if registered in another state;
- (3) Make and year of vehicle;
- (4) Expiration date of the foreign state registration;
- (5) Vehicle identification number; and
- (6) Appropriate fees.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-261, filed 1/16/87.]

**WAC 308-94-265 Off-road vehicle dealer permit.** The off-road dealer permit will be effective for one calendar year, except for the initial staggered dealer permit period when the director will assign staggered renewal dates. If a dealer purchases off-road vehicle dealer plates, they must be used for testing or demonstrating an off-road vehicle. A dealer may not test or demonstrate an off-road vehicle without either a valid registration or a valid dealer plate.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-265, filed 1/16/87.]

**WAC 308-94-270 Off-road vehicle dealer plates--Cost.** An off-road vehicle dealer shall pay three dollars and fifty cents, plus the reflectorization fee, for each dealer plate ordered from the department.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-270, filed 1/16/87.]

## Chapter 308-96A WAC VEHICLE LICENSES

### WAC

- 308-96A-005 Terminology.
- 308-96A-021 Replacement plates—Sworn statement.
- 308-96A-046 Veteran's free license.

- 308-96A-056 Pearl Harbor survivor license plates.
- 308-96A-061 Honorary consular official special license plates application procedures.
- 308-96A-062 Transfer or destruction of honorary consular official special license plates.
- 308-96A-065 Personalized license plates.
- 308-96A-100 Licensing according to use instead of vehicle type.
- 308-96A-136 Mopeds—License plates.
- 308-96A-175 Ride-sharing vehicles.
- 308-96A-205 Increasing declared gross weight for license based on gross weight.
- 308-96A-220 Transfer of license based on gross weight—To replacement vehicle.
- 308-96A-300 Changing assigned registration year.
- 308-96A-306 Definitions—Disabled person special parking privileges.
- 308-96A-310 Application—Disabled person parking privileges.
- 308-96A-325 Loss of disabled person parking card, decal, plate.
- 308-96A-330 Application, eligibility—Public transportation authorities, nursing homes, senior citizen centers, and private nonprofit agencies—Disabled parking permits.
- 308-96A-335 Special parking privilege permits for public transportation authorities, nursing homes, senior citizen centers, and private nonprofit agencies—Transfer, limitations.
- 308-96A-400 Excise tax exemption—Indians.
- 308-96A-410 Study fee.
- 308-96A-415 Centennial plate issuance.
- 308-96A-420 Centennial plate fee.
- 308-96A-450 Driving without valid license—Temporary vehicle registration.
- 308-96A-460 Vehicle registration cancellation hearings.
- 308-96A-470 Driving without valid license—Reregistration after cancellation.
- 308-96A-480 Driving without valid license—Vehicle operating on a permit.
- 308-96A-490 Driving without valid license—No valid registration.

**WAC 308-96A-005 Terminology.** (1) The terms "licensing" and "registering" are synonymous for the transaction in which both a certificate of registration and license plates and/or current validation tabs are issued to the applicant.

(2) The terms "tonnage," "load license," "gross weight license," "license based on gross weight," and "gross weight fees" are used interchangeably and refer to those fees that are charged owners of motor trucks and truck tractors according to their vehicles' maximum gross weights.

(3) "Capacity fee" is used to refer to the load license for stages and for-hire vehicles with seating capacity of six or less and for fixed load vehicles including circus and tow.

(4) The term "no bill" refers to the partially completed notice to renew a license which is mailed from Olympia to the registered owner. This form indicates that additional information is required prior to the registration for the current year license.

(5) A "prebill" is the notice to renew a vehicle license that is mailed from Olympia to the registered owner.

(6) References to "current year" mean the current registration year unless otherwise stated.

(7) "Month of expiration" or "expiration month" is the calendar month during which a registration year ends.

(8) A "fleet" is a group of fifteen vehicles or more registered in the same name and whose owner has been assigned a fleet identifier code by the department.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-005, filed 5/28/87. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-005, filed 5/5/86; Order MV-355, § 308-96A-005, filed 5/10/76; Order MV-328, § 308-96A-005, filed 7/24/75.]

**WAC 308-96A-021 Replacement plates—Sworn statement.** A sworn statement as to cause or reason for replacement plates shall not be required if the owner of record is the person buying replacement plates, provided, that a sworn statement will be required if someone other than the registered owner of record is purchasing replacement plates.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-021, filed 5/28/87.]

**WAC 308-96A-046 Veteran's free license.** (1) Any disabled American veteran, former prisoner of war, or the surviving spouse of a deceased former prisoner of war who qualifies under chapter 73.04 RCW is entitled to receive regular or special license plates and is exempt from paying any annual licensing fees or excise tax.

Permanent registration and permanent license plate tabs will be issued to qualified persons for use on one personal use passenger vehicle which includes motor homes and trucks rated at less than twelve thousand pounds gross weight. Emission inspections are required each year in the designated inspection areas. For personalized license plates the annual renewal fees are required. Propane powered vehicles are subject to annual propane fees.

(2) For a disabled American veteran, confirmation of eligibility from the Veterans Administration or the military service from which the veteran was discharged must accompany the initial application. The confirmation of eligibility shall be certification of a service-connected disability rating and certification of one or more of the following conditions of eligibility:

(a) Has lost the use of both hands or one foot;

(b) Has become blind in both eyes as the result of military service; or

(c) Is rated by the Veterans Administration or the military service from which the veteran was discharged and is receiving service-connected compensation at the one hundred percent rate that is expected to exist for more than one year. Verification of vision acuity may be provided by an ophthalmologist or optometrist. Verification that the disabled veteran is receiving compensation at the one hundred percent rate, which may include unemployability expected to exist for more than one year, must be provided by the Veterans Administration or the military service from which the veteran was discharged.

(3) For a former prisoner of war, certification of the following fact from the Veteran's Administration or the military service from which the veteran was discharged must accompany the initial application: That the person was captured and incarcerated for more than twenty-nine days by an enemy of the United States during a period of war with the United States.

(4) The surviving spouse of a deceased former prisoner of war may be issued a regular or special prisoner



of war license plate even if the deceased had not been issued a plate pursuant to chapter 73.04 RCW. In addition to confirming eligibility for the deceased, the spouse must furnish the following:

- (a) A certified copy of the death certificate;
- (b) A copy of the marriage certificate;
- (c) A copy of documentation satisfactory to the department which verifies that the surviving spouse was married to the deceased former prisoner of war during the period of incarceration.

(5) When the special license plate or free license is transferred to another vehicle, a replacement plate fee, full license and excise fees for twelve months will be collected on the vehicle from which exemption is being removed. A new license expiration date will be established beginning with the first day of the month in which the exemption is transferred. The disabled veteran, former prisoner of war or surviving spouse must notify the department of the transfer and pay the transfer fees in effect.

(6) The disabled veteran, former prisoner of war or surviving spouse must be a registered or coregistered owner or lessee of the vehicle for which licensure is granted.

(7) When a vehicle with a free veterans license is sold, the special license plate must be removed and full excise and license fees for twelve months must be paid by the new registered owner at time of title transfer.

[Statutory Authority: RCW 46.01.110 and 46.16.276, 1987 c 98 § 1 and RCW 73.04.110 as amended by 1987 c 98 § 2. 88-01-010 (Order TL/RG 39), § 308-96A-046, filed 12/7/87. 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-056 Pearl Harbor survivor license plates.** Any Washington resident who served in the United States armed forces and is a survivor of the attack on Pearl Harbor as defined in chapter 44, Laws of 1987, may receive a set of special license plates designed by the department to indicate that the recipient is a survivor of the Japanese attack on Pearl Harbor.

(1) Applications for the special license plates shall be upon forms provided by the department. Supplemental qualifying documentation shall include:

- (a) A certification of eligibility from a Washington state chapter of the Pearl Harbor Survivors Association;
- (b) A current vehicle registration for the vehicle for which the special license plates are issued;
- (c) An armed forces document showing date of induction and date of honorable discharge.

(2) An applicant must be a registered owner, co-owner or lessee, or co-lessee of the vehicle for which the special license plates are issued.

[Statutory Authority: RCW 46.01.100, 46.16.276 and 1987 c 44. 88-01-010 (Order TL/RG 39), § 308-96A-056, filed 12/7/87.]

**WAC 308-96A-061 Honorary consular official special license plates application procedures.** (1) Applications for honorary consular official special license plates

shall be made in writing on a form provided by the department of licensing, and shall be accompanied by the following:

(a) A copy of an exequatur issued by the Department of State of the United States of America verifying that the applicant is duly licensed and an honorary consul or official representative of any foreign government.

(b) A copy of documents establishing that the vehicle is owned or leased by the person requesting the special plates. Acceptable documents include, but are not limited to, the current certificate of title or registration.

(c) Other such documentation that the department may reasonably require.

(d) Payment of regular license fees and excise tax.

(2) The application shall be signed by the registered owner of the vehicle.

(3) The department may reject or refuse any application which does not conform to the provisions of chapter 237, Laws of 1987, and rules and regulations of the department.

[Statutory Authority: RCW 46.01.110, 46.16.276 and 1987 c 237. 88-01-010 (Order TL/RG 39), § 308-96A-061, filed 12/7/87.]

**WAC 308-96A-062 Transfer or destruction of honorary consular official special license plates.** Whenever the owner or lessee transfers or assigns interest or title in the motor vehicle to which the honorary consular official special plates were issued, the plates shall be removed. The removed plates may either be immediately forwarded to the director to be destroyed, or may be transferred to another vehicle owned by the previous holder of the plates. Immediately upon transfer of the plates to another vehicle the holder of the plates shall complete and submit to the department a notification form provided by the department and payment of a \$5.00 transfer fee plus any other applicable fees and excise tax.

[Statutory Authority: RCW 46.01.110, 46.16.276 and 1987 c 237. 88-01-010 (Order TL/RG 39), § 308-96A-062, filed 12/7/87.]

**WAC 308-96A-065 Personalized license plates.** (1) The registered owner of a vehicle may apply for personalized license plates with any acceptable and unassigned combination of one to seven letters, numbers, or combination of both pursuant to RCW 46.16.565 through 46.16.600. Single digit plates shall not be assigned the letters "I" or "O," nor the numbers "1" (one) or "0" (zero).

(2) When a vehicle with personalized plates is sold, transferred or destroyed, the owner shall remove the plates from the vehicle. The owner may retain the plates for transfer to a replacement vehicle or return the plates to the department, relinquishing the right to the letter and/or number sequence or combination, or relinquish the plates to another individual by signing a notarized release of interest in the plates. The person to whom the plates were transferred must within fifteen days make application to have the plates transferred to a vehicle registered to the person.

(3) When the owner of a personalized plate fails to renew the license within forty-five days following the renewal due date or fails to have the plate transferred to

a replacement vehicle within thirty days from the sale, transfer, or destruction of the original vehicle, the plates will be cancelled.

(4) Cancelled personalized plates may be reissued anytime after cancellation if the department determines a renewal application was not applied for prior to the cancellation.

(5) The combination of letters and/or digits on a personalized license plate which has been cancelled may be reassigned to an applicant who applies for an original personalized plate with that combination of letters and/or digits and pays the fees for an original personalized plate.

[Statutory Authority: RCW 46.16.276 and 46.16.600. 88-12-043 (Order TL/RG 41), § 308-96A-065, filed 5/27/88. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-065, filed 5/28/87. 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-100 Licensing according to use instead of vehicle type.** Where a certain type of vehicle is to be used for a purpose other than the normal use for that type of vehicle, the vehicle may be licensed according to that use:

(1) Passenger cars used to transport commodities, merchandise, produce, freight or animals for commercial purposes may be licensed as commercial use trucks.

(2) Trucks used as passenger cars may be licensed as passenger cars if the following conditions are met:

(a) Seats have been permanently installed in or in place of the bed of the truck,

(b) The vehicle has been inspected and approved for this change of class by an authorized member of the Washington state patrol.

(3) Vehicles which are not readily identified as either passenger cars or trucks, such as Jeeps, Blazers and Broncos, may be licensed either as passenger or truck vehicles depending on their use.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-100, filed 5/28/87. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-100, filed 5/5/86; Order MV-328, § 308-96A-100, filed 7/24/75.]

**WAC 308-96A-136 Mopeds--License plates.** The decal or other identifying device for motorcycles specified by RCW 46.16.630 shall be the same as the motorcycle license plate. The number on the plate shall be the moped's registration number.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-136, filed 5/28/87.]

**WAC 308-96A-175 Ride-sharing vehicles.** (1) Any van which is used regularly as a ride-sharing vehicle pursuant to chapter 46.74 RCW may be issued a special license plate designating VAN POOL by satisfying the provisions of section 2, chapter 175, Laws of 1987. Any person or governmental agency desiring the special license plate shall make application on a form provided by the department and pay all initial licensing fees and the special license plate fee.

(2) A van owned, rented or leased by a governmental agency will be issued a special license plate in the VAN POOL configuration for the van described on the application if the van is regularly used as a ride-sharing vehicle. The license plate may not be transferred to any other vehicle without prior application for exemption on the other van and payment of a five dollar transfer fee.

(3) When the special VAN POOL license plate is removed or transferred to another vehicle a replacement plate fee, and excise tax prorated on the remaining months for which the van is licensed shall be collected on the vehicle from which exemption is being removed. If the transfer is being made within thirty-six consecutive months from initial registration, the full use tax originally exempted shall be payable. An application for exemption for the vehicle on which the special license plate is to be transferred must be filed pursuant to subsection (1) above with payment of a five dollar transfer fee.

(4) When a ride-sharing tax exempt vehicle is sold or transferred to another person who will continue to regularly use the van as a ride-sharing vehicle, the new owner shall make application for exemption and pay the special license plate fee.

[Statutory Authority: RCW 46.01.110, 46.16.276 and 1987 c 175 § 2. 88-01-010 (Order TL/RG 39), § 308-96A-175, filed 12/7/87.]

**WAC 308-96A-205 Increasing declared gross weight for license based on gross weight.** (1) A vehicle owner may increase declared gross weight for the remainder of the registration year or, if the vehicle is eligible for monthly tonnage or license based on gross weight, for any number of consecutive months within the registration year.

(2) An applicant who wishes to increase the tonnage or declared gross weight must surrender the current tonnage or license based on gross weight to receive credit.

(3) If the license has been lost, the license agent's verification of current gross weight and an affidavit of loss must accompany the application for increased gross weight to receive credit.

(4) Credit is the dollar amount remaining when the value of the expired portion of current tonnage or license based on gross weight is subtracted from the amount originally paid. This credit amount is then applied toward fees being charged for tonnage or license based on gross weight currently being issued.

(5) A tonnage license or license based on gross weight cannot be transferred from one vehicle to another vehicle in order to place additional tonnage or increase the declared gross weight on the second vehicle.

(6) When increasing tonnage or declared gross weight, the value of the expired portion of the current tonnage or license based on gross weight will be the value of all months used, not including the current month.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-205, filed 5/28/87. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-205, filed 5/5/86; Order MV-328, § 308-96A-205, filed 7/24/75.]

**WAC 308-96A-220 Transfer of license based on gross weight--To replacement vehicle.** (1) The license based on gross weight may be transferred to a replacement vehicle using a different fuel or of a different class when the amount of credit is fifteen dollars or more. If the license has been lost, the license agent's verification of current license based on gross weight and an affidavit of loss must accompany the application to receive credit.

(2) In order to qualify as a replacement, a vehicle must be:

(a) A presently unlicensed vehicle belonging to the owner; or

(b) A vehicle purchased for replacement which has either not been previously licensed or has had its license based on gross weight retained by its former owner.

(3) A person may transfer a license based on gross weight from one vehicle to a replacement which the person owns in circumstances which are limited to the following where a vehicle is:

(a) Sold and the credit amount of the license based on gross weight is fifteen dollars or more and is retained rather than given to the purchaser;

(b) Destroyed;

(c) Reclassified so a license based on gross weight is no longer required;

(d) Transferred to another state and registered there;

(e) Involuntarily removed from the person's ownership by repossession, sheriff's sale, court order, chattel lien, landlord lien, abandoned vehicle sale; or

(f) Stolen.

(4) When transferring a license based on gross weight, only the dollar amount previously paid for unexpired months is considered. This dollar amount must be fifteen dollars or more and is then applied as a credit against fees to be charged for the license based on gross weight of the replacement vehicle. If the amount due is less than the amount being transferred, the surplus with its expiration date is carried on the replacement vehicle's license document as a credit due to be applied to a future license purchase during the same registration year of the vehicle from which the credit was obtained.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-220, filed 5/28/87. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-220, filed 5/5/86; Order MV-328, § 308-96A-220, filed 7/24/75.]

**WAC 308-96A-300 Changing assigned registration year.** (1) Whenever a registration year is established for a vehicle, that year will remain with the vehicle regardless of the date on which a renewal application may be made and as long as it is not licensed in another jurisdiction in the interim. A vehicle which remains unlicensed for more than twelve months after the expiration date assigned to the vehicle will have a new registration year assigned. The first month of the new registration year is the month in which the owner applies for license registration renewal.

(2) A new registration year will be assigned when a vehicle is sold with a vehicle license that has been expired for more than thirty days and the new owner of the vehicle has applied for license registration renewal.

The first month of the new registration year is the month in which the new owner applies for license registration.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-300, filed 5/28/87. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-300, filed 5/5/86; Order MV-355, § 308-96A-300, filed 5/10/76.]

**WAC 308-96A-306 Definitions--Disabled person special parking privileges.** For the purposes of determining eligibility for special parking permits, the following definitions apply:

(1) "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, or United States government agencies or Indian nations 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.

(2) "Private carriers" are those entities contracting with public transportation authorities to perform their services.

(3) "Nursing homes" are those entities licensed as nursing homes with the department of social and health services.

(4) "Senior citizen centers" are bona fide senior citizen centers recognized by the bureau of aging and adult services or a specific county government.

(5) "Private nonprofit agencies" are those entities on file with the secretary of state's office as a nonprofit organization.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-306, filed 5/28/87.]

**WAC 308-96A-310 Application--Disabled person parking privileges.** Application must be made on forms provided by the department and signed by the disabled person. If the applicant is physically unable to sign, the application may be signed by a family member, stating his or her relationship to the applicant. If signed by mark (X), signatures of two witnesses are required.

A statement from a physician is required to certify the applicant's disability, except loss of both hands or lower limbs may be 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 a vehicle registered to the applicant. If the vehicle is not registered to the applicant, a special decal may be issued: *Provided*, That a statement is submitted to verify (a) the relationship of the registered owner to the applicant and (b) that the vehicle is used as the primary source of transportation for the applicant.

[Statutory Authority: RCW 46.01.110, 46.16.276 and 46.16.381. 88-01-010 (Order TL/RG 39), § 308-96A-310, filed 12/7/87. 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-325 Loss of disabled person parking card, decal, plate.** Replacement of a disabled person special parking privilege special card, decal or license plate will be issued upon receipt of a signed request from the applicant stating that the permit, decal or license plate has been lost, stolen, destroyed or mutilated. If the applicant is physically unable to sign, the statement may be signed by a family member or legal guardian.

[Statutory Authority: RCW 46.01.110, 46.16.276 and 46.16.381. 88-01-010 (Order TL/RG 39), § 308-96A-325, filed 12/7/87. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-325, filed 5/28/87. 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, nursing homes, senior citizen centers, and private nonprofit agencies--Disabled parking permits.** Application for special parking privilege permits for disabled persons must be made on forms provided by the department and signed by an appropriate official of the organization, certifying that the organization meets the eligibility requirements for special parking privilege permits for disabled persons, defined under RCW 46.16.381 and chapter 308-96A WAC.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-330, filed 5/28/87. 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 Special parking privilege permits for public transportation authorities, nursing homes, senior citizen centers, and private nonprofit agencies--Transfer, limitations.** Special parking privilege permits issued to public transportation authorities, nursing homes, senior citizen centers, and private nonprofit agencies are limited to one for each vehicle used to transport eligible disabled persons. Permits issued to public transportation authorities, nursing homes, senior citizen centers, and private nonprofit agencies are not transferable to another vehicle. When the assigned vehicle is no longer being used by the organization to transport qualified disabled persons, the responsible official of the organization must notify the department and surrender the permit. In lieu of the permit, a statement verifying the permit has been destroyed may be accepted.

The special parking permits for the transportation of the disabled will be issued for a specified period of time as follows:

(1) Nursing homes will have permits issued to correspond with the duration of the license to operate which was issued to the nursing home by the department of social and health services, state of Washington.

(2) Senior citizen centers will be issued permits for a three-year period beginning with the date the permit was issued by the department of licensing.

(3) Private nonprofit agencies will be issued permits for a three-year period beginning with the date the permit was issued by the department of licensing.

(4) Public transportation authorities will be issued permits for a three-year period beginning with the date the permit was issued by the department of licensing.

(5) Private carriers who contract with public transportation authorities will be issued permits to correspond with the duration of such contract but for a period of time not to exceed three years.

A new application must be submitted before a new permit may be issued, to certify eligibility of the organization.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-335, filed 5/28/87. 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-400 Excise tax exemption--Indians.**

(1) For 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, Clallam (Jamestown Council), Clallam (Port Gamble Council), Colville, Hoh, Kalispell, Lower Elwha, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, Puyallup, Quileute, Quinault, Sauk-Suiattle, Shoalwater, Skagit, Skokomish, Spokane, Squaxin, Stillaguamish, Suquamish, 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) Motor vehicles owned by Indian tribes located on recognized Washington Indian reservations are exempt from payment of the motor vehicle excise tax imposed by chapter 82.44 RCW. Mobile homes, travel trailers and campers owned by Indian tribes located on recognized Washington Indian reservations are exempt from payment of the mobile home, travel trailer and camper excise tax imposed by chapter 82.50 RCW.

(3) Any vehicle owned or leased by the governing body of an Indian tribe and used exclusively in its or their service may be exempt from the payment of licensing fees, and may be issued special "I" series license plates, provided, that the Indian tribe itself does not license or register any tribal government service vehicle under tribal law.

(4) Motor vehicles 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 motor vehicle excise tax imposed by chapter 82.44

RCW. Mobile homes, travel trailers and campers owned by Indians having their principal residence within the recognized Indian reservation, for the tribe in which they are duly registered on the tribal rolls, are exempt from payment of the mobile home, travel trailer and camper excise tax imposed by chapter 82.50 RCW.

(5) A properly completed affidavit of exemption on a form supplied by the department must be submitted with each motor vehicle, mobile home, travel trailer or camper license 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 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-400, filed 5/28/87. Statutory Authority: RCW 82.44.020 and 82.44.060. 83-08-052 (Order 714-DOL), § 308-96A-400, filed 4/1/83.]

**WAC 308-96A-410 Study fee.** For the purpose of assessing the study fee as applied to motor vehicles in RCW 46.16.061, the term "motor vehicle" will not include nonpowered vehicles, nor those vehicles registering under chapter 46.09 or 46.10 RCW. The study fee will be assessed at time of annual registration.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-410, filed 5/28/87.]

**WAC 308-96A-415 Centennial plate issuance.** Issuance of the centennial design license plates shall commence January 1, 1987 for all vehicle license plates, and shall include all license plates issued after that date, except for horseless carriage, restored, medal of honor and lemon yellow personalized plates.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-415, filed 5/28/87.]

**WAC 308-96A-420 Centennial plate fee.** (1) The centennial plate fee for original plates will be charged in addition to plate fees authorized by RCW 46.16.060, 46.16.320 and 46.16.585.

(2) Centennial plate fees will not be charged for centennial design plates issued to vehicles licensed under RCW 46.16.020.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-420, filed 5/28/87.]

**WAC 308-96A-450 Driving without valid license—Temporary vehicle registration.** (1) Arresting officers, at the time of arrest for violation of RCW 46.20.021, 46.20.342(1), 46.20.420, or 46.65.090, may issue a temporary vehicle registration on behalf of the department of licensing to replace any vehicle registration confiscated pursuant to RCW 46.16.710. The temporary vehicle registration shall provide notice to the arrested driver of the department's intention to cancel the vehicle registration and the license plates of the described vehicle in accordance with RCW 46.16.720 and 46.16.730.

(2) Vehicles may be operated during the term of the temporary registration without payment of annual renewal license fees and excise tax. Any renewal fee and tax received for the vehicle during the temporary registration period will be credited to the current renewal of

the registration if any fees and/or taxes are currently owed. Fees and taxes received for vehicle registration and license plates which have been cancelled are not refundable and are not applicable to future renewals due to cancellation of the registration.

[Statutory Authority: RCW 46.16.760(2). 88-19-017 (Order TL/RG 43), § 308-96A-450, filed 9/9/88.]

**WAC 308-96A-460 Vehicle registration cancellation hearings.** (1) Upon notification by the department, or by a law enforcement officer acting on its behalf, of the department's intention to cancel the vehicle registration and license plates under authority of RCW 46.16.720, the driver may request a formal hearing. Such request must be in writing and must be received by the department within fifteen days from the date the temporary registration was issued.

(2) The department will give the driver at least 20 days advance notice of the time and place of the hearing unless the period of notice is waived by the driver. The hearing will be conducted in the county of arrest or in some other county mutually agreed to by the department and the driver.

(3) The hearing will be conducted by a hearing officer appointed by the director. The hearing officer is authorized to render final decisions.

(4) The sworn report submitted by the arresting officer constitutes a presumption that the arresting officer complied with RCW 46.16.710; that the officer arrested the driver for a violation of RCW 46.20.021, 46.20.342(1), 46.20.420, or 46.65.090; that the officer had reasonable grounds to believe the arrested driver was driving in violation of RCW 46.20.342(1); and that the arrest was lawful.

(5) The driving record as maintained by the department is prima facie correct.

(6) The hearing officer shall issue a subpoena upon the request of any party upon a statement showing general relevance and reasonable scope of the evidence sought: Provided, however, that such subpoena may be issued with like effect by the attorney of record of the party in whose behalf the witness is required to appear, and the form of the subpoena may be the same as when issued by the hearing officer except that it shall only be subscribed by the signature of such attorney.

(7) Any party may cross-examine any witness and has the right to submit rebuttal evidence.

(8) The scope of the hearing shall be limited to the following issues:

(a) Whether the driver was a registered owner of the vehicle he or she was driving at the time of the arrest, or that in violation of RCW 46.12.101 no transfer of title of the vehicle has been made.

(b) Whether the arrested driver's privilege to drive was suspended or revoked, or in a suspended or revoked status, at the time of the arrest.

(9) Upon a showing of good cause, the driver may request a continuance of the scheduled hearing date: Provided, the hearing may be continued only if it can be rescheduled for a time no more than sixty days after arrest.

[Statutory Authority: RCW 46.16.760(2), 88-19-017 (Order TL/RG 43), § 308-96A-460, filed 9/9/88.]

**WAC 308-96A-470 Driving without valid license-- Reregistration after cancellation.** (1) An application to reregister a vehicle whose registration and license plates have been cancelled pursuant to RCW 46.16.720 may be made:

(a) By a new owner qualified to register the vehicle when title to the vehicle is being transferred to him or her; or

(b) By the arrested driver after he or she has been issued a valid driver's license; or

(c) After the registered owner's suspended/cancelled/revoked driver's license or driving privilege has been reinstated.

(2) Application for reregistration shall be made on a form provided by the department and shall include a replacement plate fee and any annual license renewal fees and excise tax due.

(3) The reregistration expiration date will be:

(a) Unchanged - when the previous registration year has not expired; or

(b) New - when the previous expiration date was more than twelve months prior to the month of application; or

(c) One year later than the current expiration date - when the current expiration date is less than thirteen months prior to the date of application.

(4) The department will reissue a registration and issue new vehicle license tabs without cost to the registered owner(s) when the confiscated registration is cancelled in error or the cancellation is reversed by administrative hearing or by the court.

[Statutory Authority: RCW 46.16.760(2), 88-19-017 (Order TL/RG 43), § 308-96A-470, filed 9/9/88.]

**WAC 308-96A-480 Driving without valid license-- Vehicle operating on a permit.** (1) At the time of arrest for violation of RCW 46.20.021, 46.20.342(1), 46.20.420, or 46.65.090 if the vehicle is being operated on a thirty day department temporary permit, the arresting officer shall mark the Washington license plates when present, inscribe on the face of the department permit that a temporary vehicle registration was issued, and issue the sixty day temporary vehicle registration.

(2) Upon receipt of the sworn report of the arresting officer, the department shall send written notice by certified mail (or registered mail to Canada) to the arrested driver cancelling any registration and/or plates issued subsequent to the temporary registration and explaining the reasons therefore. Issuance of the registration and/or plates shall not affect the cancellation of the registration and license plates beginning sixty days after arrest, or at the time the cancellation is sustained by a hearing, whichever occurs first.

[Statutory Authority: RCW 46.16.760(2), 88-19-017 (Order TL/RG 43), § 308-96A-480, filed 9/9/88.]

**WAC 308-96A-490 Driving without valid license-- No valid registration.** At the time of arrest for violation

of RCW 46.20.021, 46.20.342(1), 46.20.420, or 46.65.090 if the vehicle is being operated on vehicle license plates and registration that are invalid, a temporary registration cannot be issued pursuant to RCW 46.16.710.

[Statutory Authority: RCW 46.01.110 and 46.16.276, 88-23-016 (Order TL/RG 45), § 308-96A-490, filed 11/7/88.]

## Chapter 308-99 WAC VEHICLE RECIPROCITY

### WAC

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**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 chapters 46.16, 46.85, and 46.87 RCW, shall apply to the operation of vehicles which are not licensed or registered in this state.

[Statutory Authority: RCW 46.01.110, 46.16.276 and 46.85.060 as amended by 1987 c 142 § 4, 87-21-013 (Order TL/RG 37), § 308-99-010, filed 10/9/87. 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 manifests an intent to live or be located in this state on more than a temporary or transient basis. Evidence of residency includes but is not limited to:

(a) Becoming a registered voter in this state; or

(b) Receiving benefits under one of the Washington public assistance programs; or

(c) Declaring that he or she is a resident for the purpose of obtaining a state license or tuition fees at resident rates.

(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 46.01.110, 46.16.276 and 46.85.060 as amended by 1987 c 142 § 4, 87-21-013 (Order TL/RG 37), § 308-99-020, filed 10/9/87. Statutory Authority: RCW 46.85.060, 46.16.028 and 46.01.110, 86-14-016 (Order TL/RG 26), § 308-99-020, filed 6/24/86. 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 308-99-021 "Washington public assistance programs" criteria.** For purposes of vehicle license registration requirements of RCW 46.16.028 and WAC 308-99-020, the term "Washington public assistance programs" includes only public assistance programs for



which more than fifty percent of the combined costs of benefits and administration are paid from state funds. Programs which are not included within the term "Washington public assistance programs" pursuant to the above criteria include, but are not limited to, the food stamp program under the Federal Food Stamp Act of 1964; programs under the Child Nutrition Act of 1966 (42 U.S.C. §§ 1771-1788) and aid to families with dependent children (42 U.S.C. §§ 601-606).

[Statutory Authority: RCW 46.01.110, 46.16.276 and 46.85.060 as amended by 1987 c 142 § 4, 87-21-013 (Order TL/RG 37), § 308-99-021, filed 10/9/87. Statutory Authority: RCW 46.85.060, 46.16.028 and 46.01.110, 86-14-016 (Order TL/RG 26), § 308-99-021, filed 6/24/86.]

**WAC 308-99-025 Registration required.** A resident of this state shall register under chapters 46.12 and 46.16 RCW a vehicle to be operated on the highways of the state. Pursuant to RCW 46.16.028(3), new Washington residents shall be allowed thirty days from the date they become residents as defined in RCW 46.16.028, to procure Washington registration for their vehicles. This thirty-day period shall not be combined with any other period of reciprocity provided for in chapter 46.16 or 46.85 RCW, or in this chapter. Pursuant to RCW 46.61.010, failure to make initial registration before operation on the highways of this state is a misdemeanor, and any person convicted thereof shall be punished by a fine of no less than one hundred sixty-five dollars, no part of which may be suspended or deferred. Failure to renew an expired registration before operation on the highways of this state is a traffic infraction.

[Statutory Authority: RCW 46.01.110, 46.16.276 and 46.85.060 as amended by 1987 c 142 § 4, 87-21-013 (Order TL/RG 37), § 308-99-025, filed 10/9/87. 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 persons: Nonresident persons not employed in this state may operate a vehicle in this state that is currently licensed in another jurisdiction for a period not to exceed six months in any continuous twelve-month period.

(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 or at a private vocational school as that term is defined by RCW 28C.10.020(7) 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 his/her 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) 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.

(5) Nonresident employed in Washington: Nonresident persons employed in this state may operate vehicles not to exceed 12,000 pounds registered gross vehicle weight that are currently licensed in another jurisdiction if no permanent, temporary, or part-time residence is maintained in this state for a period greater than six months in any continuous twelve-month period.

(6) 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 registered to a bona fide business in that jurisdiction 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.

[Statutory Authority: RCW 46.01.110, 46.16.276 and 46.85.060 as amended by 1987 c 142 § 4, 87-21-013 (Order TL/RG 37), § 308-99-040, filed 10/9/87. Statutory Authority: RCW 46.01.110, 87-01-029 (Order 800-DOL), § 308-99-040, filed 12/11/86. 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 308-100 WAC

### DRIVERS' LICENSES--SPECIAL PROVISIONS

WAC

308-100-010 Vehicles requiring endorsement for their operation.

**WAC 308-100-010 Vehicles requiring endorsement for their operation.** The director of the department of licensing hereby finds that all motor trucks having three axles; truck-tractors having three axles; for-hire vehicles having three or more axles or designed to carry nine or more passengers; crew busses having three or more axles or designed to carry nine or more passengers; school busses; auto stages designed to carry nine or more passengers; and private carrier busses, require special operating skills by the drivers of those vehicles. All persons driving such vehicles must secure from the department



of licensing an endorsement on their driver's license designated as INTERMEDIATE.

[Statutory Authority: RCW 46.01.110. 87-19-129 (Order DS 3), § 308-100-010, filed 9/22/87; 82-03-046 (Order 668 DOL), § 308-100-010, filed 1/19/82; Order 106 MV, § 308-100-010, filed 8/17/71; Order 691101, § 308-100-010, filed 11/26/69; Order 1, § 308-100-010, filed 1/5/68.]

### Chapter 308-104 WAC DRIVERS' LICENSES

#### WAC

|             |  |
|-------------|--|
| 308-104-004 | Definitions for purposes of driver licensing requirements. |
| 308-104-006 | Driver's license required.                                 |
| 308-104-008 | Persons exempt from driver's license requirement.          |
| 308-104-050 | Waiver of driver education requirement—When granted.       |

**WAC 308-104-004 Definitions for purposes of driver licensing requirements.** (1) A "resident" is a person who manifests an intent to live or be located in this state on more than a temporary or transient basis. Evidence of residency includes but is not limited to:

- (a) Becoming a registered voter in this state; or
- (b) Receiving benefits under one of the Washington public assistance programs; or
- (c) Declaring that he or she is a resident for the purpose of obtaining a state license, including but not limited to hunting or fishing license, or tuition fees at resident rates.

(2) The term "Washington public assistance programs" referred to in this chapter includes only public assistance programs for which more than fifty percent of the combined costs of benefits and administration are paid from state funds. Programs which are not included within the term "Washington public assistance programs" pursuant to the above criteria include, but are not limited to, the food stamp program under the Federal Food Stamp Act of 1964; programs under the Child Nutrition Act of 1966, 42 U.S.C. Secs. 1771 through 1788; and aid to families with dependent children, 42 U.S.C. Secs. 601 through 606.

(3) "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.

(4) "Jurisdiction" means a state, territory, or possession of the United States; the District of Columbia; or a province of Canada.

[Statutory Authority: RCW 46.01.110. 87-19-129 (Order DS 3), § 308-104-004, filed 9/22/87.]

**WAC 308-104-006 Driver's license required.** (1) No person, except as expressly exempted by chapter 46.20 RCW or by this chapter, may drive any motor vehicle upon a highway in this state unless the person has in his or her possession a valid driver's license issued under the provisions of chapter 46.20 RCW.

(2) A new Washington resident must make application for a Washington state driver's license immediately upon establishing residency.

[Statutory Authority: RCW 46.01.110. 87-19-129 (Order DS 3), § 308-104-006, filed 9/22/87.]

**WAC 308-104-008 Persons exempt from driver's license requirement.** In addition to persons exempt from driver license requirement pursuant to RCW 46.20.025, the following persons are exempt from driver's license requirement:

(1) Nonresident student who is at least sixteen years of age and who has in his or her immediate possession a valid driver's license issued by his or her home jurisdiction. The student must be enrolled as a full-time nonresident student at an institution of higher learning in Washington accredited by the Northwest Association of Schools and Colleges or at a private vocation school as that term is defined by RCW 28C.10.020(7). The student must maintain his or her legal home of record at a location outside the state of Washington. The student must carry documentation issued by the institution which readily establishes his or her status as a nonresident student.

(2) The spouse or dependent of the nonresident student has the same licensing privilege as the nonresident student if the spouse or dependent has a valid driver's license which was issued by the same jurisdiction as the nonresident student. Documentation issued by the institution attended by a student must be carried by the spouse or dependent.

(3) Nonresident military personnel who are at least sixteen years of age who has in his or her immediate possession a valid driver's license issued by the jurisdiction designated as his or her home of record.

(4) The spouse or dependent of the nonresident military personnel has the same licensing privilege as the nonresident military personnel if the spouse or dependent has a valid driver's license which was issued by the same jurisdiction as the home of record of the nonresident military personnel.

[Statutory Authority: RCW 46.01.110. 87-19-129 (Order DS 3), § 308-104-008, filed 9/22/87.]

**WAC 308-104-050 Waiver of driver education requirement—When granted.** No waiver of the traffic safety education course requirement for applicants under the age of 18 years shall be issued unless:

(1) The parent, guardian, or other person having the care, custody and control of the applicants certifies that the applicant[s] is:

(a) Unable to take or successfully complete a traffic safety education course and the reasons therefor, and

(b) That there exists an immediate need to operate a motor vehicle. The immediate need shall be set forth in as much detail as possible. For the purpose of meeting this requirement, "an immediate need exists" shall be construed to mean that the capability to drive will reduce or help eliminate the negative consequences of the situation that created the immediate need to drive. If operating a motor vehicle does not reduce the hardship

which was created by the situation, "an immediate need" does not exist; and

(2) The waiver is approved by a majority of a three member committee consisting of two department of licensing members which shall include any two of the following: The assistant director for driver services, the administrator of hearings, the administrator of driver responsibility, the administrator or assistant administrator(s) for driver operations, and one member who shall be the supervisor of driver and safety education in the office of the superintendent of public instruction or his/her designee. The committee shall have the power to set definite restrictions as to hours of the day and routes or areas of travel permitted under the waiver until the applicant has completed a driver education course or has reached the age of 18 years.

[Statutory Authority: RCW 46.01.110, 87-19-129 (Order DS 3), § 308-104-050, filed 9/22/87; 82-03-046 (Order 668 DOL), § 308-104-050, filed 1/19/82; Order 468-DOL, § 308-104-050, filed 12/30/77; Order MV-131, § 308-104-050, filed 4/26/72.]

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

## Chapter 308-115 WAC MIDWIFERY

### WAC

|             |   |
|-------------|---|
| 308-115-140 | Curriculum.   |
| 308-115-220 | Credit toward educational requirements for licensure.   |
| 308-115-230 | Preceptor for midwife-in-training program.              |
| 308-115-240 | Trainee permit for midwife-in-training program.         |
| 308-115-250 | Legend drugs and devices.                               |
| 308-115-405 | Midwifery fees.   |
| 308-115-500 | AIDS prevention and information education requirements. |

**WAC 308-115-140 Curriculum.** (1) The basic curriculum shall be at least three academic years, and shall consist of both didactic and clinical instruction sufficient to meet the educational standards of the school and of chapter 18.50 RCW. However, the school may shorten the length of time for the program after consideration of the student's documented education and experience in the required subjects, if the applicant is a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, or has had previous nursing education or practical midwifery experience. The midwifery training shall not be reduced to a period of less than two academic years. 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, 87-21-011 (Order PM 686), § 308-115-140, filed 10/9/87; 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.]

**WAC 308-115-220 Credit toward educational requirements for licensure.** (1) Applicants not meeting the minimum requirements set forth in WAC 308-115-060 may apply to the department for licensure by submitting the following:

(a) A completed, notarized application on a form provided by the department accompanied by a nonrefundable fee as specified in WAC 308-115-405;

(b) Credit for academic courses:

(i) Certification by an accrediting body, which has been approved by the department, of completed academic and continuing education courses as required in RCW 18.50.040(b) for which the applicant has received a grade of "C" or better. A certified copy of the courses taken and grades or scores achieved shall be submitted by the accrediting body directly to the department; or

(ii) Completion of challenge examinations approved by the department with a minimum score of 75% for any academic subject required in RCW 18.50.040(b). Challenge examinations shall be administered a minimum of twice a year. An applicant for challenge examination must file a completed application for each examination along with the required fee with the department at least 45 days prior to the examination.

(c) A prospectus for permission to undertake a midwife-in-training program. Such a program shall be on such terms as the department finds necessary to assure that the applicant meets the minimum statutory requirements for licensure set forth in RCW 18.50.040, and shall include, but not be limited to the following:

(i) The program shall be under the guidance and supervision of a preceptor, and shall be conducted for a period of not more than five years;

(ii) The program shall be designed to provide for individual learning experiences and instruction based upon the applicant's academic background, training, and experience;

(iii) The prospectus for the program shall be submitted on an approved form, signed by the preceptor, and approved by the department prior to the commencement of the program. Any changes in the program shall be reported within 30 days in writing to the department, and the department may withdraw the approval given, or alter the conditions under which approval was originally given, if the department finds that the program as originally submitted and approved has not been or is not being followed.

(2) The midwife-in-training program prospectus must include the following components:

(a) A plan for completion of required academic subjects required in RCW 18.50.040(b);

(b) Planned reading and written assignments;

(c) A project including at least one problem-solving component to be submitted in writing. The problem-solving component should include the definition of an acknowledged problem, the method of approach to the problem, the listing of possible alternatives, the actions taken, evaluation, and final recommendations to improve care given;

(d) Other planned learning experiences including acquisition of knowledge about other health and welfare agencies in the community;

(e) A quarterly written report, on an approved form, submitted to the department by the trainee, which shall include a detailed outline of progress toward meeting the objectives of the prospectus during the reporting period;

(f) The program must provide for a broad range of experience with a close working relationship between preceptor and the trainee. Toward that end, as a general rule, no program will be approved which would result in an individual preceptor supervising more than two midwives-in-training simultaneously. Exception to this rule may be granted by the department in unusual circumstances;

(g) The department may, in an individual case, require additional approved education, based upon assessment of the individual applicant's background, training and experience.

(3) Upon approval of the application, a trainee permit will be issued which enables the trainee to practice under the supervision of a preceptor. The permit shall expire within one year of issuance and may be extended as provided by rule.

(4) The trainee shall provide documentation of care given as follows:

(a) Records of no more than thirty-five women to whom the trainee has given care in each of the prenatal, intrapartum, and early postpartum periods, although the same women need not have been seen through all three periods. These records must contain affidavits from the clients certifying that the care was given. If a client is unavailable to sign an affidavit, an affidavit from a preceptor or a certified copy of the birth certificate may be substituted. The care may have been given prior to the beginning of the midwife-in-training program or during the trainee period;

(b) After being issued a trainee permit, the trainee must manage care in the prenatal, intrapartum, and early postpartum period of fifteen women under the supervision of the preceptor. These women shall be in addition to the women whose records were used to meet the conditions of WAC 308-155-220 (4)(a). The preceptor shall submit, on approved forms, completed check-lists of skills and experiences when this requirement has been met;

(c) Evidence, on an approved form, of observing 50 deliveries in addition to those specified in section (4)(b) above. The deliveries may have been observed prior to the beginning of the midwife-in-training program or may be observed during the trainee period.

(5) Upon satisfactory completion of sections (1)(a) through (4)(c) of this subsection, the trainee is eligible to apply for the examination.

[Statutory Authority: RCW 18.50.040(3) and 18.50.115. 88-12-040 (Order PM 732), § 308-115-220, filed 5/27/88.]

**WAC 308-115-230 Preceptor for midwife-in-training program.** (1) In reviewing a proposed midwife-in-training program, the department shall use the following criteria in assessing the qualifications and determining the responsibilities of the preceptor:

(a) Qualifications of preceptor:

(i) The preceptor shall have demonstrated the ability and skill to provide safe, quality care;

(ii) The preceptor shall have demonstrated continued interest in professional development beyond the requirements of basic licensure;

(iii) The preceptor shall participate in and successfully complete any preceptor workshop or other training deemed necessary by the department; and,

(iv) The preceptor shall be licensed in the state of Washington. Exception to this rule may be granted by the department in unusual circumstances.

(b) Responsibilities of the preceptor:

(i) The preceptor shall monitor the educational activities of the trainee and shall have at least one conference with the trainee quarterly to discuss progress;

(ii) The preceptor shall submit quarterly progress reports on approved forms to the department, and,

(iii) The preceptor shall maintain and submit the checklists as specified in WAC 308-115-220 (4)(b).

[Statutory Authority: RCW 18.50.040(3) and 18.50.115. 88-12-040 (Order PM 732), § 308-115-230, filed 5/27/88.]

**WAC 308-115-240 Trainee permit for midwife-in-training program.** (1) A trainee permit may be issued to any individual who has:

(a) Been approved for a midwife-in-training program; and,

(b) Filed a completed application accompanied by a non-refundable fee.

(2) The trainee permit authorizes individuals to manage care as required in WAC 308-115-220 (4)(b).

(3) Permits will be issued yearly for the duration of the trainee's midwife-in-training program.

[Statutory Authority: RCW 18.50.040(3) and 18.50.115. 88-12-040 (Order PM 732), § 308-115-240, filed 5/27/88.]

**WAC 308-115-250 Legend drugs and devices.** (1) Licensed midwives may purchase and use legend drugs and devices which are deemed integral to providing safe care to the public. Such devices include the following:

(a) Dopplers, syringes, needles, phlebotomy equipment, suture, urinary catheters, intravenous equipment, heparin locks, amnihooks, and "DeLee type" mucous traps;

(b) Pharmacies may fill orders for diaphragms which have been issued by licensed midwives for postpartum women.

(2) In addition to medications listed in RCW 18.50.115, licensed midwives may administer the following medications:

(a) Intravenous fluids limited to Lactated Ringers, 5% Dextrose with Lactated Ringers, and 5% Dextrose with water;

(b) Heparin for use in heparin locks, Epinephrine for use in allergic reactions, and Magnesium Sulphate shall be used according to midwifery advisory committee established protocols. Such protocols shall state the indications for use, the dosage and the administration of these medications.

(c) Licensed midwives may obtain and administer Rubella vaccine to non-immune postpartum women.

(3) The client's records shall contain documentation of all medications administered.

(4) Whenever Epinephrine or Magnesium Sulfate is administered, a report, on approved forms, shall be submitted within thirty days to the midwifery advisory committee.

[Statutory Authority: RCW 18.50.040(3) and 18.50.115. 88-12-040 (Order PM 732), § 308-115-250, filed 5/27/88.]

**WAC 308-115-405 Midwifery fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee                              | Fee      |
|---|----------|
| Initial application                       | \$225.00 |
| Examination                               | 250.00   |
| Reexamination (second subsequent or more) | 250.00   |
| Renewal                                   | 175.00   |
| Late renewal penalty                      | 175.00   |
| Duplicate license                         | 15.00    |
| Certification                             | 25.00    |

[1988 WAC Supp—page 2066]

[Statutory Authority: RCW 43.24.086. 87-18-031 (Order PM 667), § 308-115-405, filed 8/27/87. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-115-405, filed 8/10/83. Formerly WAC 308-115-400.]

**WAC 308-115-500 AIDS prevention and information education requirements.** (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989 persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of licenses. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 license expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-115-500, filed 11/2/88.]

### Chapter 308-116 WAC PRACTICAL NURSES

## WAC

308-116-325 Repealed.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-116-325 Fees. [Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-116-325, filed 8/10/83. Formerly WAC 308-116-310.] Repealed by 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086.

**WAC 308-116-325 Repealed.** See Disposition Table at beginning of this chapter.

### Chapter 308-117 WAC PRACTICAL NURSES

## WAC

308-117-010 Definitions.  
 308-117-030 Licensure qualifications.  
 308-117-040 Licensing examination and passing score.  
 308-117-050 Release of results of examination.  
 308-117-060 Filing of application for licensing examination.  
 308-117-080 Licensure of graduates of foreign schools of nursing.  
 308-117-090 Licensure by interstate endorsement.  
 308-117-095 Documents which indicate authorization to practice practical nursing in Washington.  
 308-117-100 Renewal of licenses.  
 308-117-105 Return to active status from inactive or lapsed status.  
 308-117-130 Board action following survey visits.  
 308-117-200 Curriculum standards in an approved practical nursing program.  
 308-117-300 Curriculum content.  
 308-117-360 AIDS education and training.  
 308-117-410 Criteria for approved refresher course.  
 308-117-420 Scope of practice—Advisory opinions.  
 308-117-500 Practical nurse fees.

**WAC 308-117-010 Definitions.** (1) "Program" means a division or department within a state supported educational institution, or other institution of higher learning charged with the responsibility of preparing persons to qualify for the licensing examination.

(2) "Philosophy" means the beliefs and principles upon which the curriculum is based.

(3) "Terminal objectives" means the statements of goals which reflect the philosophy and are the measurable outcomes of the total curriculum.

(4) "Behavioral objectives" means the measurable outcomes of specific content.

(5) "Minimum standards of competency" means the functions that are expected of the beginning level licensed practical nurse.

(6) "Conceptual framework" means the theoretical base around which the curriculum is developed.

(7) "Beginning practitioner" means a newly licensed practical nurse beginning to function in the practical nurse role.

(8) "Client" means the person who receives the services of the practical nurse.

(9) "Standards" means the overall behavior which is the desired outcome.

(10) "Competencies" means the tasks necessary to perform the standards.

(11) "Client advocate" means a supporter of client rights and choices.

(12) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(13) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

[Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.78.072, 18.78.090, 18.78.225, 18.130.050 and 70.24.270. 88-24-017 (Order PM 768), § 308-117-010, filed 12/1/88. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-010, filed 12/19/83. Formerly WAC 308-116-005.]

**WAC 308-117-030 Licensure qualifications.** (1) In order to be eligible for licensure by examination the applicant shall have satisfactorily completed an approved practical nursing program, fulfilling all the basic course content as stated in WAC 308-117-300, or its equivalent as determined by the board. Effective May 1, 1988, every applicant must have satisfactorily completed an approved practical nursing program within two years of the date of the first examination taken or the applicant must meet other requirements of the board to determine current theoretical and clinical knowledge of practical nursing practice.

(2) An applicant who has not completed an approved practical nurse program must establish evidence of successful completion of nursing and related courses at an approved school preparing persons for licensure as registered nurses, which courses include personal and vocational relationships of the practical nurse, basic science and psychosocial concepts, theory and clinical practice in medications and the nursing process, and theory and clinical practice in medical, surgical, geriatric, pediatric, obstetric and mental health nursing. These courses must be equivalent to those same courses in a practical nursing program approved by the board.

(3) An interim permit (WAC 308-117-095) and a notice of eligibility for admission to the licensing examination may be issued to all new graduates from board approved practical nursing programs after the filing of a completed application, payment of the application fee, and official notification from the program certifying that the individual has satisfactorily completed all requirements for the diploma/certification. The interim permit is only issued for the first examination period for which the applicant is eligible after graduation.

(4) All other requirements of the statute and regulations shall be met.

[Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.78.072, 18.78.090, 18.78.225, 18.130.050 and 70.24.270. 88-24-017 (Order PM 768), § 308-117-030, filed 12/1/88. Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-030, filed 8/25/88. Statutory Authority: 18.78.050, 18.78.060 and 18.130.050. 88-08-034 (Order PM 718), § 308-117-030, filed 4/1/88. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-030, filed 12/19/83. Formerly WAC 308-116-295.]

**WAC 308-117-040 Licensing examination and passing score.** (1) The current series of the National Council of State Board of Nursing Practical Nurse Examination (NCLEX) shall be the official examination for practical nurse licensure.

(2) The NCLEX will consist of two tests with the score for the total examination reported as either pass or fail.

(3) Examinations shall be conducted twice a year, in April and October.

(4) The executive secretary of the board shall negotiate with the National Council of State Boards of Nursing, Inc. (NCSBN) for the use of the NCLEX.

(5) The examination shall be administered in accord with the NCSBN security measures and contract.

[Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-040, filed 8/25/88. Statutory Authority: RCW 18.78.050, 84-01-061 (Order PL 452), § 308-117-040, filed 12/19/83.]

**WAC 308-117-050 Release of results of examination.** (1) Applicants shall be notified regarding the examination results by mail only. The results will not be released until the candidate's official transcript is on file with the board.

(2) Applicants who pass shall receive a license to practice as a licensed practical nurse provided all other requirements are met.

(3) Applicants who fail shall receive a letter of notification regarding their eligibility to retake the examination.

(4) In addition to a listing of the names of graduates indicating whether each passed or failed the examination, each practical nursing program in Washington shall receive a statistical report of the examination results of applicants from that school and a report of state and national statistics.

(5) Examination results for all candidates will be maintained in the application files in the division of professional licensing, department of licensing.

[Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-050, filed 8/25/88. Statutory Authority: RCW 18.78.050, 84-01-061 (Order PL 452), § 308-117-050, filed 12/19/83.]

**WAC 308-117-060 Filing of application for licensing examination.** (1) All applicants shall file with the Washington state board of practical nursing a completed notarized application, with the required fee prior to February 15, for the April examination and August 15, for the October examination. The fee is not refundable.

(2) Applicants shall submit with the application one recent U.S. passport identification photograph of the applicant unmounted and signed by the applicant across the front.

(3) Applicants shall request the school of nursing to send an official transcript directly to the board of practical nursing. The transcript shall contain adequate documentation to verify that statutory requirements are met and shall include course names and credits accepted from other programs.

(4) Applicants shall also file an examination application, along with the required fee, directly with the testing service.

(5) Applicants who have filed the required applications and met all qualifications will be notified of their eligibility, and only such applicants will be admitted to the examination.

(6) Effective January 1, 1989, persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-117-360.

[Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.78.072, 18.78.090, 18.78.225, 18.130.050 and 70.24.270. 88-24-017 (Order PM 768), § 308-117-060, filed 12/1/88. Statutory Authority: RCW 18.78.050, 84-01-061 (Order PL 452), § 308-117-060, filed 12/19/83.]

**WAC 308-117-080 Licensure of graduates of foreign schools of nursing.** (1) Applicants who received their nursing education outside the United States or its territories shall meet the following requirements for licensing:

(a) Satisfactory completion of a basic nursing education program approved by the country of original licensure. The nursing education program shall be equivalent to the minimum standards prevailing for state board approved schools of practical nursing in Washington at the time of graduation.

(b) Satisfactory passage of the test of English as a foreign language (TOEFL). As of May 1, 1988, all applicants with nursing educations obtained in countries outside of the United States and never before licensed in another jurisdiction or territory of the United States, shall be required to take the TOEFL and attain a minimum score of fifty in each section. Once an applicant obtains a score of fifty in a section, the board will require reexamination and passage only in the section(s) failed. Passage of all sections of the TOEFL must be attained and the applicant must cause TOEFL services to forward directly to the board a copy of the official examinee's score record. These results must be timely received with the individual's application before the NCLEX can be taken.

(c) All other requirements of the statute and regulations shall be met.

(d) File with the board of practical nursing a completed notarized license application with the required fee prior to February 15 for the April examination and prior to August 15 for the October examination. The fees are not refundable.

(e) Submit one recent United States passport identification photograph of the applicant unmounted and signed by the applicant across the front.

(f) Request the school of nursing to submit an official transcript directly to the board of practical nursing. The transcript shall contain the date of graduation and the credential conferred, and shall be in English or accompanied by an official English translation notarized as a true and correct copy.

(g) File an examination application, along with the required fee, directly with the testing service.



(h) Successfully pass the current state board licensing examination for practical nurses or show evidence of having already successfully passed the state board licensing examination for practical nurses in another jurisdiction or territory of the United States with the passing score required in Washington.

[Statutory Authority: RCW 18.78.050, 18.78.060, 18.78.070 and 18.130.050. 88-05-011 (Order PM 705), § 308-117-080, filed 2/9/88. Statutory Authority: RCW 18.78.050, 84-01-061 (Order PL 452), § 308-117-080, filed 12/19/83.]

**WAC 308-117-090 Licensure by interstate endorsement.** A license to practice as a licensed practical nurse in Washington may be issued without examination provided the applicant meets all the following requirements:

(1) The applicant has graduated and holds a credential from a state board approved program preparing candidates for licensure as a practical nurse or its equivalent as determined by the board.

(a) The applicant has fulfilled the minimum requirements prevailing for state board approved practical nursing programs in Washington at the time of the applicant's graduation.

(b) Applicants who take the NCLEX after October 1, 1988, shall present a score of pass. All other applicants shall present a minimum score of 350 on the state board test pool examination or NCLEX, except those applicants who were licensed after October 1, 1973, but before October 1, 1982, shall present a minimum score of 400 on the state board test pool examination.

(2) The applicant holds a valid current license to practice as a practical nurse in another state or territory.

(3) The applicant shall:

(a) Submit a completed application with the required fee. The fee is not refundable.

(b) Request the nursing education program to send directly to the board of practical nursing an official transcript verifying graduation from an approved practical nursing program. The transcript shall provide sufficient documentation to verify that statutory requirements are met.

(c) Submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-117-360.

[Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.78.072, 18.78.090, 18.78.225, 18.130.050 and 70.24.270. 88-24-017 (Order PM 768), § 308-117-090, filed 12/1/88. Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211, 88-18-005 (Order PM 768), § 308-117-090, filed 8/25/88. Statutory Authority: RCW 18.78.050, 84-01-061 (Order PL 452), § 308-117-090, filed 12/19/83.]

**WAC 308-117-095 Documents which indicate authorization to practice practical nursing in Washington.** The following documents are the only documents that indicate legal authorization to practice as a practical nurse in Washington.

(1) License - Active status. A license is issued upon completion of all requirements for licensure and confers the right to use the title licensed practical nurse and its abbreviation, L.P.N., and to practice in the state of Washington.

(2) Interim permit. An interim permit may be issued to a graduate from an approved practical nursing program 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 or when the candidate receives first notice of failure, 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 within three days to the division of professional licensing.

(c) The interim permit authorizes the holder to perform functions of practical nursing as described in chapter 18.78 RCW. It is in violation of the law regulating the practice of practical nursing to use the title "licensed practical nurse." The title "graduate practical nurse," or its abbreviation G.P.N., may be used.

(3) Limited educational license. A limited educational license may be issued to a person who has been on inactive or lapsed status for three years or more and who wishes to return to active status (see WAC 308-117-105).

(4) Inactive license. A license issued to a practical nurse who is temporarily or permanently retired from practice. The holder of an inactive license shall not practice practical nursing in this state.

[Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211, 88-18-005 (Order PM 768), § 308-117-095, filed 8/25/88.]

**WAC 308-117-100 Renewal of licenses.** (1) Individuals making applications for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their birth anniversary date.

(2) Individuals making application for initial license with the state of Washington under the interstate endorsement regulations, provided they meet all such requirements, will be issued a license, to expire on their birth anniversary date.

(3) Issuance of license - Licensed practical nurses who complete the renewal application accurately, are practicing practical nursing in compliance with the law, and pay the renewal fee, shall be issued a license to practice. Should the licensee fail to renew his or her license prior to the expiration date, the individual is subject to the penalty fee as stated in RCW 18.78.090. If the licensee fails to renew the license within one year from date of expiration, application for renewal of license shall be made under statutory conditions then in force.

(4) A license, active or inactive, that is not renewed is considered lapsed. If the licensee fails to renew the license within three years from the expiration date, the individual must also meet the requirements of WAC 308-117-105.

(5) Illegal practice - Any person practicing as a licensed practical nurse during the time that such individual's license is inactive or has lapsed shall be considered



an illegal practitioner and shall be subjected to the penalties provided for violators under the provisions of RCW 18.130.190.

(6) Effective January 1, 1989, all persons making application for their 1989 license renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-117-360. Persons whose 1989 license expires on or before March 31, 1989, may, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement.

[Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.78-.072, 18.78.090, 18.78.225, 18.130.050 and 70.24.270. 88-24-017 (Order PM 768), § 308-117-100, filed 12/1/88. Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-100, filed 8/25/88. Statutory Authority: RCW 18.78.050, 18.130.050 (1) and (12) and 1986 c 259 §§ 19, 128 and 131. 86-18-031 (Order PM 612), § 308-117-100, filed 8/27/86. Statutory Authority: RCW 18.78.050, 84-01-061 (Order PL 452), § 308-117-100, filed 12/19/83. Formerly WAC 308-116-280.]

**WAC 308-117-105 Return to active status from inactive or lapsed status.** After October 1, 1988, persons on inactive and/or lapsed status for three years or more, who do not hold a current active license in any other United States jurisdiction and who wish to return to active status shall be issued a limited educational license to enroll in a board approved refresher course. Upon successful completion of the course, the individual's license shall be returned to active status.

[Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130-.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-105, filed 8/25/88.]

**WAC 308-117-130 Board action following survey visits.** (1) Whenever a matter directly concerning a practical nursing program is being considered by the board, any board member who is associated with the program shall not participate in the deliberation or decision-making action of the board.

(2) Each program shall be evaluated in terms of its conformance to the curriculum standards as provided in this chapter.

(3) The board shall give written notice to the educational institution and the nurse administrator of the practical nursing program regarding its decision on the program's approval status.

(4) Continuing full approval shall be granted a practical nursing program that meets the requirements of the law and the rules and regulations of the board. Full approval may carry recommendations for improvement and for correcting deficiencies.

(5) If the board determines that an approved practical nursing program is not maintaining the curriculum standards required for approval, the board shall give written notice specifying the deficiencies and shall designate the period of time in which the deficiencies must be corrected. The program's approval shall be suspended if a program fails to correct the deficiencies within the specified period of time.

[Statutory Authority: RCW 18.78.050 and 18.130.050. 87-17-021 (Order PM 672), § 308-117-130, filed 8/12/87. Statutory Authority:

RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-130, filed 12/19/83.]

**WAC 308-117-200 Curriculum standards in an approved practical nursing program.** (1) In order to insure that the curriculum is well defined the statements of philosophy, purpose, objectives and conceptual framework of the curriculum must be carefully formulated, reviewed and revised periodically and must be consistent with the philosophy and goals of the controlling institution.

(2) The philosophy of the nursing curriculum must express the nursing faculty's beliefs about education, learning, nursing, nursing education and practical nursing as an integral part of nursing.

(3) The curriculum shall be consistent with the program philosophy, objectives and conceptual framework and with the law governing the practice of practical nursing.

(4) The philosophy and objectives must be communicated to the students and to staff involved with students in clinical areas to ensure achievement of the objectives.

(5) The ratio between nursing and nonnursing classes shall be based on a well developed rationale which supports the program philosophy, purpose and terminal objectives.

(6) The behavioral objectives must be realistic, attainable and measurable, based on the goal of preparing practitioners who function within the accepted role of the licensed practical nurse and the standards of competency identified in WAC 308-117-400.

(7) Learning opportunities and instructional approaches shall facilitate the achievement of curriculum objectives.

(8) The school shall have flexibility to develop and implement the curriculum as it determines will best achieve the program philosophy and objectives.

(9) The manner in which the theoretical and practical studies contribute to the achievement of the students' terminal objectives must be documented, maintained and be available for review upon request by the board of practical nursing.

(10) The curriculum shall provide concurrent theoretical instruction and practical application in the care of selected individuals at all developmental levels with different degrees of wellness-illness and various types of incapacities.

(11) Any plan for major curriculum revision, such as changes affecting the philosophy and objectives, significant course content changes, or changes in the length of the program, shall be submitted to the board for approval sixty days prior to implementation.

(12) A school offering practical nursing programs at more than one educational site must have the same curricular philosophy and terminal objectives at each site.

(13) The curriculum shall be evaluated on a regular basis to ensure that graduates will demonstrate the knowledge and practical application consistent with that expected of a beginning licensed practical nurse.

(14) The curriculum shall encompass broad areas of learning. Nursing content based on scientific principles

shall be consistent with the practical nursing role and shall facilitate the application of nursing concepts to the care of the client.

[Statutory Authority: RCW 18.78.050 and 18.130.050. 87-17-021 (Order PM 672), § 308-117-200, filed 8/12/87. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-200, filed 12/19/83.]

**WAC 308-117-300 Curriculum content.** Content of the curriculum shall include:

(1) Concepts of social, behavioral, and related foundation subjects.

(a) Normal growth and development.

(b) Psychology – social facts and principles; communication techniques and defense mechanisms, normal and abnormal behavior; loss, grief and dying.

(c) Personal and vocational relationships.

(2) Biological and related foundation subjects.

(a) Anatomy and physiology.

(b) Microbiology – elementary concepts.

(c) Chemistry and physics – elementary concepts.

(d) Nutrition and diet therapy.

(e) Pharmacology and applied mathematics.

(3) Principles and practice of practical nursing consistent with the practical nursing role of the beginning practitioner as provided by the standards of competency identified in WAC 308-117-400.

(a) Nursing ethics, nursing history and trends, vocational and legal aspects of nursing.

(b) Fundamentals of nursing.

(c) Medical and surgical nursing.

(d) Parent/child nursing with only an assisting role in the care of clients during labor and delivery and those with abnormal complications.

(e) Geriatric nursing.

(f) Mental health nursing.

(g) All nursing courses shall include components of restorative, rehabilitative and supportive care.

(h) Laboratory and clinical practice in the functions of the practical nurse including but not limited to administration of medications, common medical surgical techniques and related client teaching.

(i) Concepts of client care management.

[Statutory Authority: RCW 18.78.050 and 18.130.050. 87-17-021 (Order PM 672), § 308-117-300, filed 8/12/87. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-300, filed 12/19/83.]

**WAC 308-117-360 AIDS education and training.**

(1) Acceptable education and training. Effective January 1, 1989, the board will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(2) Implementation. Effective January 1, 1989, the requirement for licensure application, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (1) of this section.

(3) Documentation. The licensee shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that education and training has taken place.

[Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.78.072, 18.78.090, 18.78.225, 18.130.050 and 70.24.270. 88-24-017 (Order PM 768), § 308-117-360, filed 12/1/88.]

**WAC 308-117-410 Criteria for approved refresher course.** (1) Philosophy, purpose, and objectives.

(a) Philosophy, purpose, and objectives of the course shall be clearly stated and available in written form. They shall be consistent with the definition of practical nursing as outlined in chapter 18.78 RCW.

(b) Objectives reflecting the philosophy shall be stated in behavioral terms and describe the capabilities and competencies of the graduate.

(2) Faculty.

(a) All faculty shall be qualified academically and professionally for their respective areas of responsibility.

(b) All faculty shall be qualified to develop and implement the program of study.

(c) Faculty shall be sufficient in number to achieve the stated program objectives.

(3) Course content.

(a) The course content shall consist of a minimum of sixty hours of theory content and one hundred twenty hours of clinical practice.

(b) The course content, length, methods of instruction, and learning experiences shall be consistent with the philosophy and objectives of the course. Outlines and descriptions of all learning experiences shall be available in writing.

(c) The theory course content shall include, but not be limited to, a minimum of sixty hours in current basic concepts of:

(i) Nursing process;

(ii) Pharmacology;

(iii) Review of the concepts in the areas of:

(A) Practical nursing today including legal expectations;

(B) Basic communications and observational practices needed for identification, reporting, and recording patient needs; and

(C) Basic physical, biological, and social sciences necessary for practice; and

(iv) Review and updating of practical nursing knowledge and skills to include, but not be limited to, concepts of fundamentals, medical/surgical, parent/child, geriatric, and mental health nursing.

(d) The clinical course content shall include a minimum of one hundred twenty hours of clinical practice in the area(s) listed in (c) of this subsection. Exceptions shall be justified to and approved by the board.

(4) Evaluation.

(a) Evaluation methods shall be used to measure the student's achievement of the stated theory and clinical objectives.

(b) The course shall be periodically evaluated by faculty and students.

(5) Admission requirements.

(a) Requirements for admission shall be available in writing.

(b) All students shall hold a current valid practical nurse license or a limited educational license approved by the board.

(6) Records.

(a) Evidence that the student has successfully completed the course and met the stated objectives shall be kept on file.

(b) The refresher course provider shall submit a certification of successful completion of the course to the board.

(7) Refresher courses taken outside of the state of Washington shall be reviewed individually for approval by the board prior to starting the course.

(8) Approval of refresher courses shall be requested and approved in advance as directed by the board.

[Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130-.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-410, filed 8/25/88.]

**WAC 308-117-420 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 practice of practical nursing. Such questions must be presented in writing to the office of the board.

(2) Questions may be referred to a committee of the board. 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 18.78.050, 18.78.054, 18.78.060, 18.130-.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-420, filed 8/25/88.]

**WAC 308-117-500 Practical nurse fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee                                | Fee     |
|---|---------|
| Application (examination and reexamination) | \$35.00 |
| License renewal                             | 25.00   |
| Late renewal penalty                        | 10.00   |
| Inactive renewal                            | 15.00   |
| Inactive late renewal penalty               | 5.00    |
| Endorsement - reciprocity                   | 35.00   |
| Duplicate license                           | 15.00   |
| Certification                               | 25.00   |

[Statutory Authority: RCW 43.24.086. 88-20-075 (Order 783), § 308-117-500, filed 10/5/88; 87-10-028 (Order PM 650), § 308-117-500, filed 5/1/87.]

## Chapter 308-120 WAC REGISTERED NURSES

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- 308-120-780 Participation in approved substance abuse monitoring program.
- DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**
- 308-120-507 Purpose, philosophy and objectives for approved schools of nursing. [Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-507, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-508 Organization and administration for approved schools of nursing. [Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-508, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-509 Resources, facilities and services for approved schools of nursing. [Statutory Authority: RCW 18.88.080, 81-04-007 (Order PL 370), § 308-120-509, filed 1/27/81; 80-04-072 (Order PL 339), § 308-120-509, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-510 Nurse administrator for approved school of nursing. [Statutory Authority: RCW 18.88.080, 81-10-026 (Order PL 377), § 308-120-510, filed 4/28/81; 80-04-072 (Order PL 339), § 308-120-510, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-511 Faculty for approved schools of nursing. [Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180, 87-23-050 (Order PM 691), § 308-120-511, filed 11/18/87. Statutory Authority: RCW 18.88.080, 81-10-026 (Order PL 377), § 308-120-511, filed 4/28/81; 80-04-072 (Order PL 339), § 308-120-511, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-512 Curriculum for approved schools of nursing. [Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-512, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-513 Students in approved schools of nursing. [Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-513, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-514 Program evaluation by approved schools of nursing. [Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-514, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-515 Reports to the board of nursing by approved schools of nursing. [Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-515, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-516 Survey visits. [Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-516, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-517 Board action following survey visits. [Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-517, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-518 Restoration of approval. [Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-518, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-519 Appeal of board decisions. [Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-519, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-520 Consultation services. [Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-520, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-521 Closure of an approved school of nursing. [Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-521, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-522 Establishment of a new school of nursing. [Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-522, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110,

18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.

**WAC 308-120-100 Definitions.** (1) "Board" means the Washington state board of nursing.

(2) "School" means an educational unit charged with the responsibility of preparing persons to practice as registered nurses. Three types of basic schools of nursing are distinguished by the certificate awarded to the graduate. Schools of nursing within colleges and universities award the associate degree or baccalaureate degree. Schools of nursing sponsored by a hospital award a diploma.

(3) "Provisional approval" of schools of nursing is the approval given a new school of nursing based on its proposed program prior to the admission of its first class.

(4) "Full approval" of a school of nursing is the approval given a school of nursing that meets the requirements of the law and the rules and regulations of the board.

(5) "Conditional approval" of a school of nursing is the approval given a school of nursing that has failed to meet the requirements of the law and the rules and regulations of the board, and it specifies conditions that must be met within a designated time to rectify the failure.

(6) An "unapproved school of nursing" is a school of nursing that has been removed from the list of approved schools for failure to meet the requirements of the law and the rules and regulations of the board or a school that has never been approved by the board.

(7) "Extended learning sites" refers to any area external to the parent organization selected by faculty for student learning experiences.

(8) "Faculty" means persons who are responsible for the educational program of the school of nursing and who hold faculty appointment in the school.

(9) "Nursing student" is a person currently enrolled in an approved school of nursing.

(10) "Nursing aide" as that phrase is used in RCW 18.88.280 (the Professional Nurse Practice Act) is a nursing student who is employed for the purpose of giving help, assistance and support in the performance of those services which constitute the practice of registered nursing.

(a) "Direction and supervision" – the nursing aide may function only under the "direction and supervision" of the licensed registered nurse. She/he may never function as an independent practitioner or in a supervisory capacity, such as, e.g., head nurse, charge nurse, supervisor, administrator, or private duty nurse. She/he shall not perform duties or functions beyond her/his educational nursing preparation, as determined by the school in which she/he is enrolled. Supervision and direction shall include, but not be limited to, the following:

(i) A delegation of duties with regard to each individual patient, which duties shall be consistent with and shall not be greater than the abilities of the nursing aide, as indicated by her/his level of educational preparation;

(ii) An awareness of the activity of the nursing aide as it occurs; and

(iii) A continuing evaluation of the performance of the nursing aide, and reassignment consistent therewith.

(b) "Responsibilities – employer and nursing aide":

(i) Employer. It is the responsibility of the employer of such a nursing aide to obtain evidence of the aide's preparation from the school of nursing in which this student is enrolled.

(ii) Nursing aide. It is the responsibility of the nursing aide to accept only those assignments which are within the limits of her/his preparation as specified by her/his school of nursing.

(11) "Registered nurse" as used in these rules shall mean a nurse as defined by RCW 18.88.170.

(12) "Nurse administrator" is an individual who meets the qualifications contained in WAC 308-120-555 and who has been designated as the person primarily responsible for the direction of the program in nursing. Titles for this position may include, among others, dean, director, coordinator or chairperson.

(13) "Definition of terms appearing in RCW 18.88.280" – the terms "direction and supervision," "auxiliary services," and "minor nursing services" are defined as follows:

(a) "Minor nursing services." The techniques and procedures used by the nursing profession are extremely difficult to categorize as major or minor nursing services. The important factor with which this law is concerned is the determination of which nursing person and at what level of preparation that person may perform said technique or procedure in relation to the condition of a given patient, and this kind of determination rests with the registered nurse.

(b) "Auxiliary services" are all those nursing services provided to patients by persons other than the registered nurse, the licensed practical nurse and the nursing student.

(c) "Direction and supervision" shall include, but not be limited to the following:

(i) Delegation of duties with regard to each individual patient, which duties shall be consistent with and shall not be greater than the abilities of the auxiliary personnel, as indicated by their level of education preparation.

(ii) An awareness of the activity of auxiliary personnel.

(iii) A continuing evaluation of the performance of the auxiliary personnel.

(iv) It is the responsibility of the auxiliary person to accept only those assignments which are within the limits of his or her preparation.

(14) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illnesses as defined by the board of health by rule.

(15) "Office on AIDS" means a section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

[Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-100, filed 11/9/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-100,

filed 7/28/88. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-100, filed 1/27/81; 80-04-072 (Order PL 339), § 308-120-100, filed 3/27/80; Order PL-124, § 308-120-100, filed 5/26/72.]

**WAC 308-120-161 Qualification/eligibility to write the licensing examination.** (1) Graduates from Washington state board approved schools of nursing holding a degree/diploma from such a school shall be eligible to write the examination provided all other requirements are met.

(2) Graduates from a nursing school approved by a board of nursing in another U.S. jurisdiction shall be eligible to write the examination provided that:

(a) The nursing school meets the minimum standards approved for state board school of nursing in Washington at the time of the applicant's graduation;

(b) Graduate holds a degree/diploma from the approved school of nursing;

(c) All other requirements of the statute and regulations shall be met.

(3) An interim permit (WAC 308-120-170(2)) and a notice of eligibility for admission to the licensing examination may be issued to all new graduates from board approved schools of nursing after filing of a completed application, payment of the application fee, and official notification from the school certifying that the individual has successfully completed all requirements for the diploma/degree. The results of the licensing examination will not be released until the candidate's official transcript is on file with the board.

[Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-161, filed 11/9/88. Statutory Authority: RCW 18.88.080. 82-01-012 (Order PL 387), § 308-120-161, filed 12/7/81; 81-04-007 (Order PL 370), § 308-120-161, filed 1/27/81.]

**WAC 308-120-162 Filing of application for licensing examination.** (1) All applicants shall file with the Washington state board of nursing a completed notarized application, with the required fee prior to May 1, for the July examination and December 1 for the February examination.

(2) Applicants shall request the school of nursing to send an official transcript directly to the board of nursing.

(3) Applicants shall also file an examination application, along with the required fee directly with the testing service.

(4) Applicants who have filed the required applications and met all qualifications will be notified of their eligibility, and only such applicants will be admitted to the examination.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-162, filed 11/18/87. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-162, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-162, filed 1/27/81.]

**WAC 308-120-163 Licensing examination.** (1) The current series of the National Council of the State Board of Nursing Registered Nurse Examination

(NCLEX) shall be the official examination for registered nurse license.

(2) The NCLEX will consist of four ninety minute tests with the overall score for the examination reported as either pass or fail.

(3) Examinations shall be conducted twice a year, in February and July.

(4) The executive secretary of the board shall negotiate with The National Council of State Boards of Nursing, Inc. (NCSBN) for the use of the NCLEX.

(5) The examination shall be administered in accord with the NCSBN security measures and contract.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-163, filed 7/28/88. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-163, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-163, filed 1/27/81.]

**WAC 308-120-164 Release of results of examination.** (1) Candidates shall be notified regarding the examination results by mail only.

(2) Candidates who pass shall receive a license to practice as a registered nurse provided all other requirements are met.

(3) Candidates who fail shall receive a letter of notification regarding their eligibility to rewrite the examination.

(4) In addition to a listing of the names of graduates indicating whether each passed or failed the examination, each school of nursing in Washington shall receive a statistical report of the examination results of candidates from that school.

(5) The candidate's examination results will be maintained in his/her application file in the division of professional licensing, department of licensing.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-164, filed 7/28/88. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-164, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-164, filed 1/27/81.]

**WAC 308-120-165 Failures--Repeat examination.**

(1) The application forms to rewrite the examination and fees shall be filed on or before May 1 for the July examination and December 1 for the February examination.

(2) Candidates who fail the examination will be permitted to rewrite the examination three times within the two-year period from the month of first writing.

(3) If the candidate fails the first examination, the state will require no additional fee from the candidate who takes the next scheduled examination.

(4) Candidates who fail to pass the examination within the time period specified in (2) above shall be required to complete a program of study approved by the board. Upon successful completion of the approved program, the candidate shall be required to write the entire examination.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-165, filed 11/18/87. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-165, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-165, filed 1/27/81.]

**WAC 308-120-166 Applicants previously licensed in a foreign country.** (1) Applicants for licensure educated in a country outside the United States or its territories shall meet the following requirements for licensure:

(a) Satisfactory completion of a basic nursing education program approved in the country of original licensure.

(i) The nursing education program shall be equivalent to the minimum standards prevailing for state board approved schools of nursing in Washington at the time of graduation.

(ii) Any deficiencies in the nursing program (theory and clinical practice in medical, psychiatric, obstetric, surgical and pediatric nursing) shall be satisfactorily completed in a state board approved school of nursing.

(b) Satisfactory passage of the screening examination for foreign nurses. As of May 1, 1981, all applicants from countries outside the United States, and never before licensed in one of the United States jurisdictions shall have passed the commission on graduates of foreign nursing schools (CGFNS) qualifying examination.

(c) Applicants licensed under the laws of a country outside the United States or its territories shall be required to take the current series of the National Council of State Boards of Nursing Registered Nurse Examination (NCLEX) as provided in WAC 308-120-163: *Provided*, That those persons meeting the requirements of WAC 308-120-168(2) are exempt from this requirement.

(d) All other requirements of the statute and regulation shall be met.

(2) Applicants for examination shall:

(a) File with the board of nursing a completed notarized license application with the required fee prior to May 1 for the July examination and prior to December 1 for the February examination.

(b) Request the school of nursing to submit an official transcript directly to the division of professional licensing.

(c) Applicants shall also file an examination application, along with the required fee directly with the testing service.

(d) Effective January 1, 1989, persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-120-610.

(e) Request the licensing agency in the country of original license to submit evidence of licensure.

(f) Submit a notarized copy of the certificate issued by the CGFNS.

(g) If the applicant's original documents (education and licensing) are on file in another state or with the CGFNS, the applicant may request that the state board or the CGFNS send notarized copies in lieu of the originals.

[Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70-24.270. 88-23-035 (Order PM 795), § 308-120-166, filed 11/9/88. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-166, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-166, filed 1/27/81.]

**WAC 308-120-168 Licensure by interstate endorsement.** (1) A license to practice as a registered nurse in Washington may be issued without examination provided the applicant meets all of the following requirements:

(a) The applicant has graduated and holds a degree/diploma from a state board approved school of nursing preparing candidates for licensure as a registered nurse provided such nursing program is equivalent to the minimum nursing educational standards prevailing for state board approved schools of nursing in Washington at the time of the applicant's graduation.

(i) Applicants who were licensed prior to January 1, 1953 shall have scored at least 75% on the state board examination in the state of original licensure.

(ii) Applicants licensed after January 1, 1953 but before June 1, 1982 shall have passed the state board test pool examination for registered nurse licensure with a minimum standard score of 350 in each test.

(iii) Applicants licensed after July 1, 1982 shall have passed with a minimum standard score of 1600 for the total examination.

(b) The applicant holds a valid current license to practice as a registered nurse in another state or territory.

(c) The applicant complies with the education requirements of WAC 308-120-610.

(d) The application shall be completed and notarized, the fee must be filed with the application. The fee is not refundable. A notarized copy of a valid current license shall be filed with the application.

(e) Verification of licensure by examination shall be obtained from the state or territory of original licensure. Any fee for verification required by the state or territory of original license shall be paid by the applicant.

(2) Applicants from countries outside the United States who were granted a license in another U.S. jurisdiction or territory prior to December 31, 1971, and who were not required to pass the state board test pool examination shall meet the following requirements:

(a) The nursing education program shall meet the minimum approved standards prevailing for schools of nursing in Washington at the time of the applicant's graduation.

(b) The applicant holds a valid current license to practice as a registered nurse in another U.S. jurisdiction or territory.

(c) The applicant shall submit to the board:

(i) A complete notarized application. The nonrefundable fee must be filed with the application.

(ii) Verification of original licensure obtained in the U.S. jurisdiction or territory.

(iii) Notarized copies of educational preparation and licensure by examination submitted directly from the



country of original licensure or from the state board or territory of original U.S. licensure.

(iv) Verification of current nursing practice for three years prior to application for Washington licensure.

(v) Evidence to show compliance with the education requirements of WAC 308-120-610.

(d) The applicant shall meet all requirements of chapter 18.88 RCW and regulations of the board.

[Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70-24.270. 88-23-035 (Order PM 795), § 308-120-168, filed 11/9/88. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-168, filed 1/27/81.]

**WAC 308-120-170 Documents which indicate authorization to practice registered nursing in Washington.** The following documents are the only documents that indicate legal authorization to practice as a registered nurse in Washington.

(1) Active 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. and to practice as a registered nurse in the state of Washington.

(2) Inactive license. A license issued to a person previously holding an active license in this state who desires to retire temporarily from the practice of nursing in this state.

(3) 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.

(4) 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).

(5) 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.

(6) ARNP interim permit. An interim permit may be issued following satisfactory completion of an advanced

formal education program, registration for the first certification examination of an approved program following completion of the education and filing of an application, fee and requested documentation. If the applicant passes the examination the department shall grant advanced registered nurse practitioner status. If the applicant fails the examination, the interim permit shall expire upon notification and is not renewable.

(7) 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, 18.88.086, 18.88.110, 18.88-120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130-050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-170, filed 7/28/88. 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 308-120-180 Renewal of licenses.** (1) The license renewal date shall coincide with the licensee's birthdate.

(a) Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their birth anniversary date.

(b) Individuals making application for initial license with the state of Washington and under the reciprocity regulations, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(2) Licensees may renew their licenses, at the current renewal fee rate.

(3) The late payment penalty provision will be applied as follows:

Before the expiration date of the individual's license, the director shall mail a notice for renewal of license to every person holding a current license. The licensee must return such notice along with current renewal fees prior to the expiration of said license. Failure of any licensee to receive such notice shall not relieve or exempt such licensee from the requirements of this section. Should the licensee fail to renew his or her license prior to the expiration date, then the individual is subject to the penalty fee. If the licensee fails to renew his or her license within one year from expiration thereof, such individual must apply for licensing under the statutory conditions then in force. If the licensee fails to renew the license within three years from the expiration date, the individual must also meet the requirements of WAC 308-120-185.

(4) Effective January 1, 1989, all persons making application for 1989 license renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-120-610. Persons whose 1989 license expires on or before March 31, 1989, may, upon written application,

be granted an extension to April 15, 1989, to meet the AIDS education requirements.

[Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-180, filed 11/9/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-180, filed 7/28/88. Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-180, filed 12/2/83; Order PL 216, § 308-120-180, filed 11/5/75; Order PL-134, § 308-120-180, filed 10/13/72.]

**WAC 308-120-185 Return to active status from inactive or lapsed status.** After January 1, 1974, persons on inactive status for three years or more and after August 1, 1988, persons on lapsed status for three years or more, who do not hold a current active license in any other United States jurisdiction and who wish to return to active status shall be issued a limited educational license to enroll in a board approved refresher course. Upon successful completion of the course, the individual's license shall be returned to active status.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-185, filed 7/28/88. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-185, filed 1/27/81; 78-05-085 (Order PL 288, Resolution 78-143), § 308-120-185, filed 5/2/78; Order PL 258, § 308-120-185, filed 12/7/76. Formerly WAC 308-120-18001.]

**WAC 308-120-186 Criteria for approved refresher course.** (1) Philosophy, purpose and objectives.

(a) Philosophy, purpose and objectives of the course shall be clearly stated and available in written form. They shall be consistent with the definition of nursing as outlined in RCW 18.88.030.

(b) Objectives reflecting the philosophy shall be stated in behavioral terms and describe the capabilities and competencies of the graduate.

(2) Faculty.

(a) All nurse faculty shall hold a current license to practice as a registered nurse in the state of Washington.

(b) All faculty shall be qualified academically and professionally for their respective areas of responsibility.

(c) All faculty shall be qualified to develop and implement the program of study.

(d) Faculty shall be sufficient in number to achieve the stated program objectives.

(e) The maximum faculty to student ratio in the clinical area shall be 1 to 12. Exceptions shall be justified to and approved by the board.

(3) Course content.

(a) The course content shall consist of a minimum of forty hours core course content, forty hours of specialty course content, and one hundred sixty hours of clinical practice in the specialty area.

(b) The course content, length, methods of instruction and learning experiences shall be consistent with the philosophy and objectives of the course. Outlines and descriptions of all learning experiences shall be available in writing.

(c) The core course content shall include, but not be limited to, a minimum of forty hours of theory in current basic concepts of:

(i) Nursing process;

(ii) Pharmacology;

(iii) Review of the concepts in the areas of:

(A) Professional nursing today including legal expectations;

(B) Basic communications and observational practices needed for identification, reporting, and recording patient needs; and

(C) Basic physical, biological and social sciences necessary for practice; and

(iv) Review and updating of basic nursing knowledge.

(d) The specialty course content shall include, but not be limited to, a minimum of forty hours of theory in current specialty nursing practice concepts of basic nursing related to the special area of interest such as surgical; pediatrics; obstetrics; psychiatric; acute, intensive, or extended care nursing; or community health nursing.

(e) The clinical course content shall include a minimum of one hundred sixty hours of clinical practice in the specialty area(s) listed in (c), (d), and (e) of this subsection. Exceptions shall be justified to and approved by the board.

(4) Evaluation.

(a) Evaluation methods shall be used to measure the student's achievement of the stated theory and clinical objectives.

(b) The course shall be periodically evaluated by faculty and students.

(5) Admission requirements.

(a) Requirements for admission shall be available in writing.

(b) All students shall hold a current valid RN license or a limited educational license approved by the Washington state board of nursing.

(6) Records.

(a) Evidence that the student has successfully completed the course and met the stated objectives shall be kept on file.

(b) The refresher course provider shall submit a certification of successful completion of the course to the Washington state board of nursing office.

(7) Refresher courses taken outside of the state of Washington shall be reviewed individually for approval by the board prior to starting the course.

[Statutory Authority: RCW 18.88.080, 18.88.086 and 18.130.050. 88-05-010 (Order PM 704), § 308-120-186, filed 2/9/88. Statutory Authority: RCW 18.88.080. 79-06-025 (Order PL-305), § 308-120-186, filed 5/15/79.]

**WAC 308-120-275 Registered nurse fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee              | Fee     |
|---------------------------|---------|
| Application - examination | \$30.00 |
| License renewal           | 20.00   |
| Late renewal penalty      | 15.00   |

| Title of Fee                                     | Fee   |
|--|-------|
| Inactive license renewal                         | 10.00 |
| Inactive late renewal penalty                    | 5.00  |
| Endorsement - reciprocity                        | 25.00 |
| Duplicate license                                | 15.00 |
| Examination (second - subsequent retake or more) | 30.00 |
| Certification                                    | 25.00 |
| ARNP application                                 | 25.00 |
| ARNP renewal                                     | 20.00 |
| ARNP prescriptive application                    | 30.00 |
| ARNP prescriptive renewal                        | 20.00 |

[Statutory Authority: RCW 43.24.086, 88-20-075 (Order 783), § 308-120-275, filed 10/5/88; 87-10-028 (Order PM 650), § 308-120-275, filed 5/1/87. Statutory Authority: 1983 c 168 § 12, 83-17-031 (Order PL 442), § 308-120-275, filed 8/10/83. Formerly WAC 308-120-260.]

**WAC 308-120-335 Application requirements for ARNP.** A registered nurse applicant for designation as an ARNP shall:

(1) After January 1, 1995 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, 1994; and

(b) Recognized by another state board of nursing for advanced practice prior to December 31, 1994.

(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 18.88.030(2), 18.88.080, 18.88.086, 18.88.140 and 18.130.050, 88-07-049 (Order PM 717), § 308-120-335, filed 3/14/88. 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 308-120-338 Application requirements for ARNP interim permit.** A registered nurse who has completed advanced formal education and registered for a board approved national certification examination may be issued an interim permit to practice specialized and advanced nursing pending notification of the results of the first certification examination.

(1) An applicant for ARNP interim permit shall:

(a) Submit a completed application on a form provided by the board accompanied by a nonrefundable fee as specified in WAC 308-120-275; and

(b) Submit documentation of completion of advanced formal education in the area of specialty; and

(c) Submit documentation of registration for the first certification examination administered by an approved certification program following completion of advanced formal education; and

(d) Hold a current license to practice as a registered nurse in Washington.

(2) The permit expires when advanced registered nurse practitioner status is granted. If the applicant fails the examination, the interim permit shall expire upon notification and is not renewable.

(3) An applicant who does not write the examination on the date scheduled shall immediately return the permit to the department of licensing.

(4) The interim permit authorizes the holder to perform function of advanced and specialized nursing practice as described in this section.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211, 88-16-034 (Order PM 751), § 308-120-338, filed 7/28/88.]

**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 or 18.130.180.

[Statutory Authority: RCW 18.88.080, 18.88.086 and 18.130.050, 88-18-082 (Order PM 760), § 308-120-360, filed 9/6/88. 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 308-120-505 Philosophy governing approval of nursing education programs.** While the board herein has established minimum standards for approved schools of nursing, it believes that each school of nursing should have flexibility in developing and implementing its philosophy, purposes, and objectives. Such development and implementation should be based not only upon the minimum standards for approved schools of nursing, but also upon sound educational and professional principles for the preparation of registered nurses to meet current and future nursing needs of the public. The board believes that there must be congruence between the total program activities of the school of nursing and its stated philosophy, purpose and objectives.

The board further believes that the minimum standards for approved schools of nursing can be useful to schools of nursing by promoting self-evaluation which may lead to program development and improvement.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211, 88-16-034 (Order PM 751), § 308-120-505, filed 7/28/88. Statutory Authority: RCW 18.88.080, 80-04-072 (Order PL 339), § 308-120-505, filed 3/27/80.]

**WAC 308-120-506 Purposes of board approval of nursing education programs.** The board approves nursing education programs for the following purposes:

(1) To assure preparation for the safe practice of nursing by setting minimum standards for nursing education programs preparing persons for licensure as registered nurses;

(2) To provide guidance for the development of new nursing education programs;

(3) To foster continued improvement of established nursing education programs;

(4) To provide criteria for the board to evaluate new or established nursing education programs;

(5) To assure the student adequate educational preparation;

(6) To assure eligibility for admission to the licensing examination for registered nurses, and to facilitate interstate endorsement of graduates of board approved schools of nursing.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-506, filed 7/28/88. Statutory Authority: RCW 18.88.080. 80-04-072 (Order PL 339), § 308-120-506, filed 3/27/80.]

**WAC 308-120-507 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-120-508 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-120-509 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-120-510 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-120-511 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-120-512 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-120-513 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-120-514 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-120-515 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-120-516 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-120-517 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-120-518 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-120-519 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-120-520 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-120-521 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-120-522 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-120-525 Approval of nursing education programs.** (1) Application for program development.

(a) An educational institution wishing to establish a program in nursing shall:

(i) Submit to the board at least eighteen months in advance of expected opening date a statement of intent to establish a nursing education program.

(ii) Submit to the board, along with the statement of intent, a feasibility study to include at least the following information:

(A) Nursing studies documenting the need for the program in this state.

(B) Purposes and classification of the program.

(C) Availability of qualified faculty.

(D) Budgeted faculty positions.

(E) Availability of adequate clinical facilities for the program.

(F) Availability of adequate academic facilities for the program.

(G) Evidence of financial resources adequate for the planning, implementation, and continuation of the program.

(H) Anticipated student population.

(I) Tentative time schedule for planning and initiating the program.

(iii) Respond to the board's request(s) for additional information.

(b) The board shall either grant or withhold approval for program development.

(2) Program development.

(a) At least twelve months in advance of the anticipated admission of students, the organization shall appoint a qualified nurse administrator to develop a proposed nursing education program. The proposed program plan shall include:

(i) Purpose, philosophy, and objectives.

(ii) Organization and administration.

(iii) Budget.

(iv) Resources, facilities, and services.

(v) Provisions for faculty, including qualifications, responsibilities, organization, and faculty/student ratio.

(vi) Curriculum, including course descriptions and course outlines.

(vii) Policies and procedures for student selection, admission, progression, withdrawal and graduation, and record system.

(viii) Projected plans for the orderly expansion of the program.

(b) The nurse administrator shall submit to the board a written report of the proposed program plan at least five weeks prior to a scheduled board meeting at which time the plan is to be reviewed. This review shall take place six months prior to the scheduled opening date of the program.

(c) The nurse administrator of the program and other administrative officers of the organization shall attend the board meeting to present the formal application and

clarify and amplify materials included in the written report of the proposed program plan.

(d) The board shall either grant or withhold provisional approval of the proposed nursing program.

(3) Provisional approval.

(a) The school shall submit course outlines to the board for review and approval at least three months prior to offering the course; and

(b) The school shall submit progress reports as requested by the board;

(c) Survey visits shall be scheduled as deemed necessary by the board during the period of provisional approval.

(4) Full approval.

(a) Within six months following graduation of the first class, a self-evaluation report of compliance with the standards for nursing education shall as identified in WAC 308-120-550 through 308-120-575 be submitted and a survey visit shall be made for consideration of full approval of the program.

(b) The board will review the self-evaluation report, survey reports and added materials for full approval of the nursing education program only at scheduled board meetings.

(c) The self-evaluation report, added materials and survey reports shall be in the board office at least five weeks prior to the board meeting.

(5) Satellite nursing education programs. An approved nursing education program wishing to initiate an off-campus, extended or satellite nursing program must submit a plan to the board demonstrating that:

(a) Faculty on-site meet all the requirements and qualifications of the parent nursing education program.

(b) Adequate clinical facilities are available and meet the requirements of the parent program.

(c) Academic facilities and resources are comparable to those of the parent program.

(6) Periodic evaluation of approved programs.

(a) To ensure continuing compliance with the plan and standards of nursing education all nursing education programs will be surveyed and reevaluated for continued approval every eight years. More frequent visits may occur as deemed necessary by the board or at the request of the nursing education program.

(i) The survey visit will be made by representative(s) of the board on dates mutually agreeable to the board and the nursing education program.

(ii) Announcement of a survey visit will be sent to programs at least eighteen months in advance of the visit.

(iii) Prior to the survey a program shall submit a self-evaluation report which provides evidence of compliance with the standards of nursing education as identified in WAC 308-120-550 through 308-120-575.

(iv) The self-evaluation report prepared for the national nursing accreditation body may be substituted in lieu of the board's survey report for that year if a national accreditation survey is scheduled for that year. Where appropriate the survey will be made in conjunction with a national accreditation visit.

(v) A draft of the survey visit report will be made available to the school for review and corrections in statistical data and for response to issues raised.

(vi) Following the board's review and decision, written notification regarding approval of the program and the board comments and recommendations will be sent to the administrator of the nursing education program.

(b) Any proposed major curriculum revision, such as changes affecting the philosophy and objectives, significant course content changes, or changes in the length of the program, shall be presented to the board for approval at least three months prior to implementation.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-525, filed 7/28/88.]

**WAC 308-120-530 Denial, conditional approval or withdrawal of approval.** (1) The board may deny approval to new programs when it determines that a nursing education program fails substantially to meet the standards for nursing education as contained in WAC 308-120-550 through 308-120-575. All such board actions shall be in accordance with the Washington Administrative Procedure Act and/or the administrative rules and regulations of the board.

(2) Conditional approval shall be granted a nursing education program that has failed to meet the minimum standards contained in the law and the rules and regulations of the board.

(a) Conditions that must be met within a designated time period shall be specified in writing.

(b) A conditionally approved program shall be reviewed at the end of the designated time period. Such review shall result in one of the following actions:

(i) Restoration of full approval;

(ii) Continuation of conditional approval for a specified period of time; or

(iii) Withdrawal of approval.

(3) The board may withdraw approval from existing programs when it determines that a nursing education program fails substantially to meet the standards for nursing education as contained in WAC 308-120-550 through 308-120-575. All such actions shall be effected in accordance with the Administrative Procedure Act and/or the administrative rules and regulations of the board.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-530, filed 7/28/88.]

**WAC 308-120-535 Reinstatement of approval.** The board may consider reinstatement of withdrawn approval of a nursing education program upon submission of satisfactory evidence that the program meets the standards of nursing education, WAC 308-120-550 through 308-120-575.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-535, filed 7/28/88.]

**WAC 308-120-540 Appeal of board decisions.** A nursing education program deeming itself aggrieved by a decision of the board affecting its approval status shall have the right to appeal the board's decision in accordance with the provisions of chapter 18.88 RCW and the Administrative Procedure Act, chapter 34.04 RCW.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-540, filed 7/28/88.]

**WAC 308-120-545 Closing of an approved nursing education program.** (1) Voluntary closing. When a governing institution decides to close a program it shall notify the board in writing, stating the reason, plan, and date of intended closing. The governing institution may choose one of the following closing procedures:

(a) The program shall continue until the last class enrolled is graduated.

(i) The program shall continue to meet the standards for approval WAC 308-120-550 through 308-120-575 until all of the enrolled students have graduated.

(ii) The date of closure is the date on the degree, diploma, or certificate of the last graduate.

(iii) The board shall be notified by the governing institution of the closing date.

(b) The program shall close after assisting in the transfer of students to other approved programs.

(i) The program shall continue to meet the standard required for approval, WAC 308-120-550 through 308-120-575 until all students are transferred.

(ii) A list of the names of students who have been transferred to approved programs and the date on which the last student was transferred shall be submitted to the board by the governing institution.

(iii) The date on which the last student was transferred shall be the closing date of the program.

(c) Custody of records.

(i) If the program closes but the governing institution continues to function, it shall assume responsibility for the records of the students and graduates. The board shall be advised of the arrangements made to safeguard the records.

(ii) If the governing institution ceases to exist, the academic records of each student and graduate shall be transferred to the board for safekeeping.

(iii) The board shall be consulted about the disposition of all other records.

(2) Closing as a result of withdrawal of approval. When the board withdraws approval of a nursing education program, the governing institution shall comply with the following procedures:

(a) Students of the program shall be notified in writing of their status and options for transfer to an approved program.

(b) The program shall close after assisting in the transfer of students to other approved programs. A time frame for the transfer process will be established by the board.

(c) A list of the names of students who have transferred to approved programs and the date on which the

last student was transferred shall be submitted to the board by the governing institution.

(d) Custody of records.

(i) If the governing institution continues to function, it shall assume responsibility for the records of the students and the graduates. The board shall be advised of the arrangements made to safeguard the records.

(ii) If the governing institution ceases to exist, the academic records of each student and graduate shall be transferred to the board for safekeeping.

(iii) The board shall be consulted about the disposition of all other records.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-545, filed 7/28/88.]

**WAC 308-120-550 Purpose, philosophy, and objectives for approved nursing education programs.** (1) The purpose, philosophy, and objectives of the program shall be stated clearly and shall be available in written form. They shall be consistent with the definition of nursing practice as outlined in RCW 18.88.030.

(2) The nursing education program shall have a statement of philosophy that is consistent with the philosophy of the governing institution.

(3) The objectives shall be consistent with the philosophy and shall describe the cognitive, affective, and psychomotor capabilities of the graduate.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-550, filed 7/28/88.]

**WAC 308-120-555 Organization and administration for approved nursing education programs.** (1) The nursing education program shall be an integral part of the accredited governing institution. The governing institution accreditation must be by an approved accrediting body.

(2) The relationship of the nursing education program to other units within the governing institution shall be clearly delineated.

(3) The nursing education program shall be organized with clearly defined authority, responsibility, and channels of communication.

(4) The nursing education faculty shall be involved in determining academic policies and procedures of the nursing program.

(5) The nursing education program shall allow student participation in committees in the determination of program policies and procedures, curriculum planning and evaluation.

(6) The nursing education program shall be administered by a registered nurse currently licensed in this state with the following qualifications:

(a) In a program offering the associate degree, a minimum of a masters with a major in nursing, preparation in education and administration, and at least five years of professional experience as a registered nurse including two years of experience in nursing education.

(b) In a program offering the baccalaureate degree in nursing, a masters degree with a major in nursing, a doctoral degree in nursing and/or a related field, preparation in education and administration, and at least five years of experience as a registered nurse including two years of experience in nursing education.

(7) The administrator of the nursing education program shall be responsible for creation and maintenance of an environment conducive to teaching and learning through:

(a) Facilitation of the development, implementation and evaluation of the curriculum.

(b) Liaison with central administration and other units of the governing institution.

(c) Facilitation of faculty development and performance review consistent with the policies of institution.

(d) Facilitation of faculty recruitment and appointment.

(e) Recommendation of faculty for appointment, promotion, tenure, and retention consistent with the policies of the institution.

(f) Facilitation of the development of long-range goals and objectives for the nursing program.

(g) Facilitation of recruitment, selection, and advisement of students.

(h) Assurance that the rules and regulations of the state board of nursing are effectively implemented.

(i) Notifying the board of any major changes in the program or its administration.

(8) The administrator of the nursing education program shall have designated time provided to conduct relevant administrative duties and responsibilities.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-555, filed 7/28/88.]

**WAC 308-120-560 Resources, facilities, and services for approved nursing education programs.** (1) Classrooms, laboratories, and conference rooms shall be available and shall be adequate in size, number, and type according to the number of students and the educational purposes for which the rooms are to be used.

(2) Offices shall be available and adequate in size, number, and type to provide faculty with opportunity for uninterrupted work and privacy for the conferences with students. Adequate space shall be provided for clerical staff, records, files, and other equipment.

(3) Clinical facilities.

(a) A variety of sites shall be utilized for learning experiences. These may include, but need not be limited to, hospitals, clinics, offices of health professionals, health centers, nursery schools, elementary and secondary schools, rehabilitation centers, mental health clinics, public health departments, and extended care resources.

(b) Clinical facilities shall be selected to provide learning experience of sufficient number and kind for student achievement of the course/curriculum objectives.

(c) Clinical facilities shall be approved by the appropriate accreditation or licensing evaluation bodies, if such exist.

(4) Library facilities shall be provided for use by the faculty and students. Physical facilities, hours, and scope and currency of learning resources shall be appropriate for the purpose of the program and for the number of faculty and students.

(5) Periodic evaluations of resources, facilities, and services shall be conducted by the administration, faculty, and/or students.

(6) Adequate financial support for faculty, support personnel, equipment, supplies, and services shall be demonstrated.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-560, filed 7/28/88.]

**WAC 308-120-565 Students in approved nursing education programs.** (1) Policies and procedures for selection, admission, progression, graduation, withdrawal, and dismissal shall be consistent with the policies of the governing institution, and shall be available in written form. Where necessary, policies specific to nursing students may be adopted if justified by the nature and purposes of the nursing program.

(2) Students who seek admission by transfer from another approved nursing education program, or readmission for completion of the program, shall meet the equivalent of the program's current standards required of those regularly enrolled.

(3) A system of student records shall be maintained.

(4) A statement of student rights and responsibilities shall be available in written form.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-565, filed 7/28/88.]

**WAC 308-120-570 Faculty in approved nursing education programs.** (1) There shall be a sufficient number of qualified faculty with adequate diversity of expertise in nursing to meet the purposes and objectives of the nursing education program.

(2) The maximum ratio of faculty to students in clinical areas involving direct care of patients or clients shall be one faculty member to twelve students. A lower ratio may be required by the board of nursing for students in initial or highly complex learning situations. Factors to be considered in determining the ratio are:

(a) The preparation and expertise of the faculty member;

(b) The objectives to be achieved;

(c) The level of students;

(d) The number, type, and conditions of patients;

(e) The number, type, location, and physical layout of clinical facilities being used for a particular course(s).

(3) Nursing faculty, including those in career ladder programs, shall have the following qualifications:

(a) A current license to practice as a registered nurse in Washington.



(b) A masters degree with a major in nursing from an accredited college or university shall be the minimum requirement for faculty appointment.

(i) Exceptions allowed without prior board approval:

(A) Current tenured faculty.

(B) Ongoing reappointment of faculty.

(C) Temporary faculty replacement for less than one academic term.

(ii) Exceptions allowed with prior board approval:

(A) Temporary short-term faculty appointment of one academic term or more.

(B) Faculty specializing in a highly selected clinical area such as operating room.

(c) Clinical experience as a registered nurse relevant to area(s) of responsibility.

(4) Nonnurse faculty must have academic and professional education and experience in their field of specialization.

(5) Faculty shall be responsible for:

(a) Developing, implementing, and evaluating the purpose, philosophy, and objectives of the nursing education program.

(b) Designing, implementing, and evaluating the curriculum.

(c) Developing and evaluating student admission, progression, retention, and graduation policies within the framework of the policies of the governing institution.

(d) Participating in or providing for academic advising and guidance of students.

(e) Evaluating student achievement, in terms of curricular objectives as related to both nursing knowledge and practice.

(f) Selecting, guiding, and evaluating student learning.

(g) Participating in activities to improve their own nursing competency in area(s) of responsibility.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-570, filed 7/28/88.]

**WAC 308-120-575 Curriculum for approved nursing education programs.** (1) The basic curriculum shall not be less than two academic years.

(2) The length, organization, content, methods of instruction, and placement of courses shall be consistent with the philosophy of the program.

(3) The curriculum shall include:

(a) Instruction in the physical and biological sciences and shall include content drawn from the areas of anatomy and physiology, physics, chemistry, microbiology, pharmacology and nutrition, which may be integrated, combined, or presented as separate courses.

(b) Instruction in the social and behavioral sciences and shall include content drawn from the areas of communications, psychology, sociology and anthropology, which may be integrated, combined, or presented as separate courses.

(c) Theory and clinical experiences in the areas of medical nursing, surgical nursing, obstetric nursing, nursing of children and psychiatric nursing, which may

be integrated, combined, or presented as separate courses. Baccalaureate programs also shall include theory and clinical experiences in community health nursing.

(d) History, trends, and legal and ethical issues pertaining to the nursing profession, which may be integrated, combined, or presented as separate courses. Baccalaureate programs shall include study of research principles.

(e) Opportunities for the student to learn assessment of needs, planning, implementation, and evaluation of nursing care for diverse individuals and groups. Baccalaureate programs shall include the study and practice of leadership.

(f) Clinical experiences in the care of persons at each stage of the human life cycle. These experiences shall include opportunities for the student to learn and have direct involvement in, responsibility and accountability for nursing care in the areas of acute and chronic illnesses, promotion and maintenance of wellness. The emphasis placed on these areas, the scope encompassed, and other allied experiences offered shall be in keeping with the purpose, philosophy, and objectives of the program.

(g) Opportunities for the student to participate in multidisciplinary health care.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-575, filed 7/28/88.]

**WAC 308-120-610 AIDS education and training.**

(1) Acceptable education and training. Effective January 1, 1989, the board will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(2) Implementation. Effective January 1, 1989, the requirement for licensure application, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (1) of this section.

(3) Documentation. The licensee shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that education and training has taken place.

[Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70-24.270. 88-23-035 (Order PM 795), § 308-120-610, filed 11/9/88.]

**WAC 308-120-700 Standards of nursing conduct or practice.** The purpose of defining standards of nursing conduct or practice through WAC 308-120-700 and 308-120-710 is to identify responsibilities of the nurse in health care settings and as provided in the Nursing Practice Act chapter 18.88 RCW, and the Uniform Disciplinary Act, chapter 18.130 RCW. Each individual, upon entering the practice of nursing, assumes a measure of responsibility and public trust and the corresponding obligation to adhere to the standards of nursing practice. The nurse shall be responsible and accountable for the quality of nursing care given to clients. This responsibility cannot be avoided by accepting the orders or directions of another person. The standards of nursing conduct or practice include, but are not limited to the following:

(1) Nursing process:

(a) The nurse shall collect pertinent objective and subjective data regarding the health status of the client.

(b) The nurse shall plan and implement nursing care which will assist the client to maintain or return to a state of health or will support a dignified death.

(c) The nurse shall communicate significant changes in the client's status to appropriate members of the health care team. This communication shall take place in a time period consistent with the client's need for care.

(d) The nurse shall document, on essential client records, the nursing care given and the client's response to that care.

(2) Delegation and supervision: The nurse shall be accountable for the safety of clients receiving nursing service by:

(a) Delegating selected nursing functions to others in accordance with their education, credentials, and demonstrated competence.

(b) Supervising others to whom he/she has delegated nursing functions.

(3) Other responsibilities:

(a) The nurse shall have knowledge and understanding of the laws and rules regulating nursing and shall function within the legal scope of nursing practice.

(b) The nurse shall be responsible and accountable for practice based on and limited to the scope of her/his education, demonstrated competence, and nursing experience.

(c) The nurse shall obtain instruction, supervision, and consultation as necessary before implementing new or unfamiliar techniques or practices.

(d) The nurse shall be responsible for maintaining current knowledge in his/her field of practice.

(e) The nurse shall conduct nursing practice without discrimination.

(f) The nurse shall respect the client's right to privacy by protecting confidential information.

(g) The nurse shall report unsafe nursing acts and practices, and illegal acts as defined in WAC 308-120-730.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-700, filed 11/18/87.]

**WAC 308-120-710 Violations of standards of nursing conduct or practice.** The following will serve as a guideline for the nurse as to the acts, practices, or omissions that are inconsistent with generally accepted standards of nursing conduct or practice. Such conduct or practice may be grounds for action with regard to the license to practice nursing pursuant to chapter 18.88 RCW and the Uniform Disciplinary Act, chapter 18.130 RCW. Such conduct or practice includes, but is not limited to the following:

(1) Failure to adhere to the standards enumerated in WAC 308-120-700(1) which may include:

(a) Failing to assess and evaluate a client's status or failing to institute nursing intervention as required by the client's condition.

(b) Willfully or repeatedly failing to report or document a client's symptoms, responses, progress, medication, or other nursing care accurately and/or intelligibly.

(c) Willfully or repeatedly failing to make entries, altering entries, destroying entries, making incorrect or illegible entries and/or making false entries in records pertaining to the giving of medication, treatments, or other nursing care.

(d) Willfully or repeatedly failing to administer medications and/or treatments in accordance with policy and procedure.

(e) Willfully or repeatedly failing to follow the policy and procedure for the wastage of medications where the nurse is employed or working.

(f) Willfully causing or contributing to physical or emotional abuse to the client.

(2) Failure to adhere to the standards enumerated in WAC 308-120-700(2) which may include:

(a) Delegating nursing care function or responsibilities to a person who the nurse knows or has reason to know lacks the ability or knowledge to perform the function or responsibility, or delegating to unlicensed persons those functions or responsibilities the nurse knows or has reason to know are to be performed only by licensed persons. This section should not be construed as prohibiting delegation to family members and other care givers exempted by RCW 18.88.030 or 18.88.280.

(b) Failure to supervise those to whom nursing activities have been delegated. Such supervision shall be adequate to prevent an unreasonable risk of harm to clients.

(3) Failure to adhere to the standards enumerated in WAC 308-120-700(3) which may include:

(a) Performing or attempting to perform nursing techniques and/or procedures for which the nurse lacks the appropriate knowledge, experience, and education and/or failing to obtain instruction, supervision and/or consultation for client safety.

(b) Violating the confidentiality of information or knowledge concerning the client, except where required by law or for the protection of the client.

(c) Writing prescriptions for drugs unless authorized to do so by the board.

(4) Other violations:

(a) Appropriating for personal use medication, supplies, equipment, or personal items of the client, agency, or institution.

(b) Practicing nursing while impaired by any mental, physical and/or emotional condition to the extent that the person may be unable to practice with reasonable skill and safety.

(c) Willfully abandoning clients by leaving a nursing assignment without transferring responsibilities to appropriate personnel or care giver when continued nursing care is required by the condition of the client(s).

(d) Practicing nursing while impaired by alcohol and/or drugs.

(e) Conviction of a crime involving physical abuse or sexual abuse relating to the practice of nursing.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-710, filed 11/18/87.]

**WAC 308-120-720 Mitigating circumstances.** The board recognizes that there may be circumstances inherent to various practice settings that may affect the board's decision whether to issue a statement of charges, to make a finding of unprofessional conduct, or to determine a sanction.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-720, filed 11/18/87.]

**WAC 308-120-730 Mandatory reporting defined.** It is not the intent of the board of nursing that each and every nursing error be reported or that mandatory reporting take away the disciplinary ability and responsibility from the employer of the nurse. Anyone, including nurses, health care facilities and agencies, and state or local government agencies, knowing of a nurse whose behavior or nursing practice fails to meet accepted standards for the level at which the nurse is licensed, should report the nurse to the person in the work setting who has authority to institute corrective action. Failure of any nurse to comply with the reporting requirements may in itself constitute a violation of nursing standards.

(1) Anyone, including nurses, health care facilities and agencies, and state or local government agencies, who has knowledge or concern that a nurse has committed an act which constitutes unprofessional conduct as provided in RCW 18.130.180, including violations of chapter 308-120 WAC, or is unable to practice with reasonable skill or safety as the result of a physical or mental condition shall report or cause a report to be made to the board of nursing.

(2) The decision to report a suspected violation of chapters 18.130 or 18.88 RCW or the rules adopted thereunder shall be based on, but not limited to the following:

(a) The past history of the nurse's performance.

(b) A demonstrated pattern of unsafe practice or conduct in violation of the standards of nursing.

(c) The magnitude of any single occurrence for actual or potential harm to the public health and safety.

(3) The following shall always be reported to the board of nursing:

(a) A nurse imposter. As used here "nurse imposter" means an individual who is ineligible for nursing licensure or advanced registered nurse practitioner licensure and who practices or offers to practice nursing or advanced nursing or uses any title, abbreviation, card, or device to indicate that the individual is licensed to practice in Washington.

(b) A person who is practicing nursing when the license has become void due to nonpayment of fees.

(c) A person who is practicing nursing as defined in chapter 18.88 RCW unless licensed as a registered nurse, or a person who is practicing as a nurse practitioner as defined in WAC 308-120-300 while not licensed as an advanced registered nurse practitioner.

(d) A nurse who has been convicted of a crime which relates to the practice of nursing.

(e) A nurse who has been dismissed from employment due to unsafe practice or conduct in violation of the standards of nursing.

(f) Client abuse by a nurse.

(g) A demonstrated pattern of conduct in violation of the standards of nursing as defined by the rules of the board or a single occurrence that creates serious harm or risk to the client.

(h) Any violation of a disciplinary sanction imposed on a nurse's license by the board.

(i) Substance abuse as defined in RCW 18.130.180 (6) and (23). Nursing professionals counseling impaired nurses for substance abuse are exempt from the reporting requirements except as provided in chapter 5.62 RCW.

(k) Any other cause for discipline as defined in RCW 18.130.170 and 18.130.180.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-730, filed 11/18/87.]

**WAC 308-120-740 Violations considered for disciplinary purposes only.** The consideration of violations of chapter 308-120 WAC are intended only for the purpose of disciplinary action by the board pursuant to chapters 18.88 and 18.130 RCW.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-740, filed 11/18/87.]

**WAC 308-120-750 Philosophy governing voluntary substance abuse monitoring programs.** The board recognizes the need to establish a means of proactively providing early recognition and treatment options for nurses whose competency may be impaired due to the abuse of drugs or alcohol. The board intends that such nurses be treated and their treatment monitored so that they can return to or continue to practice their profession in a way which safeguards the public. To accomplish this the board shall approve voluntary substance abuse monitoring programs and shall refer nurses impaired by substance abuse to approved programs as an alternative to instituting disciplinary proceedings as defined in RCW 18.130.160.

[Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-750, filed 11/9/88.]

**WAC 308-120-760 Terms used in WAC 308-120-750 through 308-120-780.** (1) "Approved substance abuse monitoring program" or "approved monitoring program" is a program the board has determined meets the requirements of the law and the criteria established by the board in WAC 308-120-770 which enters into a contract with nurses who have substance abuse problems regarding the required components of the nurse's recovery activity and oversees the nurse's compliance with these requirements. Substance abuse monitoring programs do not provide evaluation or treatment to participating nurses.

(2) "Contract" is a comprehensive, structured agreement between the recovering nurse and the approved monitoring program stipulating the nurse's consent to comply with the monitoring program and its required components of the nurse's recovery activity.

(3) "Approved treatment facility" is a facility approved by the bureau of alcohol and substance abuse, department of social and health services according to RCW 70.96A.020(2) or 69.54.030 to provide concentrated alcoholism or drug treatment if located within Washington state. Drug and alcohol treatment programs located out-of-state must be equivalent to the standards required for approval under RCW 70.96A.020(2) or 69.54.030.

(4) "Substance abuse" means the impairment, as determined by the board, of a nurse's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

(5) "Aftercare" is that period of time after intensive treatment that provides the nurse and the nurse's family with group or individual counseling sessions, discussions with other families, ongoing contact and participation in self-help groups and ongoing continued support of treatment program staff.

(6) "Nurse support group" is a group of nurses meeting regularly to support the recovery of its members. The group provides a confidential setting with a trained and experienced nurse facilitator in which nurses may safely discuss drug diversion, licensure issues, return to work and other professional issues related to recovery.

(7) "Twelve steps groups" are groups such as alcoholics anonymous, narcotics anonymous, and related organizations based on a philosophy of anonymity, belief in a power outside of oneself, peer group association, and self-help.

(8) "Random drug screens" are laboratory tests to detect the presence of drugs of abuse in body fluids which are performed at irregular intervals not known in advance by the person to be tested.

[Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-760, filed 11/9/88.]

**WAC 308-120-770 Approval of substance abuse monitoring programs.** The board will approve the monitoring program(s) which will participate in the board's

substance abuse monitoring program. A monitoring program approved by the board may be contracted with an entity outside the department but within the state, out-of-state, or a separate structure within the department.

(1) The approved monitoring program will not provide evaluation or treatment to the participating nurses.

(2) The approved monitoring program staff must have the qualifications and knowledge of both substance abuse and the practice of nursing as defined in this chapter to be able to evaluate:

(a) Clinical laboratories;

(b) Laboratory results;

(c) Providers of substance abuse treatment, both individuals and facilities;

(d) Nurses' support groups;

(e) The nursing work environment; and

(f) The ability of the nurse to practice with reasonable skill and safety.

(3) The approved monitoring program will enter into a contract with the nurse and the board to oversee the nurse's compliance with the requirements of the program.

(4) The approved monitoring program may make exceptions to individual components of the contract on an individual basis.

(5) The approved monitoring program staff will determine, on an individual basis, whether a nurse will be prohibited from engaging in the practice of nursing for a period of time and restrictions, if any, on the nurse's access to controlled substances in the work place.

(6) The approved monitoring program shall maintain records on participants.

(7) The approved monitoring program will be responsible for providing feedback to the nurse as to whether treatment progress is acceptable.

(8) The approved monitoring program shall report to the board any nurse who fails to comply with the requirement of the monitoring program.

(9) The approved monitoring program shall provide the board with a statistical report on the program, including progress of participants, at least annually.

(10) The approved monitoring program shall receive from the board guidelines on treatment, monitoring, and limitations on the practice of nursing for those participating in the program.

[Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-770, filed 11/9/88.]

**WAC 308-120-780 Participation in approved substance abuse monitoring program.** (1) In lieu of disciplinary action, the nurse may accept board referral into the approved substance abuse monitoring program.

(a) The nurse shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The nurse shall enter into a contract with the board and the approved substance abuse monitoring

program to comply with the requirements of the program which shall include, but not be limited to:

(i) The nurse will undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The nurse will agree to remain free of all mind-altering substances including alcohol except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101.

(iii) The nurse must complete the prescribed aftercare program of the intensive treatment facility, which may include individual and/or group psychotherapy.

(iv) The nurse must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment prognosis and goals.

(v) The nurse will submit to random drug screening as specified by the approved monitoring program.

(vi) The nurse will attend nurses' support groups facilitated by a nurse and/or twelve step group meetings as specified by the contract.

(vii) The nurse will comply with specified employment conditions and restrictions as defined by the contract.

(viii) The nurse shall sign a waiver allowing the approved monitoring program to release information to the board if the nurse does not comply with the requirements of this contract.

(c) The nurse is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, and random drug screens.

(d) The nurse may be subject to disciplinary action under RCW 18.130.160 if the nurse does not consent to be referred to the approved monitoring program does not comply with specified employment restrictions, or does not successfully complete the program.

(2) A nurse who is not being investigated by the board or subject to current disciplinary action or currently being monitored by the board for substance abuse may voluntarily participate in the approved substance abuse monitoring program without being referred by the board. Such voluntary participants shall not be subject to disciplinary action under RCW 18.130.160 for their substance abuse, and shall not have their participation made known to the board if they meet the requirements of the approved monitoring program:

(a) The nurse shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The nurse shall enter into a contract with the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

(i) The nurse will undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The nurse will agree to remain free of all mind-altering substances including alcohol except for medications prescribed by an authorized prescriber as defined in RCW 69.41.030 and 69.50.101.

(iii) The nurse must complete the prescribed aftercare program of the intensive treatment facility, which may include individual and/or group psychotherapy.

(iv) The nurse must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment prognosis and goals.

(v) The nurse will submit to random drug screening as specified by the approved monitoring program.

(vi) The nurse will attend nurses' support groups facilitated by a nurse and/or twelve step group meetings as specified by the contract.

(vii) The nurse will comply with employment conditions and restrictions as defined by the contract.

(viii) The nurse shall sign a waiver allowing the approved monitoring program to release information to the board if the nurse does not comply with the requirements of this contract.

(c) The nurse is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment and random drug screens.

(3) The treatment and pretreatment records of license holders referred to or voluntarily participating in approved monitoring programs shall be confidential, shall be exempt from RCW 42.17.250 through 42.17.450, and shall not be subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplinary authority for cause as defined in subsections (1) and (2) of this section. Records held by the board under this section shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena except by the license holder.

[Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-780, filed 11/9/88.]

## Chapter 308-121 WAC NURSING ASSISTANTS

### WAC

|             |  |
|-------------|--|
| 308-121-010 | Repealed.  |
| 308-121-020 | Repealed.  |
| 308-121-030 | Nursing assistant training program curriculum.   |
| 308-121-040 | Nursing assistant training programs conducted by nursing homes.                          |
| 308-121-050 | Nursing assistants trained in programs not specified in WAC 308-121-030 and 308-121-040. |
| 308-121-055 | Nursing assistants trained in approved programs.   |
| 308-121-060 | Issuing verification of completion.  |
| 308-121-070 | Registration of nursing assistants.  |

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

|             |   |
|-------------|---|
| 308-121-010 | Nursing assistants employed in nursing homes on June 7, 1979 or within one year prior to this date—Requirements for obtaining certificate of completion of a nursing assistant training program. [Statutory Authority: 1979 c 114 § 6. 79-10-030 (Order PL-313), § 308-121-010, filed 9/11/79.] Repealed by 88-23-036 (Order PM 796), filed 11/9/88. Statutory Authority: RCW 18.52A.040, 18.52B.070 and 70.24.270. |
| 308-121-020 | Nursing assistant certificate examination. [Statutory Authority: 1979 c 114 § 6. 79-10-030 (Order PL-313), § 308-121-020, filed 9/11/79.] Repealed by 88-23-036 (Order PM 796), filed 11/9/88. Statutory  |

Authority: RCW 18.52A.040, 18.52B.070 and 70.24.270.

**WAC 308-121-010 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-121-020 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-121-030 Nursing assistant training program curriculum.** (1) Board approval of the curriculum as defined herein is required for all nursing assistant training programs.

(a) Evidence that the curriculum as defined herein is included in the nursing assistant training programs shall be submitted to the board.

(b) Changes related to the curriculum shall be submitted to the board for approval thirty days prior to their implementation.

(c) Every two years the board shall review with the superintendent of public instruction and the state board for community college education the curricula of nursing assistant training programs conducted by publicly supported schools within the agencies' respective jurisdiction. Upon completion of the review, the board shall approve or disapprove each program.

(2) Curriculum requirements for nursing assistant training program:

(a) The minimum number of contact hours required is 32 in classroom and 50 in clinical practice under the supervision of a registered nurse;

(b) Classroom instruction shall include but not be limited to content areas with minimum hours as listed and clinical practice shall focus on the objectives as listed. Exceptions shall be justified to and approved by the board; and

(c) Specific references shall be made to federal and state laws and regulations affecting nursing assistant practice in nursing homes.

(3) Classroom instruction shall stress total care of the resident and consist of:

- (a) Role responsibility – 3 hours:
  - (i) Ethical;
  - (ii) Legal;
  - (iii) Member of the health care team; and
  - (iv) Resident's rights and responsibilities.
- (b) Safety concepts – 4 hours:
  - (i) Medical aseptic technique including isolation;
  - (ii) Environment;
  - (iii) Body mechanics;
  - (iv) Transfer and ambulation;
  - (v) Restraints and other protective devices;
  - (vi) Fire and disaster; and
  - (vii) Food service.
- (c) Communications – 4 hours:
  - (i) Psychosocial needs:
    - (A) Verbal and nonverbal communications;
    - (B) Modifications for the handicapped; and
    - (C) Overview of programs supporting treatments for mental and physical limitations;
  - (ii) Medical and nursing terminology; and
  - (iii) Recording and reporting.

- (d) Hygiene and restorative nursing care – 5 hours:
  - (i) Personal hygiene;
  - (ii) Activities of daily living;
  - (iii) Nutrition;
  - (iv) Excretory system;
  - (v) Bladder and bowel retraining; and
  - (vi) Preventive maintenance and rehabilitative measures.

- (e) Growth and development – 5 hours:
  - (i) Basic needs;
  - (ii) Developmental needs;
  - (iii) Cultural factors;
  - (iv) Process of aging including sexuality; and
  - (v) Death and dying.

- (f) Monitoring body functions – 4 hours:
  - (i) Vital signs;
  - (ii) Height and weight;
  - (iii) Intake and output; and
  - (iv) Specimen collection and testing.

- (g) AIDS education and training – 7 hours:
  - (i) Epidemiology;
  - (ii) Pathophysiology;
  - (iii) Infection control guidelines;
  - (iv) Testing and counseling;
  - (v) Legal and ethical issues;
  - (vi) Medical records;
  - (vii) Clinical manifestations and diagnosis;
  - (viii) Treatment and disease management; and
  - (ix) Psychosocial and special group issues.

(4) Objectives of the supervised clinical practice shall describe in measurable terms the competencies of the graduate which include the following:

- (a) Incorporation of role responsibilities by:
  - (i) Utilizing ethical/legal concepts in relation to self, health team members, residents and significant others;
  - (ii) Maintaining confidentiality of information;
  - (iii) Identifying administrative lines and reporting problems to the appropriate person;
  - (iv) Identifying range and limitation of nursing assistant functions:
    - (v) Accepting responsibility for own actions;
    - (vi) Demonstrating promptness and dependability;
    - (vii) Seeking assistance when unsure about appropriate action;
    - (viii) Participating as a member of the health care team which includes the development and updating of resident care plans; and
    - (ix) Utilizing the concept of the "Patient's bill of rights and responsibilities" in resident relationships.
- (b) Demonstration of knowledge of safety concepts by:
  - (i) Utilizing principles of medical asepsis and infection control techniques;
  - (ii) Providing adequate ventilation, warmth, light and quiet measures;
  - (iii) Utilizing measures that relieve pain and/or promote rest and sleep;
  - (iv) Maintaining equipment and resident space clean and orderly;
  - (v) Identifying and utilizing measures for accident prevention;

- (vi) Applying principles of body mechanics to self;
  - (vii) Applying principles of body mechanics in transfers and ambulation of residents;
  - (viii) Demonstrating proper application and release of restraints and other protective devices and care of residents in protective devices;
  - (ix) Demonstrating knowledge of fire and disaster procedures; and
  - (x) Applying principles of health and sanitation in the service of food.
- (c) Demonstration of appropriate communication skills by:
- (i) Listening and responding to verbal and nonverbal communication;
  - (ii) Recognizing that one's own behavior influences resident's behavior;
  - (iii) Seeking assistance in understanding resident's behavior;
  - (iv) Making adjustments for physical or mental limitations;
  - (v) Using terminology accepted in employing nursing home to record and report observations and pertinent information;
  - (vi) Recording and reporting observations, activities and communications accurately; and
  - (vii) Reading and documenting implementation of nursing orders.
- (d) Demonstration of knowledge of hygiene and restorative nursing care by:
- (i) Providing personal hygiene measures appropriately;
  - (ii) Utilizing measures that promote good skin care including the use of anti-pressure procedures and devices;
  - (iii) Carrying out preventive maintenance and rehabilitative measures such as therapeutic ambulation, exercise, range of motion and bed positioning in daily care;
  - (iv) Recognizing and allowing opportunity for self-care according to resident's capability;
  - (v) Assisting in the provision of adequate nutrition including fluid intake and progressive self feeding;
  - (vi) Identifying and monitoring special dietary needs;
  - (vii) Following correct procedures to aid adequate elimination from bladder and bowel;
  - (viii) Demonstrating an understanding of the concepts of bladder and bowel retraining; and
  - (ix) Making adjustments for physical or mental limitations.
- (e) Demonstration of knowledge of growth and development concepts by:
- (i) Identifying common basic human needs;
  - (ii) Assisting in the provision for religious needs;
  - (iii) Recognizing the resident's family as an influence on behavior and care;
  - (iv) Identifying developmental tasks of aging;
  - (v) Identifying cultural factors that may influence behavior;
  - (vi) Describing the body responses, including sexuality, in the normal life cycle;

- (vii) Describing responses to loss, dying and death; and
  - (viii) Demonstrating knowledge of post-mortem care.
- (f) Demonstration of accurate monitoring of body functions:
- (i) Taking vital signs, height and weight and measuring intake and output;
  - (ii) Collecting specimens such as sputum, urine, and stool, and testing where appropriate; and
  - (iii) Recognizing and reporting deviations from normal limits.

[Statutory Authority: RCW 18.52A.040, 18.52B.070 and 70.24.270. 88-23-036 (Order PM 796), § 308-121-030, filed 11/9/88. Statutory Authority: 1979 c 114 § 6. 79-10-030 (Order PL-313), § 308-121-030, filed 9/11/79.]

**WAC 308-121-040 Nursing assistant training programs conducted by nursing homes.** (1) Board approval required for noncurriculum matters in nursing assistant training programs conducted by nursing homes.

(a) All nursing homes shall apply to the board for approval before conducting a training program leading to certification. Application forms shall be provided by the board.

(b) Evidence that the requirements for the curriculum as defined in WAC 308-121-030 and the noncurriculum matters as defined herein have been met shall be submitted to the board on forms provided upon request at least ninety days prior to the first day of class.

(c) The nursing home shall be notified of the board action regarding approval or disapproval with deficiencies noted within sixty days of receipt of request for board approval.

(d) Board approval must be obtained before the training program begins.

(e) Changes related to the following requirements in an approved program shall be submitted to the board for approval prior to their implementation.

(f) Every two years the board shall review the nursing assistant training programs conducted by nursing homes. Upon completion of the review, the board shall approve or disapprove each program.

(2) Requirements for noncurriculum matters for nursing assistant training programs conducted by nursing homes:

(a) Philosophy, objectives.

(i) The philosophy of the program shall be in writing and shall clearly indicate the belief of the nursing home about education, training and its responsibility to trainees.

(ii) The objectives of the program shall be clearly stated and shall identify in measurable terms the competencies of its trainees completing the program.

(b) Organization.

(i) The program shall be conducted by a licensed nursing home.

(ii) The nursing home conducting the training program shall have an organizational chart showing lines of authority and cooperative relationships of the program with administration, other departments and agencies.



(iii) Where clinical facilities are used outside the nursing home conducting the program, a letter of agreement identifying the responsibilities of the training program and the clinical facility signed by the program director and administrator respectively, shall be kept on file with the nursing home conducting the program.

(c) Facilities and resources.

(i) Physical facilities for teaching shall be provided to meet the needs of the program, the number of trainees and the instructional staff.

(ii) Resources for planned learning experiences shall provide quality and variety to meet the objectives of the program.

(iii) Clinical facilities used for trainees shall meet the requirements contained in WAC 248-14-240 and 248-14-260 as now existing or hereafter amended.

(d) Instructional staff.

(i) The program director shall be a registered nurse licensed by the state of Washington with a minimum of two years of nursing practice within the last five years.

(ii) All nurses on the instructional staff shall be currently licensed in the state of Washington.

(iii) The instructional staff nurses may delegate to other licensed nursing staff selected elements of clinical practice, however, they shall be available on site for supervisory consultation.

(iv) Other instructional staff may include qualified specialists teaching in their area of expertise.

(v) Instructional staff responsibilities shall include:

(A) Creating and maintaining an environment conducive to teaching and learning;

(B) Assisting in the development and implementation of program policies and approved curriculum;

(C) Facilitating teaching and program evaluation and revision.

(vi) Instruction staff/trainee ratio shall have ten as the maximum number of trainees in the clinical practice area for which an instructor shall be responsible at any one time. Exceptions shall be justified to and approved by the board.

(e) Curriculum. The curriculum shall include but not be limited to the content and objectives as listed in WAC 308-121-030.

(f) Trainees.

(i) Requirements for admission:

(A) Trainees must be able to communicate in English.

(B) Trainees shall be registered as nursing assistants with the state of Washington under the provisions of chapter 18.52B RCW.

(ii) Requirements for completion: Trainees complete the program when the competencies as listed in WAC 308-121-030 are satisfactorily demonstrated to the instructional staff and verified by the program director.

(g) Records and reports.

The nursing home conducting the program shall provide for the safe maintenance of records for a ten-year period which include:

(i) Program director and instructional staff qualifications;

(ii) Course outline and schedule;

(iii) Dates of employment, enrollment, class attendance and completion of program;

(iv) Teaching methodology including the number of classroom hours and hours in supervised clinical practice;

(v) Evaluation tool for trainee performance based on the competencies defined in WAC 308-121-030;

(vi) Documentation of board approval of program; and

(vii) A copy of the verification of completion.

[Statutory Authority: RCW 18.52A.040, 18.52B.070 and 70.24.270. 88-23-036 (Order PM 796), § 308-121-040, filed 11/9/88. Statutory Authority: 1979 c 114 § 6. 79-10-030 (Order PL-313), § 308-121-040, filed 9/11/79.]

**WAC 308-121-050 Nursing assistants trained in programs not specified in WAC 308-121-030 and 308-121-040.** (1) Any nursing assistant who has completed a nursing assistant training program not specified in WAC 308-121-030 and 308-121-040 may be issued a verification of completion by a nursing home when the curriculum of the training program has been verified as comparable to the curriculum defined in WAC 308-121-030 by the nursing home staff development designee defined in WAC 248-14-245; and

(2) These programs may include but shall not be limited to:

(a) Basic nursing courses completed in schools of nursing approved pursuant to chapters 18.88 and 18.78 RCW;

(b) Programs conducted in other states; and

(c) Apprenticeship programs approved under chapter 49.04 RCW.

[Statutory Authority: RCW 18.52A.040, 18.52B.070 and 70.24.270. 88-23-036 (Order PM 796), § 308-121-050, filed 11/9/88. Statutory Authority: 1979 c 114 § 6. 79-10-030 (Order PL-313), § 308-121-050, filed 9/11/79.]

**WAC 308-121-055 Nursing assistants trained in approved programs.** Any nursing assistant who has previously completed a nursing assistant program specified in WAC 308-121-030 and 308-121-040 must provide documentation of completion of the approved program and registration as a nursing assistant.

[Statutory Authority: RCW 18.52A.040, 18.52B.070 and 70.24.270. 88-23-036 (Order PM 796), § 308-121-055, filed 11/9/88.]

**WAC 308-121-060 Issuing verification of completion.** (1) Any nursing assistant employed by a nursing home who has satisfactorily completed a nursing assistant training program or the equivalent as provided in these rules shall be issued a verification of completion.

(2) A copy of the verification of completion shall be maintained in the employing nursing home.

[Statutory Authority: RCW 18.52A.040, 18.52B.070 and 70.24.270. 88-23-036 (Order PM 796), § 308-121-060, filed 11/9/88. Statutory Authority: 1979 c 114 § 6. 79-10-030 (Order PL-313), § 308-121-060, filed 9/11/79.]

**WAC 308-121-070 Registration of nursing assistants.** All nursing assistants employed by a nursing home

after October 15, 1988, shall be registered with the department of licensing. All nursing assistants newly employed by a nursing home after October 15, 1988, shall be required to submit a registration form and fee to the department of licensing within three days of employment. A nursing assistant-registered may assist in the care of patients under the direction and supervision of a licensed registered nurse or licensed practical nurse, provided that a nursing home shall not assign a nursing assistant to provide resident care until the assistant has demonstrated skill necessary to perform assigned duties and responsibilities.

[Statutory Authority: RCW 18.52A.040, 18.52B.070 and 70.24.270, 88-23-036 (Order PM 796), § 308-121-070, filed 11/9/88.]

### Chapter 308-122 WAC LICENSING OF PSYCHOLOGISTS

#### WAC

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**WAC 308-122-005 Definitions.** (1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(2) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

[Statutory Authority: 1988 c 206 § 604, 88-23-059 (Order PM 798), § 308-122-005, filed 11/15/88.]

**WAC 308-122-006 Applications for licensure.** Effective January 1, 1989, persons applying for licensure or certification shall submit, in addition to the other requirements, evidence to show compliance with the educational requirements of WAC 308-122-280.

[Statutory Authority: 1988 c 206 § 604, 88-23-059 (Order PM 798), § 308-122-006, filed 11/15/88.]

**WAC 308-122-200 Psychologists—Education prerequisite to licensing.** To meet the education requirement of RCW 18.83.070, an applicant shall possess a doctoral degree from an institution of higher education accredited in the region in which the doctoral program is offered at the time the applicant's degree was awarded. In that doctoral program, at least forty semester hours, or sixty quarter-hours, of graduate courses shall have been passed successfully, and can be clearly identified by title and course content as being part of a psychology program. One of the standards for issuance of said degree shall have been the submission of an original dissertation which was psychological in nature. Endorsement by the

program administrator shall be requested and considered.

An integrated program of graduate study in psychology shall be defined as follows:

(1) The following defines the organizational structure of the program:

(a) The program shall be clearly identified and labeled as a psychology program. Pertinent catalogues and brochures shall show intent to educate and train psychologists.

(b) The psychology program shall stand as a recognized, coherent, entity within the institution.

(c) There shall be a clear authority and primary responsibility for the core and specialty areas, whether or not the program cuts across administrative lines.

(d) There shall be an organized sequence of study planned by those responsible for the program to provide an appropriate, integrated experience covering the field of psychology.

(e) There shall be an identifiable psychology faculty and a psychologist administratively responsible for the program.

(f) There shall be an identified body of students selected on the basis of high ability and appropriate educational preparation.

(2) The following defines the academic program:

(a) The curriculum shall encompass a minimum of three academic years of full-time graduate study or their equivalent. The doctoral program shall involve at least one continuous year of full-time residency at the institution which grants the degree. The applicant shall clearly have had instruction in: History and systems, research design and methodology, statistics and psychometrics. The program shall require each student to complete three or more semester hours (five or more quarter-hours) of core study in each of the following content areas:

(i) Biological bases of behavior (physiological psychology, comparative psychology, neurobases, sensation and perception, biological bases of development);

(ii) Cognitive-affective bases of behavior (learning, thinking, motivation, emotion, cognitive development);

(iii) Social bases of behavior (social psychology, organizational theory, community psychology, social development);

(iv) Individual differences (personality theory, psychopathology); and

(v) Scientific and professional ethics.

(b) The program shall include practicum, internship, field or laboratory experience appropriate to the area of psychology that is the student's major emphasis.

(3) If the major emphasis is in clinical, counseling, school or other applied area, the program shall include coordinated practicum and internship experience.

(a) Practicum experience shall total at least two semesters (three quarters) and consist of a total of at least 300 hours of direct experience and 100 hours of supervision.

(b) The practica shall be followed by an organized internship. Predoctoral internship programs accredited by

the American Psychological Association shall be accepted by the board as meeting this requirement. Otherwise, an organized internship shall be as follows:

(i) The internship shall be designed to provide a planned, programmed sequence of training experiences, the primary focus of which is to assure breadth and quality of training.

(ii) The internship setting shall have a clearly designated psychologist who is responsible for the integrity and quality of the training program and who is licensed/certified by the state/provincial board of psychology examiners.

(iii) The internship setting shall have two or more psychologists available as supervisors, at least one of whom is licensed/certified as a psychologist.

(iv) Supervision shall be provided by the person who is responsible for the cases being supervised. At least seventy-five percent of the supervision shall be provided by a psychologist(s).

(v) At least twenty-five percent of the intern's time shall be spent in direct client contact (minimum 375 hours) providing assessment and intervention services.

(vi) There shall be a minimum of 2 hours per week of regularly scheduled, formal, face-to-face individual supervision with the specific intent of dealing with the direct psychological services rendered by the intern. There shall also be a minimum of 2 hours of other learning activities such as: Case conferences, seminars on applied issues, co-therapy with a staff person including discussion, group supervision.

(vii) Supervision/training relating to ethics shall be an ongoing aspect of the internship program.

(viii) Trainees shall have titles such as "intern," "resident," "fellow," or other designation of trainee status.

(ix) The internship setting shall have a written statement or brochure describing the goals and content of the internship, stating clear expectations and quality of trainees' work, and made available to prospective interns.

(x) The internship experience shall consist of at least 1500 hours and shall be completed within twenty-four months.

(4) Applicants for licensure who obtained degrees from foreign universities shall first submit, at their own expense, their credentials to an independent, private professional organization approved by the board to establish equivalency of training required by this section.

[Statutory Authority: RCW 18.83.050. 88-09-029 (Order PM 722), § 308-122-200, filed 4/15/88. Statutory Authority: RCW 18.83.050(2) and 18.83.070(2). 87-19-096 (Order PM 678), § 308-122-200, filed 9/17/87. Statutory Authority: Chapter 18.83 RCW. 78-12-046 (Order PL 293), § 308-122-200, filed 11/27/78; Order PL-245, § 308-122-200, filed 4/15/76.]

**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. The supervisor(s) shall forward to the board a written evaluation at the end of the twelve-month period, and shall indicate whether the supervisee has satisfactorily completed the supervised clock hours of psychological work. If any supervisor's(s') written evaluation indicates that the supervisee has failed to satisfactorily complete the required work, the board may require additional supervised clock hours of psychological work.

(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 or a doctoral level psychologist by training and degree with two years of post-doctoral experience who is exempt from licensure by RCW 18.83.200 (1); (2); (3); or, (4), but only when supervising within the exempt setting. 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 18.83.050, 88-09-029 (Order PM 722), § 308-122-215, filed 4/15/88. Statutory Authority: RCW 18.83.050(5), 86-04-087 (Order PL 578), § 308-122-215, filed 2/5/86. Statutory Authority: RCW 18.83.070(3), 85-06-043 (Order PL 521), § 308-122-215, filed 3/5/85.]

**WAC 308-122-235 Qualifications for granting of license by reciprocity.** (1) Candidates applying for licensure pursuant to the provisions of RCW 18.83.170 (1) and (2) shall:

(a) Provide evidence of meeting the educational requirements set forth in RCW 18.83.200 in effect at the time the applicant entered his/her doctoral program;

(b) Pass the oral examination administered by the board pursuant to RCW 18.83.050.

(2) Candidates applying for licensure pursuant to the provisions of RCW 18.83.170(3) shall:

(a) Pass the oral examination administered by the board pursuant to RCW 18.83.050.

[Statutory Authority: RCW 18.83.050, 88-09-029 (Order PM 722), § 308-122-235, filed 4/15/88.]

**WAC 308-122-275 Psychology fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee   | Fee      |
|--|----------|
| Application—Written examination (initial and retake) | \$150.00 |
| Application—Oral examination (initial and retake)    | 150.00   |
| Renewal  | 210.00   |
| Duplicate license                                    | 15.00    |
| Certificate of qualification                         | 30.00    |
| Certification  | 25.00    |
| Amendment of certificate of qualification            | 30.00    |

[Statutory Authority: RCW 43.24.086, 87-10-028 (Order PM 650), § 308-122-275, filed 5/1/87. Statutory Authority: 1983 c 168 § 12, 83-17-031 (Order PL 442), § 308-122-275, filed 8/10/83. Formerly WAC 308-122-460.]

**WAC 308-122-280 AIDS education and training.**

(1) Acceptable education and training. Such education and training shall be consistent with the model curriculum available from the office on AIDS and with the standards set forth in WAC 308-122-520(1), shall be a minimum of seven clock hours, and shall include, but not be limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(2) Implementation. Effective January 1, 1989, the requirement for licensure or certification application, renewal, or reinstatement of any license or certification on lapsed, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (1) of this section.

(3) Documentation. The licensee shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that learning has taken place.

[Statutory Authority: 1988 c 206 § 604, 88-23-059 (Order PM 798), § 308-122-280, filed 11/15/88.]

**WAC 308-122-350 Psychologists—Renewal of licenses.** (1) The annual license renewal date for psychologists is hereby changed to coincide with the licensee's birthdate. Individuals making application for initial licensure and examination, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(2) After the initial conversion to a staggered system, licensees may renew their licenses, at the annual renewal fee rate, for one year, from birth anniversary date to the next birth anniversary date.

(3) On a one time basis beginning January 1, 1989, all persons making application for licensure or certification renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-122-280. Persons whose 1989 license expires on or before March 31, 1989, may, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement.

[Statutory Authority: 1988 c 206 § 604. 88-23-059 (Order PM 798), § 308-122-350, filed 11/15/88; Order PL 227, § 308-122-350, filed 11/5/75; Order PL 177, § 308-122-350, filed 10/15/74.]

**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 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, diplomate 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 these 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 statement intended or likely to create false or unjustified expectations of favorable results;

(d) 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.

Psychologists do not use power, influence or offers of compensation to solicit testimonials from 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 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.

(7) 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.

(8) 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.

(9) 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.

(10) 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.

(11) 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. 88-09-029 (Order PM 722), § 308-122-640, filed 4/15/88. Statutory Authority: RCW 18.83.050(5). 86-04-087 (Order PL 578), § 308-122-640, filed 2/5/86; 85-06-044 (Order PL 522), § 308-122-640, filed 3/5/85.]

**WAC 308-122-720 Temporary permits.** (1) Pursuant to RCW 18.83.082(1), a temporary permit issued to a license applicant:

(a) Is valid for no more than 1 year from the date of issue;

(b) Is terminated if the license applicant fails either the written or oral examination administered by the board pursuant to RCW 18.83.050; and/or,

(c) Is terminated if the license applicant fails to appear for a scheduled written or oral examination, unless the applicant notifies the board in advance of the inability to appear.

[Statutory Authority: RCW 18.83.050. 88-09-029 (Order PM 722), § 308-122-720, filed 4/15/88.]

## Chapter 308-124 WAC

### REAL ESTATE BROKERS AND SALESMEN

#### WAC

|             |                         |
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| 308-124-001 | Promulgation—Authority. |
| 308-124-005 | Organization.           |
| 308-124-007 | Meetings.               |
| 308-124-021 | Definitions.            |

**WAC 308-124-001 Promulgation—Authority.** The director of the department of licensing, state of Washington, pursuant to the authority vested in the director by RCW 18.85.040, does hereby promulgate the following rules and regulations relating to the licensing of real estate brokers, associate real estate brokers and real estate salespersons, and the registration of land development representatives.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124-001, filed 10/7/87; Order RE 120, § 308-124-001, filed 9/20/77; Order RE 114, § 308-124-001, filed 7/2/75 (Repealed and amended by Order RE 114, filed 7/2/75); Order RE 107, § 308-124-001, filed 7/20/73; Promulgation to Rules 1-6 (WAC 308-124-010 through 308-124-060), filed 3/24/60.]

**WAC 308-124-005 Organization.** The principal location of Real Estate Program Management is on the Fourth Floor, Quince Street Building, 1300 Quince Street, Olympia, Washington 98504. A Spokane office is at East 11530 Sprague Avenue, Spokane, Washington 99206.

Real estate program management of the business and professions administration of the department of licensing administers the Washington real estate license law, chapter 18.85 RCW. The real estate commission, composed of the director of the department of licensing and six commission members, appointed by the governor from the real estate industry, prepares or reviews and approves examination questions for license applicants,

holds real estate education conferences, advises the director as to the issuance of rules and regulations governing the activities of real estate brokers and salespersons and performs such other duties and functions as prescribed by chapter 18.85 RCW. Submissions and requests for information regarding real estate licenses, the real estate commission, or the real estate program, may be sent in writing to the Real Estate Program Manager, Department of Licensing, P.O. Box 9649, Olympia, Washington 98504.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124-005, filed 10/7/87; 82-17-039 (Order 130), § 308-124-005, filed 8/13/82; 81-05-016 (Order RE 128), § 308-124-005, filed 2/10/81; Order RE 114, § 308-124-005, filed 7/2/75; Rules (part), filed 8/24/67.]

**WAC 308-124-007 Meetings.** The real estate commission meets quarterly or at the call of the director. Individuals desiring to be informed as to date, time and place and agenda of the meeting must make a written request to the real estate program manager.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124-007, filed 10/7/87; Order RE 114, § 308-124-007, filed 7/2/75; Order RE-104, § 308-124-007, filed 2/16/72; Order RE-103, § 308-124-007, filed 12/14/71.]

**WAC 308-124-021 Definitions.** (1) Words and terms used in these rules shall have the same meaning as each has under chapter 18.85 RCW unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Designated broker" is the natural person designated by a corporation or partnership to act as a broker on behalf of the corporation or partnership. The designated broker must be an officer of the corporation or a general partner of the partnership and must be separately qualified for licensure as a real estate broker.

(3) "Principal owner" is a person who owns or controls, directly or indirectly, ten percent or more of a real estate brokerage, regardless of whether such interest stands in the person's true name or in the name of a nominee.

(4) "Individual broker" is the natural person who owns a sole proprietorship brokerage company and is the licensed broker of the firm.

(5) "Incorporated associate broker" is the natural person qualified as a broker who works with a broker and who is licensed as a corporation and whose license states that he or she is associated with a broker.

(6) "Real estate program manager" is the person appointed by the director of the department of licensing to administer the real estate program of the department of licensing.

(7) "Affiliated licensees" are the natural persons licensed as salespersons, associate brokers, incorporated associate brokers, and/or branch managers employed by a real estate broker and who are licensed to represent a broker in the performance of any of the acts specified in chapter 18.85 RCW.

[Statutory Authority: RCW 18.85.040. 88-24-059 (Order PM 811), § 308-124-021, filed 12/7/88; 87-20-091 (Order PM 683), § 308-124-



021, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124-021, filed 2/10/81; 78-11-052 (Order RE 125), § 308-124-021, filed 10/23/78; Order RE 120, § 308-124-021, filed 9/20/77; Order RE 114, § 308-124-021, filed 7/2/75; Order RE-102, § 308-124-021, filed 10/28/71.]

### Chapter 308-124A WAC

#### REAL ESTATE--LICENSING AND EXAMINATION

##### WAC

- 308-124A-010 Character report.
- 308-124A-020 Application for a license—Fingerprinting.
- 308-124A-025 Application process to take examination.
- 308-124A-030 Successful applicants must apply for license.
- 308-124A-040 Unsuccessful broker applicants—Loss of waiver privilege.
- 308-124A-100 Repealed.
- 308-124A-110 Application for real estate examination, licensed in another jurisdiction.
- 308-124A-115 Repealed.
- 308-124A-120 Application for license—Interim license.
- 308-124A-130 Salesperson, associate brokers—Termination of services.
- 308-124A-200 Corporate or copartnership applicants for licenses—Proof required.
- 308-124A-205 Corporate license renewal—Proof required.
- 308-124A-210 Repealed.
- 308-124A-410 Application for broker license examination—Two years sales experience.
- 308-124A-420 Application for broker license examination, other qualification or related experience.
- 308-124A-425 Waiver of clockhours.
- 308-124A-430 Grading of examinations.
- 308-124A-440 Reexamination.
- 308-124A-450 Examination procedures.
- 308-124A-460 Real estate brokers and salespersons and land development representative fees.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-124A-100 Applicant for license previously licensed in another state. [Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124A-100, filed 2/10/81; Order RE 114, § 308-124A-100, filed 7/2/75.] Repealed by 88-20-037 (Order PM 775), filed 9/30/88. Statutory Authority: RCW 18.85.040.
- 308-124A-115 Nonresident licenses—Expiration—Renewal. [Statutory Authority: RCW 18.85.040, 18.85.140 and 18.85.190. 87-17-051 (Order PM 673), § 308-124A-115, filed 8/18/87, effective 10/1/87.] Repealed by 88-20-037 (Order PM 775), filed 9/30/88. Statutory Authority: RCW 18.85.040.
- 308-124A-210 Corporate or copartnership application for land development representative—Proof required. [Order RE 120, § 308-124A-210, filed 9/20/77; Order RE 114, § 308-124A-210, filed 7/2/75.] Repealed by 87-20-091 (Order PM 683), filed 10/7/87. Statutory Authority: RCW 18.85.040.

**WAC 308-124A-010 Character report.** Any person making application for registration as a land development representative pursuant to chapter 18.85 RCW, must as an integral part of the application, supply the director with satisfactory proof of applicant's identification and good character. Proof of good character shall be obtained and attested by the employing broker upon a form to be provided by the department.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124A-010, filed 10/7/87; 78-11-052 (Order RE 125), § 308-124A-010, filed 10/23/78; Order RE 120, § 308-124A-010, filed 9/20/77; Order RE 114, § 308-124A-010, filed 7/2/75.]

**WAC 308-124A-020 Application for a license—Fingerprinting.** All persons who have been convicted of a crime within ten years of application must submit fingerprint identification, on a form provided by the department prior to issuance of a license for:

- (1) A real estate salesperson license;
- (2) An individual broker license;
- (3) A corporation or partnership broker license;
- (4) An associate real estate broker license; or
- (5) A land development representative registration.

[Statutory Authority: RCW 18.85.040. 88-20-036 (Order PM 774), § 308-124A-020, filed 9/30/88, effective 1/1/89; 87-20-091 (Order PM 683), § 308-124A-020, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-020, filed 2/10/81; Order RE 120, § 308-124A-020, filed 9/20/77; Order RE 114, § 308-124A-020, filed 7/2/75.]

**WAC 308-124A-025 Application process to take examination.** (1) Any person desiring to take an examination for a real estate broker or real estate salesperson license, except candidates who are actively licensed in another jurisdiction or were so licensed in the preceding six months, who have received clockhours in another jurisdiction, or candidates applying for waiver under WAC 308-124A-420, must submit a completed examination application together with the examination fee and supporting documents to the testing service approved by the department. Dishonored checks will be considered as an incomplete application.

(2) Any person desiring to take an examination for a real estate broker or real estate salesperson license who is actively licensed in another jurisdiction or was so licensed in the preceding six months, who has received clockhours in another jurisdiction, or candidates applying for waiver under WAC 308-124A-420, must submit a completed examination application with supporting documents to the licensing division of the department of licensing. After the qualifications for the examination have been verified by the department, the candidate shall submit the completed examination application and examination fee to the testing service approved by the department.

(3) The applicant will be assigned to the first available examination subsequent to determination of eligibility. The cutoff date for eligibility for any specific examination is available to the applicant upon request. Any application postmarked after the cutoff date will not be accepted for that examination, but will be assigned to the next available examination.

(4) An examination candidate who has a completed examination application with the examination walk-in fee and supporting documents may walk-in to an examination if there are adequate space and test booklets after accommodating all candidates who have preapplied under sections (1) and (2) of this rule. The examination walk-in fee shall be paid in the form of a cashier's check or money order made payable to the testing service approved by the department.

(5) An applicant shall forfeit all examination fees for any examination or examinations for which the applicant has applied and does not take for any reason, other than through the fault or mistake of the department of licensing.



[Statutory Authority: RCW 18.85.040. 88-20-036 (Order PM 774), § 308-124A-025, filed 9/30/88, effective 1/1/89; 87-20-091 (Order PM 683), § 308-124A-025, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-025, filed 2/10/81; Order RE 114, § 308-124A-025, filed 7/2/75.]

**WAC 308-124A-030 Successful applicants must apply for license.** Examination results are valid for one year only. Any person who has passed the examination for real estate broker or real estate salesperson licensure must become licensed within one year from the date of such examination. Failure to comply with this provision will necessitate the taking and passing of another examination prior to licensure.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124A-030, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-030, filed 2/10/81; Order RE 114, § 308-124A-030, filed 7/2/75.]

**WAC 308-124A-040 Unsuccessful broker applicants--Loss of waiver privilege.** Whenever any applicant for a broker's license receives a waiver from the requirement of two years of actual experience as a full-time real estate salesperson based upon approval of alternative qualifications, but subsequently fails to pass the broker's examination, the applicant shall lose the privilege of the waiver and must satisfy the requirement as provided in RCW 18.85.090.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124A-040, filed 10/7/87; 82-17-039 (Order 130), § 308-124A-040, filed 8/13/82; Order RE 114, § 308-124A-040, filed 7/2/75.]

**WAC 308-124A-100 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-124A-110 Application for real estate examination, licensed in another jurisdiction.** Any person applying for a real estate broker or real estate salesperson examination who is actively licensed in another state, territory of the United States or province of the Dominion of Canada and has maintained his or her license in good standing or who was actively licensed in good standing within the preceding six months may become licensed as a Washington real estate broker, associate broker or salesperson after passing an examination on Washington law and real estate practices if he or she meets the minimum requirements established by RCW 18.85.090, 18.85.095, and/or 18.85.120 whichever is (are) applicable, except as provided in WAC 308-124A-425(3).

Any person applying to take the examination under this rule shall submit evidence of licensure in another state, territory of the United States or province of the Dominion of Canada by a license verification form completed by an administrative officer of the licensure authority if such jurisdiction.

[Statutory Authority: RCW 18.85.040. 88-20-037 (Order PM 775), § 308-124A-110, filed 9/30/88; 87-20-091 (Order PM 683), § 308-124A-110, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-110, filed 2/10/81.]

**WAC 308-124A-115 Repealed.** See Disposition Table at beginning of this chapter.

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**WAC 308-124A-120 Application for license--Interim license.** (1) A person who desires to be licensed as a real estate salesperson or associate broker, or broker shall make application on a form approved by the director and the real estate salesperson and associate broker application shall be signed by the broker or designated broker to whom the license will be issued. The branch manager may sign for the broker or designated broker for licenses to be issued to that branch office. All signatures must be original signatures of the signators, unless signed under authority of a written power of attorney.

(2) Upon receipt of notice of passage of the examination and the license application form, applicants for a real estate salesperson license may commence working upon the postmark date to the department or date of hand delivery to the licensing division of the department of the signed, dated and completed license application form with the license fee. The completed license application form, if submitted with the license fee, shall serve as an interim license for a period up to forty-five days after the postmark date or date of hand delivery to the department, unless grounds exist to take disciplinary action against the license under RCW 18.85.230. If the applicant's birthdate occurs during the forty-five days of the interim license, then the interim license shall expire on the applicant's birthdate and the applicant shall submit a renewal fee.

(3) There are no interim licenses for designated brokers for corporations or partnership, individual real estate brokers or associate brokers. Upon notification of passage of the examination, applicants for associate broker licenses, individual broker licenses, or designated broker licenses for corporations or partnerships must submit a complete license application with the license fee to the department of licensing and qualify for the license under chapter 18.85 RCW and the rules.

[Statutory Authority: RCW 18.85.040. 88-20-036 (Order PM 774), § 308-124A-120, filed 9/30/88, effective 1/1/89; 87-20-091 (Order PM 683), § 308-124A-120, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-120, filed 2/10/81.]

**WAC 308-124A-130 Salesperson, associate brokers--Termination of services.** A person licensed as salesperson or associate broker may perform duties and activities as licensed only under the direction and supervision of a licensed individual broker or designated broker and as a representative of such broker. This relationship may be terminated unilaterally by either the broker or salesperson or associate broker. Notice of such termination shall be given by the broker to the director without delay and such notice shall be accompanied by and include the surrender of the salesperson's or associate broker's license. The broker may not condition his or her surrender of license to the director upon performance of any act by the salesperson or associate broker. Notice of termination shall be provided by signature of the broker, or a person authorized by the broker to sign for the broker, on the surrendered license of the salesperson or associate broker or surrender of the license by the licensee to the department. The termination

date shall be the postmark date or date the license is hand delivered to the department.

If the license cannot be surrendered to the department because the license has been lost, the salesperson or associate broker and the broker shall complete an affidavit of lost license on a form provided by the department. No license transfers shall be permitted unless the license is surrendered or the affidavit of lost license is completed and filed with the department. If the license cannot be surrendered because the broker is conditioning the surrender of the license, the associate broker or salesperson shall so advise the department in writing and cooperate in full with the investigation of the broker's failure to comply with this rule. Upon receipt of the salesperson or associate broker's written statement about broker conditioning the release of the license, the department shall process the license transfer.

[Statutory Authority: RCW 18.85.040. 88-06-039 (Order PM 711), § 308-124A-130, filed 3/1/88; 87-20-091 (Order PM 683), § 308-124A-130, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-130, filed 2/10/81.]

**WAC 308-124A-200 Corporate or copartnership applicants for licenses--Proof required.** The minimum qualifications for a corporation or partnership to receive a broker's license are:

(1) An officer in the corporation or a general partner in the partnership, as the case may be, shall be designated as the broker and shall separately qualify for a valid broker's license. The corporation or partnership and the designated broker are required to pay only a single license and license renewal fee.

(2) The applicant shall furnish a character and credit rating of the designated broker, officers, and principal owners of the corporation directly involved in the company's Washington real estate activity and, in the case of a partnership, the general partners and all principal owners. A new credit rating is not required if one has been [filed] with the department within the preceding eighteen months.

(3) If the applicant is a partnership, it shall furnish a copy of its partnership agreement.

(4) Licenses issued to corporations and partnerships expire one year from [the] date of issuance which date will henceforth be the renewal date: *Provided*, That current licenses with an expiration date of December 31, 1987, will expire as follows:

(a) Corporations and partnerships whose name begins with A through F will be issued with an expiration date of December 31, 1988.

(b) Corporations and partnerships whose name begins [with] G through L will be issued [with] an expiration date of January 31, 1989.

(c) Corporations and partnerships whose name begins [with] M through R will be issued [with] an expiration date of February 28, 1989.

(d) Corporations and partnerships whose name begins [with] S through Z will be issued [with] an expiration date of March 31, 1989.

(5) If a corporation applies for licensure as an incorporated associate broker, the associate broker shall be

the sole licensee of the corporation. The renewal period for the incorporated associated broker shall be the same as the renewal period for corporations or partnerships under this chapter.

[Statutory Authority: RCW 18.85.040. 88-20-037 (Order PM 775), § 308-124A-200, filed 9/30/88. Statutory Authority: RCW 18.85.040, 18.85.140 and 18.85.190. 87-17-051 (Order PM 673), § 308-124A-200, filed 8/18/87, effective 10/1/87. Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124A-200, filed 2/10/81; Order RE 114, § 308-124A-200, filed 7/2/75.]

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

**WAC 308-124A-205 Corporate license renewal--Proof required.** Applicants for renewal of corporate license shall furnish proof of current master license renewed by authority of secretary of state.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124A-205, filed 10/7/87.]

**WAC 308-124A-210 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-124A-410 Application for broker license examination--Two years sales experience.** To qualify for two years of actual experience as a full-time real estate salesperson, applicants for a real estate broker license examination shall provide evidence of either:

(1) A minimum of forty hours per week spent in licensed real estate activity for the period; or

(2) A major source of income from licensed real estate activity continuously for the period.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124A-410, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-410, filed 2/10/81.]

**WAC 308-124A-420 Application for broker license examination, other qualification or related experience.** Applications for a real estate broker license examination by persons who do not possess two years of actual experience as a full-time real estate salesperson as required by RCW 18.85.090 which show other and similar qualifications, or qualification by reason of practical experience in a business allied with or related to real estate shall be submitted to the Real Estate Program Manager, P.O. Box 9012, Olympia, Washington 98504. The application shall be accompanied by a letter requesting approval of alternative qualifications or experience and indicating the basis for such approval. The letter must include a detailed personal history or work resume, with appropriate documentation, and a letter from each of five business associates describing from personal knowledge the qualifications and experience of the applicant. The following guidelines are provided as examples of experience which may qualify in lieu of two years of full-time sales experience:

(1) Post-secondary education with major study in real estate together with one year experience as a real estate salesperson or one year experience under the provisions of subsections (2) - (7) below.

(2) Experience as an attorney at law with practice in real estate transactions for not less than one year.

(3) Five years' experience, with decision responsibility, in closing real estate transactions for escrow companies, mortgage companies, or similar institutions.

(4) Five years' experience as an officer of a commercial bank, savings and loan association, title company or mortgage company, involving all phases of real estate transactions.

(5) Five years' experience as a real property fee appraiser or salaried appraiser for a governmental agency.

(6) Five years' experience in all phases of land development, construction, financing, selling and leasing of residences, apartments or commercial buildings.

(7) Five years' experience in real estate investment, property management, or analysis of investments or business opportunities.

All time periods suggested in these guidelines shall be within the last seven years prior to the date of application.

[Statutory Authority: RCW 18.85.040. 88-20-037 (Order PM 775), § 308-124A-420, filed 9/30/88; 87-20-091 (Order PM 683), § 308-124A-420, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-420, filed 2/10/81.]

**WAC 308-124A-425 Waiver of clockhours.** (1) Waiver of the thirty clock hours required for second renewal under RCW 18.85.095 shall not be considered or granted.

(2) Waiver of the thirty clockhours required for activation of an inactive license under RCW 18.85.215(3) shall not be considered or granted.

(3) Waiver of the thirty clockhours of real estate fundamentals required under RCW 18.85.095 shall not be considered or granted, except a waiver may be granted to an applicant for a real estate salesperson's license who is actively licensed or was actively licensed in good standing within the six months preceding the application in another state, territory of the United States or province of the Dominion of Canada if the education requirements for licensure in the other jurisdiction are determined by the director with the advice of the commission as being at least equivalent to the real estate fundamentals course required under RCW 18.85.095.

[Statutory Authority: RCW 18.85.040. 88-20-037 (Order PM 775), § 308-124A-425, filed 9/30/88.]

**WAC 308-124A-430 Grading of examinations.** (1) A minimum scaled score of 70 is required to pass the real estate salesperson examination.

(2) A minimum scaled score of 75 is required to pass the real estate broker examination.

[Statutory Authority: RCW 18.85.040. 88-20-036 (Order PM 774), § 308-124A-430, filed 9/30/88, effective 1/1/89; 86-11-011 (Order PM 595), § 308-124A-430, filed 5/12/86, effective 10/1/86.]

**WAC 308-124A-440 Reexamination.** An applicant who has failed the examination or failed to appear for a scheduled examination may apply for reexamination, provided the required reexamination fee is submitted.

An applicant who has failed the examination or failed to appear for a scheduled examination may walk in to an

examination upon payment of the reexamination walk-in fee if there are adequate space and test booklets and upon presentation of the failure notice or exam admission ticket. The failure notice or exam admission ticket shall be valid for walk-in testing for a period of no more than six months after date of issuance. Broker exam applicants who applied for a waiver and failed the examination must comply with the provisions of WAC 308-124A-040.

[Statutory Authority: RCW 18.85.040. 88-20-036 (Order PM 774), § 308-124A-440, filed 9/30/88, effective 1/1/89; 86-11-011 (Order PM 595), § 308-124A-440, filed 5/12/86, effective 10/1/86.]

**WAC 308-124A-450 Examination procedures.** (1) Each applicant will be required to present one piece of positive identification which bears a photograph of the applicant. In the event the applicant has no photo identification, the applicant will be required to make prior arrangements with the licensing division not later than ten working days prior to the examination. Failure to produce the required identification will result in the applicant being refused admission to the examination.

(2) 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 monitor. Any applicant observed talking or attempting to give or receive information; using unauthorized materials during any portion of the examination; or removing test booklets and/or notes from the testing room will be subject to denial of a license.

(3) Applicants who participate in disruptive behavior during the examination will be required to turn in their test materials to the test monitor and leave the examination site. Their opportunity to sit for the examination will be forfeited. Their answer sheet will be voided. A voided answer sheet will not be scored and the examination fee will not be refunded. A candidate must then re-apply to take the examination.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124A-450, filed 10/7/87; 86-11-011 (Order PM 595), § 308-124A-450, filed 5/12/86, effective 10/1/86.]

**WAC 308-124A-460 Real estate brokers and salespersons and land development representative fees.** The following fees shall be charged by the professional licensing division of the department of licensing.

| Title of Fee                        | Fee     |
|-------------------------------------|---------|
| Real Estate Broker:                 |         |
| Application/examination             | \$50.00 |
| Reexamination                       | 50.00   |
| Original license                    | 50.00   |
| License renewal                     | 50.00   |
| Late renewal penalty                | 25.00   |
| Duplicate license                   | 15.00   |
| Certification                       | 25.00   |
| Name or address change              | 15.00   |
| Real Estate Broker - Branch Office: |         |
| Original license                    | \$40.00 |
| License renewal                     | 40.00   |
| Late renewal penalty                | 20.00   |

| Title of Fee                            | Fee     |
|---|---------|
| Duplicate license                       | 15.00   |
| Name or address change                  | 15.00   |
| <b>Real Estate Salesperson:</b>         |         |
| Application/examination                 | \$35.00 |
| Reexamination                           | 35.00   |
| Original license                        | 35.00   |
| License renewal                         | 35.00   |
| Late renewal penalty                    | 20.00   |
| Duplicate license                       | 15.00   |
| Certification                           | 25.00   |
| Name or address change                  | 15.00   |
| <b>Land Development Representative:</b> |         |
| Registration                            | \$20.00 |

[Statutory Authority: RCW 18.85.040, 18.85.140 and 18.85.190. 87-17-051 (Order PM 673), § 308-124A-460, filed 8/18/87, effective 10/1/87.]

promptly filing a completed change of address application with the department together with the return of all licenses and payment of the correct fees.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124B-120, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124B-120, filed 2/10/81; Order RE 114, § 308-124B-120, filed 7/2/75.]

**WAC 308-124B-130 Names prohibited.** A real estate broker shall not be issued a license nor advertise in any manner using names or trade styles which are similar to currently issued licenses or imply that the real estate firm is a nonprofit organization, research organization, public bureau or public group. A bona fide franchisee may be licensed using the name of the franchisor with the firm name of the franchisee.

[Statutory Authority: RCW 18.85.040. 88-06-039 (Order PM 711), § 308-124B-130, filed 3/1/88; 87-20-091 (Order PM 683), § 308-124B-130, filed 10/7/87; Order RE 114, § 308-124B-130, filed 7/2/75.]

**Chapter 308-124B WAC  
REAL ESTATE—BROKER'S OFFICE**

- WAC
- 308-124B-010 Repealed.
  - 308-124B-040 Repealed.
  - 308-124B-100 Office identification.
  - 308-124B-120 Change of office location.
  - 308-124B-130 Names prohibited.
  - 308-124B-150 Office requirement for brokers actively licensed in another jurisdiction.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 308-124B-010 Prevention of the same or deceptively similar real estate firm names. [Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124B-010, filed 8/13/82; Order RE 114, § 308-124B-010, filed 7/2/75.] Repealed by 88-06-039 (Order PM 711), filed 3/1/88. Statutory Authority: RCW 18.85.040.
- 308-124B-040 Branch offices operating under another name. [Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124B-040, filed 2/10/81; Order RE 114, § 308-124B-040, filed 7/2/75.] Repealed by 87-20-091 (Order PM 683), filed 10/7/87. Statutory Authority: RCW 18.85.040.

**WAC 308-124B-010 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-124B-040 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-124B-100 Office identification.** Any main or branch office of the real estate broker shall be identified by displaying the name, visible to the public, of the broker as licensed at the address appearing on the license.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124B-100, filed 10/7/87; Order RE 114, § 308-124B-100, filed 7/2/75.]

**WAC 308-124B-120 Change of office location.** The real estate broker shall notify the director of the change of location and mailing address of the broker's office by

**WAC 308-124B-150 Office requirement for brokers actively licensed in another jurisdiction.** The term "office" in RCW 18.85.180 for a broker actively licensed in another jurisdiction in which the broker's headquarter office is located shall mean the maintenance of trust account and transaction records for a period of three years in the state of Washington in one location at the Washington office of an escrow agent licensed in the state of Washington, a real estate broker licensed in the state of Washington, attorneys at law licensed to practice in the state of Washington or title companies for all Washington transactions for the broker. The trust account and transaction records shall be open and accessible to representatives of the department of licensing. The parties to the transaction shall have access to the transaction records prepared or retained for the requesting party.

A broker actively licensed in another jurisdiction seeking licensure in Washington, whose headquarter office is located in that other jurisdiction, shall notify the department of the location address where the records are maintained in the state of Washington and shall include this address with the headquarter's address on the license application.

The Washington license shall be posted at the location where the records are being maintained.

Within thirty days after mailing of the notice of audit, the broker shall come to the department's office, after making an appointment, in the geographic location (Spokane, Seattle, or Olympia) nearest to the location of the records to sign the audit report.

[Statutory Authority: RCW 18.85.040. 88-06-039 (Order PM 711), § 308-124B-150, filed 3/1/88.]

**Chapter 308-124C WAC  
REAL ESTATE—RECORDS AND  
RESPONSIBILITIES**

- WAC
- 308-124C-010 Licensee's responsibilities.

308-124C-030 Accuracy and accessibility of records.  
308-124C-040 Suit or complaint notification.

**WAC 308-124C-010 Licensee's responsibilities.** (1) The real estate broker shall be responsible for the custody, safety and correctness of entries of all required real estate records. The broker retains this responsibility even though another person or persons may be assigned by the broker the duties of preparation, custody or recording.

(2) It is the responsibility of each and every licensee to obtain a copy of and be knowledgeable of and keep current with the rules implementing chapter 18.85 RCW.

(3) It is the responsibility of each and every licensee to keep the director informed of his or her current home address.

(4) It is the broker's responsibility to ensure accessibility of their offices and records to auditors of the department.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124C-010, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124C-010, filed 2/10/81; Order RE 114, § 308-124C-010, filed 7/2/75.]

**WAC 308-124C-030 Accuracy and accessibility of records.** All required real estate records shall be accurate, posted and kept up to date. All required real estate records shall be kept at an address where the real estate broker is licensed to maintain a real estate office. Such records shall be retained and available for inspection by the director or the director's authorized representative for a minimum of three years. While RCW 18.85.230(20) requires the retention of records for three years, licensees should be aware that the applicable statute of limitations may vary from this three-year retention period.

In the case of a corporate brokerage firm, the responsibility imposed by this section shall apply to both the corporation and the natural person designated and licensed to act as broker for the corporation. Prior to issuing a new license indicating a change of designated broker for a corporate licensee, the licensee must submit evidence that the requirements have been satisfied.

A statement signed by both the outgoing designated broker and the incoming designated broker, listing all outstanding client trust liabilities, copies of trust account bank statements and the latest trust account reconciliations and certifying that funds in hand in the trust account maintained by the licensee are adequate to meet these client trust liabilities will satisfy this requirement. The incoming designated broker shall not be deemed responsible for any discrepancy identified in the statement, unless the incoming designated broker contracted to accept such responsibility.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124C-030, filed 10/7/87; 82-17-039 (Order 130), § 308-124C-030, filed 8/13/82; Order RE 120, § 308-124C-030, filed 9/20/77; Order RE 114, § 308-124C-030, filed 7/2/75.]

**WAC 308-124C-040 Suit or complaint notification.** Every licensee shall, within twenty days after service or

knowledge thereof, notify the real estate program manager of any suit, complaint, counterclaim or cross complaint served or filed in any court of competent jurisdiction, civil or criminal, in which the licensee is named as a defendant; and in which the subject matter, thereof, involves any real estate or business activity of the defendants therein named.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124C-040, filed 10/7/87; Order RE 114, § 308-124C-040, filed 7/2/75.]

## Chapter 308-124D WAC

### REAL ESTATE--OPERATIONAL PROCEDURES

#### WAC

308-124D-040 Disclosure of agency representation.

308-124D-050 Property management agreements and disclosures.

308-124D-060 Broker supervision of affiliated licensees.

308-124D-065 Broker and affiliated licensees—Written relationship agreement.

**WAC 308-124D-040 Disclosure of agency representation.** A licensee acting as the listing and selling agent or as a selling agent must make an oral and/or written disclosure of agency representation to buyer(s) in a real estate or business opportunity transaction. The disclosure must have been made at least once prior to preparing the purchase and sale agreement, including options to purchase, lease purchase agreements and exchange agreements.

The seller shall be provided disclosure of the selling agent's agency representation by the listing agent or the selling agent at least once prior to presenting the agreement.

The disclosure shall be confirmed in a separate paragraph titled "Agency disclosure" in the agreement, which shall be as follows:

"AGENCY DISCLOSURE: At the signing of this agreement the selling agent (insert name of selling agent and broker) represented \_\_\_\_\_ and the listing agent (insert name of listing agent and broker) represented \_\_\_\_\_. Each party signing this document confirms that prior oral and/or written disclosure of agency was provided to him/her in this transaction."

The licensee's conduct in the real estate transaction shall be in conformity with the agency disclosure made. The payment of compensation or the obligation to pay compensation to a licensee is not necessarily determinative of a particular agency relationship.

[Statutory Authority: RCW 18.85.040. 88-24-058 (Order PM 810), § 308-124D-040, filed 12/7/88; 88-20-037 (Order PM 775), § 308-124D-040, filed 9/30/88; 87-05-065 (Order PM 639), § 308-124D-040, filed 2/18/87, effective 4/1/87; 86-19-062 (Order PM 617), § 308-124D-040, filed 9/16/86, effective 4/1/87.]

**WAC 308-124D-050 Property management agreements and disclosures.** (1) All properties managed by the broker must be supported by a written management agreement signed by the owner and broker and retained. The management agreement must state as a minimum:

(a) The broker's compensation (b) the type (i.e., apartments, industrial) and number of individual units in the project or square footage (if other than residential) (c) whether or not the broker is authorized to collect funds and disburse funds and for what purposes (d) authorization, if any, to hold security deposits and the manner in which security deposits may be disbursed and (e) the frequency of furnishing summary statements to the owner.

(2) All properties rented or leased by the firm must be supported by a written rental or lease agreement.

(3) Each owner of property managed by the broker must be provided a summary statement as provided in the property management agreement for each property managed showing: (The broker is to retain a true copy of this statement).

(a) Balance carried forward from previous summary statement.

(b) Total rent receipts.

(c) Owner contributions.

(d) Other itemized receipts.

(e) Itemization of all expenses paid.

(f) Ending balance.

(g) Number of units rented or square footage if other than residential.

(4) The broker may provide other services to owners of properties managed provided full disclosure to the owner is provided in writing of the broker's relationship with any and all persons providing such services, prior disclosure of fees charged, and permission is granted by the owner.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124D-050, filed 10/7/87.]

**WAC 308-124D-060 Broker supervision of affiliated licensees.** (1) The individual broker or designated broker shall be held responsible for the conduct of any affiliated licensee. Whenever an affiliated licensee violates a provision of chapter 18.85 RCW or the rules promulgated thereunder in contravention of the broker's written policies or instructions, the broker may not be held responsible for failing to adequately supervise the affiliated licensee if the broker can demonstrate the following:

(a) Reasonable procedures existed to substantiate that adequate supervision was being performed;

(b) Upon learning of the violation, attempted to prevent or mitigate the damage;

(c) Did not participate in the violation;

(d) Did not ratify the violation; and

(e) Did not attempt to avoid learning of the violation.

(2) Every document prepared and signed by an affiliated licensee in connection with any transaction for which a real estate license is required and which may have a material effect upon the rights or obligations of a party to the transaction shall be reviewed, initialed, and dated by the broker within five business days after preparation or signing by the licensee or before the closing of the transaction, whichever occurs first. A broker may delegate the responsibility and authority for this action to any affiliated licensee, so long as the licensee has met

the educational and experience requirements to qualify as a broker, and so long as the broker does not relinquish overall responsibility for supervision of the actions of affiliated licensees. The delegation of authority for this responsibility must be documented by a written agreement.

(3) The existence of an independent contractor relationship or any other special compensation arrangement between the broker and affiliated licensees shall not release the broker and licensees of any duties, obligations, or responsibilities required by law or rule.

[Statutory Authority: RCW 18.85.040. 88-24-059 (Order PM 811), § 308-124D-060, filed 12/7/88.]

**WAC 308-124D-065 Broker and affiliated licensees—Written relationship agreement.** (1) Every real estate broker shall have a written agreement with each of his or her affiliated licensees. The agreement shall be dated, signed by the parties and shall cover the salient aspects of their relationship, including, but not limited to, supervision, duties, compensation, and termination.

(2) Signed copies of the agreement shall be retained by the broker for a period of three years from the date of termination of the agreement. The agreement shall be available for inspection by authorized representatives of the department.

[Statutory Authority: RCW 18.85.040. 88-24-059 (Order PM 811), § 308-124D-065, filed 12/7/88.]

## Chapter 308-124E WAC

### REAL ESTATE—TRUST ACCOUNT PROCEDURES

#### WAC

308-124E-011 Repealed.

308-124E-012 Administration of funds held in trust—General procedures.

308-124E-013 Administration of funds held in trust—Real estate and business opportunity transactions.

308-124E-014 Administration of funds held in trust—Property management.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-124E-011 Administration of funds held in trust. [Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124E-011, filed 10/7/87; 85-21-035 (Order 136R), § 308-124E-011, filed 10/11/85; 82-17-039 (Order 130), § 308-124E-011, filed 8/13/82.] Repealed by 88-06-040 (Order PM 712), filed 3/1/88. Statutory Authority: RCW 18.85.310.

**WAC 308-124E-011 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-124E-012 Administration of funds held in trust—General procedures.** Any real estate broker who receives funds or moneys from any principal or any party to a real estate or business opportunity transaction, property management agreement, or contract/mortgage 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.

(2) Interest credited to a clients account must be recorded as a liability on client ledger. Interest assigned or credited by written assignment agreement to the broker may not be maintained in 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.

(3) 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 department.

(4) 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.

(5) 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, owned exclusively by the real estate broker or the broker's real estate firm.

(6) 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.

(7) 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.

(8) 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 including, but not limited to "earnest money deposit," "down payment," "rent," "damage deposit," "rent deposit" "interest." 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.

(9) 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.

(10) 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.

(11) 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, or collection/management agreement. 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) No disbursement from the trust account shall be made based upon wire transfer receipts until the deposit has been verified.

(b) 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.

(c) 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.

(12) Voided checks written on the trust bank account shall be permanently defaced and shall be retained.

(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) 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;

(c) 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.

(d) For bank charges of any nature, including bank services, checks or other items, except as specified in WAC 308-124E-013 (1)(a) and (d). 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 regular business bank account, or to provide a separate monthly statement of bank charges so that they may be paid from the brokers business bank account.

(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 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 pre-printed on the check or retained voucher copy by the supplier. 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 which also identifies the account number for readability by the financial institution computer.

[Statutory Authority: RCW 18.85.040, 88-24-059 (Order PM 811), § 308-124E-012, filed 12/7/88. Statutory Authority: RCW 18.85.310, 88-06-040 (Order PM 712), § 308-124E-012, filed 3/1/88.]

**WAC 308-124E-013 Administration of funds held in trust—Real estate and business opportunity transactions.** The procedures in this section are applicable to funds received by the broker in connection with real estate sales or business opportunity transactions or options thereon. These procedures are in addition to the requirements of the general trust account procedures contained in WAC 308-124E-012.

(1) Bank accounts shall be designated as trust accounts in the firm name of the real estate broker as licensed. Trust bank accounts for real estate sales or business opportunity transactions shall be interest bearing demand deposit accounts. These accounts shall be established as described in RCW 18.85.310 and this section.

(a) The broker shall maintain a pooled interest bearing trust account [identified as] housing trust fund account for deposit of trust funds which are five thousand dollars or less.

Interest income from this account will be paid to the department by the depository institution in accordance with RCW 18.85.310(7) after deduction of reasonable bank service charges and fees, which shall not include check printing fees or fees for bookkeeping systems. The department shall remit the funds to the state treasurer.

(b) The agent shall disclose in writing to the party depositing more than five thousand dollars that the party has an option between (i) and (ii) below;

– (i) All trust funds not required to be deposited in the account specified in subsection (a) of this section shall be deposited in a separate interest-bearing trust account for the particular party or party's matter on which the interest will be paid to the party(ies); or

(ii) In the pooled interest-bearing account specified in subsection (a) of this section if the parties to the transaction agree in writing.

(c)(i) For accounts established as specified in subsection (a) of this section, the broker will maintain an additional ledger card with the heading identified as "Housing trust account interest." As the monthly bank statements are received, indicating interest credited, the broker will post the amount to the pooled interest ledger card. When the bank statement indicates that the interest was paid to the state or bank fees were charged, the broker will debit the ledger card accordingly.

(ii) For accounts established as specified in subsection (b)(i) of this section, the interest earned or bank fees charged will be posted to the individual ledger card.

(d) When the bank charges/fees exceed the interest earned, causing the balance to be less than trust account liability, the broker shall within one banking day after receipt of such notice, deposit funds from the brokers business account or other non-trust account to bring the trust account into balance with outstanding liability. The broker may be reimbursed by the party depositing the funds for these charges for accounts established as specified in subsection (b)(i) of this section, if the reimbursement is authorized in writing by the party depositing the funds. For accounts established under subsection (a) of this section, the broker will absorb the excess bank charges/fees as a business expense.

(2) 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.

(3) No disbursements from the real estate trust bank account shall be made in advance of 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 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.

(4) When a transaction provides for the earnest money deposit/note or other instrument to be held by a party other than the broker, the broker shall deliver the deposit to the party designated to hold the funds, unless the parties to the transaction instruct otherwise in writing. The delivery shall be made within one banking day after all parties to the transaction have signed the agreement. A dated receipt will be obtained and placed in the transaction file.

[Statutory Authority: RCW 18.85.040, 88-20-037 (Order PM 775), § 308-124E-013, filed 9/30/88. Statutory Authority: RCW 18.85.310, 88-16-102 (Order 755), § 308-124E-013, filed 8/3/88; 88-06-040 (Order PM 712), § 308-124E-013, filed 3/1/88.]

**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 308-124E-014 Administration of funds held in trust--Property management.** Any real estate broker who receives funds or moneys from any principal or any party to property management agreement or contract/mortgage collection agreement shall hold the funds or moneys in trust for the purposes of the agreement, and shall not utilize such funds or moneys for the benefit of the broker or any person not entitled to such benefit. These procedures are applicable to property management and contract/mortgage collection agreements, and are in addition to the general trust account procedures in WAC 308-124E-012.

(1) Bank accounts shall be designated as trust accounts in the firm name of the real estate broker as licensed. Trust bank accounts for property management transactions are exempt from the interest-bearing requirement of RCW 18.85.310. However, interest-bearing accounts for property management transactions may be established as described in this section.

(a) 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 when directed by written property management agreement or directive signed by the owner: *Provided*, That all interest or earnings shall accrue to the owner;

(b) 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, if the broker is by written agreement designated a "representative of the landlord" under the provisions of RCW 59.18.270, Residential Landlord-Tenant Act;

(c) The broker is not required to establish individual interest-bearing accounts for each owner when all owners assign the interest to the broker;

(d) A common account, usually referred to as a "clearing account" may be established if desired. No funds which belong to the broker or firm or are related to transactions on property owned by the broker or firm shall be maintained in this account.

(2) Any property management accounting system is to be an accounting of cash received and disbursed by the managing broker only. Any other method of accounting offered to owners for their rental properties, unit and/or complexes are to be supplementary to the brokers accounting of all cash received and disbursed through his/her trust account(s). All owners' summary statements must include this accounting.

(3) 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.

(4) A single check may be drawn on the real estate trust bank account, payable to the broker as licensed, 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.

(5) No disbursements from the real estate trust bank account shall be made of funds received as damage or security deposit on a lease or rental contract for property managed by the broker to the owner 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 entitled to the funds as provided by the terms of the rental or lease agreement and consistent with the provisions of RCW 59.18.270, Residential Landlord-Tenant Act, or other appropriate statute.

[Statutory Authority: RCW 18.85.310, 88-06-040 (Order PM 712), § 308-124E-014, filed 3/1/88.]

## Chapter 308-124F WAC

### REAL ESTATE--MISCELLANEOUS PROVISIONS

#### WAC

308-124F-010 Real estate office in same building as residence requirements.

**WAC 308-124F-010 Real estate office in same building as residence requirements.** A real estate broker may maintain an office in a residential building provided: (1) The office is separate from any living quarters; (2) the office is identified as a real estate office by a sign at the office entrance that is visible to the public; (3) the office entrance is open to the public and does not lead through any living quarters; (4) the office is in conformance with existing zoning; and (5) the office is accessible to the public by a reasonably locatable street address.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124F-010, filed 10/7/87; 81-05-015 (Order RE 129), § 308-124F-010, filed 2/10/81; Order RE 114, § 308-124F-010, filed 7/2/75.]

### 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-030 Filing of courses.  
 308-124H-033 Updating of course materials in the event of a statute or rule change.  
 308-124H-035 Real estate fundamentals course content.  
 308-124H-038 Course titles.  
 308-124H-040 Approval of classes.  
 308-124H-070 Completion of courses.

**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. 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. 87-20-091 (Order PM 683), § 308-124H-010, filed 10/7/87; 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-030 Filing of courses.** Each proprietary school, individual, association or agency seeking approval of courses, shall apply to the department 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.

(7) All course content materials must be accurate and current.

[Statutory Authority: RCW 18.85.040. 88-24-059 (Order PM 811), § 308-124H-030, filed 12/7/88; 87-20-091 (Order PM 683), § 308-124H-030, filed 10/7/87; 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-033 Updating of course materials in the event of a statute or rule change.** Schools shall update their course materials no later than thirty days after the effective date of a statute or rule change so as to keep the materials accurate and current.

[Statutory Authority: RCW 18.85.040. 88-24-059 (Order PM 811), § 308-124H-033, filed 12/7/88.]

**WAC 308-124H-035 Real estate fundamentals course content.** Schools applying for approval of real estate fundamentals will follow the outline prescribed below:

The real estate fundamentals course will include:

|   |         |
|---|---------|
| Fiduciary commitment, agency, ethics, real estate law and agency relationships and disclosure rules | 4 hours |
| Market analysis   | 3 hours |
| Contracts and documents   | 9 hours |
| Financing (including qualifying the buyer)  | 8 hours |
| Closing (costs etc.)  | 3 hours |
| Government rules and regulations  | 3 hours |

[Statutory Authority: RCW 18.85.040. 88-24-059 (Order PM 811), § 308-124H-035, filed 12/7/88; 86-11-011 (Order PM 595), § 308-124H-035, filed 5/12/86, effective 10/1/86.]

**WAC 308-124H-038 Course titles.** Only courses approved by the director for clock hours in real estate fundamentals pursuant to WAC 308-124H-035, real estate brokerage management pursuant to WAC 308-124H-036, and real estate law pursuant to WAC 308-124H-037 may include in their course titles the phrases "real estate fundamentals," "real estate brokerage management," and "real estate law."

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124H-038, filed 10/7/87.]

**WAC 308-124H-040 Approval of classes.** 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, 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 department within twenty days from the date of such changes 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 department no later than twenty days prior to the date of such changes for referral to the director and the real estate commission for approval of the change.

Any change in qualified course instructors, school name, or instruction location must be submitted to the department 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. The proceedings for the withdrawal of approval shall be held in accordance with chapter 34.04 RCW.

[Statutory Authority: RCW 18.85.040, 87-20-091 (Order PM 683), § 308-124H-040, filed 10/7/87; 87-01-085 (Order PM 631), § 308-124H-040, filed 12/22/86; 86-11-011 (Order PM 595), § 308-124H-040, filed 5/12/86, effective 10/1/86; 86-06-011 (Order 138R), § 308-124H-040, filed 2/21/86; 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-070 Completion of courses.** (1) To satisfy the requirement of having received clock hours of instruction in real estate, an applicant must submit proof of satisfactory completion of courses which have been approved pursuant to WAC 308-124H-010 through 308-124H-060.

(2) The student shall not receive clock hour credits for any course which is a duplication of material of a course that the student has previously taken and successfully completed.

(3) It is the responsibility of each student to furnish the department with a copy of the student's grade report

or transcript at the time of application for first salespersons license, second renewal of salespersons license, activation of brokers or salespersons license after being inactive for three years or more or application for the brokers examination.

[Statutory Authority: RCW 18.85.040, 87-20-091 (Order PM 683), § 308-124H-070, filed 10/7/87; 78-11-052 (Order RE 125), § 308-124H-070, filed 10/23/78; Order RE 116, § 308-124H-070, filed 4/30/76.]

## Chapter 308-127 WAC TIMESHARE

### WAC

308-127-150 Repealed.  
308-127-155 Fees.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-127-150 Application of four dollars per interval fee. [Statutory Authority: 1983 1st ex.s. c 22 § 26, 83-24-057 (Order 733 DOL), § 308-127-150, filed 12/6/83.] Repealed by 88-15-017 (Order PM 749), filed 7/11/88. Statutory Authority: RCW 64.36.081.

**WAC 308-127-150 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-127-155 Fees.** The following fees shall be paid under the provisions of chapter 64.36 RCW:

(1) Registration application fees.

(a) Applicants for registration of a start-up timeshare offering shall pay a registration fee of \$750.00.

(b) Applicants filing for registration of a start-up timeshare offering which has or will have more than a single timeshare project in the program shall pay a registration fee of \$750.00 for the first project in the program and \$250.00 for each additional project in the program.

(c) Applicants filing for registration of a start-up timeshare offering of intervals in personal property shall pay a registration fee of \$500.00 for the first unit of personal property in the program and \$50.00 for each additional unit of personal property placed in the program up to and including ten units and \$35.00 for each unit of personal property after the tenth unit.

(d) Applicants filing for registration of businesses listing or brokering resale intervals shall pay a registration fee of \$250.00.

(2) Interval fees. In addition to the registration fees, registrants shall pay the following fees for intervals in the registration:

(a) No fee for the first 52 intervals;

(b) \$1.00 for each interval fifty-three through four hundred;

(c) \$.50 for each interval four hundred and one through one thousand;

(d) No fee for intervals beyond the one thousandth interval;

(e) No interval fee for resale offerings. Instead, registrants of resale offerings shall file listings for sale inventories with the department once every calendar month

and registrants of resale offerings shall pay a fee of \$10.00 for each filing.

(3) Renewal fees.

(a) Registrants, whose programs consist of a single timeshare project and fifty two or fewer intervals, shall pay a renewal fee of \$150.00. The late renewal fee is \$350.00.

(b) Registrants, whose programs involve more than one timeshare project or include more than fifty two intervals, shall apply a renewal fee of \$350.00. The late renewal fee is \$550.00.

(c) Failure to renew within six months after the renewal date shall result in the termination of the registration and a new application for registration must be made, including payment of all fees for an original applicant.

(4) Consolidation fees. A consolidation shall mean any adding of intervals, real estate or units of timeshared personal property to a program. Consolidations shall not be construed as amendments to the registration for purposes of determining fees under this rule.

(a) Registrants, whose registrations involve a single timeshare project shall pay a consolidation fee of \$150.00 for each grouping of fifty-two intervals or less being added to the program subsequent to initial registration.

(b) Registrants, whose registrations involve more than one timeshare project shall pay a consolidation fee of \$350.00 for each added timeshare project.

(c) Registrants, whose programs involve the timesharing of personal property, shall pay a consolidation fee of \$250.00 for each unit of personal property being added to the program.

(5) Fees for exemptions. The granting of exemptions pursuant to RCW 64.36.020(4) shall be by an order from the director and shall issue only after the department has examined the petition for an exemption and any supporting documentation. The fee for petitioning for an exemption shall be \$150.00 for programs containing a single timeshare project and fifty-two or fewer intervals. For all other types of programs, the fee for petitioning for an exemption shall be \$250.00.

(6) Fees for impounds, escrows, trusts, and depositories. For each impound, escrow, trust, or other arrangement requiring a depository for purposes of satisfying the provisions of RCW 64.36.130, the initial establishment fee shall be \$250.00 and the fee for each required periodic report shall be \$10.00.

(7) Fees for advertising.

(a) For each individual advertisement filed with the department, there shall be a fee of \$25.00 paid at the time of the initial submission of the advertisement to the department. Should a registrant fail to submit a required filing of an advertisement or advertisements or fail to file the advertisement or advertisements in a timely manner, the \$25.00 fee for each advertisement shall be collected from the registrant, even if the advertisement or advertisements at issue are no longer in use or being disseminated.

(b) Registrants or applicants submitting an advertisement or advertisements involving no examination of

project instruments and which are for the purpose of marketing surveys or feasibility studies shall pay a fee of \$75.00.

(8) Fees for persons in the business of offering commercial promotional programs.

(a) Applicants in the business of offering or selling commercial promotional programs as defined in RCW 64.36.010(3) shall pay a registration fee of \$300.00.

(b) All fees or funds of any description collected from persons in advance, in connection with delivery by the promisor of gifts, prizes, awards, or any other item of value shall be placed in a depository designated by the agency.

(c) A fee of \$250.00 shall be paid for the establishment of any impound, escrow, trust, depository, or other security device required under section 13, chapter 370, Laws of 1987.

(9) Salespersons fees. Applicants for registration as timeshare salespersons shall pay a registration fee of \$50.00 and a fee of \$25.00 for each renewal or transfer of the salesperson registration.

(10) Fees for amending registration and public offering statement. For each amendment of registration or amendment of the public offering statement pursuant to WAC 308-127-040(2), a fee of \$10.00 shall be paid. A penalty fee of \$100.00 shall be assessed for failure to file an amendment within 20 days of the occurrence of a materially adverse change as defined in WAC 308-127-040(2).

(11) Inspection fees. Applicants and registrants shall pay the cost of inspections conducted pursuant to section 5, chapter 370, Laws of 1987. The inspection fees shall be paid prior to the granting of a registration, a renewal of registration or consolidation. The inspection fee shall be determined by the actual cost to the department for conducting of the inspection.

(12) All fees shall be paid to the order of the treasurer, state of Washington.

[Statutory Authority: RCW 64.36.081. 88-15-017 (Order PM 749), § 308-127-155, filed 7/11/88.]

### Chapter 308-128A WAC ESCROW--ORGANIZATION AND ADMINISTRATION

WAC

308-128A-010 Promulgation—Authority.  
308-128A-020 Organization.  
308-128A-030 Meeting notice.  
308-128A-040 Definitions.

**WAC 308-128A-010 Promulgation—Authority.**  
The director of the department of licensing, state of Washington, pursuant to the authority vested by chapter 18.44 RCW, does hereby promulgate the following rules and regulations relating to the registration of escrow agents and licensing of escrow officers.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128A-010, filed 9/9/88; Order RE 122, § 308-128A-010, filed 9/21/77.]

**WAC 308-128A-020 Organization.** The real estate/escrow program management of the business and professions administration of the department of licensing administers the Washington Escrow Agent Registration Act, chapter 18.44 RCW. The escrow commission, composed of the director of the department of licensing and five board members, appointed by the governor, approve examination questions for license applicants, act in an advisory capacity to the director in the activities of escrow agents and escrow officers and perform such other duties and functions as prescribed by chapter 18.44 RCW. Information regarding escrow licenses, the escrow commission or the real estate/escrow program management may be obtained by writing to the Program Manager, Real Estate/Escrow Program Management, Department of Licensing, P.O. Box 9012, Olympia, Washington 98504.

The office of the real estate/escrow program management is located at 1300 Quince Street, Olympia, Washington.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128A-020, filed 9/9/88; Order RE 122, § 308-128A-020, filed 9/21/77.]

**WAC 308-128A-030 Meeting notice.** Individuals desiring to be informed as to date, time, place and agenda of the escrow commission meetings must make a written request to the program manager of real estate/escrow program management.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128A-030, filed 9/9/88; Order RE 122, § 308-128A-030, filed 9/21/77.]

**WAC 308-128A-040 Definitions.** (1) The terms and definitions used in chapter 18.44 RCW have the same meanings given therein when used in these rules.

(2) "Closing" means the transfer of title of real or personal property or execution of a real estate contract whichever event occurs first.

(3) "Transfer of title" occurs at the time seller acknowledges a deed or executes a bill of sale and such is delivered to the purchaser or recorded.

(4) "Cash deposit" means funds deposited, in lieu of an errors and omissions policy, in an account in a recognized Washington state depository which account is maintained separate and apart from the escrow agent's own funds. The funds shall be deposited in such a manner to permit only the director to withdraw from the principal amount. The escrow agent may withdraw any interest accumulated to the account.

(5) "Securities" means any stock, treasury bill, bond, debenture or collateral-trust certificate tendered in lieu of an errors and omissions policy. It does not mean or include any insurance or endowment policy, annuity contract or letter of credit.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128A-040, filed 9/9/88; 79-07-009 (Order RE 126), § 308-128A-040, filed 6/7/79; Order RE 122, § 308-128A-040, filed 9/21/77.]

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## Chapter 308-128B WAC

### ESCROW--LICENSING AND EXAMINATION

#### WAC

- 308-128B-010 Credit and character report.
- 308-128B-020 Fingerprint identification.
- 308-128B-030 Notice required of intention to take examination.
- 308-128B-040 Repealed.
- 308-128B-050 Successful applicants must apply for license.
- 308-128B-060 Inactive escrow officer license.
- 308-128B-080 Escrow officer and agent fees.
- 308-128B-090 Dishonored checks and insufficient payment of fees.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-128B-040 License expiration—Renewal. [Order RE 122, § 308-128B-040, filed 9/21/77.] Repealed by 88-19-016 (Order PM 763), filed 9/9/88. Statutory Authority: RCW 18.44.320.

**WAC 308-128B-010 Credit and character report.** Any person making application for an escrow officer license after passing an examination, or to be a designated escrow officer, shall, as an integral part of the application, supply the director with satisfactory proof of applicant's character and credit rating. Such proof shall be obtained and provided by a recognized credit reporting agency in a form approved by the department.

Any person making application for an escrow agent certificate of registration shall, as an integral part of the application, supply the director with satisfactory proof of character and credit rating for the natural person making the application, principal officers, designated escrow officer, controlling persons and partners. Such proof shall be obtained and provided by a recognized credit reporting agency in a form approved by the department.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128B-010, filed 9/9/88; Order RE 122, § 308-128B-010, filed 9/21/77.]

**WAC 308-128B-020 Fingerprint identification.** (1) Any person making application for an escrow officer license after passing an examination, or to be a designated escrow officer who has been convicted of a felony or misdemeanor within ten years of application, shall, as an integral part of the application, submit fingerprint identification on a form provided by the department.

(2) Any person making application for an escrow agent certificate of registration who has been convicted of a felony or misdemeanor within ten years of application, shall, as an integral part of the application, submit fingerprint identification of the natural person making the application, principal officers, designated escrow officer and partners for those persons who have been convicted of a felony or misdemeanor within ten years of application on a form provided by the department.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128B-020, filed 9/9/88; Order RE 122, § 308-128B-020, filed 9/21/77.]

**WAC 308-128B-030 Notice required of intention to take examination.** Any person desiring to take an examination for an escrow officer license must file a completed application together with the correct fee, and

supporting documents with the department. Dishonored checks will be considered as an incomplete application. The applicant will be assigned to the first available examination subsequent to determination of eligibility. The cutoff date for submission of a completed application for any specific examination is available upon request. An applicant shall forfeit all examination fees for any examination or examinations for which the applicant has applied and does not take for any reason, other than through the fault or mistake of the department.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128B-030, filed 9/9/88; Order RE 122, § 308-128B-030, filed 9/21/77.]

**WAC 308-128B-040 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-128B-050 Successful applicants must apply for license.** Any person who has passed the examination for escrow officer must apply to become licensed within one year from the date of such examination in order to be eligible for such license. Failure to comply with this provision will necessitate the taking and passing of another examination.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128B-050, filed 9/9/88; Order RE 122, § 308-128B-050, filed 9/21/77.]

**WAC 308-128B-060 Inactive escrow officer license.** Any escrow officer license, not otherwise revoked or cancelled, shall be placed on an inactive status at any time it is delivered to the department. An inactive license may be renewed over a period of three consecutive years from the date of inactive status on the same terms and conditions as an active license.

On the termination of three consecutive years from the date of inactive status the license shall be cancelled. Any subsequent application will necessitate the taking and passing of another examination. No refund shall be made of the unexpended renewal fee.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128B-060, filed 9/9/88; Order RE 122, § 308-128B-060, filed 9/21/77.]

**WAC 308-128B-080 Escrow officer and agent fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee        | Fee      |
|---------------------|----------|
| Escrow officer:     |          |
| First examination   | \$100.00 |
| Reexamination       | 100.00   |
| License             | 150.00   |
| License renewal     | 175.00   |
| Transfer of license | 15.00    |
| Duplicate license   | 15.00    |
| Escrow agent:       |          |
| Application         | 275.00   |
| Renewal             | 275.00   |

| Title of Fee                | Fee    |
|-----------------------------|--------|
| Late renewal penalty        | 250.00 |
| Transfer of license         | 15.00  |
| Duplicate license           | 15.00  |
| Escrow agent branch office: |        |
| Application                 | 275.00 |
| Renewal                     | 275.00 |
| Late renewal penalty        | 250.00 |
| Transfer of license         | 15.00  |
| Duplicate license           | 15.00  |

[Statutory Authority: RCW 43.24.086. 87-18-032 (Order PM 668), § 308-128B-080, filed 8/27/87.]

**WAC 308-128B-090 Dishonored checks and insufficient payment of fees.** Payment of any fee required under chapter 18.44 RCW by a check which is dishonored, or is an insufficient payment, shall be considered a non-payment and the license action for which the dishonored check, or insufficient payment, was tendered shall not be completed by the department.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128B-090, filed 9/9/88.]

## Chapter 308-128C WAC ESCROW--ESCROW AGENT OFFICE

### WAC

- 308-128C-010 Repealed.
- 308-128C-040 Change of office location.
- 308-128C-050 Deceptive names prohibited.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-128C-010 Prevention of the same or deceptively similar escrow agent firm names. [Order RE 122, § 308-128C-010, filed 9/21/77.] Repealed by 88-19-016 (Order PM 763), filed 9/9/88. Statutory Authority: RCW 18.44.320.

**WAC 308-128C-010 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-128C-040 Change of office location.** The escrow agent shall notify the department of any change of location or mailing address of the agent's office prior to engaging in business at the new location or address. Notification shall be made by filing a change of address application with the department, accompanied by all licenses issued to the former address or location, and all applicable fees.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128C-040, filed 9/9/88; Order RE 122, § 308-128C-040, filed 9/21/77.]

**WAC 308-128C-050 Deceptive names prohibited.** An escrow agent shall not be issued a certificate nor advertise in any manner using names or trade styles which are similar to currently issued certificates or imply that the agent is a nonprofit organization, research organization, public bureau or public group, or which uses or



makes reference to the existence of financial responsibility. A bona fide franchisee may be issued a certificate using the name of the franchisor with the firm name of the franchisee.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128C-050, filed 9/9/88; Order RE 122, § 308-128C-050, filed 9/21/77.]

### Chapter 308-128D WAC

#### ESCROW--RECORDS AND RESPONSIBILITIES

##### WAC

- 308-128D-010 Designated escrow officer responsibilities.
- 308-128D-020 Required records.
- 308-128D-030 Accuracy and accessibility of records.
- 308-128D-040 Agreements and closings.
- 308-128D-060 Disbursement of funds.
- 308-128D-070 Suit or complaint notification.
- 308-128D-080 Escrow licensees' responsibilities.

**WAC 308-128D-010 Designated escrow officer responsibilities.** The designated escrow officer shall be responsible for the custody, safety, and correctness of entries of all required escrow records. The escrow officer retains this responsibility even though another person or persons may be assigned by the escrow officer the duties of preparation, custody, recording or disbursing.

The branch escrow officer shall bear responsibilities for the custody, safety and correctness of entries of all transactions at the branch office.

Prior to issuing a new certificate reflecting a change of the designated escrow officer of a registered escrow agent, the agent must submit evidence that the responsibility for preexisting escrows is transferred to the incoming designated escrow officer. Such evidence may take either of the following forms:

(1) A statement signed by both the outgoing designated escrow officer and the incoming designated escrow officer, listing all outstanding trust liabilities and certifying that funds in hand in the trust account maintained by the agent are adequate to meet all such trust liabilities.

(2) An audit, performed at the request of, and at the expense of, the escrow agent by the audit staff of the department. The incoming designated escrow officer shall not be deemed responsible for any discrepancy identified during such audit.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128D-010, filed 9/9/88; Order RE 122, § 308-128D-010, filed 9/21/77.]

**WAC 308-128D-020 Required records.** Escrow agents shall be required to keep the following transaction records as a minimum; and all records except the reconciled bank statements, shall identify the transaction to which they pertain:

- (1) Trust account records.
  - (a) Duplicate receipt book recording all receipts;
  - (b) Prenumbered checks;
  - (c) Trust account receipt and disbursement records;

(d) Duplicate bank deposit slips, either validated by the bank or bearing the signature of the designated escrow officer and the date of actual deposit;

(e) Client's ledger containing an individual ledger sheet for each transaction: *Provided however*, That for computerized record systems, an individual ledger sheet need not be maintained in the transaction files until the closing of the transaction if the computer records demonstrate on a daily basis the status of the transaction funds.

(2) Other records.

(a) A transaction file shall be maintained to contain all agreements, contracts, documents, leases, escrow instructions, closing statements and correspondence for each transaction;

(b) Reconciled bank statements and cancelled checks for all bank accounts of the escrow agent.

[Statutory Authority: RCW 18.44.320. 88-23-049 (Order PM 790), § 308-128D-020, filed 11/14/88; 88-19-016 (Order PM 763), § 308-128D-020, filed 9/9/88; Order RE 122, § 308-128D-020, filed 9/21/77.]

**WAC 308-128D-030 Accuracy and accessibility of records.** All records shall be accurate, posted and kept up to date. All records shall be kept at an address where the escrow agent is licensed to maintain an escrow office. Such records shall be retained and available for inspection by the department for a minimum of six years: *Provided, however*, That records of transactions closed or completed for two years or more may be stored at a remote location. If the records are stored at a remote location, the records shall be available upon demand of the department and maintained in a manner to be readily retrievable.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128D-030, filed 9/9/88; Order RE 122, § 308-128D-030, filed 9/21/77.]

**WAC 308-128D-040 Agreements and closings.** The escrow agent shall be responsible for the effecting and closing of escrow agreements between the principal parties. The agent shall as a minimum:

(1) Prepare or accept an instrument of escrow instructions among each principal and the agent based upon a written agreement signed by the principals. The escrow instructions shall not be modified except by written agreement signed by the principals and accepted by the agent.

(2) Require an addendum to the purchase agreement for any and all material changes in the terms of the transaction, including but not limited to, changes in the financing of the transaction.

(3) Provide the services and perform all acts pursuant to the escrow instructions.

(4) Provide a complete detailed closing statement as it applies to each principal at the time the transaction is closed. The agent shall retain a copy of all closing statements, even though funds are not handled by the agent, in the transaction file. The closing statements shall show:

- (a) The date of closing.
- (b) The total purchase price.

(c) An itemization of all adjustments, monies or things of value received or paid.

(d) To whom each item is debited and/or credited.

(e) Date each adjustment was made.

(f) Names of payees, makers and assignees of all notes paid, made or assumed.

(g) Pay the net proceeds of sale directly to the seller unless otherwise provided in writing by the seller or a court of competent jurisdiction.

(h) Obtain original signatures of the principals on either the preliminary or final closing statement and maintain a copy of the signed closing statement in the transaction file.

[Statutory Authority: RCW 18.44.320. 88-23-049 (Order PM 790), § 308-128D-040, filed 11/14/88; Order RE 122, § 308-128D-040, filed 9/21/77.]

**WAC 308-128D-060 Disbursement of funds.** Disbursement of any money or other items in violation of the trust or before the happening of the conditions of the escrow agreement or escrow instructions is a violation of RCW 18.44.260(5). If the ownership of the funds is in dispute or is unclear based on the written agreement of the parties, the escrow agent may interplead the funds into a court of competent jurisdiction pursuant to chapter 4.08 RCW.

Funds and other items or documents must be paid and/or disbursed immediately upon closing of the transaction or as specifically agreed to in writing by the principals: *Provided*, That disbursement of funds may be withheld to allow for checks to clear.

[Statutory Authority: RCW 18.44.320. 88-23-049 (Order PM 790), § 308-128D-060, filed 11/14/88; Order RE 122, § 308-128D-060, filed 9/21/77.]

**WAC 308-128D-070 Suit or complaint notification.** Every escrow agent and escrow officer shall, within twenty days after service or knowledge thereof, notify the department of any suit, complaint, counterclaim or cross complaint served or filed in any court of competent jurisdiction, civil or criminal, in which the agent, escrow officer, or employee thereof is named as a defendant; and in which the subject matter involves any escrow or business activity of the defendants therein named.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128D-070, filed 9/9/88; Order RE 122, § 308-128D-070, filed 9/21/77.]

**WAC 308-128D-080 Escrow licensees' responsibilities.** (1) It is the responsibility of every licensee to be knowledgeable of and keep current with the rules implementing chapter 18.44 RCW.

(2) It is the responsibility of every licensee to keep the department informed of his or her current home address.

(3) It is the licensee's responsibility to ensure accessibility of their offices and records to representatives of the department.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128D-080, filed 9/9/88.]

## Chapter 308-128F WAC ESCROW—FINANCIAL RESPONSIBILITY

### WAC

|              |   |
|--------------|---|
| 308-128F-010 | Bond.   |
| 308-128F-020 | Errors and omissions policy.                                      |
| 308-128F-030 | Repealed.   |
| 308-128F-040 | Return of cash deposit or securities.                             |
| 308-128F-050 | Claim on cash deposit or securities.                              |
| 308-128F-070 | Cancellation of errors and omissions policy, new policy required. |

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

|              |   |
|--------------|---|
| 308-128F-030 | Deductible amount. [Order RE 122, § 308-128F-030, filed 9/21/77.] Repealed by 88-19-016 (Order PM 763), filed 9/9/88. Statutory Authority: RCW 18.44.320. |
|--------------|---|

**WAC 308-128F-010 Bond.** Each certificated escrow agent shall obtain and keep in effect a bond in an aggregate minimum amount of \$200,000 providing fidelity coverage on all corporate officers, escrow officers, partners, and employees engaged in escrow transactions. Such bond shall be structured to provide coverage for the total amount of all claims up to an aggregate minimum of \$200,000.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128F-010, filed 9/9/88; Order RE 122, § 308-128F-010, filed 9/21/77.]

**WAC 308-128F-020 Errors and omissions policy.** Each certificated escrow agent shall obtain and keep in effect an errors and omissions policy providing coverage in the minimum aggregate amount of \$50,000 or, alternatively, cash deposit or securities in the principal amount of \$50,000. Securities used in alternative to an errors and omissions policy shall be physically delivered to the director, department of licensing, for the purpose of fulfilling the requirements of chapter 18.44 RCW and these rules. Securities which are stocks or other interest in the registered escrow agency are not acceptable securities for the purposes of fulfilling the requirements of chapter 18.44 RCW and these rules.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128F-020, filed 9/9/88; 79-07-009 (Order RE 126), § 308-128F-020, filed 6/7/79. Statutory Authority: RCW 18.44.360. 78-08-027 (Order RE 124, Resolution No. RE 124), § 308-128F-020, filed 7/14/78; Order RE 122, § 308-128F-020, filed 9/21/77.]

**WAC 308-128F-030 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-128F-040 Return of cash deposit or securities.** (1) The cash deposit or securities shall be returned to the escrow agent upon the date of expiration, cancellation, or revocation of the escrow agent's certificate of registration: *Provided*, That the director may hold the cash deposit or securities for a longer period in order to satisfy any actions commenced under WAC 308-128F-050 prior to the expiration, cancellation, or revocation of the escrow agents certificate of registration.

(2) The cash deposit or securities shall be returned to an applicant within thirty days of the director's denial of an initial application for an escrow agent's certificate of registration.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128F-040, filed 9/9/88; 79-07-009 (Order RE 126), § 308-128F-040, filed 6/7/79.]

**WAC 308-128F-050 Claim on cash deposit or securities.** (1) Upon receipt of notification of a legal action for which notice is required to be given to the department under WAC 308-128D-070, the department shall notify the complaining party of the existence of any cash deposit or securities and the provisions of this chapter.

(2) A claim against the cash deposit or securities shall be in the form of certified copy of a final judgment from a court of competent jurisdiction. Upon receipt of a claim, the department shall release the cash deposit or securities sufficient to pay the final judgment.

(3) The department shall notify the agent of the receipt of the claim and advise the agent that the agent must deposit cash or securities with the department to maintain the principal amount of \$50,000 after payment of the claim.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128F-050, filed 9/9/88; 79-07-009 (Order RE 126), § 308-128F-050, filed 6/7/79.]

**WAC 308-128F-070 Cancellation of errors and omissions policy, new policy required.** In the event of cancellation or expiration of an errors and omissions policy or fidelity bond, the escrow agent shall file a new policy or bond. Failure to file a new policy or bond shall be sufficient grounds for the suspension or revocation of the escrow agent's certificate of registration. During the time the escrow agent does not have an errors and omissions policy or fidelity bond coverage in effect, the escrow agent may not transact business pursuant to RCW 18.44.050.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128F-070, filed 9/9/88; 79-07-009 (Order RE 126), § 308-128F-070, filed 6/7/79.]

### Chapter 308-130 WAC NATUROPATHS

#### WAC

308-130-410 AIDS prevention and information education requirements.

**WAC 308-130-410 AIDS prevention and information education requirements.** (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

[1988 WAC Supp—page 2114]

(2) Application for licensure. Effective January 1, 1989 persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of licenses. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 license expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-130-410, filed 11/2/88.]

### Chapter 308-138 WAC OSTEOPATHIC PHYSICIANS AND SURGEONS

#### WAC

308-138-055 Osteopathic medicine and surgery examination.  
308-138-070 Renewal of licenses.  
308-138-080 Osteopathic fees.  
308-138-320 Malpractice suit reporting.  
308-138-321 General provisions for mandatory reporting rules.  
308-138-322 Mandatory reporting.  
308-138-323 Health care institutions.  
308-138-324 Medical associations or societies.  
308-138-325 Health care service contractors and disability insurance carriers.  
308-138-326 Courts.  
308-138-327 State and federal agencies.  
308-138-328 Professional review organizations.

|             |  |
|-------------|--|
| 308-138-330 | License reinstatement after lapse of licensure for failure to renew. |
| 308-138-340 | Use of drugs or autotransfusion to enhance athletic ability.         |
| 308-138-350 | AIDS education and training.   |
| 308-138-360 | Application for registration.  |

**WAC 308-138-055 Osteopathic medicine and surgery 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.

An applicant who has passed the examination given by the National Board of Osteopathic Examiners may be granted a license without further examination.

[Statutory Authority: RCW 18.57.005(2), 18.57A.020 and 18.130.050(1), 88-14-113 (Order 745), § 308-138-055, filed 7/6/88. Statutory Authority: RCW 18.57A.020, 18.57.005 and 18.130.050, 88-09-030 (Order PM 723), § 308-138-055, filed 4/15/88. 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 308-138-070 Renewal of licenses.** (1) Individuals receiving an initial osteopathic physician and surgeon license will be issued a license to expire on the applicant's next birth date.

(2) Licensees shall renew their license annually on or before their birth date. Failure to renew shall invalidate the license to practice osteopathic medicine and surgery. Any practice engaged in with an expired license shall be deemed to be unlicensed practice.

(3) On a one-time basis, effective January 1, 1989, all persons applying for license renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-138-350.

Those persons who must renew during 1989 shall submit evidence of compliance with the education requirements of WAC 308-138-350 with their renewal application. Persons who are unable to verify compliance by their 1989 renewal date may, upon written application, be granted an extension to December 31, 1989.

[Statutory Authority: 1988 c 206 § 604, 88-23-124 (Order PM 801), § 308-138-070, filed 11/23/88; Order PL 262, § 308-138-070, filed 1/13/77.]

**WAC 308-138-080 Osteopathic fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee           | Fee      |
|------------------------|----------|
| Osteopath:             |          |
| Renewal                | \$ 30.00 |
| Osteopathic physician: |          |
| Application            | 250.00   |
| License renewal        | 170.00   |
| Reciprocity            | 250.00   |
| Retake—Single subject  | 50.00    |
| Retake—Full day        | 125.00   |

| Title of Fee        | Fee    |
|---------------------|--------|
| Retake—Over one day | 200.00 |
| Duplicate license   | 15.00  |
| Certification       | 25.00  |

|                                  |        |
|----------------------------------|--------|
| Osteopathic physician assistant: |        |
| Application                      | 150.00 |
| Renewal                          | 50.00  |
| Duplicate license                | 15.00  |

[Statutory Authority: RCW 43.24.086, 87-10-028 (Order PM 650), § 308-138-080, filed 5/1/87. Statutory Authority: 1983 c 168 § 12, 83-17-031 (Order PL 442), § 308-138-080, filed 8/10/83. Formerly WAC 308-138-060.]

**WAC 308-138-320 Malpractice suit reporting.** Every osteopathic physician shall, within sixty days after settlement or judgment, notify the board of any and all malpractice settlements or judgments in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by a physician's incompetency or negligence in the practice of osteopathic medicine. Every osteopathic physician shall also report the settlement or judgment of three or more claims or actions for damages during a year as the result of the alleged physician's incompetence or negligence in the practice of osteopathic medicine regardless of the dollar amount of the settlement or judgment.

[Statutory Authority: RCW 18.57A.020, 18.57.005 and 18.130.050, 88-09-030 (Order PM 723), § 308-138-320, filed 4/15/88. Statutory Authority: 1979 c 117 § 3(6), 79-12-065 (Order 323), § 308-138-320, filed 11/29/79.]

**WAC 308-138-321 General provisions for mandatory reporting rules.** (1) "Unprofessional conduct" shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" shall mean any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" shall mean any health care institution regulated under chapter 18.51 RCW.

(4) "Board" shall mean the Washington state board of osteopathic medicine and surgery, whose address is:

Department of Licensing  
 Division of Professional Licensing  
 P.O. Box 9649  
 Olympia WA 98504

(5) "Physician" shall mean an osteopathic physician and surgeon licensed pursuant to chapter 18.57 RCW.

(6) "Physician's assistant" shall mean an osteopathic physician's assistant approved pursuant to chapter 18.57A RCW.

(7) "Mentally or physically impaired practitioner" shall mean an osteopathic physician and surgeon or osteopathic physician's assistant who has been determined by a court to be mentally incompetent or mentally ill or who is unable to practice medicine with reasonable skill and safety to patients by reason of any mental or physical condition.

[Statutory Authority: RCW 18.57.005 and 18.130.070, 87-11-062 (Order PM 651), § 308-138-321, filed 5/20/87.]

**WAC 308-138-322 Mandatory reporting.** (1) All reports required by these regulations shall be submitted to the board as soon as possible, but no later than sixty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name, address, and telephone number of the physician or physician's assistant being reported.

(c) The case number of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which give rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

[Statutory Authority: RCW 18.57.005 and 18.130.070. 87-11-062 (Order PM 651), § 308-138-322, filed 5/20/87.]

**WAC 308-138-323 Health care institutions.** The chief administrator or executive officer of any hospital or nursing home shall report to the board when any physician's clinical privileges are terminated or are restricted based on a determination that a physician has committed an act or acts which may constitute unprofessional conduct or that a physician may be mentally or physically impaired. Said officer shall also report if a physician accepts voluntary termination or restriction of clinical privileges in lieu of formal action based upon unprofessional conduct or upon being mentally or physically impaired.

[Statutory Authority: RCW 18.57.005 and 18.130.070. 87-11-062 (Order PM 651), § 308-138-323, filed 5/20/87.]

**WAC 308-138-324 Medical associations or societies.** The president or chief executive officer of any medical association or society within this state shall report to the board when a medical society hearing panel or committee determines that a physician or physician's assistant may have committed unprofessional conduct or that a physician or physician's assistant may not be able to practice medicine with reasonable skill and safety to patients as the result of any mental or physical condition and constitutes an apparent risk to the public health, safety, or welfare. The report required by this section shall be made without regard to whether the license holder appeals, accepts, or acts upon the termination made by the association or society. Notification of appeal shall be included.

[Statutory Authority: RCW 18.57.005 and 18.130.070. 87-11-062 (Order PM 651), § 308-138-324, filed 5/20/87.]

**WAC 308-138-325 Health care service contractors and disability insurance carriers.** The executive officer of every health care service contractor and disability insurer regulated under chapters 48.20, 48.21, 48.21A, or

48.44 RCW, shall report to the board all final determinations that an osteopathic physician may have engaged in unprofessional conduct, or by reason of mental or physical impairment may be unable to practice the profession with reasonable skill and safety.

[Statutory Authority: RCW 18.130.270 [18.130.070]. 88-01-104 (Order PM 698), § 308-138-325, filed 12/22/87.]

**WAC 308-138-326 Courts.** The board requests the assistance of all clerks of trial courts within the state to report all medical malpractice judgments and all convictions of physicians and physician's assistants, other than minor traffic violations.

[Statutory Authority: RCW 18.57.005 and 18.130.070. 87-11-062 (Order PM 651), § 308-138-326, filed 5/20/87.]

**WAC 308-138-327 State and federal agencies.** The board requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a physician or physician's assistant is employed to provide patient care services, to report to the board whenever such a physician or physician's assistant has been judged to have demonstrated his/her incompetency or negligence in the practice of medicine, or has otherwise committed unprofessional conduct; or is a mentally or physically disabled practitioner.

[Statutory Authority: RCW 18.57.005 and 18.130.070. 87-11-062 (Order PM 651), § 308-138-327, filed 5/20/87.]

**WAC 308-138-328 Professional review organizations.** Unless prohibited by federal law, every professional review organization operating within the state of Washington shall report to the board any determinations that an osteopathic physician or osteopathic physician's assistant may have engaged in unprofessional conduct, or by reason of mental or physical impairment may be unable to practice the profession with reasonable skill and safety.

[Statutory Authority: RCW 18.130.270 [18.130.070]. 88-01-104 (Order PM 698), § 308-138-328, filed 12/22/87.]

**WAC 308-138-330 License reinstatement after lapse of licensure for failure to renew.** (1) A license that has been expired for less than one year may be brought current by payment of the renewal fees and completion of the continuing education, if due.

(2) Any osteopathic physician and surgeon whose license has been expired for one year or more must pay the current fee for original application and apply for reinstatement on an application form provided by the board. The application will include an explanation for the license lapse and a chronology of their activities since first licensed. A statement outlining the continuing education acquired since the last report made or since January 1, 1980, if no previous report has been required, must be submitted for the board's review and approval.

(3) All applications for reinstatement will be reviewed by the board. The board may require a physical or mental evaluation of an applicant to confirm fitness for practice.

(4) If a licensee has been out of active practice for one year or more or has allowed their license to lapse for a period of three years or more, the board may also require that the applicant pass an examination to determine the applicant's fitness to practice osteopathy or osteopathic medicine and surgery.

[Statutory Authority: RCW 18.57.005 and 18.130.070. 87-11-062 (Order PM 651), § 308-138-330, filed 5/20/87. Statutory Authority: RCW 18.57.005 and 18.57A.020. 82-17-005 (Order PL 402), § 308-138-330, filed 8/5/82.]

**WAC 308-138-340 Use of drugs or autotransfusion to enhance athletic ability.** (1) A physician shall not prescribe, administer or dispense anabolic steroids, growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), other hormones, or any form of autotransfusion for the purpose of enhancing athletic ability and/or for nontherapeutic cosmetic appearance.

(2) A physician shall complete and maintain patient medical records which accurately reflect the prescription, administering or dispensing of any substance or drug described in this rule or any form of autotransfusion. Patient medical records shall indicate the diagnosis and purpose for which the substance, drug or autotransfusion is prescribed, administered or dispensed and any additional information upon which the diagnosis is based.

(3) A violation of any provision of this rule shall constitute grounds for disciplinary action under RCW 18.130.180(7). A violation of subsection (1) of this rule shall also constitute grounds for disciplinary action under RCW 18.130.180(6).

[Statutory Authority: RCW 18.57.005(2), 18.57A.020 and 18.130.050(1). 88-21-081 (Order PM 780), § 308-138-340, filed 10/19/88; 88-14-113 (Order 745), § 308-138-340, filed 7/6/88.]

**WAC 308-138-350 AIDS education and training.**

(1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(2) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(3) Acceptable education and training. The department will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(4) Implementation. Effective January 1, 1989, the requirement for licensure application, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall

show evidence of completion of an education and training program, which meets the requirements of subsection (3) of this section.

(5) Documentation. The license holder shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before the renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that learning has taken place.

[Statutory Authority: 1988 c 206 § 604. 88-23-124 (Order PM 801), § 308-138-350, filed 11/23/88.]

**WAC 308-138-360 Application for registration.** Effective January 1, 1989, persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-138-350.

[Statutory Authority: 1988 c 206 § 604. 88-23-124 (Order PM 801), § 308-138-360, filed 11/23/88.]

## Chapter 308-138A WAC

### OSTEOPATHIC PHYSICIANS' ASSISTANTS

#### WAC

- 308-138A-020 Osteopathic physicians' assistants.
- 308-138A-025 Osteopathic physician's assistant prescriptions.
- 308-138A-030 Osteopathic physician's assistant use of drugs or autotransfusion to enhance athletic ability.
- 308-138A-040 AIDS education and training.
- 308-138A-050 Application for registration.
- 308-138A-060 Registration renewal requirement.

**WAC 308-138A-020 Osteopathic physicians' assistants.** (1) Program approval required. No osteopathic physician shall be entitled to register an osteopathic physician's assistant who has not successfully completed a program of training approved by the Board in accordance with these rules.

(2) Program approval procedures. In order for a program for training osteopathic physicians' assistants to be considered for approval by the board it must meet the minimal criteria established by the committee on allied health education and Accreditation Association of the American Medical Association as of 1985. The director of the program shall submit to the board a description of the course of training offered, including subjects taught and methods of teaching, entrance requirements, clinical experience provided, etc. The director shall also advise the board concerning the basic medical skills which are attained in such course, and the method by which the proficiency of the students in those skills was tested or ascertained. The board may require such additional information from program sponsors as it desires.

(3) Approved programs. The board shall approve programs in terms of skills attained by its graduates. A registry of approved programs shall be maintained by the board at the division of professional licensing in

Olympia, Washington, which shall be available upon request to interested persons.

(4) Additional skills. No osteopathic physician's assistant shall be registered to perform skills not contained in the program approved by the board unless the osteopathic physician's assistant submits with his application a certificate by the program director or other acceptable evidence showing that he or she was trained in the additional skill for which authorization is requested, and the board is satisfied that the applicant has the additional skill and has been properly and adequately tested thereon.

(5) Applications. All applications shall be made to the board on forms supplied by the board. All applications shall be submitted at least thirty days prior to the meeting of the board in which consideration is desired. Applications shall be made jointly by the physician and assistant.

(6) Authorization by board, powers. In granting authorizations for the utilization of the osteopathic physician's assistant, the board may limit the authority for utilizing an osteopathic physician's assistant to a specific task or tasks, or may grant specific approval in conformity with the program approved and on file with the board.

(7) Limitations, number. No osteopathic physician shall supervise more than one osteopathic physician's assistant.

(8) Limitations—Geographic limitations. No osteopathic physician's assistant shall ordinarily be utilized in a place other than the supervising osteopathic physician's regular place for meeting patients, unless personally accompanied by the supervising osteopathic physician. The "regular place for meeting patients" shall be defined to include the physician's office, the institution(s) in which his or her patients are hospitalized or confined, or the homes of patients for whom a physician-patient relationship has already been established.

(9) Limitations—Remote practice. Special permission may be granted to utilize an osteopathic physician assistant in a place remote from the physician's regular place for meeting patients if:

(a) There is a demonstrated need for such utilization;

(b) Adequate provision for immediate communication between the physician and his physician assistant exists;

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

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

(10) Limitations, hospital functions. An osteopathic physician assistant working in or for a hospital, clinic or other health organization shall be registered in the same manner as any other osteopathic physician assistant and his/her functions shall be limited to those specifically approved by the board. His/her responsibilities, if any, to other physicians must be defined in the application for registration.

(11) Limitations, trainees. An individual enrolled in a training program for physician assistants may function only in direct association with his/her preceptorship physician or a delegated alternate physician in the immediate clinical setting or, as in the case of specialized training in a specific area, an alternate preceptor approved by the program. They may not function in a remote location or in the absence of the preceptor.

(12) Supervising osteopathic physician, responsibility. It shall be the responsibility of the supervising osteopathic physician to see to it that:

(a) Any osteopathic physician's assistant employed by him or her at all times when meeting or treating patient(s) wears a placard or other identifying plate in a prominent place upon his or her person identifying him or her as a physician's assistant;

(b) No osteopathic physician's assistant in his employ represents himself or herself in any manner which would tend to mislead anyone that he or she is a physician;

(c) That the osteopathic physician's assistant in his or her employ performs only those tasks which he or she is authorized to perform under the authorization granted by the board;

(d) All EKG's and x-rays and all abnormal laboratory tests shall be reviewed by the physician within twenty-four hours;

(e) The charts of all patients seen by the physician's assistant shall be reviewed and countersigned by the supervising physician within one week;

(f) All telephone advice given by the supervising physician through the physician's assistant shall be documented, reviewed, and countersigned by the physician within one week.

(13) Alternate physician, supervisor—Approved by board. In the temporary absence of the supervising osteopathic physician, the osteopathic physician assistant may carry out those tasks for which he is registered, if the supervisory and review mechanisms are provided by a delegated alternate osteopathic physician supervisor. If an alternate osteopathic physician is not available in the community, the board may authorize a physician licensed under chapter 18.71 RCW to act as the alternate physician supervisor.

(14) Reregistration. The annual reregistration fee shall be paid by the first day of July of each year by the supervising osteopathic physician. Any failure to reregister and pay the annual registration fee shall render the registration invalid but registration may be reinstated by payment of a penalty fee together with all delinquent annual registration fees.

[Statutory Authority: RCW 18.57.005(2), 18.57A.020 and 18.130.050(1). 88-14-113 (Order 745), § 308-138A-020, filed 7/6/88. Statutory Authority: RCW 18.57A.020, 18.57.005 and 18.130.050. 88-09-030 (Order PM 723), § 308-138A-020, filed 4/15/88. Statutory Authority: RCW 18.57A.020. 87-20-099 (Order PM 671), § 308-138A-020, filed 10/7/87. Statutory Authority: RCW 18.57.005. 87-13-004 (Order PM 655), § 308-138A-020, filed 6/4/87. Statutory Authority: RCW 18.57A.020. 83-16-024 (Order PL 440), § 308-138A-020, filed 7/27/83. Statutory Authority: RCW 18.57.005 and 18.57A.020. 82-17-005 (Order PL 402), § 308-138A-020, filed 8/5/82. Formerly WAC 308-138-020.]



**WAC 308-138A-025 Osteopathic physician's assistant prescriptions.** An osteopathic physician's assistant may issue written or oral prescriptions as provided herein when approved by the board and assigned by the supervising physician.

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

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

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

(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 requirements.

(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 18.57A.020, 18.57.005 and 18.130.050. 88-09-030 (Order PM 723), § 308-138A-025, filed 4/15/88. Statutory Authority: RCW 18.57A.020. 87-20-099 (Order PM 671), § 308-138A-025, filed 10/7/87. 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.]

**WAC 308-138A-030 Osteopathic physician's assistant use of drugs or autotransfusion to enhance athletic ability.**

(1) An osteopathic physician's assistant shall not prescribe, administer, or dispense anabolic steroids, growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), other hormones, or any form of autotransfusion for the purpose of enhancing athletic ability and/or for nontherapeutic cosmetic appearance.

(2) A physician's assistant shall complete and maintain patient medical records which accurately reflect the prescription, administering, or dispensing of any substance or drug described in this section or any form of autotransfusion. Patient medical records shall indicate the diagnosis and purpose for which the substance, drug, or autotransfusion is prescribed, administered, or dispensed and any additional information upon which the diagnosis is based.

(3) A violation of any provision of this section shall constitute grounds for disciplinary action under RCW 18.130.180(7). A violation of subsection (1) of this section shall also constitute grounds for disciplinary action under RCW 18.130.180(6).

[Statutory Authority: RCW 18.57.005(2), 18.57A.020 and 18.130.050(1). 88-21-081 (Order PM 780), § 308-138A-030, filed 10/19/88.]

**WAC 308-138A-040 AIDS education and training.**

(1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(2) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(3) Acceptable education and training. The department will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(4) Implementation. Effective January 1, 1989, the requirement for registration application, renewal, or reinstatement of any registration on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and

training program, which meets the requirements of subsection (3) of this section.

(5) Documentation. The registration holder shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before the renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that learning has taken place.

[Statutory Authority: 1988 c 206 § 604. 88-23-124 (Order PM 801), § 308-138A-040, filed 11/23/88.]

**WAC 308-138A-050 Application for registration.** Effective January 1, 1989, persons applying for registration shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-138A-040.

[Statutory Authority: 1988 c 206 § 604. 88-23-124 (Order PM 801), § 308-138A-050, filed 11/23/88.]

**WAC 308-138A-060 Registration renewal requirement.** On a one-time basis, effective January 1, 1989, all persons making application for registration renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-138A-040. Persons who are unable to verify compliance by their 1989 renewal date may, upon written application, be granted an extension to December 31, 1989.

[Statutory Authority: 1988 c 206 § 604. 88-23-124 (Order PM 801), § 308-138A-060, filed 11/23/88.]

### Chapter 308-138B WAC OSTEOPATHIC PHYSICIANS' ACUPUNCTURE ASSISTANTS

#### WAC

- 308-138B-110 Osteopathic acupuncture physicians' assistant's examination.
- 308-138B-170 Prohibited techniques and tests.
- 308-138B-180 AIDS education and training.
- 308-138B-190 Application for registration.
- 308-138B-200 Registration renewal requirement.

**WAC 308-138B-110 Osteopathic acupuncture physicians' assistant's examination.** (1) Applicants for registration who have not been issued a license or certificate to practice acupuncture from the governments listed in RCW 18.57A.070, or from a country or state with equivalent standards of practice determined by the board, must pass the Washington acupuncture examination.

(2) A written and practical examination in English shall be given twice yearly for qualified applicants at a time and place determined by the board and shall examine the applicants' knowledge of anatomy, physiology, bacteriology, biochemistry, pathology, hygiene and acupuncture.

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(3) An applicant must be approved by the board at least forty-five days in advance of the scheduled examination date to be eligible to take the written portion of the examination. The applicant shall provide his or her own needles and other equipment necessary for demonstrating the applicant's skill and proficiency in acupuncture.

(4) An applicant must have successfully completed the written portion of the examination prior to being eligible for the practical examination.

(5) The passing score for the examination is a converted score of seventy-five.

(6) Applicants requesting to retake either the written or practical portion of the examination shall submit the request for reexamination at least forty-five days in advance of the scheduled examination date.

[Statutory Authority: RCW 18.57.005(2), 18.57A.020 and 18.130.050(1). 88-21-081 (Order PM 780), § 308-138B-110, filed 10/19/88. Statutory Authority: RCW 18.57.005 and 18.57A.020. 82-17-005 (Order PL 402), § 308-138B-110, filed 8/5/82. Formerly WAC 308-138-110.]

**WAC 308-138B-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 18.57A.020. 87-20-099 (Order PM 671), § 308-138B-170, filed 10/7/87. 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.]

**WAC 308-138B-180 AIDS education and training.** (1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(2) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(3) Acceptable education and training. The department will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology;

testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(4) Implementation. Effective January 1, 1989, the requirement for registration application, renewal, or reinstatement of any registration on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (3) of this section.

(5) Documentation. The registration holder shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before the renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that learning has taken place.

[Statutory Authority: 1988 c 206 § 604. 88-23-124 (Order PM 801), § 308-138B-180, filed 11/23/88.]

**WAC 308-138B-190 Application for registration.** Effective January 1, 1989, persons applying for registration shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-138B-180.

[Statutory Authority: 1988 c 206 § 604. 88-23-124 (Order PM 801), § 308-138B-190, filed 11/23/88.]

**WAC 308-138B-200 Registration renewal requirement.** On a one-time basis, effective January 1, 1989, all persons making application for registration renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-138B-180. Persons who are unable to verify compliance by their 1989 renewal date may, upon written application, be granted an extension to December 31, 1989.

[Statutory Authority: 1988 c 206 § 604. 88-23-124 (Order PM 801), § 308-138B-200, filed 11/23/88.]

**Chapter 308-140 WAC  
CHARITABLE SOLICITATIONS**

WAC

308-140-010 through 308-140-300 Repealed.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 308-140-010 Definitions. [Statutory Authority: RCW 19.09.100. 83-01-112 (Order PL 417), § 308-140-010, filed 12/21/82; Order PL 274, § 308-140-010, filed 8/29/77; Order PL 161, § 308-140-010, filed 2/26/74.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.
- 308-140-020 Fees excluded from cost of solicitation. [Order PL 161, § 308-140-020, filed 2/26/74.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.

- 308-140-030 Forms for all documents required to be filed. [Order PL 161, § 308-140-030, filed 2/26/74.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.
- 308-140-040 Official address of director and department. [Order PL 274, § 308-140-040, filed 8/29/77; Order PL 161, § 308-140-040, filed 2/26/74.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.
- 308-140-070 Acceptable address designation for registration. [Order PL 161, § 308-140-070, filed 2/26/74.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.
- 308-140-100 Exemption not transferable. [Statutory Authority: RCW 19.09.100. 83-01-112 (Order PL 417), § 308-140-100, filed 12/21/82; Order PL 161, § 308-140-100, filed 2/26/74.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.
- 308-140-250 Professional fund-raisers contracts filing requirement. [Order PL 161, § 308-140-250, filed 2/26/74.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.
- 308-140-270 Standards of advertising for solicitation purposes. [Order PL 274, § 308-140-270, filed 8/29/77; Order PL 161, § 308-140-270, filed 2/26/74.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.
- 308-140-300 Waiver of percentage limitation. [Statutory Authority: RCW 19.09.100. 83-01-112 (Order PL 417), § 308-140-300, filed 12/21/82.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.

**WAC 308-140-010 through 308-140-300 Repealed.**  
See Disposition Table at beginning of this chapter.

**Chapter 308-150 WAC  
VETERINARY BOARD OF GOVERNORS—  
VETERINARY CODE OF PROFESSIONAL  
CONDUCT/ETHICS**

WAC

308-150-013 Emergency services.

**WAC 308-150-013 Emergency services.** (1) Emergency services shall mean the delivery of veterinary care by a licensed veterinarian during the hours when the majority of regional, daytime veterinary practices have no regularly scheduled office hours (are closed).

(2) 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 including the assignment of veterinarians or cooperation between practices or after-hours emergency veterinary medical facilities 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 emergency service is available.

(3) A veterinarian who represents, in any way, that he or she provides emergency veterinary services, including but not limited to, using names or terms such as "after hours clinic," or "after hours veterinary hospital," or use

of the word "emergency" in any way, shall include in all advertisements the following information:

The availability of the veterinarian who is to provide emergency services, in print at least as large as that used to advertise the availability of emergency services, as either:

(a) "Veterinarian on premises," or term of like import, which phrase shall be used when there is a veterinarian actually present at the facility who is prepared to render veterinary services and the hours such services are available; or

(b) "Veterinarian on call," or term of like import, which phrase shall be used when the veterinarian is not present at the hospital, but is able to respond within a reasonable time to requests for emergency veterinary services and has been designated to so respond.

(4) All licensees shall comply with this section by December 1, 1989.

[Statutory Authority: RCW 18.92.030. 88-08-033 (Order PM 719), § 308-150-013, filed 4/1/88; 86-01-085 (Order PL 575), § 308-150-013, filed 12/18/85.]

**Chapter 308-151 WAC**

**VETERINARY BOARD OF GOVERNORS--  
VETERINARY EDUCATION AND EXAMINATION  
REQUIREMENTS**

WAC

- 308-151-080 Examination procedures.
- 308-151-090 Frequency and location of examinations.

**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) 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. 88-08-033 (Order PM 719), § 308-151-080, filed 4/1/88; 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 308-151-090 Frequency and location of examinations.** (1) The examination for veterinarians shall be scheduled at such times and places as the director may authorize.

(2) Should an applicant fail to appear for examination at the designated time and place, he or she shall forfeit the examination fee unless he or she has notified the division of professional licensing in writing of his or her inability to appear for the scheduled exam at least five days before the designated time.

[Statutory Authority: RCW 18.92.030. 88-08-033 (Order PM 719), § 308-151-090, filed 4/1/88; 80-05-032 (Order 340), § 308-151-090, filed 4/15/80.]

**Chapter 308-152 WAC  
VETERINARY FEES**

WAC

- 308-152-015 Repealed.
- 308-152-030 Veterinary fees.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 308-152-015 Fees. [Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-152-015, filed 11/2/83; 83-17-031 (Order PL 442), § 308-152-015, filed 8/10/83. Formerly WAC 308-152-010.] Repealed by 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086.

**WAC 308-152-015 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-152-030 Veterinary fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee                                      | Fee      |
|---|----------|
| <b>Veterinarian:</b>                              |          |
| National board examination (NBE) (initial/retake) | \$110.00 |
| Clinical competency test (CCT) (initial/retake)   | 85.00    |
| State examination (initial/retake)                | 75.00    |
| Temporary permit                                  | 35.00    |
| Initial license                                   | 40.00    |
| Renewal   | 75.00    |
| Late renewal penalty                              | 25.00    |
| Duplicate license                                 | 15.00    |
| Certification                                     | 25.00    |
| <b>Animal technician:</b>                         |          |
| National examination (initial/retake)             | 70.00    |
| State examination (initial/retake)                | 50.00    |
| Initial license                                   | 30.00    |
| Renewal   | 30.00    |
| Late renewal penalty                              | 10.00    |
| Duplicate license                                 | 15.00    |
| Certification                                     | 25.00    |

[Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-152-030, filed 5/1/87.]

**Chapter 308-153 WAC  
MINIMUM STANDARDS FOR VETERINARY  
MEDICAL FACILITIES AND PRACTICE  
MANAGEMENT**

WAC

- 308-153-010 Definitions.
- 308-153-020 General requirements for all veterinary medical facilities.
- 308-153-030 Minimum physical facilities.

308-153-045 Practice management.

**WAC 308-153-010 Definitions.** (1) **Veterinary medical facility:** Any premise, unit, structure or vehicle where any animal is received and/or confined to be examined, diagnosed or treated medically, surgically or prophylactically, as defined in RCW 18.92.010.

(2) **Mobile clinic:** A vehicle, including a camper, motor home, trailer or mobile home, used as a veterinary medical facility. A mobile clinic is not required for house calls or farm calls.

(3) **Aseptic surgery:** Aseptic surgical technique exists when everything that comes in contact with the wound is sterile and precautions are taken to ensure such sterility during the procedure. These precautions include, but are not limited to, such things as the surgery room itself, sterilization procedures, scrubbing hands and arms, sterile gloves, caps and masks, sterile long-sleeved gowns, and sterile draping and operative techniques.

(4) **Antiseptic surgery:** Antiseptic surgical technique exists when care is taken to avoid bacterial contamination but the precautions are not as thorough and extensive as in aseptic surgery. Surgeons and surgical assistants must wear clean attire and sterile gloves, and the patient must be appropriately draped. A separate sterile surgical pack must be used for each animal.

[Statutory Authority: RCW 18.92.030. 89-02-006 (Order PM 804), § 308-153-010, filed 12/27/88. Statutory Authority: RCW 18.92.030, 18.130.050 (1) and (12) and 1986 c 259 § 139. 86-13-070 (Order PM 600), § 308-153-010, filed 6/18/86; Order PL-236, § 308-153-010, filed 2/18/76.]

**WAC 308-153-020 General requirements for all veterinary medical facilities.** (1) **Construction and maintenance:** All facilities must be so constructed and maintained as to provide comfort and safety for patients and clients. All areas of the premises shall be maintained in a clean and orderly condition, free of objectionable odors. All facilities must comply with applicable state, county and municipal laws, ordinances and regulations.

(2) **Ventilation:** Adequate heating and cooling must be provided for the comfort of the animals, and the facility must have sufficient ventilation in all areas.

(3) **Lighting:** Proper lighting must be provided in all rooms utilized for the practice of veterinary medicine. Outside lighting should be adequate to identify the building and to assist the clients.

(4) **Water:** Potable water must be provided.

(5) **Basic sanitation:** Any equipment, instruments or facilities used in the treatment of animals must be clean and sanitary at all times to protect against the spread of diseases, parasites and infection.

(6) **Waste disposal:** Covered waste containers, impermeable by water, must be used for the removal and disposal of animal and food wastes, bedding, animal tissues, debris and other waste.

Disposal facilities shall be so operated as to minimize insect or other vermin infestation, and to prevent odor and disease hazards or other nuisance conditions.

The facility shall employ a procedure for the prompt, sanitary and esthetic disposal of dead animals which

complies with all applicable state, county and municipal laws, ordinances and regulations.

(7) **Records:** Every veterinarian shall keep daily written reports of the animals he or she treats. Records for companion animals shall be kept for each animal, but records for economic animals may be maintained on a group or client basis. These records must be readily retrievable and must be kept for a period of three years following the last treatment or examination. They shall include, but not be limited to, the following:

(a) Name, address and telephone number of the owner.

(b) Name, number or other identification of the animal or group.

(c) Species, breed, age, sex and color of the animal.

(d) Immunization record.

(e) Beginning and ending dates of custody of the animal.

(f) A short history of the animal's condition as it pertains to its medical status.

(g) Physical examination findings and any laboratory data.

(h) Provisional or final diagnosis.

(i) Treatment and medication administered, prescribed or dispensed.

(j) Surgery and anesthesia.

(k) Progress of the case.

(8) **Storage:** All supplies, including food and bedding, shall be stored in facilities which adequately protect such supplies against infestation, contamination or deterioration. Refrigeration shall be provided for all supplies that are of a perishable nature, including foods, drugs and biologicals.

(9) **Biologicals and drugs:** Biologicals and other drugs shall be stored in such a manner as to prevent contamination and deterioration in accordance with the packaging and storage requirements of the current editions of the *U.S. Pharmacopeia*, 12601 Twinbrook Parkway, Rockville, Maryland 20852, and the *National Formulary*, Mack Publishing Company, 20th and Northampton Streets, Easton, Pennsylvania 18042 and/or manufacturers' recommendation.

All controlled substances shall be maintained in a locked cabinet or other suitable secure container in accordance with federal and Washington state laws.

Controlled substance records shall be readily retrievable, in accordance with federal and Washington state laws.

[Statutory Authority: RCW 18.92.030. 88-08-033 (Order PM 719), § 308-153-020, filed 4/1/88. Statutory Authority: RCW 18.92.030, 18.130.050 (1) and (12) and 1986 c 259 § 139. 86-13-070 (Order PM 600), § 308-153-020, filed 6/18/86; Order PL-236, § 308-153-020, filed 2/18/76.]

**WAC 308-153-030 Minimum physical facilities.** All veterinary medical facilities in which animals are received for medical, surgical or prophylactic treatment must have the following minimum facilities, but are not limited to only these facilities:

(1) **Reception room and office:** Or a combination of the two.

(2) **Examination room:** Should be separate but may be combined with a room having a related function, such as a pharmacy or laboratory. It must be of sufficient size to accommodate the veterinarian, patient and client.

Examination tables must have impervious surfaces. Waste receptacles must be lined, covered or in a closed compartment, and properly maintained. A sink with clean or disposable towels must be within easy access.

(3) **Surgery:** If surgery is performed, a separate and distinct area so situated as to keep contamination and infection to a minimum; provided, however, that effective January 1, 1988, a separate and distinct room so situated as to keep contamination and infection to a minimum will be required.

(4) **Laboratory:** May be either in the facility or through consultative facilities, adequate to render diagnostic information.

(5) **Radiology:** Facilities for diagnostic radiography must be available either on or off the premises. The facilities must meet federal and Washington state protective requirements and be capable of producing good quality diagnostic radiographs.

(6) **Animal housing areas:** Any veterinary medical facility confining animals must have individual cages, pens, exercise areas or stalls to confine said animals in a comfortable, sanitary and safe manner.

Cages and stalls must be of impervious material and of adequate size to assure patient comfort and sanitation.

Runs and exercise pens must be of a size to allow patient comfort and exercise. Effective January 1, 1988, runs and exercise pens must provide and allow effective separation of adjacent animals and their waste products, and must be constructed in such a manner as to protect against escape or injury. Floors of runs must be of impervious material.

Animals that are hospitalized for treatment of contagious diseases must be isolated in such a manner as to prevent the spread of contagious diseases.

[Statutory Authority: RCW 18.92.030, 89-02-006 (Order PM 804), § 308-153-030, filed 12/27/88; 88-08-033 (Order PM 719), § 308-153-030, filed 4/1/88. Statutory Authority: RCW 18.92.030, 18.130-.050 (1) and (12) and 1986 c 259 § 139, 86-13-070 (Order PM 600), § 308-153-030, filed 6/18/86; Order PL-236, § 308-153-030, filed 2/18/76.]

**WAC 308-153-045 Practice management.** All veterinary medical facilities shall maintain a sanitary environment to avoid sources and transmission of infection. This includes the proper sterilization or sanitation of all equipment used in diagnosis or treatment and the proper routine disposal of waste materials.

(1) **Surgery:** Surgery shall be performed in a manner compatible with current veterinary practice with regard to anesthesia, asepsis or antiseptics, life support and monitoring procedures, and recovery care. The minimum standards for surgery shall be:

(a) Effective January 1, 1988, aseptic or antiseptic surgery shall be performed in a room designated and reserved for surgery and directly related noncontaminating activities.

(b) The surgery room shall be clean, orderly, well lighted and maintained in a sanitary condition, free of offensive odors.

(c) Storage in the surgery room shall be limited only to items and equipment related to surgery and surgical procedures.

(d) Instruments and equipment utilized in the surgery room shall be appropriate for the type of surgical service being provided.

(e) The operating table shall be constructed of a smooth and impervious material.

(f) Chemical disinfection ("cold sterilization") may be used only for field conditions or minor surgical procedures. Sterilizing of all appropriate equipment is required. Effective January 1, 1988, provisions for sterilization must include a steam pressure sterilizer (autoclave) or a gas sterilizer (e.g., ethylene oxide).

(g) Surgical packs include towels, drapes, gloves, sponges and proper instrumentation. They shall be properly prepared for sterilization by heat or gas (sufficient to kill spores) for each sterile surgical procedure.

(h) For any major procedure, such as opening the abdominal or thoracic cavity or exposing bones or joints, a separate sterile surgical pack must be used for each animal. Surgeons and surgical assistants shall use aseptic technique throughout the entire surgical procedure.

(i) Uncomplicated ovariohysterectomy or castration of normal healthy animals, and minor surgical procedures, such as excising small skin lesions or suturing superficial lacerations, may be performed under clean, antiseptic conditions. Surgeons and surgical assistants shall wear clean attire and sterile gloves, and care shall be taken to avoid introducing bacterial contamination.

(j) All animals shall be properly prepared for surgery as follows:

(i) Clipping and shaving of the surgical area for major procedures requiring aseptic technique as in (h) must be performed in a room other than the surgery room. Loose hair must be removed from the surgical area.

(ii) Scrubbing the surgical area with soap and water.

(iii) Disinfecting the surgical area.

(iv) Draping the surgical area if appropriate.

(k) Anesthetic equipment appropriate for the type of patient and surgery performed shall be available at all times.

(l) Compressed oxygen or other adequate means shall be available to be used for resuscitation.

(m) Emergency drugs must be available to the surgery area.

(n) Grossly contaminated procedures, such as lancing and draining abscesses, shall not be performed in the room designated for aseptic or antiseptic surgery.

(2) **Library:** A library of appropriate veterinary journals and textbooks shall be available on the premises for ready reference.

(3) **Laboratory:** Veterinary medical facilities shall have the capability for use of either in-house or consultant laboratory service for blood chemistry, bacterial cultures and antibiotic sensitivity examinations, complete blood counts, histopathologic examinations and complete

necropsies. The in-house laboratory facility shall meet the following minimum standards:

(a) The laboratory room shall be clean and orderly with provision for ample storage.

(b) Ample refrigeration shall be provided.

(c) Any tests performed shall be properly conducted by currently recognized methods to assure reasonable accuracy and reliability of results.

(4) **Radiology:** Veterinary medical facilities shall have the capability for use of either in-house or consultant services for obtaining radiographs of diagnostic quality. Radiology equipment and use must be in compliance with federal and Washington state laws, and should follow the guidelines approved by the American Veterinary Medical Association.

(5) **Biologicals and drugs:** The minimum standards for drug procedures shall be:

(a) All controlled substances shall be stored, maintained, administered, dispensed and prescribed in compliance with federal and Washington state laws.

(b) Among things otherwise provided by RCW 69.41-.050, legend drugs dispensed by a veterinarian shall be labeled with the following:

(i) Name of client or identification of animal.

(ii) Date dispensed.

(iii) Complete directions for use.

(iv) Name and strength of the drug.

(v) Name of prescribing veterinarian.

(c) A record of all drugs administered or dispensed shall be kept in the client's record. In the case of companion animals this record shall be by individual animal.

(6) **Limited services:** If veterinary medical services are limited to specific aspects of practice,

(a) The public shall be informed of the limitation of services provided.

(b) All veterinary services provided in the facility must conform to the requirements for those services listed in WAC 308-153-030 and this section.

(c) The general requirements prescribed in WAC 308-153-020 shall apply to all veterinary medical facilities.

(7) **Exceptions:**

(a) The standards and requirements prescribed in WAC 308-153-030(3) and subsection (1)(a), (c), (j)(i), (n) of this section, shall not apply to equine or food animal veterinary procedures performed in medical facilities.

(b) The standards and requirements prescribed in WAC 308-153-020 (1), (2), (3), (4), (6), (8), 308-153-030 and subsections (1)(a), (b), (c), (e), (h), (j)(i), (l), (n), (2), (3), (4), (6)(b), (c) of this section, shall not apply to equine or food animal veterinary procedures performed on the owner's premises by a veterinarian.

[Statutory Authority: RCW 18.92.030. 89-02-006 (Order PM 804), § 308-153-045, filed 12/27/88. Statutory Authority: RCW 18.92.030, 18.130.050 (1) and (12) and 1986 c 259 § 139. 86-13-070 (Order PM 600), § 308-153-045, filed 6/18/86.]

## Chapter 308-156 WAC

### REGISTRATION OF ANIMAL TECHNICIANS

#### WAC

308-156-060 Examination for registration as animal technician.

308-156-090 Examination procedures.

308-156-100 Frequency and location of examination.

**WAC 308-156-060 Examination for registration as animal technician.** (1) All applicants shall be required to complete an examination consisting of a written and practical test.

(2) The written test will consist of questions on any of the following subjects as they pertain to the animal health care services technicians may perform:

(a) Anatomy

(b) Physiology

(c) Chemistry

(d) Obstetrics

(e) Bacteriology

(f) Histology

(g) Radiology

(h) Nursing techniques

(i) Hygiene

(j) Dental prophylaxis

(k) Laboratory procedures

(l) Other subjects prescribed by the board.

The questions will be divided equally between large and small animal health care problems and shall be sufficient in number to satisfy the board of governors that the applicant has been given adequate opportunity to express his or her knowledge relating to these subjects.

(3) The practical examination will be supervised by the board of governors or their designees. Each applicant may be required to perform or demonstrate basic animal health care techniques as directed by the board. During the practical examination, each applicant may be required to demonstrate his/her ability to:

(a) Take accurate case histories;

(b) Prepare patient instruments;

(c) Perform dental prophylaxis;

(d) Monitor anesthesia or oxygen equipment;

(e) Apply wound and surgical dressings;

(f) Administer inoculations or vaccinations;

(g) Properly analyze laboratory specimens;

(h) Restrain animals;

(i) Other animal health care services authorized by the board.

[Statutory Authority: RCW 18.92.030. 88-08-033 (Order PM 719), § 308-156-060, filed 4/1/88. Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-060, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-060, filed 12/21/79.]

**WAC 308-156-090 Examination procedures.** 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. 88-08-033 (Order PM 719), § 308-156-090, filed 4/1/88. Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-090, filed 9/19/83.]



Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-090, filed 12/21/79.]

**WAC 308-156-100 Frequency and location of examination.** (1) The examination for animal technicians shall be given at least once a year at such times and places as the director may authorize.

(2) Should an applicant fail to appear for examination at the designated time and place, he or she shall forfeit the examination fee unless he or she has notified the division of professional licensing in writing of his or her inability to appear for the scheduled exam at least five days before the designated time.

[Statutory Authority: RCW 18.92.030. 88-08-033 (Order PM 719), § 308-156-100, filed 4/1/88. Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-100, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-100, filed 12/21/79.]

### Chapter 308-157 WAC MISCELLANEOUS PROCEDURES AND REQUIREMENTS

WAC

308-157-010 Disciplinary reinstatement procedures.

**WAC 308-157-010 Disciplinary reinstatement procedures.** (1) Unless a final order of the board indicates otherwise, all persons whose license has been suspended, revoked, or placed on probation shall:

(a) Submit a written request to the board for reinstatement of the license when eligible to do so;

(b) Be scheduled for an appearance before the board in the form of a reinstatement hearing;

(c) Have the burden of proving to the board that the license should be reinstated.

(2) The board, in reviewing a request for reinstatement subsequent to disciplinary action, may consider the following criteria:

(a) The applicant's character, standing, and professional reputation in the community in which he or she resided and practiced prior to discipline;

(b) The ethical standards which he or she observed in the practice of veterinary medicine;

(c) The nature and character of the charge(s) for which he or she was disciplined;

(d) The sufficiency of the punishment undergone in connection therewith, and the compliance or failure to comply with the board's order;

(e) His or her attitude, conduct, and reformation subsequent to discipline;

(f) The time that has elapsed since discipline;

(g) His or her current proficiency in veterinary medicine; and

(h) The sincerity, frankness, and truthfulness of the applicant in presenting and discussing the factors relating to the discipline and reinstatement.

(3) The board reserves the right to reinstate a license subject to terms and conditions deemed appropriate.

[Statutory Authority: RCW 18.92.030. 89-02-006 (Order PM 804), § 308-157-010, filed 12/27/88.]

[1988 WAC Supp—page 2126]

### Chapter 308-171 WAC OCCUPATIONAL THERAPY

WAC

308-171-001 Definitions.  
308-171-002 Persons exempt from the definition of an occupational therapy aide.  
308-171-003 Occupational therapists acting in a consulting capacity.  
308-171-010 Recognized educational programs—Occupational therapists.  
308-171-020 Recognized educational programs—Occupational therapy assistants.  
308-171-030 Repealed.  
308-171-040 License renewal registration date and fee.  
308-171-310 Occupational therapy fees.  
308-171-320 AIDS education and training.  
308-171-330 Application for licensure.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-171-030 Fees. [Statutory Authority: RCW 18.59.110. 87-04-015 (Order PM 636), § 308-171-030, filed 1/26/87; 85-06-012 (Order PL 514), § 308-171-030, filed 2/22/85.] Repealed by 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086.

**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" of an occupational therapy assistant by an occupational therapist in RCW 18.59.020(4) and "direct supervision" of a person holding a limited permit by an occupational therapist in RCW 18.59.040(7) shall mean face to face meetings between the occupational therapist and occupational therapy assistant and between the occupational therapist and holder of a limited permit occurring at intervals as determined necessary by the occupational therapist to establish, review, or revise the client's treatment objectives. The meetings shall be documented and the documentation shall be maintained in each client's treatment record. The failure to meet to establish, review, or revise the client's treatment objectives at sufficient intervals to meet the client's needs shall be grounds for disciplinary action against the occupational therapist's license and/or the occupational therapy assistant's license to practice in the state of Washington and/or the limited permit pursuant to WAC 308-171-300 (4) and (14), 308-171-301 (2) and (3) and RCW 18.59.100 for conduct occurring prior to June 11, 1986 and pursuant to RCW 18.130.180 for conduct occurring on or after June 11, 1986.

(3) "Professional supervision" of an occupational therapy aide in RCW 18.59.020(5) shall mean:

(a) Documented training by the occupational therapist of the occupational therapy aide in each specific occupational therapy technique for each specific client and the training shall be performed on the client;

(b) Face to face meetings between the occupational therapy aide and the supervising occupational therapist or an occupational therapy assistant under the direction of the supervising occupational therapist occurring at intervals as determined by the occupational therapist to meet the client's needs, but shall occur at least once every two weeks; and

(c) The occupational therapist shall observe the occupational therapy aide perform on the client the specific occupational therapy techniques for which the occupational therapy aide was trained at intervals as determined by the occupational therapist to meet the client's needs, but shall occur at least once a month.

The meetings and client contacts shall be documented and the documentation shall be maintained in the client's treatment records. The failure to meet at sufficient intervals to meet the client's needs shall be grounds for disciplinary action against the occupational therapist's license to practice in the state of Washington pursuant to WAC 308-171-300 (4) and (14), 308-171-301 (2) and (3) and RCW 18.59.100 for conduct occurring prior to June 11, 1986 and pursuant to RCW 18.130.180 for conduct occurring on or after June 11, 1986.

(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.

(7) "Work site" in RCW 18.59.080 means the primary work location.

(8) "In association" for RCW 18.59.040(7) shall mean practicing in a setting in which another occupational therapist licensed in the state of Washington is available for consultation and assistance as needed to provide protection for the clients' health, safety and welfare.

[Statutory Authority: RCW 18.59.130 and 18.130.050. 87-09-044 (Order PM 645), § 308-171-001, filed 4/14/87. Statutory Authority: RCW 18.59.130(2) and 18.130.050(1). 86-17-064 (Order PM 610), § 308-171-001, filed 8/19/86. Statutory Authority: RCW 18.59.130(2) and 18.59.020(5). 86-10-004 (Order PL 588), § 308-171-001, filed 4/24/86. 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 308-171-002 Persons exempt from the definition of an occupational therapy aide.** An "occupational therapy aide" for whom an occupational therapist must provide professional supervision pursuant to RCW 18.59.020(5) does not include persons employed at a facility who are performing services under the supervision or direction of another licensed health care practitioner or certified teacher if the occupational therapist serves solely in a consulting capacity to the facility.

[Statutory Authority: RCW 18.59.130 and 18.130.050. 87-09-044 (Order PM 645), § 308-171-002, filed 4/14/87. Statutory Authority: RCW 18.59.130(2). 87-01-088 (Order PM 630), § 308-171-002, filed 12/22/86.]

**WAC 308-171-003 Occupational therapists acting in a consulting capacity.** (1) "Consulting capacity" shall mean the providing of information and recommendations which the facility, licensed health care practitioners, or certified teachers employed at that facility may accept, reject, or modify at the election of the facility, the licensed health care practitioners, or certified teachers and if the occupational therapist's recommendations are accepted or modified then the recommendations shall be incorporated into the patient's health care plan as part of the nursing or physician's care plan or educational care plan and not held out as the providing of occupational therapy services to the patients or public or billed by the facility as the providing of occupational therapy services to the patients.

(2) An occupational therapist acting in a consulting capacity shall include the following information in the occupational therapist's documentation:

- (a) Date of consultation;
- (b) To whom the consultation is provided;
- (c) Description of services provided;
- (d) Consultation recommendation; and
- (e) Recommendations concerning who should implement the consultation recommendations.

The documentation described above shall be retained by the consulting occupational therapist.

[Statutory Authority: RCW 18.59.130 and 18.130.050. 87-09-044 (Order PM 645), § 308-171-003, filed 4/14/87.]

**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 1987-1988 *Listing of Educational Programs in Occupational Therapy* published by the American Occupational Therapy Association, Inc. The following school program is also approved: Worcester State College.

[Statutory Authority: RCW 18.59.130 and 18.130.050. 89-01-081 (Order PM 805), § 308-171-010, filed 12/20/88. Statutory Authority: RCW 18.59.050. 88-09-031 (Order PM 721), § 308-171-010, filed 4/15/88. Statutory Authority: RCW 18.59.130 and 18.130.050. 87-09-044 (Order PM 645), § 308-171-010, filed 4/14/87. 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 1987-1988 *Listing of Educational Programs in Occupational Therapy* published by the American Occupational Therapy Association, Inc. The following school programs are also approved: Austin Community College, Cincinnati Technical College, and Williamsport Area Community College.

[Statutory Authority: RCW 18.59.130 and 18.130.050. 89-01-081 (Order PM 805), § 308-171-020, filed 12/20/88. Statutory Authority: RCW 18.59.050. 88-09-031 (Order PM 721), § 308-171-020, filed 4/15/88. Statutory Authority: RCW 18.59.130 and 18.130.050. 87-09-044 (Order PM 645), § 308-171-020, filed 4/14/87. Statutory Authority: RCW 18.59.130(2). 85-05-008 (Order PL 513), § 308-171-020, filed 2/11/85.]

**WAC 308-171-030 Repealed.** See Disposition Table at beginning of this chapter.

**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) Licenses shall be renewed upon a biennial basis on or before the licensee's birth anniversary date. Licenses not renewed on or before the licensee's biennial birth anniversary date shall expire immediately after the licensee's birth anniversary date and any practice engaged in with an expired license shall be deemed unlicensed practice.

(3) Limited permits shall expire in accordance with RCW 18.59.040(7).

(4) On a one-time basis, effective February 1, 1989, all persons applying for license renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-171-320.

Those persons who must renew during 1989 shall submit evidence of compliance with the education requirements of WAC 308-171-320 with their renewal application. Persons who are unable to verify compliance by their 1989 renewal date may, upon written application, be granted an extension to December 31, 1989. Those persons who must renew during 1990 shall submit evidence of compliance with WAC 308-171-320 on or before December 31, 1989.

[Statutory Authority: RCW 18.59.130 and 18.130.050. 89-01-081 (Order PM 805), § 308-171-040, filed 12/20/88. Statutory Authority: RCW 18.59.110. 87-04-015 (Order PM 636), § 308-171-040, filed 1/26/87; 85-06-012 (Order PL 514), § 308-171-040, filed 2/22/85.]

**WAC 308-171-310 Occupational therapy fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee                           | Fee      |
|--|----------|
| <b>Occupational therapist:</b>         |          |
| Application fee (nonrefundable)        | \$ 90.00 |
| Initial license                        | 80.00    |
| License renewal                        | 125.00   |
| Limited permit fee                     | 40.00    |
| Late renewal fee                       | 60.00    |
| Duplicate                              | 15.00    |
| Certification                          | 25.00    |
| <b>Occupational therapy assistant:</b> |          |
| Application fee (nonrefundable)        | 60.00    |
| Initial license                        | 50.00    |
| License renewal                        | 60.00    |
| Late renewal fee                       | 40.00    |
| Limited permit fee                     | 20.00    |
| Duplicate                              | 15.00    |
| Certification                          | 25.00    |

[Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-171-310, filed 5/1/87.]

**WAC 308-171-320 AIDS education and training.**

(1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(2) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(3) Acceptable education and training. The department of licensing will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of six clock hours of which three hours must be didactic instruction and shall include, but is not limited to, the following: Etiology and epidemiology;

testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(4) Implementation. Effective February 1, 1989, the requirement for licensing application, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (3) of this section.

(5) Documentation. The licensee shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before the renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that learning has taken place.

[Statutory Authority: RCW 18.59.130 and 18.130.050. 89-01-081 (Order PM 805), § 308-171-320, filed 12/20/88.]

**WAC 308-171-330 Application for licensure.** (1) Effective February 1, 1989, all persons applying for licensure including a limited permit, shall submit compliance with the education requirements of WAC 308-171-320.

(2) Those persons submitting application in 1989 who are unable to comply with WAC 308-171-320 may upon written application be granted an extension to December 31, 1989.

[Statutory Authority: RCW 18.59.130 and 18.130.050. 89-01-081 (Order PM 805), § 308-171-330, filed 12/20/88.]

**Chapter 308-173 WAC  
NURSING ASSISTANTS**

|             |   |
|-------------|---|
| WAC         |   |
| 308-173-100 | AIDS prevention and information education requirements. |
| 308-173-130 | Nursing assistant—Fees.                                 |

**WAC 308-173-100 AIDS prevention and information education requirements.** (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for registration. Effective January 1, 1989 persons applying for registration shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Initial applicants may have a four month extension upon written application to the department.

(3) 1989 Renewal of registration. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for registration renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 registration expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for registration, renewal, or reinstatement of any registration on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-173-100, filed 11/2/88.]

**WAC 308-173-130 Nursing assistant—Fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee                  | Fee     |
|-------------------------------|---------|
| Application - registration    | \$ 5.00 |
| Renewal of registration       | 10.00   |
| Duplicate registration        | 15.00   |
| Certification of registration | 25.00   |

[Statutory Authority: RCW 43.24.086. 88-20-075 (Order 783), § 308-173-130, filed 10/5/88.]

**Chapter 308-175 WAC  
HEALTH CARE ASSISTANTS**

|             |  |
|-------------|--|
| WAC         |  |
| 308-175-040 | Recertification of health care assistants. |
| 308-175-050 | Department of licensing responsibilities.  |
| 308-175-065 | Medication and diagnostic agent list.      |

|             |  |
|-------------|--|
| 308-175-075 | Health care assistant classification.  |
| 308-175-080 | Repealed.  |
| 308-175-085 | Qualified trainer.   |
| 308-175-090 | Provision of health care assistants training.                                  |
| 308-175-095 | Category A minimum requirements.   |
| 308-175-100 | Category B minimum requirements.   |
| 308-175-105 | Category C minimum requirements.   |
| 308-175-110 | Category D minimum requirements.   |
| 308-175-115 | Category E minimum requirements.   |
| 308-175-120 | Category F minimum requirements.   |
| 308-175-125 | Grandfather clause.  |
| 308-175-130 | Hospital or nursing home drug injection.                                       |
| 308-175-135 | Intravenous medications flow restrictions.                                     |
| 308-175-140 | Health care assistant fees.  |
| 308-175-200 | AIDS prevention and information education requirements—Health care assistants. |

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

|             |   |
|-------------|---|
| 308-175-080 | Minimum training and demonstrated proficiency of health care assistants. [Statutory Authority: RCW 18.135.030. 85-06-018 (Order PL 515), § 308-175-080, filed 2/25/85.] Repealed by 88-17-043 (Order PM 759), filed 8/15/88. Statutory Authority: RCW 18.135.040. |
|-------------|---|

**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. It shall be the responsibility of every health care facility and every health care practitioner who certifies health care assistants to submit a recertification form and fees on or before each certification expiration date.

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-040, filed 11/12/87; 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. Department of licensing will not approve training programs.

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-050, filed 11/12/87; 85-06-018 (Order PL 515), § 308-175-050, filed 2/25/85.]

**WAC 308-175-065 Medication and diagnostic agent list.** The list of specific medications, diagnostic agents, and the route of administration of each that has been authorized for injection pursuant to RCW 18.135.065 shall be submitted to the director within sixty days of initial certification registration and again with every recertification registration. If any changes occur which alter the list, a new list with the delegator and delegatee's signatures must be submitted to the department within thirty days of the change. All submitted lists will be maintained in the department of licensing filed under the name of the certifying practitioner or facility and shall be available for review.

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-065, filed 11/12/87.]

**WAC 308-175-075 Health care assistant classification.** Effective September 1, 1988, there shall be six categories of health care assistants:

(1) Category A assistants may perform venous and capillary invasive procedures for blood withdrawal.

(2) Category B assistants may perform arterial invasive procedures for blood withdrawal.

(3) Category C assistants may perform intradermal, subcutaneous and intramuscular injections for diagnostic agents and administer skin tests.

(4) Category D assistants may perform intravenous injections for diagnostic agents.

(5) Category E assistants may perform intradermal, subcutaneous and intramuscular injections for therapeutic agents.

(6) Category F assistants may perform intravenous injections for therapeutic agents.

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-075, filed 11/12/87.]

**WAC 308-175-080 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-175-085 Qualified trainer.** Qualified trainers for health care assistant trainees are:

(1) Delegator with a minimum of two years of current experience (within the last five years) in the appropriate category in which they are providing the training.

(2) Delegatee from the appropriate category of health care assistants who has a minimum of two years experience obtained within the last five years in the appropriate procedures.

(3) Licensed nurses who meet the educational and experiential criteria for the appropriate category.

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-085, filed 11/12/87.]

**WAC 308-175-090 Provision of health care assistants training.** The training of health care assistants 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, 87-23-022 (Order PM 689), § 308-175-090, filed 11/12/87; 85-06-018 (Order PL 515), § 308-175-090, filed 2/25/85.]

**WAC 308-175-095 Category A minimum requirements.** Effective September 1, 1988, Category A assistants shall meet all of the following minimum requirements:

(1) Educational and occupational qualifications to perform venous and capillary invasive procedures for blood withdrawal:

- (a) High school education or its equivalent;
- (b) The ability to read, write, and converse in the English language; and
- (c) Adequate physical ability, including sufficient manual dexterity to perform the requisite health care services.

(2) Training and instruction. The Category A assistant shall receive training, evaluation(s), and assessment of knowledge and skills to determine entry level competency in the following areas:

- (a) Job responsibilities – to cover all areas of the responsibilities to be delegated which include ethical implications and patient confidentiality;
- (b) Patient identification process;
- (c) Identification of and relationship to licensed health care practitioner;
- (d) Procedure requesting process, including forms used, accessing process, and collection patterns;
- (e) Materials to be used;
- (f) Anatomic considerations for performing such functions as venipuncture, capillary finger collection, heel sticks;
- (g) Procedural standards and techniques for blood collection;
- (h) Common terminology and practices such as medical classifications, standard diagnoses, test synonyms, background information on procedures, interferences;
- (i) Physical layout of the work place, including patient care areas; and
- (j) Safety requirements including the handling of infectious disease cases and the handling and disposal of biohazardous materials.

(3) Work experience. The Category A assistant should have the following work experience under the direct supervision of a qualified trainer:

- (a) Practice technique in a simulated situation;
- (b) Observe and perform procedures on patients until the trainee demonstrates proficiency to be certified at the minimum entry level of competency. The time and number of performances will vary with the specific procedure and skill of the trainee; and

(c) Document all training on a checklist appropriate to the facility and the duties and responsibilities of the trainee. This will be completed, signed by the qualified trainer, trainee and delegator and be placed in employee personnel file.

[Statutory Authority: RCW 18.135.030, 87-23-022 (Order PM 689), § 308-175-095, filed 11/12/87.]

**WAC 308-175-100 Category B minimum requirements.** Effective September 1, 1988, Category B assistants shall meet all of the following minimum requirements:

(1) Educational and occupational qualifications to perform arterial invasive procedures for blood withdrawal:

- (a) Minimum high school education or its equivalent with additional education to include but not be limited to anatomy, physiology, concepts of asepsis, and microbiology;
- (b) The ability to read, write, and converse in the English language; and
- (c) Adequate physical ability, including sufficient manual dexterity to perform the requisite health care services.

(2) Training and instruction. The Category B assistant shall receive training, evaluation(s), and assessment of knowledge and skills to determine entry level competency in the following areas:

- (a) Job responsibilities – to cover all areas of the responsibilities to be delegated which include ethical implications and patient confidentiality;
- (b) Patient identification process;
- (c) Identification of and relationship to licensed health care practitioner;
- (d) Procedure requesting process, including forms used, accessing process, and collection patterns;
- (e) Materials to be used;
- (f) Anatomic considerations for performing such functions as venipuncture, capillary finger collection, heel sticks, arterial puncture, line draws, and use of local anesthetic agents;
- (g) Procedural standards and techniques for blood collection;
- (h) Common terminology and practices such as medical classifications, standard diagnoses, test synonyms, background information on procedures, interferences;
- (i) Physical layout of the work place, including patient care areas; and
- (j) Safety requirements including the handling of infectious disease cases and the handling and disposal of biohazardous materials.

(3) Work experience. The Category B assistant should have the following work experience under the direct supervision of a qualified trainer:

- (a) Practice technique in a simulated situation;
- (b) Observe and perform procedures on patients until the trainee demonstrates proficiency to be certified at the minimum level of competency. The time and number of performances will vary with the specific procedure and skill of the trainee; and
- (c) Document all training on a checklist appropriate to the facility and the duties and responsibilities of the trainee. This will be completed, signed by the qualified trainer, trainee, and delegator and be placed in employee personnel file.

[Statutory Authority: RCW 18.135.030, 87-23-022 (Order PM 689), § 308-175-100, filed 11/12/87.]

**WAC 308-175-105 Category C minimum requirements.** Effective September 1, 1988, Category C assistants shall meet all of the following minimum requirements:

(1) Educational and occupational qualifications to perform intradermal (including skin tests), subcutaneous, and intramuscular injections for diagnostic agents:

(a) One academic year of formal education at the post-secondary level. Education shall include but not be limited to anatomy, physiology, basic pharmacology, concepts of asepsis, and microbiology;

(b) The ability to read, write, and converse in the English language;

(c) Possess a basic knowledge of mathematics; and

(d) Adequate physical ability including sufficient manual dexterity to perform the requisite health care services.

(2) Training and instruction. The Category C assistant shall receive training, evaluation(s), and assessment of knowledge and skills to determine entry level competency in the following areas:

(a) Job responsibilities – to cover all areas of the responsibilities to be delegated which include ethical implications and patient confidentiality;

(b) Patient identification process;

(c) Identification of and relationship to licensed health care practitioner;

(d) Procedure requesting process to include, but not be limited to, forms used;

(e) Materials to be used;

(f) Anatomic considerations for performing injections;

(g) Procedures for injections of agents will include readily available written, current, organized information. For each agent there shall be instruction concerning dosage, technique, acceptable route(s) of administration and appropriate anatomic sites, expected reactions, possible adverse reactions, appropriate intervention for adverse reaction and risk to patient and employee;

(h) Common terminology and practices such as medical classifications, standard diagnoses, test synonyms, background information on procedures, interferences;

(i) Physical layout of the work place, including patient care areas; and

(j) Safety requirements including the handling of infectious disease cases and the handling and disposal of biohazardous materials.

(3) Work experience. The Category C assistant should have the following work experience under the direct supervision of a qualified trainer:

(a) Practice technique in a simulated situation;

(b) Observe and perform procedure on patients until the trainee demonstrates proficiency in each drug classification. The time and number of performances will vary with the specific procedure and skill of the trainee; and

(c) Document all health care assistants' training on a checklist appropriate to the facility and the duties and responsibilities of the trainee. This documentation will be completed, signed by the qualified trainer, trainee, and delegator and be placed in employee personnel file. The trainee must demonstrate minimum entry level skill proficiency before certification can be granted.

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-105, filed 11/12/87.]

**WAC 308-175-110 Category D minimum requirements.** Effective September 1, 1988, Category D assistants shall meet all of the following minimum requirements:

(1) Educational and occupational qualifications to perform intravenous injections for diagnostic agents:

(a) Two academic years of formal education at the post-secondary level. Education shall include but not be limited to anatomy, physiology, basic pharmacology, mathematics, chemistry, concepts of asepsis, and microbiology;

(b) The ability to read, write, and converse in the English language; and

(c) Adequate physical ability including sufficient manual dexterity to perform the requisite health care services.

(2) Training and instruction. The Category D assistant shall receive training, evaluation(s), and assessment of knowledge and skills to determine entry level competency in the following areas:

(a) Job responsibilities – to cover all areas of the responsibilities to be delegated which include ethical implications and patient confidentiality;

(b) Patient identification process;

(c) Identification of and relationship to licensed health care practitioner;

(d) Procedure requesting process to include, but not be limited to, forms used;

(e) Materials to be used;

(f) Anatomic considerations for performing injections;

(g) Procedures for injections of agents will include readily available written, current, organized information. For each agent there shall be instruction concerning dosage, technique, acceptable route(s) of administration and appropriate anatomic sites, expected reactions, possible adverse reactions, appropriate intervention for adverse reaction and risk to patient and employee;

(h) Common terminology and practices such as medical classifications, standard diagnoses, test synonyms, background information on procedures, interferences;

(i) Physical layout of the work place, including patient care areas; and

(j) Safety requirements including the handling of infectious disease cases and the handling and disposal of biohazardous materials.

(3) Work experience. The Category D assistant should have the following work experience under the direct supervision of a qualified trainer:

(a) Practice technique in a simulated situation;

(b) Observe and perform procedure on patients until the trainee demonstrates proficiency in each drug classification. The time and number of performances will vary with the specific procedure and skill of the trainee; and

(c) Document all health care assistants' training on a checklist appropriate to the facility and the duties and responsibilities of the trainee. This documentation will be completed, signed by the qualified trainer, trainee, and delegator and be placed in employee personnel file.



The trainee must demonstrate minimum entry level skill proficiency before certification can be granted.

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-110, filed 11/12/87.]

**WAC 308-175-115 Category E minimum requirements.** Effective September 1, 1988, Category E assistants shall meet all of the following minimum requirements:

(1) Educational and occupational qualifications to perform intramuscular, intradermal (including skin tests), and subcutaneous injections for therapeutic agents:

(a) One academic year of formal education at the post-secondary level. Education shall include but not be limited to anatomy, physiology, pharmacological principles and medication administration, mathematics, concepts of asepsis, and microbiology;

(b) The ability to read, write, and converse in the English language; and

(c) Adequate physical ability including sufficient manual dexterity to perform the requisite health care services.

(2) Training and instruction. The Category E assistant shall receive training, evaluation(s), and assessment of knowledge and skills to determine entry level competency in the following areas:

(a) Job responsibilities - to cover all areas of the responsibilities to be delegated which include ethical implications and patient confidentiality;

(b) Patient identification process;

(c) Identification of and relationship to licensed health care practitioner;

(d) Procedure requesting process to include, but not be limited to, forms used;

(e) Materials to be used;

(f) Anatomic considerations for performing injections;

(g) Procedures for injections of agents will include readily available written, current, organized information. For each agent there shall be instruction concerning dosage, technique, acceptable route(s) of administration and appropriate anatomic sites, expected reactions, possible adverse reactions, appropriate intervention for adverse reaction, and risk to patient and employee;

(h) Common terminology and practices such as medical classifications, standard diagnoses, test synonyms, background information on procedures, interferences;

(i) Physical layout of the work place, including patient care areas; and

(j) Safety requirements including the handling of infectious disease cases and the handling and disposal of biohazardous materials.

(3) Work experience. The Category E assistant should have the following work experience under the direct supervision of a qualified trainer:

(a) Practice technique in a simulated situation;

(b) Observe and perform procedure on patients until the trainee demonstrates proficiency in each drug classification. The time and number of performances will vary with the specific procedure and skill of the trainee; and

(c) Document all health care assistants' training on a checklist appropriate to the facility and the duties and responsibilities of the trainee. This documentation will be completed, signed by the qualified trainer, trainee, and delegator and be placed in employee personnel file. The trainee must demonstrate minimum entry level skill proficiency before certification can be granted.

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-115, filed 11/12/87.]

**WAC 308-175-120 Category F minimum requirements.** Effective September 1, 1988, Category F assistants shall meet all of the following minimum requirements:

(1) Educational and occupational qualifications to perform intravenous injections for therapeutic agents:

(a) Two academic years of formal education at the post-secondary level. Education shall include but not be limited to anatomy, physiology, pharmacological principles and medication administration, chemistry, mathematics, concepts of asepsis, and microbiology;

(b) The ability to read, write, and converse in the English language; and

(c) Adequate physical ability including sufficient manual dexterity to perform the requisite health care services.

(2) Training and instruction. The Category F assistant shall receive training, evaluation(s), and assessment of knowledge and skills to determine entry level competency in the following areas:

(a) Job responsibilities - to cover all areas of the responsibilities to be delegated which include ethical implications and patient confidentiality;

(b) Patient identification process;

(c) Identification of and relationship to licensed health care practitioner;

(d) Procedure requesting process to include, but not be limited to, forms used;

(e) Materials to be used;

(f) Anatomic considerations for performing injections;

(g) Procedures for injections of agents will include readily available written, current, organized information. For each agent there shall be instruction concerning dosage, technique, acceptable route(s) of administration and appropriate anatomic sites, expected reactions, possible adverse reactions, appropriate intervention for adverse reaction and risk to patient and employee;

(h) Common terminology and practices such as medical classifications, standard diagnoses, test synonyms, background information on procedures, interferences;

(i) Physical layout of the work place, including patient care areas; and

(j) Safety requirements including the handling of infectious disease cases and the handling and disposal of biohazardous materials.

(3) Work experience. The Category F assistant should have the following work experience under the direct supervision of a qualified trainer:

(a) Practice technique in a simulated situation;

(b) Observe and perform procedure on patients until the trainee demonstrates proficiency in each drug classification. The time and number of performances will vary with the specific procedure and skill of the trainee; and

(c) Document all health care assistants' training on a checklist appropriate to the facility and the duties and responsibilities of the trainee. This documentation will be completed, signed by the qualified trainer, trainee, and delegator and be placed in employee personnel file. The trainee must demonstrate minimum entry level skill proficiency before certification can be granted.

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-120, filed 11/12/87.]

**WAC 308-175-125 Grandfather clause.** Currently certified health care assistants performing any of the practices authorized in RCW 18.135.010 may continue to be certified or recertified by demonstrating proficiency in the appropriate classification to a delegator as defined in RCW 18.135.020. Retraining or completion of a training program shall not be necessary if the health care assistant is able to so demonstrate. Eligibility for recertification by individuals certified under the provisions of this section shall not be restricted by change of employment.

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-125, filed 11/12/87.]

**WAC 308-175-130 Hospital or nursing home drug injection.** (1) Class C, D, E, or F health care assistants working in a hospital or nursing home may administer the following types of drugs by injection as authorized and directed by a delegator and as permitted by the category of certification of the health care assistant:

- Antihistamines
- Antiinfective agents
- Antineoplastic agents
- Autonomic drugs
- Blood derivatives
- Blood formation and coagulation
- Cardiovascular drugs
- CNS agents
- Diagnostic agents
- Electrolytic, caloric and water balance
- Enzymes
- Gastrointestinal drugs
- Gold compounds
- Heavy metal antagonists
- Hormones/synthetic substitutes
- Local anesthetics
- Oxytocics
- Radioactive agents
- Serums toxoids, vaccines
- Skin and mucous membrane agents
- Smooth muscle relaxants
- Vitamins
- Unclassified therapeutic agents

(2) The schedule of drugs in subsection (1) of this section shall not include any controlled substances as defined in RCW 69.50.101 (1)(d), any experimental

drug and any cancer chemotherapy agent unless a delegator is physically present in the immediate area where the drug is administered.

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-130, filed 11/12/87.]

**WAC 308-175-135 Intravenous medications flow restrictions.** (1) Category D and F assistants will be permitted to interrupt an IV, administer an injection, and restart at the same rate.

(2) Line draws may be performed by a Category B assistant only if the IV is stopped and restarted by a licensed practitioner.

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-135, filed 11/12/87.]

**WAC 308-175-140 Health care assistant fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee             | Fee     |
|--------------------------|---------|
| Initial certification    | \$10.00 |
| Continuing certification | \$15.00 |

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-140, filed 11/12/87.]

**WAC 308-175-200 AIDS prevention and information education requirements--Health care assistants.** (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for certification. Effective January 1, 1989 persons applying for certification shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of certificate. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for certification renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Those persons who must renew during 1989 shall submit evidence of compliance with the education requirements of subsection (4) with their renewal application. Those persons who must renew during 1990 shall submit evidence of compliance with subsection (4) on or before December 31, 1989. Persons whose 1989 certificate expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with

the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for certification, renewal, or reinstatement of any certificate on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 18.135.030. 88-22-076 (Order PM 785), § 308-175-200, filed 11/2/88.]

### Chapter 308-177 WAC DIETITIANS OR NUTRITIONISTS

WAC

308-177-100 AIDS prevention and information education requirements.

**WAC 308-177-100 AIDS prevention and information education requirements.** (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for certification. Effective January 1, 1989 persons applying for certification shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of certificate. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for certification renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 certificate expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours for dietitians and seven clock hours for nutritionists and shall include, but is not limited to, the following: Etiology and epidemiology; infection control guidelines; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for certification, renewal, or reinstatement of any certificate on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-177-100, filed 11/2/88.]

### Chapter 308-180 WAC ACUPUNCTURE

WAC

|             |  |
|-------------|--|
| 308-180-100 | Repealed.  |
| 308-180-120 | License renewal registration date and fee.                           |
| 308-180-130 | Definitions.   |
| 308-180-140 | Approval of school, program, apprenticeship or tutorial instruction. |
| 308-180-150 | Western sciences.  |
| 308-180-160 | Acupuncture sciences.  |
| 308-180-170 | Clinical training.   |
| 308-180-190 | Documents in foreign language.                                       |
| 308-180-200 | Sufficiency of documents.  |
| 308-180-210 | Examinations.  |
| 308-180-220 | Consultation plan.   |
| 308-180-230 | Referral to other health care practitioners.                         |
| 308-180-240 | Patient informed consent.  |
| 308-180-250 | Application exhibits required.                                       |
| 308-180-260 | Acupuncture fees.  |
| 308-180-270 | Advertising.   |
| 308-180-280 | Examination appeal procedures.                                       |
| 308-180-400 | AIDS prevention and information education requirements.              |

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

|             |   |
|-------------|---|
| 308-180-100 | Acupuncture fees. [Statutory Authority: RCW 18.06-.160. 87-06-050 (Order PM 641), § 308-180-100, filed 3/4/87; 86-10-038 (Order PL 592), § 308-180-100, filed 5/5/86.] Repealed by 87-18-031 (Order PM 667), filed 8/27/87. Statutory Authority: RCW 43.24.086. |
|-------------|---|

**WAC 308-180-100 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 308-180-120 License renewal registration date and fee.** (1) The annual license renewal date will coincide with the licensee's birth anniversary date.

(2) Upon successfully completing the examination, a license will be issued to expire one year from the date of issuance at which time the current renewal fee will be prorated to convert the expiration date to the licensee's next birth anniversary date. The prorated fee will be submitted on or before the licensee's birth anniversary date.

(3) Licensees who fail to pay the license renewal fee within thirty days of the license expiration date will be subject to the late penalty fee as set forth in RCW 18.06.120 and established in WAC 308-180-100.

[Statutory Authority: RCW 18.06.160. 88-07-031 (Order PM 713), § 308-180-120, filed 3/9/88; 86-10-038 (Order PL 592), § 308-180-120, filed 5/5/86.]

**WAC 308-180-130 Definitions.** For the purpose of administering chapter 18.06 RCW, the following terms shall be considered in the following manner:

(1) "Acupuncture school" is an academic institution which has the sole purpose of offering training in acupuncture.

(2) "Acupuncture program" is training in acupuncture offered by an academic institution which also offers training in other areas of study. A program is an established area of study offered on a continuing basis.

(3) "Acupuncture apprenticeship" is training in acupuncture which is offered by a qualified acupuncture employer to an apprentice on the basis of an apprenticeship agreement between the employer and the apprentice. An apprenticeship is of limited duration and ceases at the time the parties to the apprenticeship agreement have performed their obligations under the agreement.

(4) "Acupuncture tutorial instruction" is training in acupuncture which is offered by an academic institution or qualified instructor on the basis of a tutorial agreement between the school or instructor and the student. A tutorial is of limited duration and ceases at the time the parties to the tutorial agreement have performed their obligations under the agreement.

(5) "Academic year" is three quarters or two semesters.

[Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-130, filed 3/4/87.]

**WAC 308-180-140 Approval of school, program, apprenticeship or tutorial instruction.** The department will consider for approval any school, program, apprenticeship or tutorial instruction which meets the requirements outlined in chapter 18.06 RCW and which provides all or part of the courses required in RCW 18.06.050.

(1) A school or program may be approved by the director without formal application to the department provided that:

(a) The school or program is accredited or has candidacy status as a United States postsecondary school or program; or

(b) The school or program is accredited under the procedures of another country and these procedures satisfy accreditation standards used for postsecondary education in the United States; or

(c) The nonaccredited school or program is approved by or has candidacy status with the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine; or

(d) The nonaccredited school or program is approved by the Washington state board of medical examiners to prepare persons for the practice of acupuncture.

(2) Approval of any other school, program, apprenticeship or tutorial instruction may be requested on a form provided by the department.

(3) Application for approval of a school, program, apprenticeship or tutorial instruction shall be made by the authorized representative of the school or the administrator of the apprenticeship or tutorial agreement.

(4) An applicant may request approval of the school, program, apprenticeship or tutorial instruction as of the date of the application or retroactively to a specified date.

(5) The application for approval of a school, program, apprenticeship or tutorial instruction shall include documentation required by the department pertaining to educational administration, qualifications of instructors, didactic and/or clinical facilities, and content of offered training.

(6) An application fee must accompany the completed application.

(7) The department will evaluate the application and, if necessary, conduct a site inspection of the school, program, apprenticeship or tutorial instruction prior to approval by the department.

(8) Upon completion of the evaluation of the application, the department may grant or deny approval, or grant approval conditioned upon appropriate modification to the application.

(9) In the event the department denies an application or grants conditional approval, the authorized representative of the applicant school or program or the administrator of the applicant apprenticeship or tutorial instruction may request a review within ninety days of the department's adverse action. Should a request for review of an adverse action be made after ninety days following the department's action, the contesting party may obtain review only by submitting a new application.

(10) The authorized representative of an approved school or program or the administrator of an apprenticeship or tutorial agreement shall notify the department of significant changes with respect to educational administration, instructor qualifications, facilities, or content of training.

(11) The department may inspect an approved school, program, apprenticeship or tutorial instruction at reasonable intervals for compliance. Approval may be withdrawn if the department finds failure to comply with the requirements of law, administrative rules, or representations in the application.

(12) The authorized representative of a school or administrator of an agreement must immediately correct

deficiencies which resulted in withdrawal of the department's approval.

[Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-140, filed 3/4/87.]

**WAC 308-180-150 Western sciences.** The training in western sciences shall consist of forty-five academic credits based on the quarter system in which a credit equals ten classroom contact hours at the collegiate level of instruction or equivalent. These forty-five academic credits shall consist of the following:

- (1) Anatomy;
- (2) Physiology;
- (3) Bacteriology;
- (4) Biochemistry;
- (5) Pathology;
- (6) Survey of western clinical sciences;
- (7) Hygiene; and
- (8) Cardio-pulmonary resuscitation (CPR).

Training in hygiene and CPR shall consist of a minimum of one academic credit hour or equivalent in each subject. Red Cross certification or documentation of equivalent training may be substituted for one academic credit hour in CPR.

[Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-150, filed 3/4/87.]

**WAC 308-180-160 Acupuncture sciences.** The training in acupuncture sciences shall consist of seventy-five academic credits based on the quarter system in which a credit equals ten classroom contact hours at the collegiate level of instruction or equivalent. These seventy-five academic credits shall include the following subjects:

- (1) Fundamental principles of acupuncture;
- (2) Acupuncture diagnosis;
- (3) Acupuncture pathology;
- (4) Acupuncture therapeutics;
- (5) Acupuncture meridians and points; and
- (6) Acupuncture techniques, including electroacupuncture.

[Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-160, filed 3/4/87.]

**WAC 308-180-170 Clinical training.** (1) A minimum of one hundred hours or nine quarter credits of clinical training shall consist of observation which shall include case presentation and discussion.

(2) Supervised practice consists of at least four hundred separate patient treatments involving a minimum of one hundred patients. Twenty-nine quarter credits of supervised practice shall be completed over a minimum period of one academic year.

(a) A qualified instructor must observe and provide guidance to the student during the first one hundred patient treatments and be available within the clinical facility to provide consultation and assistance to the student for patient treatments performed subsequently. In the case of each and every treatment, the instructor must have knowledge of and approve the diagnosis and treatment plan prior to the initiation of treatment.

(b) "Patient treatment" shall include:

- (i) Conducting a patient intake interview concerning the patient's past and present medical history;
- (ii) Performing traditional acupuncture examination and diagnosis;

(iii) Discussion between the instructor and the student concerning the proposed diagnosis and treatment plan;

(iv) Applying acupuncture treatment principles and techniques (a minimum of three hundred sixty patient treatments involving point location, insertion and withdrawal of all needles must be performed); and

(v) Charting of patient conditions, evaluative discussions and findings, and concluding remarks.

(c) Supervised practice shall consist of a reasonable time per patient treatment and a reasonable distribution of patient treatment over one or more academic years so as to facilitate the student's learning experience. If the department is not satisfied that the time per patient treatment and distribution of treatments over one or more academic years facilitates the student's learning experience, it may require detailed documentation of the patient treatments.

[Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-170, filed 3/4/87.]

**WAC 308-180-190 Documents in foreign language.**

All documents submitted in a foreign language shall be accompanied by an accurate translation in English. Each translated document shall bear the affidavit of the translator certifying that the translator is competent in both the language of the document and the English language and that the translation is a true and complete translation of the foreign language original, and sworn to before a notary public. Translation of any document relative to a person's application shall be at the expense of the applicant.

[Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-190, filed 3/4/87.]

**WAC 308-180-200 Sufficiency of documents.** In all cases the departments' decision as to the sufficiency of the documentation shall be final. The department may request further proof of qualification.

[Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-200, filed 3/4/87.]

**WAC 308-180-210 Examinations.** (1) A written and practical examination in English shall be given twice yearly for qualified applicants at a time and place determined by the director.

(2) All applicants must have successfully completed the written portion of the examination prior to being eligible for the practical examination.

(3) Applications and fees for examination or reexamination must be received by the department forty-five days in advance of the scheduled examination date.

(4) The passing score for the written examination is a converted score of seventy-five.

(5) The practical examination will consist of separate segments designed to test the applicant's knowledge of

diagnostic methods, acupuncture treatment and aseptic techniques.

(6) To pass the practical examination, candidates must successfully complete each segment of the examination.

(7) Applicants who fail either the written or the practical portion of the examination shall submit an appropriate fee for re-examination.

(8) Applicants who fail more than fifty percent of the segments of the practical examination will be required to be reexamined on all segments of the practical examination.

(9) Applicants who fail fifty percent or less of the segments of the practical examination will be reexamined only on the segments that did not receive a passing score. This provision applies only to the next regularly scheduled practical examination administration.

(10) If an applicant fails to successfully complete the practical examination within two years of passing the written examination, the director may require the applicant to retake the written examination.

(11) Application fees are nonrefundable.

[Statutory Authority: RCW 18.06.160. 88-07-031 (Order PM 713), § 308-180-210, filed 3/9/88; 87-06-050 (Order PM 641), § 308-180-210, filed 3/4/87.]

**WAC 308-180-220 Consultation plan.** Every certified acupuncturist shall develop a written plan for consultation, emergency transfer, and referral. The written consultation plan must be kept on file at the practitioner's place of business and be available on request by the department or its representative. The written consultation plan must include:

(1) The name, address, and telephone numbers of two consulting physicians;

(2) The name, address, and a telephone number of the nearest emergency room facility;

(3) An emergency transport mechanism (i.e., ambulance) with the name, address, and telephone number of the dispatcher nearest to the location of practice; and

(4) Confirmation from the physicians listed as to their agreement to consult with and accept referred patients from the applicant upon becoming a certified acupuncturist and establishing a place of practice.

[Statutory Authority: RCW 18.06.160. 88-07-031 (Order PM 713), § 308-180-220, filed 3/9/88; 87-06-050 (Order PM 641), § 308-180-220, filed 3/4/87.]

**WAC 308-180-230 Referral to other health care practitioners.** When the acupuncturist sees patients with potentially serious disorders including but not limited to:

(1) Cardiac conditions including uncontrolled hypertension;

(2) Acute abdominal symptoms;

(3) Acute undiagnosed neurological changes;

(4) Unexplained weight loss or gain in excess of fifteen percent body weight within a three-month period;

(5) Suspected fracture or dislocation;

(6) Suspected systemic infection;

(7) Any serious undiagnosed hemorrhagic disorder; and

(8) Acute respiratory distress without previous history or diagnosis.

The acupuncturist shall provide the following as medically prudent:

(a) The acupuncturist shall immediately request a consultation or written diagnosis from a physician licensed under chapter 18.71 or 18.57 RCW for patients with potentially serious disorders. In the event the patient refuses to authorize such consultation or provide a recent diagnosis from such physician, acupuncture treatment shall not be continued.

(b) In emergency situations the acupuncturist shall provide life support and emergency transport to the nearest licensed medical facility.

[Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-230, filed 3/4/87.]

**WAC 308-180-240 Patient informed consent.** The patient informed consent is to advise the patient of the credentials of the practitioner and the scope of practice of acupuncturists in the state of Washington. The following information must be furnished to each patient in writing prior to or at the time of the initial patient visit.

(1) Practitioner's qualifications, including:

(a) Education. Dates and location(s) of didactic and clinical training.

(b) License information, including:

(i) State license number;

(ii) Date of licensure;

(iii) Licensure in other states or jurisdiction.

(2) The "scope of practice" for an acupuncturist in the state of Washington includes but is not limited to the following list of 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) Dermal friction technique (gwa hsa);

(g) Infra-red;

(h) Sonopuncture;

(i) Lasarpuncture;

(j) Dietary advice based on traditional Chinese medical theory; and

(k) Point injection therapy (aquapuncture.)

(3) Side effects may include, but are not limited to, the following:

(a) Some pain following treatment in insertion area;

(b) Minor bruising;

(c) Infection;

(d) Needle sickness; and

(e) Broken needle.

(4) Patients with severe bleeding disorders or pace makers should inform practitioners prior to any treatment.

[Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-240, filed 3/4/87.]

**WAC 308-180-250 Application exhibits required.** Every application shall be accompanied by:

- (1) The application fee;
- (2) Verification of academic or educational study and training at a school or college which may include the following:
  - (a) Photostatic copy of diploma, certificate, or other certified documents and original copy of school transcript from a school or college evidencing completion of a program and a copy of the curriculum in the areas of study involved in the school or college forwarded directly from the issuing agency/organization; or
  - (b) Notarized affidavit or statement bearing the official school seal and signed by an officer of the school or training program certifying the applicant's satisfactory completion of the academic and clinical training and designating the subjects and hours; or
  - (c) If, for good cause shown, the school is no longer existent, an applicant may submit a sworn affidavit so stating and shall name the school, its address, dates of enrollment and curriculum completed, and such other information and documents as the department may deem necessary; or
  - (d) Certified copies of licenses issued by the applicants jurisdiction which must be forwarded directly to the department of licensing from the issuing licensing and/or translation agency rather than the applicant.

(3) Verification of clinical training. The applicant shall submit a certification signed by the instructor(s) under oath that the applicant completed a course of clinical training under the direction of the instructor which shall include:

- (a) The location of the training site.
- (b) The inclusive dates of training.
- (c) That the supervised practice included a minimum of four hundred patient treatments involving a minimum of one hundred different patients.
- (d) One hundred hours of observation including case presentation and discussion.

[Statutory Authority: RCW 18.06.160. 88-07-031 (Order PM 713), § 308-180-250, filed 3/9/88; 87-06-050 (Order PM 641), § 308-180-250, filed 3/4/87.]

**WAC 308-180-260 Acupuncture fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee                             | Fee      |
|--|----------|
| Application/examination                  | \$500.00 |
| Retake examination—Written               | 200.00   |
| Retake examination—Practical             | 300.00   |
| Partial retake examination—Practical     | 150.00   |
| Annual license renewal                   | 960.00   |
| Late renewal penalty                     | 200.00   |
| Duplicate license                        | 15.00    |
| Certification                            | 25.00    |
| Acupuncture training program application | 300.00   |

[Statutory Authority: RCW 43.24.086. 88-15-030 (Order PM 735), § 308-180-260, filed 7/13/88; 87-18-031 (Order PM 667), § 308-180-260, filed 8/27/87.]

**WAC 308-180-270 Advertising.** (1) A person certified under chapter 18.06 RCW shall use the title certified acupuncturist or C.A. following their name in all forms of advertising, professional literature and billings. A certified acupuncturist may not represent that he or she holds a degree from an acupuncture school other than that degree which appears on his or her application for certification which has been verified in accordance with the director's requirements, unless the additional degree has also been verified in accordance with WAC 308-180-140.

(2) A certified acupuncturist may not use the title "doctor," "Dr.," or "Ph.D." on any advertising or other printed material unless the nature of the degree is clearly stated.

(3) A certified acupuncturist shall not engage in false, deceptive, or misleading advertising including but not limited to the following:

- (a) Advertising which misrepresents the potential of acupuncture.
- (b) Advertising of any service, technique, or procedure that is outside the scope of the certified acupuncturist as provided in RCW 18.06.010.

[Statutory Authority: RCW 18.06.160. 88-07-031 (Order PM 713), § 308-180-270, filed 3/9/88.]

**WAC 308-180-280 Examination appeal procedures.**

(1) Any candidate who takes the state written examination for licensure and does not pass may request informal review by the director of his or her examination results. This request must be in writing and must be received by the department of licensing, professional program management division within thirty days of the postmark on the notification of the examination results. The director will not set aside the examination results unless the candidate proves the challenged score was the result of fraud, coercion, arbitrariness, or manifest unfairness. The director will not consider any challenges to examination scores unless the total revised score could result in a passing score.

(2) The procedure for filing an informal review is as follows:

(a) Contact in writing the department of licensing office in Olympia for an appointment to appear personally to review incorrect answers on failed examinations.

(b) Candidate will be provided a form to complete in the department of licensing office in Olympia in defense of examination answers.

(c) The candidate must state the specific reason or reasons why the candidate feels the results of the examination should be changed.

(d) Candidate will be identified only by candidate number for the purpose of this review. Letters of reference or requests for special consideration will not be read or considered by the department.

(e) Candidate may not bring in any resource materials for use while completing the informal review form.

(f) Candidate will not be allowed to remove any notes or materials from the office upon leaving.

(g) The following procedure apply to an appeal of the results of the practical examination.



(i) In addition to the written request required in (a) of this subsection, the candidate must, within thirty days of the date on the notification of examination results, request in writing a breakdown of the candidate's scores in the various areas of the examination.

(ii) The candidate will be sent the breakdown and will also be provided a form to complete in defense of the candidate's examination performance. The candidate must complete the form and specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate believes the results should be modified. This form must be returned to the department within fifteen days of the date on the breakdown sent to the candidate.

(h) The acupuncture advisory committee will review and evaluate the comments submitted by the candidate on the forms provided for the informal review and make its recommendations to the director.

(i) The candidate will be notified in writing of the director's decision by the department.

(3) Any candidate who is not satisfied with the result of the examination review may request a formal hearing to be held before an administrative law judge pursuant to the Administrative Procedure Act. Such hearing must be requested within thirty days of the postmark of the result of the committee's review of the examination results. The request must state the specific reason or reasons why the candidate feels the results of the examination should be changed. The prior determination will not be set aside unless the candidate proves the challenged score was the result of fraud, coercion, arbitrariness, or manifest unfairness. The director will not consider any challenges to examination scores unless the total revised score could result in a passing score.

(4) The hearing will not be scheduled until after the candidate and the state's attorney have appeared before an administrative law judge for a prehearing conference to consider the following:

- (a) The simplification of issues;
- (b) The necessity of amendments to the notice of specific reasons for examination result change;
- (c) The possibility of obtaining stipulations, admissions of fact, and documents;
- (d) The limitation of the number of expert witnesses;
- (e) A schedule for completion of all discovery; and
- (f) Such other matters as may aid in the disposition of the proceeding.

(5) The administrative law judge shall enter an order which recites the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order of the director.

(6) Candidates seeking formal appeal will receive at least twenty days advance notice of the time and place of the formal hearing. The hearing will be restricted to the

specific reasons the candidate has identified as the basis for a change in the examination score.

[Statutory Authority: RCW 18.06.160. 88-07-031 (Order PM 713), § 308-180-280, filed 3/9/88.]

**WAC 308-180-400 AIDS prevention and information education requirements. (1) Definitions.**

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989 persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of licenses. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 license expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-180-400, filed 11/2/88.]

**Chapter 308-183 WAC**  
**RADIOLOGICAL TECHNOLOGISTS**

## WAC

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**WAC 308-183-090 Definitions—Alternative training radiologic technologists.** (1) Definitions. For the purposes of certifying radiologic technologists by alternative training methods the following definitions shall apply:

(a) "One quarter credit hour" equals eleven "contact hours";

(b) "One semester credit hour" equals sixteen contact hours;

(c) "One contact hour" is considered to be fifty minutes lecture time or one hundred minutes laboratory time;

(d) "One clinical year" is considered to be 1900 contact hours.

(e) "Immediate supervision" means the radiologist or nuclear medicine physician is in audible or visual range of the patient and the person treating the patient.

(f) "Direct supervision" means the supervisory clinical evaluator is on the premises, is quickly and easily available.

(g) "Indirect supervision" means the supervising radiologist or nuclear medicine physician is on site no less than half-time.

(h) "Allied health care profession" means an occupation for which programs are accredited by the American Medical Association Committee on Allied Health Education and Accreditation, Sixteenth Edition of the Allied Health Education Directory, 1988 or a previous edition.

(i) "Formal education" shall be obtained in postsecondary vocational/technical schools and institutions, community or junior colleges, and senior colleges and universities accredited by regional accrediting associations or by other recognized accrediting agencies or programs approved by the Committee on Allied Health Education and Accreditation of the American Medical Association.

(2) Clinical practice experience shall be supervised and verified by the approved clinical evaluators who must be:

(a) A certified radiologic technologist designated in the specialty area the individual is requesting certification who provides direct supervision; and

(b) A radiologist for those individuals requesting certification in practice of diagnostic radiologic technology or therapeutic radiologic technology; or for those individuals requesting certification as a nuclear medicine technologist, a physician specialist in nuclear medicine who provides indirect supervision. The physician supervisor shall routinely critique the films and evaluate the quality of the trainees' work.

[Statutory Authority: RCW 18.84.040, 89-01-015 (Order PM 802), § 308-183-090, filed 12/9/88.]

**WAC 308-183-100 Diagnostic radiologic technologist—Alternative training.** An individual must possess the following alternative training qualifications to be certified as a diagnostic radiologic technologist.

(1) Have obtained a high school diploma or GED equivalent, a minimum of four clinical years supervised practice experience in radiography, and completed the course content areas outlined in subsection (2) of this section; or have obtained an associate or higher degree in an allied health care profession or meets the requirements for certification as a therapeutic radiologic technologist or nuclear medicine technologist, have obtained a minimum of three clinical years supervised practice experience in radiography, and completed course content areas outlined in subsection (2) of this section.

(2) The following course content areas of training may be obtained directly by supervised clinical practice experience: Introduction to radiography, medical ethics and law, medical terminology, methods of patient care, radiographic procedures, radiographic film processing, evaluation of radiographs, radiographic pathology, introduction to quality assurance, and introduction to computer literacy. Clinical practice experience must be verified by the approved clinical evaluators.

The following course content areas of training must be obtained through formal education: Human anatomy and physiology – 100 contact hours; principles of radiographic exposure – 45 contact hours; imaging equipment – 40 contact hours; radiation physics, principles of radiation protection, and principles of radiation biology – 40 contact hours.

(3) Must satisfactorily pass an examination approved or administered by the director.

(4) Individuals who are registered as a diagnostic radiologic technologist with the American Registry of Radiologic Technologists shall be considered to have met the alternative education and training requirements.

[Statutory Authority: RCW 18.84.040, 89-01-015 (Order PM 802), § 308-183-100, filed 12/9/88.]

**WAC 308-183-110 Therapeutic radiologic technologist—Alternative training.** An individual must possess the following alternative training qualifications to be certified as a therapeutic radiologic technologist.

(1) Have obtained a baccalaureate or associate degree in one of the physical, biological sciences, or allied health care professions, or meets the requirements for certification as a diagnostic radiologic technologist or nuclear medicine technologist; have obtained a minimum of five clinical years supervised practice experience in

therapeutic radiologic technology; and completed course content areas outlined in subsection (2) of this section.

(2) The following course content areas of training may be obtained by supervised clinical practice experience: Orientation to radiation therapy technology, medical ethics and law, methods of patient care, computer applications, and medical terminology. At least fifty percent of the clinical practice experience must have been in operating a linear accelerator. Clinical practice experience must be verified by the approved clinical evaluators.

The following course content areas of training must be obtained through formal education: Human anatomy and physiology – 100 contact hours; oncologic pathology – 22 contact hours; radiation oncology – 22 contact hours; radiobiology, radiation protection, and radiographic imaging – 73 contact hours; mathematics (college level algebra or above) – 55 contact hours; radiation physics – 66 contact hours; radiation oncology technique – 77 contact hours; clinical dosimetry – 150 contact hours; quality assurance – 12 contact hours; and hyperthermia – 4 contact hours.

(3) Must satisfactorily pass an examination approved or administered by the director.

(4) Individuals who are registered as a therapeutic radiologic technologist by the American Registry of Radiologic Technologists shall be considered to have met the alternative education and training requirements.

[Statutory Authority: RCW 18.84.040, 89-01-015 (Order PM 802), § 308-183-110, filed 12/9/88.]

**WAC 308-183-120 Nuclear medicine technologist—Alternative training.** An individual must possess the following alternative training qualifications to be certified as a nuclear medicine technologist.

(1) Have obtained a baccalaureate or associate degree in one of the physical, biological sciences, allied health care professions, or meets the requirements for certification as a diagnostic radiologic technologist or a therapeutic radiologic technologist; have obtained a minimum of four clinical years supervised practice experience in nuclear medicine technology; and completed course content areas outlined in subsection (2) of this section.

(2) The following course content areas of training may be obtained by supervised clinical practice experience: Methods of patient care, computer applications, department organization and function, nuclear medicine in-vivo and in-vitro procedures, and radionuclide therapy. Clinical practice experience must be verified by the approved clinical evaluators.

The following course content areas of training must be obtained through formal education: Radiation safety and protection – 10 contact hours; radiation biology – 10 contact hours; nuclear medicine physics and radiation physics – 80 contact hours; nuclear medicine instrumentation – 22 contact hours; statistics – 10 contact hours; radionuclide chemistry and radiopharmacology – 22 contact hours.

(3) Must satisfactorily pass an examination approved or administered by the director.

(4) Individuals who are registered as a nuclear medicine technologist with the American Registry of Radiologic Technologists or with the nuclear medicine technology certifying board shall be considered to have met the alternative education and training requirements.

[Statutory Authority: RCW 18.84.040, 89-01-015 (Order PM 802), § 308-183-120, filed 12/9/88.]

**WAC 308-183-130 Approved schools.** Approved schools and standards of instruction for diagnostic radiologic technologist, therapeutic radiologic technologist, and nuclear medicine technologist are those recognized as radiography, radiation therapy technology, and nuclear medicine technology educational programs that have obtained accreditation from the Committee on Allied Health Education and Accreditation of the American Medical Association as recognized in the publication Allied Health Education Directory, Sixteenth Edition, published by the American Medical Association, 1988 or any previous edition.

[Statutory Authority: RCW 18.84.040, 89-01-015 (Order PM 802), § 308-183-130, filed 12/9/88.]

**WAC 308-183-140 Certification designation.** A certificate shall be designated in a particular field of radiologic technology by:

(1) The educational program completed; diagnostic radiologic technologist – radiography program; therapeutic radiologic technologist – radiation therapy technology program; and nuclear medicine technologist – nuclear medicine technology program; or

(2) By meeting the alternative training requirements established in WAC 308-183-100, 308-183-110, or 308-183-120.

[Statutory Authority: RCW 18.84.040, 89-01-015 (Order PM 802), § 308-183-140, filed 12/9/88.]

**WAC 308-183-150 Certification renewal registration date.** (1) Individuals receiving initial certification will be issued a certificate to expire on their next birth date.

(2) Certifications shall be renewed upon a biennial basis on or before the individual's birth date. Certifications not renewed on or before the individual's biennial birth date shall expire immediately. Any representation engaged in after a certification has expired shall be deemed unauthorized representation.

[Statutory Authority: RCW 18.84.040, 89-01-015 (Order PM 802), § 308-183-150, filed 12/9/88.]

**WAC 308-183-160 Reinstatement fee assessment.** A certificate which has lapsed for three years may be reinstated by paying a reinstatement fee and demonstrating competence by the standards established by the director. A single reinstatement fee shall be assessed for the lapsed certification period.

[Statutory Authority: RCW 18.84.040, 89-01-015 (Order PM 802), § 308-183-160, filed 12/9/88.]

**WAC 308-183-170 Contrast media administration guidelines.** A certified radiologic diagnostic technologist

may administer radiopaque diagnostic agents under the direction and immediate supervision of a radiologist if the following guidelines are met:

(1) The radiologic technologist has had the prerequisite training and thorough knowledge of the particular procedure to be performed;

(2) Appropriate facilities are available for coping with any complication of the procedure as well as for emergency treatment of severe reactions to the contrast agent itself, including the ready availability of appropriate resuscitative drugs, equipment, and personnel; and

(3) After parenteral administration of a radiopaque agent, competent personnel and emergency facilities shall be available for at least thirty minutes in case of a delayed reaction.

[Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-170, filed 12/9/88.]

#### **WAC 308-183-180 Fees--Radiologic technologists.**

The figures below are the fees to be charged radiologic technologists to cover the costs of the program.

|                            |          |
|----------------------------|----------|
| Application                | \$ 50.00 |
| Duplicate license          | 15.00    |
| Verification/certification | 25.00    |
| Renewal                    | 50.00    |
| Late renewal penalty       | 25.00    |

[Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-180, filed 12/9/88.]

**WAC 308-183-190 State examination/examination waiver/examination application deadline.** (1) The American Registry of Radiologic Technologists certification examinations for radiography, radiation therapy technology, and nuclear medicine technology shall be the state examinations for certification as a radiologic technologist.

(a) The examination for certification as a radiologic technologist shall be conducted three times a year in the state of Washington, in March, July, and October.

(b) The examination shall be conducted in accordance with the American Registry of Radiologic Technologists security measures and contract.

(c) Examination candidates shall be advised of the results of their examination in writing.

(2) Applicants taking the state examination must submit the application, supporting documents, and fees to the department of licensing no later than the fifteenth day of December, for the March examination; the fifteenth day of April, for the July examination; and the fifteenth day of July, for the October examination.

(3) A scaled score of seventy-five is required to pass the examination.

[Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-190, filed 12/9/88.]

**WAC 308-183-200 AIDS prevention and information education requirements.** (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for certification. Effective January 1, 1989 persons applying for certification shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of certificate. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for certification renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Those persons who must renew during 1989 shall submit evidence of compliance with the education requirements of subsection (4) with their renewal application. Those persons who must renew during 1990 shall submit evidence of compliance with subsection (4) on or before December 31, 1989. Persons whose 1989 certificate expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for certification, renewal, or reinstatement of any certificate on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-183-200, filed 11/2/88.]

**Chapter 308-190 WAC  
COUNSELORS**

## WAC

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**WAC 308-190-010 Fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title                                       | Fee     |
|---|---------|
| <b>Certified mental health counselor:</b>   |         |
| Application and certification               | \$60.00 |
| Application assessment                      | 3.00    |
| Retake examination                          | 35.00   |
| Renewal                                     | 60.00   |
| Renewal assessment                          | 3.00    |
| Late renewal penalty                        | 10.00   |
| Duplicate license                           | 15.00   |
| Certification/verification                  | 25.00   |
| <b>Certified social worker:</b>             |         |
| Application and certification               | 60.00   |
| Application assessment                      | 3.00    |
| Retake examination                          | 35.00   |
| Renewal                                     | 60.00   |
| Renewal assessment                          | 3.00    |
| Late renewal penalty                        | 10.00   |
| Duplicate license                           | 15.00   |
| Certification/verification                  | 25.00   |
| <b>Certified marriage/family therapist:</b> |         |
| Application and certification               | 60.00   |
| Application assessment                      | 3.00    |
| Retake examination                          | 35.00   |
| Renewal                                     | 60.00   |
| Renewal assessment                          | 3.00    |
| Late renewal penalty                        | 10.00   |
| Duplicate license                           | 15.00   |
| Certification/verification                  | 25.00   |
| <b>Registered counselor:</b>                |         |
| Application and registration                | 30.00   |
| Application assessment                      | 1.50    |
| Renewal                                     | 30.00   |
| Renewal assessment                          | 1.50    |
| Duplicate license                           | 15.00   |
| Certification/verification                  | 25.00   |
| <b>Registered counselor-hypnotherapist:</b> |         |
| Application and registration                | 30.00   |
| Application assessment                      | 1.50    |
| Renewal                                     | 30.00   |
| Renewal assessment                          | 1.50    |
| Duplicate license                           | 15.00   |
| Certification/verification                  | 25.00   |

[Statutory Authority: RCW 43.24.086. 87-18-033 (Order PM 669), § 308-190-010, filed 8/27/87.]

[1988 WAC Supp—page 2144]

**WAC 308-190-020 Expiration of registration or certification.** A registration or certification shall expire on the registered or certified practitioner's second birthdate following the date of original issue at which time it will be subject to renewal. Thereafter, the registration or certification will be renewable at two-year intervals, on or before the birthdate of the registered or certified practitioner.

[Statutory Authority: 1987 c 512 § 10. 87-21-011 (Order PM 686), § 308-190-020, filed 10/9/87.]

**WAC 308-190-030 Definitions.** The following terms are defined with the meaning of this chapter.

(1) "Fee" as referred to in RCW 18.19.030 means compensation paid in exchange for counseling service whether or not the fee is paid on a contractual basis through a government agency or another third party, or is charged by a company, corporation, or any other type of firm, business, or individual provide.

(2) "Similarly regulated" individuals who are currently registered, certified, or licensed under other laws of this state wherein disciplinary standards defining acts of unprofessional conduct apply to each individual under the regulation.

(3) "Therapeutic techniques" the method of procedures used when assisting an individual with emotional, behavior, or mental issues.

(4) "Treatment" shall mean assisting or attempting to assist an individual and does not include the initial assessment/evaluation.

[Statutory Authority: RCW 18.19.050. 88-11-024 (Order PM 728), § 308-190-030, filed 5/11/88.]

**WAC 308-190-040 Client disclosure information.** The term "counselor" as used in the wording of these rules includes all counselors, hypnotherapists, marriage and family therapists, mental health counselors, and social workers, whether registered or certified.

Counselors must provide disclosure information to each client in accordance with chapter 18.19 RCW prior to implementation of a treatment plan. The disclosure information must be specific to the type of counseling service offered; in language that can be easily understood by the client; and contain sufficient detail to enable the client to make an informed decision whether or not to accept treatment from the disclosing counselor.

(1) The disclosure information may be printed on the firm, agency, business, or counselor's letterhead but must include the following information:

(a) Name of firm, agency, business, or counselor's practice.

(b) Counselor's business address and telephone number.

(c) Washington state registration or certification number.

(d) The counselor's name and type of counseling they provide.

(e) The methods or techniques the counselor uses.

(f) The counselor's education, training, and experience.

(g) Client's cost per each counseling session and the course of treatment where known.

(h) Signatures are required of both the counselor providing the disclosure information and the client following a statement that the client had been provided a copy of the required disclosure information and the client has read and understands the information provided. The date of signature by each party is to be included at the time of signing.

(i) Firms, agencies, or businesses may supply generic information relative to a counselor's disclosure to the client, in a format which does not duplicate disclosure information provided when more than one counselor is involved in treatment.

(2) The following language must appear on every client's disclosure statement:

"Counselors practicing counseling for a fee must be registered or certified with the department of licensing for the protection of the public health and safety. Registration of an individual with the department does not include a recognition of any practice standards, nor necessarily implies the effectiveness of any treatment."

(3) The department of licensing brochure published for counseling or hypnotherapy clients must be presented to the client at the same time as the counselor's disclosure information. The brochure is equally a part of the required client disclosure information. One brochure per client is sufficient for firms, agencies, or businesses utilizing more than one counselor as part of the treatment plan.

[Statutory Authority: RCW 18.19.050. 88-11-024 (Order PM 728), § 308-190-040, filed 5/11/88.]

**WAC 308-190-050 Failure to provide client disclosure information.** Failure to provide to the client any of the disclosure information as set forth in WAC 308-190-040 and as required by the law shall constitute an act of unprofessional conduct as defined in RCW 18.130.180(21).

[Statutory Authority: RCW 18.19.050. 88-11-024 (Order PM 728), § 308-190-050, filed 5/11/88.]

**WAC 308-190-200 AIDS prevention and information education requirements.** (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for registration. Effective January 1, 1989 persons applying for registration shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of registration. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for registration renewal shall submit, in addition to the other requirements, evidence

to show compliance with the education requirements of subsection (4). Those persons who must renew during 1989 shall submit evidence of compliance with the education requirements of subsection (4) with their renewal application. Those persons who must renew during 1990 shall submit evidence of compliance with subsection (4) on or before December 31, 1989. Persons whose 1989 registration expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for registration, renewal, or reinstatement of any registration on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-190-200, filed 11/2/88.]

## Chapter 308-195 WAC RESPIRATORY CARE PRACTITIONERS

### WAC

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**WAC 308-195-020 Recognized educational programs--Respiratory care practitioners.** Approved courses of instruction for respiratory care practitioners are recognized as the respiratory therapy technician and respiratory therapy education programs that have obtained accreditation from the Committee on Allied Health Education and Accreditation of the American Medical Association in collaboration with the Joint Review Committee for Respiratory Therapy Education as recognized in the publication *Respiratory Therapy Educational Programs* published by the Joint Review Committee for Respiratory Therapy Education, revised May, 1987.

[Statutory Authority: RCW 18.89.050. 88-10-015 (Order 724), § 308-195-020, filed 4/27/88.]

**WAC 308-195-030 State examination--Examination Waiver--Examination application deadline.** (1) The entry level certification examination of the National Board of Respiratory Care, Inc. shall be the official examination for certification as a respiratory care practitioner.

(a) The examination for certification as a respiratory care practitioner shall be conducted three times a year in the state of Washington, in March, July, and November.

(b) The examination shall be conducted in accordance with the National Board of Respiratory Care, Inc.'s security measures and contract.

(c) Examination candidates shall be advised of the results of their examination in writing.

(2) Applicants taking the state examination must submit the application and supporting documents to the department of licensing no later than the first day of December, for the March examination; the first day of April, for the July examination; and the first day of August for the November examination.

(3) An applicant who has passed the certification or registry examination given by the National Board of Respiratory Care, Inc. may be granted a certificate without further examination.

(4) A scaled score of 75 is required to pass the examination.

[Statutory Authority: RCW 18.89.050. 88-10-015 (Order 724), § 308-195-030, filed 4/27/88.]

**WAC 308-195-040 Examination eligibility.** (1) Graduates of approved respiratory care technician and respiratory care therapy programs or those individuals that have met the criteria for alternate training may be eligible to take the state examination.

(2) Respiratory care technician or respiratory care therapy students in their last year may apply for certification by examination prior to graduation under the following circumstances:

(a) Receipt of a letter of verification from the program director indicating that the applicant is in good standing and verifying the probability of completion prior to the last day of the calendar month preceding the examination for which they are applying.

(b) Results of the examination will be withheld until official transcripts from the program, indicating degree

or certificate of completion earned, is received by the department.

[Statutory Authority: RCW 18.89.050. 88-10-015 (Order 724), § 308-195-040, filed 4/27/88.]

**WAC 308-195-050 Definition of "commonly accepted standards for the profession."** "Commonly accepted standards for the profession" as indicated in RCW 18.89.130 shall mean having completed training in an approved respiratory care technician or respiratory care therapy program or having completed sufficient on-the-job training and experience to have qualified the applicant to take the National Board of Respiratory Care examination prior to July 26, 1987, satisfactorily passed the certification or registry examination given by the National Board of Respiratory Care, Inc. with a minimum scaled score of 75, not having engaged in unprofessional conduct as established in RCW 18.130.180, and not been convicted of a crime of moral turpitude or felony which relates to the profession of respiratory care.

[Statutory Authority: RCW 18.89.050. 88-10-015 (Order 724), § 308-195-050, filed 4/27/88.]

**WAC 308-195-060 Grandfather--Verification of practice.** Proof of practice. Applicants requesting certification as permitted in RCW 18.89.130 shall submit the following as proof of being in practice on July 26, 1987.

(1) Applicant's affidavit containing the following information:

(a) Location and date of employment on July 26, 1987;

(b) Description of capacity in which applicant was employed, including job title and description of specific duties;

(c) Name and title of direct supervisor.

(2) Affidavit from direct supervisor containing the following information:

(a) Applicant's employment beginning and ending dates;

(b) Statement confirming applicant's duties as described;

(c) Supervisor's title.

After review of the documentation submitted in support of the application, additional information may be requested for the purpose of clarification.

[Statutory Authority: RCW 18.89.050. 88-10-015 (Order 724), § 308-195-060, filed 4/27/88.]

**WAC 308-195-070 Grandfather--Examination dates.** (1) Applicants qualifying for respiratory care practitioner certification under RCW 18.89.130(2) shall have one year from July 26, 1988, to apply for examination.

(2) Applicants who qualify for respiratory care practitioner certification under RCW 18.89.130(2) and are eligible for exemption under the rural hospital designation shall have one year from September 15, 1988, to apply for examination.

(3) Applicants must satisfactorily complete the examination in four consecutive sittings.



[Statutory Authority: RCW 18.89.050. 88-23-001 (Order PM 787), § 308-195-070, filed 11/3/88; 88-10-015 (Order 724), § 308-195-070, filed 4/27/88.]

**WAC 308-195-080 Reciprocity--Requirements for certification.** Before reciprocity is extended to any individual licensed, certified or registered to practice respiratory care under the law of another state, territory, or District of Columbia, the applicant shall meet the qualifications established in this state for certification.

[Statutory Authority: RCW 18.89.050. 88-10-015 (Order 724), § 308-195-080, filed 4/27/88.]

**WAC 308-195-090 Certification renewal registration date.** (1) Individuals receiving initial certification will be issued a certificate to expire on their next birth anniversary date.

(2) Certifications shall be renewed at two year intervals on or before the individual's birth anniversary date. Certifications not renewed on or before the individual's biennial birth anniversary date shall expire immediately after the individual's birth anniversary date. Failure to renew shall invalidate the certificate and all privileges granted by the certification.

[Statutory Authority: RCW 18.89.050. 88-10-015 (Order 724), § 308-195-090, filed 4/27/88.]

**WAC 308-195-100 Rural hospital exemption.** Individuals may qualify for exemption from certification as specified in RCW 18.89.900 until September 15, 1988 if they are employed in a rural hospital.

"Rural hospital" shall be defined as those hospitals listed on Table 6 of the October, 1986, *Rural Access to Medical Care in Washington State* report by the state health coordinating council.

[Statutory Authority: RCW 18.89.050. 88-10-015 (Order 724), § 308-195-100, filed 4/27/88.]

**WAC 308-195-110 Fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

| Title of Fee               | Fee      |
|----------------------------|----------|
| Application                | \$ 85.00 |
| Examination application    | 110.00   |
| Examination retake         | 25.00    |
| Duplicate license          | 15.00    |
| Verification/certification | 25.00    |
| Renewal                    | 100.00   |
| Late renewal penalty       | 50.00    |

[Statutory Authority: RCW 43.24.086. 88-17-099 (Order PM 741), § 308-195-110, filed 8/23/88.]

**WAC 308-195-200 AIDS prevention and information education requirements.** (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for certification. Effective January 1, 1989 persons applying for certification shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of certificate. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for certification renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Those persons who must renew during 1989 shall submit evidence of compliance with the education requirements of subsection (4) with their renewal application. Those persons who must renew during 1990 shall submit evidence of compliance with subsection (4) on or before December 31, 1989. Persons whose 1989 certificate expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for certification, renewal, or reinstatement of any certificate on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-195-200, filed 11/2/88.]

## Chapter 308-210 WAC MENTAL HEALTH COUNSELORS

### WAC

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- 308-210-050 Mental health counselors—Education requirement prior to examination for certification.
- 308-210-060 National certification equivalent to Washington state certification.
- 308-210-200 AIDS prevention and information education requirements.

**WAC 308-210-010 Definitions.** (1) "Wellness model" is defined as focusing on a client's inherent strengths rather than pathology or restrictions on the clientele to be treated. "Wellness model" is an attitudinal rather than methodological intention.

(2) "Postgraduate supervision" is defined as consisting of a total of one hundred documented hours of individual face-to-face case consultation with an approved supervisor, with no more than six hours per month to be allowed to accrue toward the total.

(3) "Postgraduate professional experience" is defined as consisting of face-to-face counseling service with an individual or with a group of individuals for at least fifty percent of counseling service hours per week for a full-time or part-time employee. The total number of supervised counseling hours is two thousand or more documented hours accumulated over a minimum of twenty-four months but not more than forty-eight months.

(4) "Counseling practicum" is defined as mental health counseling that is supervised as a part of a course.

(5) "Counseling internship" is defined as supervised mental health counseling performed through counseling field placement.

(6) "Approved supervisor" shall include a certified mental health counselor, licensed psychologist, licensed psychiatrist, or other mental health care provider who meets or exceeds the requirements of certified mental health counselor; provided, the supervisor is not a blood or legal relative or cohabitant of the supervisee.

[Statutory Authority: RCW 18.19.050. 88-11-025 (Order PM 730), § 308-210-010, filed 5/11/88.]

**WAC 308-210-020 Approved schools.** Approved schools are those colleges or universities which were accredited by Western Association of Schools and Colleges, Northwest Association of Schools and Colleges, or an essentially equivalent national or regional accrediting body recognized by the council on postsecondary accreditation at the time the applicant completed the required education.

[Statutory Authority: RCW 18.19.050. 88-11-025 (Order PM 730), § 308-210-020, filed 5/11/88.]

**WAC 308-210-030 Examination waiver eligibility.**

(1) Graduate degree applicants.

(a) Graduate degree applicants must have a master's or doctoral degree in mental health counseling or in psychology, social work, nursing, education, or social sciences which includes the substantial equivalent in subject content to a graduate mental health counseling degree as defined in WAC 308-210-050; and

(b) Postgraduate professional experience and postgraduate supervision.

(2) Alternative training and experience equivalent applicants.

(a) Alternative training and experience equivalent applicants must have a minimum of a bachelor's degree in counseling, psychology, social work, nursing, education, or social sciences from a regionally accredited institution; and

(b) At least five years of documented experience employed in a mental health setting with two thousand hours of supervised face-to-face counseling; or

(c) A combination of supervised and unsupervised face-to-face counseling where two and one-half hours without supervision may be considered as replacement for one hour with supervision.

(3) Persons applying for certification as a mental health counselor during the initial certification period shall meet the requirement for supervised practice or shall be required to pass the certification examination.

[Statutory Authority: RCW 18.19.050. 88-11-025 (Order PM 730), § 308-210-030, filed 5/11/88.]

**WAC 308-210-040 Examination for certified mental health counselors.** A written, multiple-choice certification examination on knowledge and application of mental health counseling will be administered at least once a year.

[Statutory Authority: RCW 18.19.050. 88-11-025 (Order PM 730), § 308-210-040, filed 5/11/88.]

**WAC 308-210-050 Mental health counselors—Education requirement prior to examination for certification.** (1) To meet the education requirement imposed by RCW 18.19.120, an applicant must possess:

(a) A master's or doctoral degree in mental health counseling or related field from a regionally accredited college or university; or

(b) A bachelor's degree and successful completion of at least thirty graduate semester hours or forty-five graduate quarter hours in the field of mental health counseling or the substantial equivalent in subject content.

(2) Subject content includes a core of study relating to counseling theories, counseling philosophy, counseling practicum, counseling internship, and should incorporate content in professional ethics and law and shall include at least five content areas (a) through (h) of this subsection and at least two additional content areas from the entire list:

- (a) Assessment/diagnosis.
- (b) Career development counseling.
- (c) Counseling individuals.
- (d) Counseling groups.
- (e) Counseling couples and families.
- (f) Developmental psychology (may be child, adolescent, adult or life span).
- (g) Abnormal psychology/psychopathology.
- (h) Research and evaluation.
- (i) Multicultural concerns.
- (j) Substance/chemical abuse.
- (k) Physiological psychology.
- (l) Organizational psychology.
- (m) Mental health consultation.
- (n) Developmentally disabled persons.

- (o) Abusive relationships.
- (p) Chronically mentally ill.

[Statutory Authority: RCW 18.19.050. 88-11-025 (Order PM 730), § 308-210-050, filed 5/11/88.]

**WAC 308-210-060 National certification equivalent to Washington state certification.** Persons currently credentialed by the National Academy of Certified Clinical Mental Health Counselors (NACCMHC) as a Certified Clinical Mental Health Counselor (CCMHC) shall be considered to have met the requirements for Washington state certified mental health counselor.

Verification of current status as a CCMHC shall be submitted directly to the department of licensing from the NACCMHC.

[Statutory Authority: RCW 18.19.050. 88-11-025 (Order PM 730), § 308-210-060, filed 5/11/88.]

**WAC 308-210-200 AIDS prevention and information education requirements.** (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for certification. Effective January 1, 1989 persons applying for certification shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of certificate. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for certification renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Those persons who must renew during 1989 shall submit evidence of compliance with the education requirements of subsection (4) with their renewal application. Those persons who must renew during 1990 shall submit evidence of compliance with subsection (4) on or before December 31, 1989. Persons whose 1989 certificate expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for certification, renewal, or reinstatement of any certificate on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-210-200, filed 11/2/88.]

## Chapter 308-220 WAC

### MARRIAGE AND FAMILY THERAPISTS

#### WAC

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**WAC 308-220-010 Definitions.** Definitions within the meaning of this chapter as pertains to the certification of marriage and family therapists.

(1) "Shows evidence" is defined as the official transcript sent directly to the department of licensing by the approved college or university to include course catalogs and syllabi if requested by the department.

(2) "Approved school" means any regionally accredited college or university.

(3) "Marriage and family assessment" includes the evaluation and diagnosis of individual, marital, family functioning, and psychopathology.

(4) "Treatment" is a process that is derived from a systemic or interactional theoretical orientation where psychotherapy is employed to improve the individual, marital, and family functioning.

(5) "Equivalent to a master or doctorate degree in marriage and family therapy" is defined as a masters or doctorate degree in any of the behavioral sciences that shows evidence of equivalent coursework.

[Statutory Authority: RCW 18.19.050. 88-11-079 (Order PM 729), § 308-220-010, filed 5/18/88.]

**WAC 308-220-020 Examination.** Examinations will be given at least once annually as determined by the director. Applications must be complete and submitted at least ninety days in advance.

[Statutory Authority: RCW 18.19.050. 88-11-079 (Order PM 729), § 308-220-020, filed 5/18/88.]

**WAC 308-220-030 Approved graduate programs.** Approved graduate programs are marriage and family therapy programs accredited by the commission on accreditation for marriage and family therapy education or an equivalent course of study from a regionally accredited college or university.

[Statutory Authority: RCW 18.19.050. 88-11-079 (Order PM 729), § 308-220-030, filed 5/18/88.]

**WAC 308-220-040 Program equivalency.** The equivalent course of graduate study shall include courses in marital and family systems, marital and family therapy, individual development psychopathology, human sexuality, research, professional ethics and law, supervised clinical practice and electives. A total of forty-five semester hours and sixty quarter hours are required in all nine areas of study. A minimum of twenty-seven semester hours or thirty-six quarter hours are required in the first five areas of study: Marital and family systems, marital and family therapy, individual development psychopathology, human sexuality, and research. Distribution follows below:

(1) Marital and family systems.

(a) An applicant must take from two to four courses in marital and family systems. Course hours required are a minimum of six to twelve semester hours or eight to sixteen quarter hours.

(b) Marital and family systems is a fundamental introduction to the systems approach to intervention. The student should learn to think in systems terms on a number of levels across a wide variety of family structures, and regarding a diverse range of presenting problems. While the most intense focus may be on the nuclear family (in both its traditional and alternative forms), models should be taught which integrate information regarding the marital, sibling, and individual subsystems, as well as the family of origin and external societal influences. Developmental aspects of family functioning should also be considered of the family system, it also provides a theoretical basis for treatment strategy. Some material may be drawn from familiar sources such as family sociology, but it should be integrated with recent clinically-oriented systems concepts. Supplemental studies may include family simulation, the observation of well families, and study of the student's family of origin.

(2) Marital and family therapy.

(a) An applicant must take from two to four courses in marital and family therapy. Course hours required are a minimum of two to four semester hours or three to six quarter hours.

(b) Marital and family therapy is intended to provide a substantive understanding of the major theories of systems change and the applied practices evolving from each orientation. Major theoretical approaches to be surveyed might include strategic, structural, experiential, neoanalytical (e.g., object relations), communications, and behavioral. Applied studies should consider the range of technique associated with each orientation, as

well as a variety of treatment structures, including individual, concurrent, collaborative, conjoint marital, marital group, transgenerational, and network therapies.

(3) Individual development.

(a) An applicant must take one course in individual development. Course hours required are a minimum of two to four semester hours or three to six quarter hours.

(b) A course in this area is intended to provide a knowledge of individual personality development and its normal and abnormal manifestations. The student should have relevant coursework in human development across the life span, and in personality theory. An attempt should be made to integrate this material with systems concepts. Several of the courses in this category may be required as prerequisites for some degree programs.

(4) Psychopathology.

(a) An applicant must take one course in psychopathology. Course hours required are a minimum of two to four semester hours and three to six quarter hours.

(b) Psychopathology is the assessment and diagnosis including familiarity with current diagnostic nomenclature, diagnostic categories and the development of treatment strategies.

(5) Human sexuality.

(a) An applicant must take one course in human sexuality. Course hours required are a minimum of two to four semester hours and three to six quarter hours.

(b) Human sexuality includes normal psycho-sexual development, sexual functioning and its physiological aspects and sexual dysfunction and its treatment.

(6) Research.

(a) An applicant must take one course in research methods. Course hours required are a minimum of three semester hours and four quarter hours.

(b) The research area is intended to provide assistance to students in becoming informed consumers of research in the marital and family therapy field. Familiarity with substantive findings, together with the ability to make critical judgments as to the adequacy of research reports, is expected.

(7) Professional ethics and law.

(a) An applicant must take one course in professional ethics and law. Course hours required are a minimum of three semester hours and four quarter hours.

(b) This area is intended to contribute to the development of a professional attitude and identity. Areas of study will include professional socialization and the role of the professional organization, licensure or certification legislation, legal responsibilities and liabilities, ethics and family law, confidentiality, independent practice and interprofessional cooperation.

(8) Supervised clinical practice.

(a) An applicant must have a minimum of one year of supervised clinical practice in marriage and family therapy under the supervision of a qualified marriage and family therapist. Course hours required are a minimum of nine semester hours and twelve quarter hours.

(b) A minimum of five hundred hours of direct contact is required during graduate school. The student shall be involved in direct systemic/interactional clinical

work with individuals, couples, and families. This work will continue without interruption for the balance of the student's academic program or at least one calendar year. A total of five hundred direct clinical hours shall be spread evenly throughout the calendar year with a minimum of one hundred hours of supervision (a minimum of fifty group hours and a minimum of fifty individuals).

(c) Applicants who have completed master's programs accredited by the AAMFT commission of accreditation will have met the five hundred hours of direct contact required during graduate school.

(9) Electives.

(a) An individual must take one course in an elective area. Course hours required are a minimum of three semester hours and four quarter hours.

(b) This area will vary with different institutions but is intended to provide supplemental and/or specialized supporting areas.

[Statutory Authority: RCW 18.19.050. 88-11-079 (Order PM 729), § 308-220-040, filed 5/18/88.]

**WAC 308-220-050 Supervision.** Supervision means the oversight and responsibility for the supervisee's continuing clinical practice of marriage and family therapy for a minimum of one hour every other week. Supervision of marriage and family therapy is expected to have the following characteristics:

(1) It is face-to-face conversations with the supervisor, usually in periods of approximately one hour each.

(2) Marriage and family therapy supervision focuses on the raw data from a supervisee's continuing practice, as this is made directly available to the supervisor through such means as direct observation, cotherapy, written clinical notes and audio and video recordings.

(3) Marriage and family therapy supervision is a process clearly distinguishable from (if in some ways similar to) personal psychotherapy and is contracted in order to serve professional/vocational goals.

(4) Supervision from a family member is not acceptable.

(5) Peer supervision, a contradiction in terms, is not acceptable. Activities between clinical peers are not applicable for credit toward supervision.

(6) In order for a supervisee to receive credit, supervision may be done in a group of no more than six supervisees plus their supervisors for group credit and of no more than two supervisees for individual credit.

[Statutory Authority: RCW 18.19.050. 88-11-079 (Order PM 729), § 308-220-050, filed 5/18/88.]

**WAC 308-220-060 Supervisor qualifications.** Marriage and family therapists qualified to supervise are those that document at least three years of post certification experience to include at least one year of experience in the provision of marriage and family therapy supervision. Documentation shall consist of two letters verifying supervision experience and sent directly to the department of licensing from an agency director, supervisor or certified family therapist, or:

Marital and family therapists certified prior to July 27, 1988, and who have three years of documented marital and family therapy practice, prior to July 27, 1988, will be recognized as a qualified supervisor, or:

An American Association of Marriage and Family Therapy approved supervisor.

[Statutory Authority: RCW 18.19.050. 88-11-079 (Order PM 729), § 308-220-060, filed 5/18/88.]

**WAC 308-220-070 Supervised postgraduate practice.** Two years of supervised postgraduate practice is required to be eligible for certification examination. The two years would include at least two hundred hours of supervision with at least one hundred of the two hundred hours to be individual supervision. The two hundred hours of supervised practice represents one thousand hours of direct client contact.

Applicants who have completed a master's program accredited by the AAMFT commission on accreditation may be credited with one hundred hours of supervision toward the two hundred hour supervision requirement.

[Statutory Authority: RCW 18.19.050. 88-11-079 (Order PM 729), § 308-220-070, filed 5/18/88.]

**WAC 308-220-200 AIDS prevention and information education requirements.** (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for certification. Effective January 1, 1989 persons applying for certification shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of certificate. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for certification renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Those persons who must renew during 1989 shall submit evidence of compliance with the education requirements of subsection (4) with their renewal application. Those persons who must renew during 1990 shall submit evidence of compliance with subsection (4) on or before December 31, 1989. Persons whose 1989 certificate expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours and shall include, but is not limited to, the

following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for certification, renewal, or reinstatement of any certificate on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-220-200, filed 11/2/88.]

### Chapter 308-230 WAC SOCIAL WORKERS

#### WAC

|             |   |
|-------------|---|
| 308-230-010 | Accredited programs.                                    |
| 308-230-020 | Examination required.                                   |
| 308-230-030 | Education and supervision equivalency.                  |
| 308-230-040 | Supervision requirements.                               |
| 308-230-050 | Certification of persons credentialed out-of-state.     |
| 308-230-200 | AIDS prevention and information education requirements. |

**WAC 308-230-010 Accredited programs.** Accredited graduate school of social work as provided in RCW 18.19.110, means a program accredited by the council of social work education. Program equivalency includes:

(1) Canadian graduate schools of social work that are approved by the Canadian council of social work; and

(2) Foreign curriculum which meets the requirements of the foreign equivalency determining service of the council on social work education. Obtaining such equivalency approval is the applicant's responsibility.

[Statutory Authority: RCW 18.19.050. 88-11-078 (Order PM 727), § 308-230-010, filed 5/18/88.]

**WAC 308-230-020 Examination required.** The American Association of State Social Work Board's level C examination is approved for use as the state examination for certification of social workers.

[Statutory Authority: RCW 18.19.050. 88-11-078 (Order PM 727), § 308-230-020, filed 5/18/88.]

**WAC 308-230-030 Education and supervision equivalency.** Anyone with current Academy of Certified Social Workers (ACSW) status and proof of forty-five hours of master of social work supervision as provided in WAC 308-230-040(2) is considered to have met the

education and supervision requirements for Washington state certification. Documentation of ACSW status for Washington state residents must be verified from the National Association of Social Workers (NASW). Verification must be sent directly to the department of licensing from the national office of NASW or any state chapter office of NASW.

[Statutory Authority: RCW 18.19.050. 88-11-078 (Order PM 727), § 308-230-030, filed 5/18/88.]

**WAC 308-230-040 Supervision requirements.** Three thousand two hundred hours of supervised social work practice is required.

(1) Within that practice, ninety hours of formal meetings with the supervisor to discuss social work practice related issues shall occur.

(2) Of the ninety hours, at least forty-five hours must be under the supervision of a person who is either a Washington state certified social worker, ACSW or social worker who can demonstrate equal qualifications to those required by the department. No more than forty-five hours may be under the supervision of a professional registered or licensed in the following categories: Psychiatrists, psychologists, psychiatric nurses, mental health counselors and marriage and family therapists; or a mental health professional from the above list who can demonstrate equal qualifications as required by the department.

[Statutory Authority: RCW 18.19.050. 88-11-078 (Order PM 727), § 308-230-040, filed 5/18/88.]

**WAC 308-230-050 Certification of persons credentialed out-of-state.** Substantially equal, as referenced in RCW 18.19.160 means having the same qualifications as required by Washington state statute and rules. Certification of persons credentialed out-of-state through grandfathering provisions whereby proof of education, supervised practice experience, and/or examination was not required, is not considered substantially equal.

[Statutory Authority: RCW 18.19.050. 88-11-078 (Order PM 727), § 308-230-050, filed 5/18/88.]

**WAC 308-230-200 AIDS prevention and information education requirements.** (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for certification. Effective January 1, 1989 persons applying for certification shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of certificate. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for certification renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of

subsection (4). Those persons who must renew during 1989 shall submit evidence of compliance with the education requirements of subsection (4) with their renewal application. Those persons who must renew during 1990 shall submit evidence of compliance with subsection (4) on or before December 31, 1989. Persons whose 1989 certificate expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for certification, renewal, or reinstatement of any certificate on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-230-200, filed 11/2/88.]

**Chapter 308-310 WAC  
NURSING POOL FEES**

WAC  
308-310-010 Nursing pool fees.

**WAC 308-310-010 Nursing pool fees.** The following fees shall be charged by the professional licensing division of the department of licensing.

| Title                    | Fee      |
|--------------------------|----------|
| Registration application | \$ 75.00 |
| Registration renewal     | 75.00    |
| Duplicate registration   | 15.00    |

[Statutory Authority: RCW 43.24.086. 88-20-076 (Order 784), § 308-310-010, filed 10/5/88.]

**Chapter 308-400 WAC**

**STANDARDIZED FILING FORMS AND PROCEDURES--UNIFORM COMMERCIAL CODE, CROP LIENS, AND PROCESSOR AND PREPARER LIENS FOR AGRICULTURAL PRODUCTS**

WAC  
308-400-095 Fees.  
308-400-100 Fees, forms and procedures--Filing processor and preparer liens for agricultural products or fish.  
308-400-110 Forms, fees and procedures--Filing crop liens.

**WAC 308-400-095 Fees.** The following fees for filing information with, and for obtaining information from, filing officers shall be charged by the department of licensing:

(1) For filing, indexing, and furnishing data pursuant to a security interest created by a deed of trust or mortgage under provisions of RCW 62A.9-302, the fee shall be seven dollars.

(2) For filing and indexing an original financing statement or a continuation statement pursuant to RCW 62A.9-403, and for stamping a copy furnished by the secured party showing the date and place of filing, the fee shall be four dollars if the statement is in the standard form prescribed by the department of licensing, but if the form of the statement does not conform to the standards prescribed by the department the fee shall be seven dollars.

(3) For filing, indexing, and furnishing filing data for a financing statement indicating an assignment or a separate statement of assignment, under provisions of RCW 62A.9-405, on a form conforming to standards prescribed by the department of licensing shall be four dollars, but if the form of the financing statement or separate statement of assignment does not conform to the standards prescribed by the department the fee shall be seven dollars.

(4) For filing and noting a statement of release pursuant to RCW 62A.9-406 on a form conforming to standards prescribed by the department of licensing, the fee shall be four dollars, but if the form of the statement does not conform to the standards prescribed by the department the fee shall be seven dollars.

(5) For a certificate of information pursuant to RCW 62A.9-407, the fee shall be four dollars. For a certificate of information pursuant to RCW 62A.9-407 and for a copy of any filed financing statements or statements of assignment the fee shall be eight dollars for each particular debtor's statements requested.

[Statutory Authority: RCW 60.11.040, 62A.9-409 as amended by 1987 c 189 § 6, RCW 60.13.040 as amended by 1987 c 189 § 7 and 1987 c 148 § 3. 87-16-059 (Order BLS 115), § 308-400-095, filed 7/30/87.]

**WAC 308-400-100 Fees, forms and procedures--Filing processor and preparer liens for agricultural products or fish.** The filing forms, fees and procedures for filing with, and obtaining information from, filing officers, pertaining to processor and preparer liens for agricultural products or fish pursuant to chapter 60.13



RCW, shall correspond to the forms, fees and procedures prescribed by the department of licensing pursuant to chapter 62A.9 RCW, for filing statements or information with, and obtaining information from, filing officers.

[Statutory Authority: RCW 60.11.040, 62A.9-409 as amended by 1987 c 189 § 6, RCW 60.13.040 as amended by 1987 c 189 § 7 and 1987 c 148 § 3. 87-16-059 (Order BLS 115), § 308-400-100, filed 7/30/87.]

**WAC 308-400-110 Forms, fees and procedures-- Filing crop liens.** The filing forms, fees and procedures for filing information with, and obtaining information from, filing officers, pertaining to crop liens pursuant to chapter 60.11 RCW, shall correspond to the filing forms, fees and procedures prescribed by the department of licensing pursuant to chapter 62A.9 RCW, for filing information statements with, and obtaining information from, filing officers.

[Statutory Authority: RCW 60.11.040, 62A.9-409 as amended by 1987 c 189 § 6, RCW 60.13.040 as amended by 1987 c 189 § 7 and 1987 c 148 § 3. 87-16-059 (Order BLS 115), § 308-400-110, filed 7/30/87.]

## Chapter 308-410 WAC

### UNIFORM COMMERCIAL CODE FIELD ACCESS

#### WAC

|             |  |
|-------------|--|
| 308-410-010 | Purpose and authority.                   |
| 308-410-020 | Definitions.                             |
| 308-410-030 | Filing information available for review. |
| 308-410-040 | Application to become a user.            |
| 308-410-050 | Standard for allocating users.           |
| 308-410-060 | Contract for use.                        |
| 308-410-070 | Fees.                                    |

**WAC 308-410-010 Purpose and authority.** These rules are adopted under the authority of RCW 62A.9-409(1), RCW 60.11.040(3) and 60.13.040 as amended by section 7, chapter 189, Laws of 1987. These rules pertain to "field access" to the computerized system which allows users direct access to the uniform commercial code computerized files.

[Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-010, filed 1/19/88.]

**WAC 308-410-020 Definitions.** (1) "Field access" means the review of computerized Uniform Commercial Code filing information and requesting of certified searches by electronic mail from a location outside an established department of licensing Uniform Commercial Code central filing location.

(2) "User" means a search company, lending institution, business, agency or person who has established by contract with the department the privilege of using the field access system.

(3) "Uniform Commercial Code central filing location" means a location designated by the director of the department of licensing to serve as a centralized repository for filing, indexing, amending, terminating and furnishing information about Uniform Commercial Code

filing, processor, preparer and crop lien filings and other related filing information.

(4) "Electronic mail" means the transmission of information or reproductions from one computer terminal to another using surface transmission lines or satellite stations.

(5) "Certified search" means a certified document issued by the department of licensing upon the request and payment of fees by a requester stating whether there is on file with the department, on the date and hour stated on the certificate, any presently effective Uniform Commercial Code filing information involving a named debtor or numbered account.

[Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-020, filed 1/19/88.]

**WAC 308-410-030 Filing information available for review.** All computerized filing information is available for review by the Uniform Commercial Code field access user. Filing information may be reviewed by debtor name or by filing number.

[Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-030, filed 1/19/88.]

**WAC 308-410-040 Application to become a user.** Persons or agencies wishing to apply to become a user of the field access program must contact the Uniform Commercial Code section of the department of licensing for application information.

[Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-040, filed 1/19/88.]

**WAC 308-410-050 Standard for allocating users.** The standard for allocating users of the field access system will be on a first come, first served basis proportionately distributed between Eastern and Western Washington. The department reserves the right to determine when the field access system has reached its maximum user capacity, at which time no additional users will be allocated until system space becomes available.

[Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-050, filed 1/19/88.]

**WAC 308-410-060 Contract for use.** The conditions and provisions for use must be established by contract between the department and the user.

[Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-060, filed 1/19/88.]

**WAC 308-410-070 Fees.** The fees for use of the Uniform Commercial Code field access system shall be based on the established rate per hour for use of main-frame computer time. The fee for access to the Uniform Commercial Code field access system shall be based on the prevailing rate for surface transmission telephone line use. The specific fees for access and use shall be contained in the user contract.

[Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7, 88-03-037 (Order BLS 115), § 308-410-070, filed 1/19/88.]

314-12-145 Credit on nonliquor food items—Conditions—Recordkeeping.  
 314-12-150 Definitions—"Pasteurized beer," "gallon."  
 314-12-170 Minimum penalty.

**Title 314 WAC  
 LIQUOR CONTROL BOARD**

**Chapters**

- 314-08 Practice and procedure.
- 314-12 General—Applicable to all licensees.
- 314-16 Retail licensees.
- 314-18 Banquet permits.
- 314-20 Beer—Brewers, holders, importers, etc.
- 314-22 License designations.
- 314-24 Domestic wineries and domestic wine wholesalers.
- 314-26 Unsalable beer and wine.
- 314-30 Manufacturers.
- 314-36 Liquor importers, public storage warehouses and importation of liquor.
- 314-40 Clubs.
- 314-44 Licensed agents.
- 314-52 Advertising.
- 314-60 Public records.
- 314-64 Liquor samples.
- 314-70 Disposition of liquor stock following discontinuance of business and/or lawful seizure of liquor by a governmental agency.

**Chapter 314-08 WAC**

**PRACTICE AND PROCEDURE**

**WAC**

314-08-080 Notice and opportunity for hearing in contested cases.

**WAC 314-08-080 Notice and opportunity for hearing in contested cases.** In any contested case, all parties shall be served with a notice at least twenty days before the date set for the hearing. The notice shall state the time, place, and issues involved, as required by RCW 34.04.090(1) and WAC 314-04-010.

[Statutory Authority: RCW 66.08.030, 88-08-057 (Order 245, Resolution No. 254), § 314-08-080, filed 4/5/88; Resolution No. 2, Rule 08.080, filed 6/13/63.]

**Chapter 314-12 WAC**

**GENERAL—APPLICABLE TO ALL LICENSEES**

**WAC**

- 314-12-025 Applicants for temporary licenses—Fee—Who qualifies.
- 314-12-040 Prorating and refunding of fees—Discontinuance of business.
- 314-12-070 Transfer of licenses.
- 314-12-090 Managers required—Exceptions.
- 314-12-100 Change of name.
- 314-12-140 Prohibited practices—Contracts—Gifts—Rebates, etc.

**WAC 314-12-025 Applicants for temporary licenses—Fee—Who qualifies.** Any person who has submitted a transfer application for a retail or wholesale liquor license in accordance with RCW 66.24.010 and WAC 314-12-070 may apply for, and be issued, a temporary license to be effective immediately upon issuance under the following conditions:

(1) A fee of fifty dollars shall be submitted with the application for a temporary license.

(2) For the purposes of this section, "retail liquor license" shall include all classes of liquor licenses that allow the holder to sell liquor directly to the public.

(3) For the purposes of this section, "wholesale liquor license" shall include all classes of liquor licenses held in conjunction with those wholesale licenses authorized by RCW 66.24.200 and 66.24.250.

(4) The privilege of having a temporary license issued upon an application for a transfer of license does not apply to breweries or wineries, even though these licensees have limited wholesale and retail privileges under their manufacturers' licenses.

[Statutory Authority: RCW 66.08.030 and 1987 c 217, 87-16-002 (Order 226, Resolution No. 235), § 314-12-025, filed 7/23/87.]

**WAC 314-12-040 Prorating and refunding of fees—Discontinuance of business.** (1) Unless otherwise provided by law, there will be no prorating of any license fee.

(2) Upon denial or withdrawal of an application for license, adoption or change of trade name, or change of location, the fee tendered therewith shall be returned: *Provided, However,* such return shall not apply to the nonrefundable seventy-five dollar fee submitted with an application for a new annual retail license.

(3) When a license is suspended or cancelled, or the licensed business is discontinued, no refund of the license fee shall be made.

(4) Upon discontinuance of business for twenty-one days or more by a licensee, he shall forthwith deliver up his license to the board, or representative of the board. A licensee who is not operating as a seasonal business and who has voluntarily discontinued sale of liquor in excess of forty-five days will not be eligible for renewal of license for a subsequent year unless sale of liquor under the license is resumed on a permanent basis prior to the beginning of the next subsequent licensing period.

[Statutory Authority: RCW 66.08.030, 88-16-025 (Order 257, Resolution No. 266), § 314-12-040, filed 7/27/88. Statutory Authority: RCW 66.08.030 and 66.98.070, 82-10-020 (Order 103, Resolution No. 112), § 314-12-040, filed 4/28/82; Rule 3, filed 6/13/63.]

**WAC 314-12-070 Transfer of licenses.** (1) No transfer of any license shall be made except in conformance with RCW 66.24.010, and subject to the following conditions:

(a) The holder of the license shall execute an assignment and transfer upon a form prescribed by the board,