

WAC 110-302-0020 Unlicensed programs. (1) If the department suspects that individuals or agencies are operating an unlicensed ONB program, the department must follow the requirements described in RCW 43.216.360.

(2) If an individual or agency decides to obtain a license, within 30 calendar days from the date of the department's required notice described in RCW 43.216.360 and subsection (1) of this section, the individual or agency must submit a written agreement on a department form stating they agree to:

(a) Attend and participate in the next available department ONB licensing orientation; and

(b) Submit a licensing application after completing the orientation.

(3) The department's written notice under subsection (1) of this section must inform the individual or agency operating an unlicensed ONB program:

(a) That an ONB program license is required and why it is required;

(b) That the individual or agency is suspected of providing care without a license;

(c) That pursuant to RCW 43.216.360, the individual or agency must immediately stop operating an ONB program;

(d) That the department may issue a penalty of \$250 for each day an ONB child care provider provided care without being licensed;

(e) How the individual must respond to the department;

(f) How the individual may apply for a license;

(g) How a fine, if issued, may be suspended or withdrawn if the individual applies for a license;

(h) That the individual has a right to request an adjudicative proceeding if a fine is assessed;

(i) How to ask for a hearing, under chapter 34.05 RCW Administrative Procedure Act, chapters 43.216 RCW and 110-03 WAC DCYF's administrative hearing rules; and

(j) That if the agency does not initiate the licensing process within 30 days of the date of the notice, the department will post on its website that the individual is operating an ONB program without a license.

(4) An individual or agency operating an unlicensed ONB program:

(a) Will be guilty of a misdemeanor pursuant to RCW 43.216.365; and

(b) May be subject to an injunction pursuant to RCW 43.216.355.

[Statutory Authority: RCW 43.216.742. WSR 23-10-059, § 110-302-0020, filed 5/1/23, effective 6/1/23.]