

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2271

53rd Legislature
1994 Regular Session

Passed by the House February 8, 1994
Yeas 93 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate March 2, 1994
Yeas 40 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2271** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2271

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1994 Regular Session

By Representatives Springer and Chandler; by request of Department of Licensing

Read first time 01/12/94. Referred to Committee on Health Care.

1 AN ACT Relating to funeral director and embalmer disciplinary
2 procedures; amending RCW 18.130.040; reenacting and amending RCW
3 18.39.175; adding new sections to chapter 18.39 RCW; repealing RCW
4 18.39.178; and prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 18.39.175 and 1986 c 259 s 64 and 1985 c 402 s 6 are
7 each reenacted and amended to read as follows:

8 Each member of the board of funeral directors and embalmers shall
9 be compensated in accordance with RCW 43.03.240 and shall be reimbursed
10 for travel expenses in connection with board duties in accordance with
11 RCW 43.03.050 and 43.03.060.

12 The state board of funeral directors and embalmers shall have the
13 following duties and responsibilities:

14 (1) To be responsible for the preparation, conducting, and grading
15 of examinations of applicants for funeral director and embalmer
16 licenses;

17 (2) To certify to the director the results of examinations of
18 applicants and certify the applicant as having "passed" or "failed";

1 (3) To make findings and recommendations to the director on any and
2 all matters relating to the enforcement of this chapter;

3 (4) To adopt, promulgate, and enforce reasonable rules. Rules
4 regulating the cremation of human remains and establishing fees and
5 permit requirements shall be adopted in consultation with the cemetery
6 board; ((and))

7 (5) To examine or audit or to direct the examination and audit of
8 prearrangement funeral service trust fund records for compliance with
9 this chapter and rules adopted by the board((-)); and

10 (6) ~~((To conduct disciplinary proceedings under chapter 18.130 RCW
11 if the licensee has violated that chapter or has committed
12 unprofessional conduct, which includes:~~

13 ~~(a) Solicitation of human dead bodies by the licensee, his agents,
14 assistants or employees, whether the solicitation occurs after death or
15 while death is impending. This chapter does not prohibit general
16 advertising or the sale of pre-need funeral plans;~~

17 ~~(b) Employment by the licensee of persons known as "cappers,"
18 "steerers," or "solicitors" or other persons to obtain funeral
19 directing or embalming business;~~

20 ~~(c) Employment directly or indirectly of any person for the purpose
21 of calling upon individuals or institutions by whose influence dead
22 human bodies may be turned over to a particular funeral director or
23 embalmer;~~

24 ~~(d) The buying of business by the licensee, his agents, assistants
25 or employees, or the direct or indirect payment or offer of payment of
26 a commission by the licensee, his agents, assistants, or employees, for
27 the purpose of securing business;~~

28 ~~(e) Solicitation or acceptance by a licensee of any commission or
29 bonus or rebate in consideration of recommending or causing a dead
30 human body to be disposed of in any crematory, mausoleum, or cemetery;~~

31 ~~(f) Using any casket or part of a casket which has previously been
32 used as a receptacle for, or in connection with, the burial or other
33 disposition of a dead human body without the written consent of next of
34 kin;~~

35 ~~(g) Violation of any state law or municipal or county ordinance or
36 regulation affecting the handling, custody, care, or transportation of
37 dead human bodies;~~

38 ~~(h) Refusing to promptly surrender the custody of a dead human body
39 upon the express order of the person lawfully entitled to its custody;~~

1 ~~(i) Selling, or offering for sale, a share, certificate, or an~~
2 ~~interest in the business of any funeral director or embalmer, or in any~~
3 ~~corporation, firm, or association owning or operating a funeral~~
4 ~~establishment, which promises or purports to give to purchasers a right~~
5 ~~to the services of the funeral director, embalmer, or corporation,~~
6 ~~firm, or association at a charge or cost less than that offered or~~
7 ~~given to the public; or~~

8 ~~(j) Knowingly concealing information concerning a violation of this~~
9 ~~chapter;~~

10 ~~(7))~~) To adopt rules establishing mandatory continuing education
11 requirements to be met by persons applying for license renewal.

12 NEW SECTION. **Sec. 2.** In addition to the authority specified in
13 this chapter, the board has the following additional authority
14 concerning disciplinary hearings:

15 (1) To issue subpoenas and administer oaths in connection with any
16 investigation, hearing, or proceeding held under this chapter;

17 (2) To take or cause to be taken depositions and use other
18 discovery procedures as needed in any investigation, hearing, or
19 proceeding held under this chapter;

20 (3) To compel attendance of witnesses at hearings;

21 (4) To take emergency action ordering summary suspension of a
22 license, registration, endorsement, or permit, or restriction or
23 limitation of the licensee's, registrant's, or endorsement or permit
24 holder's practice pending proceedings by the board;

25 (5) To use the office of administrative hearings as authorized in
26 chapter 34.12 RCW to conduct hearings. However, the board shall make
27 the final decision regarding disposition of the license, registration,
28 endorsement, or permit;

29 (6) To use individual members of the board to direct
30 investigations. However, a member of the board used to direct an
31 investigation may not subsequently participate in the hearing of the
32 case;

33 (7) To enter into contracts for professional services determined to
34 be necessary for adequate enforcement of this chapter;

35 (8) To contract with licensees, registrants, or endorsement or
36 permit holders, or other persons or organizations to provide services
37 necessary for the monitoring and supervision of licensees, registrants,
38 or endorsement or permit holders who are placed on probation, whose

1 professional activities are restricted, or who are for an authorized
2 purpose subject to monitoring by the board;

3 (9) To adopt rules for standards of professional conduct or
4 practice;

5 (10) To grant or deny license, registration, endorsement, or permit
6 applications, and in the event of a finding of unprofessional conduct
7 by an applicant or license, registration, endorsement, or permit
8 holder, to impose a sanction against a license, registration,
9 endorsement, or permit applicant or license, registration, endorsement,
10 or permit holder provided by this chapter;

11 (11) To enter into an assurance of discontinuance in lieu of
12 issuing a statement of charges or conducting a hearing. The assurance
13 must consist of a statement of the law in question and an agreement to
14 not violate the stated provision. The applicant or license,
15 registration, endorsement, or permit holder may not be required to
16 admit to a violation of the law, nor is the assurance such an
17 admission. Violation of an assurance under this section is grounds for
18 disciplinary action;

19 (12) To designate individuals authorized to sign subpoenas and
20 statements of charges; and

21 (13) To revoke, suspend, or take other action provided for by
22 section 12 of this act against licenses, registrations, endorsements,
23 or permits issued under this chapter.

24 NEW SECTION. **Sec. 3.** The following shall constitute
25 unprofessional conduct:

26 (1) Solicitation of dead human bodies by a licensee, registrant,
27 endorsement, or permit holder, or agent, assistant, or employee of the
28 licensee, registrant, endorsement, or permit holder whether the
29 solicitation occurs after death or while death is impending. This
30 chapter does not prohibit general advertising or the sale of
31 prearrangement funeral service contracts;

32 (2) Solicitation may include employment of solicitors, payment of
33 commission, bonus, rebate, or any form of gratuity or payment of a
34 finders fee, referral fee, or other consideration given for the purpose
35 of obtaining or providing the services for a dead human body or where
36 death is impending;

37 (3) Acceptance by a licensee, registrant, endorsement, or permit
38 holder or other employee of a funeral establishment of a commission,

1 bonus, rebate, or gratuity in consideration of directing business to a
2 cemetery, crematory, mausoleum, columbarium, florist, or other person
3 providing goods and services to the disposition of dead human bodies;

4 (4) Using a casket or part of a casket that has previously been
5 used as a receptacle for, or in connection with, the burial or other
6 disposition of a dead human body without the written consent of the
7 person lawfully entitled to control the disposition of remains of the
8 deceased person in accordance with RCW 68.50.160. This subsection does
9 not prohibit the use of rental caskets, such as caskets of which the
10 outer shell portion is rented and the inner insert that contains the
11 dead human body is purchased and used for the disposition, that are
12 disclosed as such in the statement of funeral goods and services;

13 (5) Violation of a state law, municipal law, or county ordinance or
14 regulation affecting the handling, custody, care, transportation, or
15 disposition of dead human bodies;

16 (6) Refusing to promptly surrender the custody of a dead human body
17 upon the expressed order of the person lawfully entitled to its custody
18 under RCW 68.50.160;

19 (7) Selling, or offering for sale, a share, certificate, or an
20 interest in the business of a funeral establishment, or in a
21 corporation, firm, or association owning or operating a funeral
22 establishment that promises or purports to give to purchasers a right
23 to the services of a licensee, registrant, endorsement, or permit
24 holder at a charge or cost less than offered or given to the public;

25 (8) The commission of an act involving moral turpitude, dishonesty,
26 or corruption relating to the practice of the funeral profession
27 whether or not the act constitutes a crime. If the act constitutes a
28 crime, conviction in a criminal proceeding is not a condition precedent
29 to disciplinary action. Upon such a conviction, however, the judgment
30 and sentence is conclusive evidence at the ensuing disciplinary hearing
31 of the guilt of the license, registration, endorsement, or permit
32 holder, or applicant of the crime described in the indictment or
33 information and of the person's violation of the statute on which it is
34 based. For the purpose of this section, conviction includes all
35 instances in which a plea of guilty or nolo contendere is the basis for
36 the conviction in all proceedings in which the sentence has been
37 deferred or suspended. This section does not abrogate rights
38 guaranteed under chapter 9.96A RCW;

1 (9) Misrepresentation or concealment of a material fact in
2 obtaining a license, registration, endorsement, or permit or in
3 reinstatement thereof;

4 (10) All advertising that is false, fraudulent, or misleading;

5 (11) Suspension or revocation or restriction of the individual's
6 license, registration, endorsement, or permit to practice the
7 profession by competent authority in any state, federal, or foreign
8 jurisdiction, a certified copy of the order, stipulation, or agreement
9 being conclusive evidence of the revocation, suspension, or
10 restriction;

11 (12) Violation of any state or federal statute or administrative
12 ruling relating to funeral practice;

13 (13) Failure to cooperate with the board by:

14 (a) Not furnishing any papers or documents;

15 (b) Not furnishing in writing a full and complete explanation
16 covering the matters contained in a complaint filed with the board; or

17 (c) Not responding to subpoenas issued by the board whether or not
18 the recipient of the subpoena is the accused in the proceeding;

19 (14) Failure to comply with an order issued by the board or an
20 assurance of discontinuance entered into with the board;

21 (15) Aiding or abetting an unlicensed or unregistered person to
22 practice where a license, registration, endorsement, or permit is
23 required;

24 (16) Misrepresentation or fraud in any aspect of the conduct of
25 funeral practice;

26 (17) Conviction of a gross misdemeanor or felony relating to this
27 title. For the purpose of this subsection, conviction includes all
28 instances in which a plea of guilty or nolo contendere is the basis for
29 conviction and all proceedings in which the sentence has been deferred
30 or suspended. This section does not abrogate rights guaranteed under
31 chapter 9.96A RCW;

32 (18) Interference with an investigation or disciplinary proceeding
33 by willful misrepresentation of facts before the board or its
34 authorized representative or the inspector, or by the use of threats or
35 harassment against a witness to prevent that witness from providing
36 evidence in a disciplinary hearing or other legal action;

37 (19) Diminished capacity or habitual intemperance in the use of
38 alcohol, controlled substances, or prescribed drugs that impairs,

1 interferes, or otherwise prevents the proper performance of licensed,
2 registered, endorsed, or permitted duties or functions;

3 (20) Knowingly concealing information concerning a violation of
4 this title;

5 (21) Incompetence or negligence as a licensee, registrant,
6 endorsement, or permit holder in carrying out the duties of the
7 profession.

8 NEW SECTION. **Sec. 4.** A person, including but not limited to a
9 consumer, licensee, corporation, organization, and state and local
10 governmental agency, may submit a written complaint to the board
11 charging a license, registration, endorsement, or permit holder or
12 applicant with unprofessional conduct and specifying the grounds for
13 the complaint. If the board determines that the complaint merits
14 investigation, or if the board has reason to believe, without a formal
15 complaint, that a license holder or applicant might have engaged in
16 unprofessional conduct, the board shall investigate to determine
17 whether there has been unprofessional conduct. A person who files a
18 complaint under this section in good faith is immune from suit in a
19 civil action related to the filing or contents of the complaint.

20 NEW SECTION. **Sec. 5.** (1) If the board determines, upon
21 investigation, that there is reason to believe a violation of this
22 chapter has occurred, a statement of charge or charges should be
23 prepared and served upon the license, registration, endorsement, or
24 permit holder or applicant at the earliest practical time. The
25 statement of charge or charges must be accompanied by a notice that the
26 license, registration, endorsement, or permit holder or applicant may
27 request a hearing to contest the charge or charges. The license,
28 registration, endorsement, or permit holder or applicant must file a
29 request for hearing with the board within twenty days after being
30 served the statement of charges. The failure to request a hearing
31 constitutes a default, upon which the board may enter a decision on the
32 basis of the facts available to it.

33 (2) If a hearing is requested, the board shall fix the time of the
34 hearing as soon as convenient, but the hearing must not be held earlier
35 than thirty days after service of the charges upon the license,
36 registration, endorsement, or permit holder or applicant. A notice of
37 hearing must be issued at least twenty days before the hearing,

1 specifying the time, date, and place of the hearing. The notice must
2 also notify the license, registration, endorsement, or permit holder or
3 applicant that a record of the proceeding will be kept, that the holder
4 or applicant will have the opportunity to appear personally and to have
5 counsel present, with the right to produce witnesses who will be
6 subject to cross-examination, and evidence in the holder's or
7 applicant's own behalf, to cross-examine witnesses testifying against
8 the holder or applicant, to examine such documentary evidence as may be
9 produced against the holder or applicant, to conduct depositions, and
10 to have subpoenas issued by the board.

11 NEW SECTION. **Sec. 6.** The procedures governing adjudicative
12 proceedings before agencies under chapter 34.05 RCW, the administrative
13 procedure act, govern all hearings before the board. The board has, in
14 addition to the powers and duties set forth in this chapter, all of the
15 powers and duties under chapter 34.05 RCW, that include, without
16 limitation, all powers relating to the administration of oaths, the
17 receipt of evidence, the issuance and enforcing of subpoenas, and the
18 taking of depositions.

19 NEW SECTION. **Sec. 7.** (1) In the event of a finding of
20 unprofessional conduct, the board shall prepare and serve findings of
21 fact and an order as provided in chapter 34.05 RCW and the board shall
22 notify the public, which notice must include press releases to
23 appropriate local news media and the major news wire services. If the
24 license, registration, endorsement, or permit holder or applicant is
25 found to have not committed unprofessional conduct, the board shall
26 immediately prepare and serve findings of fact and an order of
27 dismissal of the charges. The board shall retain the findings of fact
28 and order as a permanent record.

29 (2) The board shall report the issuance of statements of charges
30 and final orders in cases processed by the board to:

31 (a) The person or agency who brought to the board's attention
32 information that resulted in the initiation of the case;

33 (b) Appropriate organizations, public or private, that serve the
34 professions; and

35 (c) Counterpart licensing boards in other states or associations of
36 state licensing boards.

1 (3) This section does not require the reporting of information that
2 is exempt from public disclosure under chapter 42.17 RCW.

3 NEW SECTION. **Sec. 8.** The department shall not issue a license,
4 registration, endorsement, or permit to a person whose license,
5 registration, endorsement, or permit has been denied, revoked, or
6 suspended by the board except in conformity with the terms and
7 conditions of the certificate or order of denial, revocation, or
8 suspension; or in conformity with an order of reinstatement issued by
9 the board; or in accordance with the final judgment in a proceeding for
10 review instituted under this chapter.

11 NEW SECTION. **Sec. 9.** An order under proceedings authorized under
12 this chapter, after due notice and findings in accordance with this
13 chapter and chapter 34.05 RCW, or an order of summary suspension
14 entered under this chapter, takes effect immediately upon its being
15 served. The order, if appealed to the court, may not be stayed pending
16 the appeal unless the board or court to which the appeal is taken
17 enters an order staying the order of the board, which stay must provide
18 for terms necessary to protect the public.

19 NEW SECTION. **Sec. 10.** An individual who has been disciplined or
20 whose license, registration, endorsement, or permit has been denied by
21 the board may appeal the decision as provided in chapter 34.05 RCW.

22 NEW SECTION. **Sec. 11.** A person whose license, registration,
23 endorsement, or permit has been suspended or revoked under this chapter
24 may petition the board for reinstatement after an interval as
25 determined by the board in the order. The board shall hold hearings on
26 the petition and may deny the petition or may order reinstatement,
27 impose terms and conditions as provided in section 12 of this act, and
28 issue an order of reinstatement. The board may require successful
29 completion of an examination as a condition of reinstatement.

30 NEW SECTION. **Sec. 12.** Upon a finding that a license holder or
31 applicant has committed unprofessional conduct, the board may issue an
32 order providing for one or any combination of the following:

33 (1) Revocation of the license, registration, endorsement, or
34 permit;

- 1 (2) Suspension of the license, registration, endorsement, or permit
2 for a fixed or indefinite term;
- 3 (3) Restriction or limitation of the practice;
- 4 (4) Requiring the satisfactory completion of a specific program of
5 remedial education or treatment;
- 6 (5) The monitoring of the practice by a superior approved by the
7 board;
- 8 (6) Censure or reprimand;
- 9 (7) Compliance with conditions of probation for a designated period
10 of time;
- 11 (8) Payment of a fine for each violation of this chapter, not to
12 exceed one thousand dollars per violation, that is to be paid to the
13 board's fund;
- 14 (9) Denial of the license, registration, endorsement, or permit
15 request; and
- 16 (10) Corrective action.

17 An action under this section may be totally or partly stayed by the
18 board. In determining what action is appropriate, the board must first
19 consider what sanctions are necessary to protect or compensate the
20 public. Only after the provisions have been made may the board
21 consider and include in the order requirements designed to rehabilitate
22 the license, registration, endorsement, or permit holder or applicant.
23 Costs associated with compliance with orders issued under this section
24 are the obligation of the license, registration, endorsement, or permit
25 holder or applicant.

26 The licensee, registrant, endorsement or permit holder, or
27 applicant may enter into a stipulated disposition of charges that
28 includes one or more of the sanctions of this section, but only after
29 a statement of charges has been issued and the licensee, registrant,
30 endorsement or permit holder, or applicant has been afforded the
31 opportunity for a hearing and has elected on the record to forego such
32 a hearing. The stipulation shall either contain one or more specific
33 findings of unprofessional conduct or inability to practice, or a
34 statement by the licensee, registrant, endorsement or permit holder, or
35 applicant acknowledging that evidence is sufficient to justify one or
36 more specified findings of unprofessional conduct or inability to
37 practice. The stipulation entered into pursuant to this subsection
38 shall be considered formal disciplinary action for all purposes.

1 NEW SECTION.

2 **Sec. 13.**

3 (1) Prior to serving a statement of
4 charges, the board may furnish a statement of allegations to the
5 licensee, registrant, endorsement or permit holder, or applicant along
6 with a detailed summary of the evidence relied upon to establish the
7 allegations and a proposed stipulation for informal resolution of the
8 allegations. These documents shall be exempt from public disclosure
9 until such time as the allegations are resolved either by stipulation
10 or otherwise.

11 (2) The board and the licensee, registrant, endorsement or permit
12 holder, or applicant may stipulate that the allegations may be disposed
13 of informally in accordance with this subsection. The stipulation
14 shall contain a statement of the facts leading to the filing of the
15 complaint; the act or acts of unprofessional conduct alleged to have
16 been committed or the alleged basis for determining that the licensee,
17 registrant, endorsement or permit holder, or applicant is unable to
18 practice with reasonable skill and safety; a statement that the
19 stipulation is not to be construed as a finding of either
20 unprofessional conduct or inability to practice; an acknowledgement
21 that a finding of unprofessional conduct or inability to practice, if
22 proven, constitutes grounds for discipline under this chapter; an
23 agreement on the part of the licensee, registrant, endorsement or
24 permit holder, or applicant that the sanctions set forth in this
25 chapter, except for revocation, suspension, censure, or reprimand of a
26 licensee, registrant, endorsement of permit holder, or applicant may be
27 imposed as part of the stipulation, except that no fine may be imposed
28 but the licensee, registrant, endorsement or permit holder, or
29 applicant may agree to reimburse the board the costs of investigation
30 and processing the complaint up to an amount not exceeding one thousand
31 dollars per allegation; and an agreement on the part of the board to
32 forego further disciplinary proceedings concerning the allegations. A
33 stipulation entered into pursuant to this subsection shall not be
34 considered formal disciplinary action.

35 (3) If the licensee, registrant, endorsement or permit holder, or
36 applicant declines to agree to disposition of the charges by means of
37 a stipulation pursuant to subsection (2) of this section, the board may
38 proceed to formal disciplinary action pursuant to this chapter.

39 (4) Upon execution of a stipulation under subsection (2) of this
section by both the licensee, registrant, endorsement or permit holder,
or applicant and the board, the complaint is deemed disposed of and

1 shall become subject to public disclosure on the same basis and to the
2 same extent as other records of the board. Should the licensee,
3 registrant, endorsement or permit holder, or applicant fail to pay any
4 agreed reimbursement within thirty days of the date specified in the
5 stipulation for payment, the board may seek collection of the amount
6 agreed to be paid in the same manner as enforcement of a fine under
7 this chapter.

8 NEW SECTION. **Sec. 14.** If an order for payment of a fine is made
9 as a result of an order entered under this chapter and timely payment
10 is not made as directed in the final order, the board may enforce the
11 order for payment in the superior court in the county in which the
12 hearing was held. This right of enforcement is in addition to other
13 rights the board may have as to a licensee, registrant, endorsement, or
14 permit holder ordered to pay a fine but does not limit a licensee's,
15 registrant's, or endorsement or permit holder's ability to seek
16 judicial review under this chapter. In an action for enforcement of an
17 order of payment of a fine, the board's order is conclusive proof of
18 the validity of the order of payment of a fine and the terms of
19 payment.

20 NEW SECTION. **Sec. 15.** (1) The director shall investigate a
21 complaint concerning practice by an unlicensed person for which a
22 license, registration, endorsement, or permit is required under this
23 chapter. The director shall issue a cease and desist order to a person
24 after notice and hearing and upon a determination that the person has
25 violated this subsection. If the director makes a written finding of
26 fact that the public interest will be irreparably harmed by delay in
27 issuing an order, the director may issue a temporary cease and desist
28 order. The cease and desist order does not relieve the person
29 practicing or operating a business without a license, registration,
30 permit, or registration from criminal prosecution for the unauthorized
31 practice or operation, but the remedy of a cease and desist order is in
32 addition to criminal liability. The cease and desist order is
33 conclusive proof of unlicensed practice and may be enforced by civil
34 contempt. This method of enforcement of the cease and desist order may
35 be used in addition to, or as an alternative to, provisions for
36 enforcement or agency orders under chapter 34.05 RCW.

1 (2) The attorney general, a county prosecuting attorney, the
2 director, the board, or a person may, in accordance with the laws of
3 this state governing injunctions, maintain an action in the name of
4 this state to enjoin a person practicing a profession or business for
5 which a license, registration, endorsement, or permit is required under
6 this chapter without a license, registration, endorsement, or permit
7 from engaging in the practice or operation of the business until the
8 required license, registration, endorsement, or permit is secured.
9 However, the injunction does not relieve the person so practicing or
10 operating a business without a license, registration, endorsement, or
11 permit from criminal prosecution for the unauthorized practice or
12 operation, but the remedy by injunction is in addition to criminal
13 liability.

14 (3) Unlicensed practice of a profession or operation of a business
15 for which a license, registration, endorsement, or permit is required
16 under this chapter, unless otherwise exempted by law, is a gross
17 misdemeanor. Fees, fines, forfeitures, and penalties collected or
18 assessed by a court because of a violation of this section must be
19 remitted to the board.

20 NEW SECTION. **Sec. 16.** A person or business that violates an
21 injunction issued under this chapter shall pay a civil penalty, as
22 determined by the court, of not more than twenty-five thousand dollars
23 that must be placed in the board account. For the purpose of this
24 section, the superior court issuing an injunction shall retain
25 jurisdiction and the cause must be continued, and the attorney general
26 acting in the name of the state may petition for the recovery of civil
27 penalties.

28 NEW SECTION. **Sec. 17.** If the board determines or has cause to
29 believe that a license, registration, endorsement, or permit holder has
30 committed a crime, the board, immediately subsequent to issuing
31 findings of fact and a final order, shall notify the attorney general
32 or the county prosecuting attorney in the county in which the act took
33 place of the facts known to the board.

34 NEW SECTION. **Sec. 18.** Sections 2 through 17 of this act are each
35 added to chapter 18.39 RCW.

1 **Sec. 19.** RCW 18.130.040 and 1993 c 367 s 4 are each amended to
2 read as follows:

3 (1) This chapter applies only to the secretary and the boards
4 having jurisdiction in relation to the professions licensed under the
5 chapters specified in this section. This chapter does not apply to any
6 business or profession not licensed under the chapters specified in
7 this section.

8 (2)(a) The secretary has authority under this chapter in relation
9 to the following professions:

- 10 (i) Dispensing opticians licensed under chapter 18.34 RCW;
11 (ii) Naturopaths licensed under chapter 18.36A RCW;
12 (iii) Midwives licensed under chapter 18.50 RCW;
13 (iv) Ocularists licensed under chapter 18.55 RCW;
14 (v) Massage operators and businesses licensed under chapter 18.108
15 RCW;
16 (vi) Dental hygienists licensed under chapter 18.29 RCW;
17 (vii) Acupuncturists certified under chapter 18.06 RCW;
18 (viii) Radiologic technologists certified under chapter 18.84 RCW;
19 (ix) Respiratory care practitioners certified under chapter 18.89
20 RCW;
21 (x) Persons registered or certified under chapter 18.19 RCW;
22 (xi) Persons registered as nursing pool operators;
23 (xii) Nursing assistants registered or certified under chapter
24 18.88A RCW;
25 (xiii) Health care assistants certified under chapter 18.135 RCW;
26 (xiv) Dietitians and nutritionists certified under chapter 18.138
27 RCW;
28 (xv) Sex offender treatment providers certified under chapter
29 18.155 RCW; and
30 (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW
31 18.71.205.

32 (b) The boards having authority under this chapter are as follows:

- 33 (i) The podiatric medical board as established in chapter 18.22
34 RCW;
35 (ii) The chiropractic disciplinary board as established in chapter
36 18.26 RCW governing licenses issued under chapter 18.25 RCW;
37 (iii) The dental disciplinary board as established in chapter 18.32
38 RCW;

1 (iv) The council on hearing aids as established in chapter 18.35
2 RCW;

3 (~~(v)~~) (~~The board of funeral directors and embalmers as established~~
4 ~~in chapter 18.39~~ RCW;

5 (~~(vi)~~) The board of examiners for nursing home administrators as
6 established in chapter 18.52 RCW;

7 (~~((vii))~~) (vi) The optometry board as established in chapter 18.54
8 RCW governing licenses issued under chapter 18.53 RCW;

9 (~~((viii))~~) (vii) The board of osteopathic medicine and surgery as
10 established in chapter 18.57 RCW governing licenses issued under
11 chapters 18.57 and 18.57A RCW;

12 (~~((ix))~~) (viii) The board of pharmacy as established in chapter
13 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A
14 RCW;

15 (~~((x))~~) (ix) The medical disciplinary board as established in
16 chapter 18.72 RCW governing licenses and registrations issued under
17 chapters 18.71 and 18.71A RCW;

18 (~~((xi))~~) (x) The board of physical therapy as established in
19 chapter 18.74 RCW;

20 (~~((xii))~~) (xi) The board of occupational therapy practice as
21 established in chapter 18.59 RCW;

22 (~~((xiii))~~) (xii) The board of practical nursing as established in
23 chapter 18.78 RCW;

24 (~~((xiv))~~) (xiii) The examining board of psychology and its
25 disciplinary committee as established in chapter 18.83 RCW;

26 (~~((xv))~~) (xiv) The board of nursing as established in chapter 18.88
27 RCW; and

28 (~~((xvi))~~) (xv) The veterinary board of governors as established in
29 chapter 18.92 RCW.

30 (3) In addition to the authority to discipline license holders, the
31 disciplining authority has the authority to grant or deny licenses
32 based on the conditions and criteria established in this chapter and
33 the chapters specified in subsection (2) of this section. However, the
34 board of chiropractic examiners has authority over issuance and denial
35 of licenses provided for in chapter 18.25 RCW, the board of dental
36 examiners has authority over issuance and denial of licenses provided
37 for in RCW 18.32.040, and the board of medical examiners has authority
38 over issuance and denial of licenses and registrations provided for in
39 chapters 18.71 and 18.71A RCW. This chapter also governs any

1 investigation, hearing, or proceeding relating to denial of licensure
2 or issuance of a license conditioned on the applicant's compliance with
3 an order entered pursuant to RCW 18.130.160 by the disciplining
4 authority.

5 NEW SECTION. **Sec. 20.** RCW 18.39.178 and 1987 c 150 s 29 & 1986 c
6 259 s 59 are each repealed.

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