

2SSB 5850 - S AMD 184

By Senators Kohl-Welles, Swecker

ADOPTED 03/10/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The definitions in this section apply
4 throughout this chapter unless the context clearly requires otherwise.

5 (1) "Domestic employers of foreign workers" means a person or
6 persons residing in the state of Washington who recruit or employ a
7 foreign worker to perform work in Washington state.

8 (2) "Foreign worker" or "worker" means a person who is not a
9 citizen of the United States and who comes to Washington state based on
10 an offer of employment. "Foreign worker" or "worker" does not include
11 persons who hold an H-1B visa and come to work in the state.

12 (3) "International labor recruitment agency" means a corporation,
13 partnership, business, or other legal entity, whether or not organized
14 under the laws of the United States or any state, that does business in
15 the United States and offers Washington state entities engaged in the
16 employment or recruitment of foreign workers, employment referral
17 services involving citizens of a foreign country or countries by acting
18 as an intermediary between these foreign workers and Washington
19 employers.

20 NEW SECTION. **Sec. 2.** (1) Domestic employers of foreign workers
21 and international labor recruitment agencies must provide a disclosure
22 statement as described in this section to foreign workers who have been
23 referred to or hired by a Washington employer.

24 (2) The disclosure statement must:

25 (a) Be provided in the primary language spoken by the worker;

26 (b) State that the worker may be considered an employee under the
27 laws of the state of Washington and is subject to state worker health
28 and safety laws and may be eligible for workers' compensation insurance
29 and unemployment insurance;

1 (c) State that the worker may be subject to both state and federal
2 laws governing overtime and work hours, including the minimum wage act
3 under chapter 49.46 RCW;

4 (d) Include an itemized listing of any deductions the employer
5 intends to make from the worker's pay for food and housing;

6 (e) Include an itemized listing of the international labor
7 recruitment agency's fees;

8 (f) State that the worker has the right to control over his or her
9 travel and labor documents, including his or her visa, at all times and
10 that the employer may not require the employee to surrender those
11 documents to the employer or to the international labor recruitment
12 agency while the employee is working in the United States;

13 (g) Include a list of services or a hot line a worker may contact
14 if he or she thinks that he or she may be a victim of trafficking.

15 (3) The department of labor and industries may create a model
16 disclosure form and post the model form on its web site so that
17 domestic employers of foreign workers and international labor
18 recruitment agencies may download the form, or mail the form upon
19 request. The disclosure statement must be given to the worker no later
20 than the date that the worker arrives at the place of employment in
21 Washington.

22 NEW SECTION. **Sec. 3.** For purposes of establishing personal
23 jurisdiction under this chapter, an international labor recruitment
24 agency or a domestic employer of a foreign worker is deemed to be doing
25 business in Washington and is subject to the jurisdiction of the courts
26 of Washington state if the agency or employer contracts for employment
27 services with a Washington resident or is considered to be doing
28 business under any other provision or rule of law.

29 NEW SECTION. **Sec. 4.** The legislature finds that the practices
30 covered by this chapter are matters vitally affecting the public
31 interest for the purpose of applying the consumer protection act,
32 chapter 19.86 RCW. A violation of this chapter is not reasonable in
33 relation to the development and preservation of business and is an
34 unfair or deceptive act in trade or commerce and an unfair method of
35 competition for the purpose of applying the consumer protection act,
36 chapter 19.86 RCW.

1 **Sec. 5.** RCW 18.71.080 and 1996 c 191 s 52 are each amended to read
2 as follows:

3 (1) Every person licensed to practice medicine in this state shall
4 pay licensing fees and renew his or her license in accordance with
5 administrative procedures and administrative requirements adopted as
6 provided in RCW 43.70.250 and 43.70.280. The commission may establish
7 rules governing mandatory continuing education requirements which shall
8 be met by physicians applying for renewal of licenses. The rules shall
9 provide that mandatory continuing education requirements may be met in
10 part by physicians showing evidence of the completion of approved
11 activities relating to professional liability risk management.

12 (2) The office of crime victims advocacy shall supply the
13 commission with information on methods of recognizing victims of human
14 trafficking, what services are available for these victims, and where
15 to report potential trafficking situations. The information supplied
16 must be culturally sensitive and must include information relating to
17 minor victims. The commission shall disseminate this information to
18 licensees by: Providing the information on the commission's web site;
19 including the information in newsletters; holding trainings at meetings
20 attended by organization members; or through another distribution
21 method determined by the commission. The commission shall report to
22 the office of crime victims advocacy on the method or methods it uses
23 to distribute information under this subsection.

24 (3) The commission, in its sole discretion, may permit an applicant
25 who has not renewed his or her license to be licensed without
26 examination if it is satisfied that such applicant meets all the
27 requirements for licensure in this state, and is competent to engage in
28 the practice of medicine.

29 **Sec. 6.** RCW 18.83.090 and 1996 c 191 s 68 are each amended to read
30 as follows:

31 (1) The board shall establish rules governing mandatory continuing
32 education requirements which shall be met by any psychologist applying
33 for a license renewal.

34 (2) The office of crime victims advocacy shall supply the board
35 with information on methods of recognizing victims of human
36 trafficking, what services are available for these victims, and where
37 to report potential trafficking situations. The information supplied

1 must be culturally sensitive and must include information relating to
2 minor victims. The board shall disseminate this information to
3 licensees by: Providing the information on the board's web site;
4 including the information in newsletters; holding trainings at meetings
5 attended by organization members; or through another distribution
6 method determined by the board. The board shall report to the office
7 of crime victims advocacy on the method or methods it uses to
8 distribute information under this subsection.

9 (3) Administrative procedures, administrative requirements, and
10 fees for renewal and reissue of licenses shall be established as
11 provided in RCW 43.70.250 and 43.70.280.

12 **Sec. 7.** RCW 18.225.040 and 2001 c 251 s 4 are each amended to read
13 as follows:

14 In addition to any other authority provided by law, the secretary
15 has the authority to:

16 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
17 chapter. Any rules adopted shall be in consultation with the
18 committee;

19 (2) Establish all licensing, examination, and renewal fees in
20 accordance with RCW 43.70.250;

21 (3) Establish forms and procedures necessary to administer this
22 chapter;

23 (4) Issue licenses to applicants who have met the education,
24 training, and examination requirements for licensure and to deny a
25 license to applicants who do not meet the requirements;

26 (5) Hire clerical, administrative, investigative, and other staff
27 as needed to implement this chapter, and hire individuals licensed
28 under this chapter to serve as examiners for any practical
29 examinations;

30 (6) Administer and supervise the grading and taking of examinations
31 for applicants for licensure;

32 (7) Determine which states have credentialing requirements
33 substantially equivalent to those of this state, and issue licenses to
34 individuals credentialed in those states without examinations;

35 (8) Implement and administer a program for consumer education in
36 consultation with the committee;

1 (9) Adopt rules implementing a continuing education program in
2 consultation with the committee;

3 (10) The office of crime victims advocacy shall supply the
4 committee with information on methods of recognizing victims of human
5 trafficking, what services are available for these victims, and where
6 to report potential trafficking situations. The information supplied
7 must be culturally sensitive and must include information relating to
8 minor victims. The committee shall disseminate this information to
9 licensees by: Providing the information on the committee's web site;
10 including the information in newsletters; holding trainings at meetings
11 attended by organization members; or through another distribution
12 method determined by the committee. The committee shall report to the
13 office of crime victims advocacy on the method or methods it uses to
14 distribute information under this subsection;

15 (11) Maintain the official record of all applicants and licensees;
16 and

17 ((+11)) (12) Establish by rule the procedures for an appeal of an
18 examination failure.

19 NEW SECTION. Sec. 8. Sections 1 through 4 of this act constitute
20 a new chapter in Title 19 RCW.

21 NEW SECTION. Sec. 9. If specific funding for the purposes of this
22 act, referencing this act by bill or chapter number, is not provided by
23 June 30, 2009, in the omnibus appropriations act, this act is null and
24 void."

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25 On page 1, line 2 of the title, after "violations;" strike the
26 remainder of the title and insert "amending RCW 18.71.080, 18.83.090,
27 and 18.225.040; adding a new chapter to Title 19 RCW; and creating a
28 new section."

EFFECT: The continuing education requirements relating to identifying victims of human trafficking are modified. The Office of Crime Victims Advocacy must supply the professional organization representing the health care professionals with information on methods of recognizing and assisting potential human trafficking victims. The professional organization must distribute the information to its members through a method of its choosing.

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