
Business & Financial Services Committee

HB 1361

Brief Description: Creating the Washington effective licensing port and eliminating various occupational licensure and certification requirements.

Sponsors: Representative Manweller.

Brief Summary of Bill

- Requires the Department of Licensing to create a user-friendly public website, called the Washington Effective Licensing Port, for the public to comment on and review all individuals working in one or more of seven specific occupations.
- Provides that the website must allow the public to view postings regarding an individual registered with the website and allow consumers to post reviews of registered individuals, which must be based on a five-star rating scale.
- Eliminates occupational licensure requirements related to seven regulated occupations and requires people working in any of those seven regulated occupations to register with the Washington Effective Licensing Port and create a profile.

Hearing Date: 2/8/17

Staff: Peter Clodfelter (786-7127).

Background:

Occupational Licensure Requirements.

Animal Massage. A certification as an animal massage practitioner is required to perform animal massage techniques for compensation. However, veterinarians and certain massage practitioners may also perform animal massage techniques for compensation. The Department of Health (DOH) issues certifications to applicants who meet the following requirements:

- successfully completed an approved training program that includes 300 hours of instruction in general animal massage techniques, kinesiology, anatomy, physiology, behavior, first aid care, and handling techniques; and

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- successfully completed a competency evaluation, approved by the DOH, in either large animal massage or small animal massage, or both.

There is a separate certification to perform animal massage on small and large animals. The Legislature delegates authority to the DOH to, among other things, adopt rules regulating animal massage practitioners, to establish a fee for certifications (currently \$250), to certify an applicant or deny certification, or revoke or suspend an existing certification based on unprofessional conduct or impairment governed by the Uniform Disciplinary Act, and to approve education and training programs. The DOH establishes the dates and times of examinations.

Auctioneers. A license issued by the Department of Licensing (DOL) is required to act as an auctioneer or for an auction company to engage in any business in the state. License requirements include that the person:

- is at least age 18 or sponsored by a licensed auctioneer;
- files a completed application with the DOL;
- provides proof of proper tax registration with the Department of Revenue;
- pays the fee required by rule;
- files proof of a surety bond; and
- has no license disqualifications, including certain criminal convictions or a history of nonpayment of administrative fines.

State law also regulates the method of bidding at auctions and how auctions may be conducted.

Boxing Announcer. A license issued by the DOL is required to act as a boxing announcer. The DOL is responsible for establishing the license fee (currently \$65). A license must be renewed annually. An applicant must be at least age 18 and not have any outstanding fines issued by the DOL. Certain acts by an applicant or licensee are considered unprofessional conduct and can lead to denial of an application, revocation or suspension of a license, or other action.

Food Fish or Game Fish Guide. A license issued by the Washington Department of Fish and Wildlife (WDFW) is required to act as a food fish or game fish guide. An applicant for a license must be age 16 or over. The license fee for a food fish guide license established by the WDFW is \$220 for a resident or \$800 for a nonresident. The license fee for a game fish guide license established by the WDFW is \$250 for a resident and \$670 for a nonresident. An application for a license must include the following:

- the applicant's driver's license or other government-issued identification;
- the applicant's unified business identifier number under a business license;
- proof of current certification in first aid and cardiopulmonary resuscitation;
- a certificate of insurance demonstrating the applicant has commercial liability coverage of at least \$300,000;
- if applicable, an original or notarized copy of a valid license issued by the United States Coast Guard to the applicant that authorizes the holder to carry passengers for hire;
- a sworn declaration requiring the applicant to certify whether the area of operations will include federally recognized navigable waters with a motorized vessel.

Landscape Architects. A certificate of licensure issued by the DOL is required to act as a landscape architect for hire. There is also a licensure board for landscape architects consisting of five members appointed by the Governor (Landscape Architecture Board), which regulates the

practice of landscape architecture. Landscape architecture includes the rendering of professional services in connection with consultations, investigations, planning, design, construction document preparation, construction administration, or teaching supervision in connection with the development of land areas where, and to the extent that, the dominant purpose of such services is the preservation, enhancement, or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings and approaches to structures or other improvements, or natural drainage and erosion control.

There are education, work experience, and examination requirements to qualify for a certificate of licensure. An applicant must also be at least age 18, have good moral character, and possess the following qualifications:

- a professional landscape architectural degree from an institution of higher education accredited by the national landscape architecture accreditation board, or an equivalent degree in landscape architecture as determined by the Landscape Architecture Board, and three years of practical landscape architectural work experience under the supervision of a registered or licensed landscape architect; or
- have a high school diploma or equivalent and eight years' practical landscape architectural work experience, which may include landscape design as a principal activity and postsecondary education approved by the board. At least six years of work experience must be under the direct supervision of a registered or licensed landscape architect. An applicant may receive up to two years of practical landscape architectural work experience for postsecondary education courses in landscape architecture, landscape architectural technology, or a related field, including courses in a community or technical college, if the courses are equivalent to education courses in an accredited landscape architectural degree program.

Examinations are at least annually, and are developed and administered by the Landscape Architecture Board. The Landscape Architecture Board has the authority to discipline licensees, including revoking or suspending licenses for unprofessional conduct.

Manicurists. A license issued by the DOL is required to act as a manicurist. A license is subject to renewal every two years. Manicuring includes the cleaning, shaping, polishing, decorating, and caring for and treatment of the cuticles and the nails of the hands or feet, and the application and removal of sculptured or otherwise artificial nails by hand or with mechanical or electrical apparatus or appliances. Applicants for a license must be at least age 17 and be a graduate from a school approved and licensed by the DOL or successfully complete a state-approved apprenticeship training program. Manicurists must have a minimum of 600 school hours to qualify for a license.

Applicants must also pass a practical and written examination. The fees are established by the DOL. The cost of the practical exam is \$120, the cost of the written exam is \$60, and the license fee is \$25. The DOL may suspend, revoke, or take other action against a licensee for unprofessional conduct, and may issue fines of up to \$500 per violation. Violations are also considered violations of the state Consumer Protection Act. A manicurist may appeal a disciplinary action by the DOL to superior court. There is a state Cosmetology, Hair Design, Barbering, Esthetics, and Manicuring Advisory Board, consisting of a maximum of 10 members appointed by the Director of the DOL.

Horse Floater. A license as a veterinarian issued by the Secretary of State after certification of the applicant by the Washington State Veterinary Board of Governors (Veterinary Board) is generally required to float equine teeth for compensation. Horse teeth floating is equine dentistry and generally consists of filing and otherwise removing enamel from a horse or other equine's teeth. Horse teeth floating is within the practice of veterinary medicine, surgery, and dentistry regulated by the Veterinary Board and the DOH.

To obtain a license as a veterinarian, a person must:

- be at least age 18 years of age;
- be of good moral character;
- provide evidence of graduation from a veterinary college approved by the Veterinary Board;
- apply for licensure at least 60 days prior to the date of the examination; and
- successfully complete the examination developed and established, or approved, by the Veterinary Board (the Veterinary Board requires successful completion of a national examination (\$550 fee) and state examination (\$210 fee)).

The cost of an initial license as a veterinarian is \$170, and is subject to annual renewal. The Veterinary Board also establishes standards for the performance of duties, responsibilities, standards for facilities, and minimum continuing veterinary medical education. The Uniform Disciplinary Act also applies to applicants and licensees. The DOH is the Veterinary Board's official office of record. Under the direct supervision of a veterinarian, a licensed veterinary technician may also float a horse's teeth. Licensing qualifications for veterinary technicians include passing an examination (\$160 exam fee), successfully completing approved educational courses, and paying a license fee (\$110).

Summary of Bill:

Establishing the Washington Effective Licensing Port.

The Department of Licensing (DOL) must create a comprehensive and user-friendly website for the public to comment on and review all individuals working in one or more of the following occupations:

- animal massage;
- auctioneer;
- boxing announcer;
- food fish or game fishing guide, or both;
- landscape architecture;
- manicurist; and
- horse floater.

The website, called the Washington Effective Licensing Port (Licensing Port), must also allow any individual working in one or more of the specified occupations who registers and creates a profile on the website to include information about any training, degrees, or certificates that the individual holds. The DOL may charge a fee of no more than \$25 for the individual to create their first profile. The website must allow any member of the public to view postings regarding registered individuals and allow consumers to post reviews of registered individuals. The consumer's post must include a star rating on a scale of one to five stars, with five stars being the

highest rating of service, and the consumer must be allowed to post additional comments if they choose.

Prior to posting a review, the website should require the consumer to attest that the consumer actually received services from the registered individual and that the information provided in the review is accurate to the consumer's knowledge. The consumer must attest by checking a box provided on the website. The website should include a searchable list of all registered individuals in each occupational category, with links to any enforcement actions by the DOL. The web site should list contact information for the DOL so as to facilitate complaints against individuals performing work in the above-referenced occupations who are not registered with the Licensing Port.

The DOL may take any of several specific actions if the DOL determines an individual has performed work in which the person should be registered with the Licensing Port but is not registered, or fails or refuses to post their current star rating in a conspicuous place at their location of business within the previous 364 days. The specific actions that DOL may take are the following:

- refuse to allow the individual to register with Licensing Port;
- revoke the individual's registration with Licensing Port;
- suspend the individual's registration with Licensing Port until the individual posts their current star rating; or
- impose civil penalties of up to \$1,000 for each violation.

Removing Occupational Licensure Requirements.

Animal Massage. The requirement that a person have a certification as an animal massage practitioner to perform animal massage techniques is removed. Instead of meeting the certification requirements and obtaining a certification as an animal massage practitioner, a person must register with the Licensing Port.

Auctioneers. The licensing requirement for auctioneers and auction companies, including the surety bond requirement, is removed, although the licensure disqualifications related to certain criminal history or history of administrative violations are retained. Instead of meeting the licensing qualifications and obtaining a license, a person must register with the Licensing Port, and have no disqualifications, to act as an auctioneer or engage in business as an auction company. The requirements related to conducting auctions and bidding are retained.

Boxing Announcer. The licensing requirement for boxing announcers is removed. Instead of meeting the licensing qualifications and obtaining a license, a person must register with the Licensing Port to act as a boxing announcer.

Food Fish or Game Fish Guide. The licensing requirement for food fish and game fish guides is removed. Instead of meeting the licensing qualifications and obtaining a license, a person must register with the Licensing Port to act as a food fish or game fish guide in the taking of food fish or game fish for personal use.

Landscape Architects. The certificate of licensure requirement for landscape architects is removed. Instead of meeting the licensing qualifications and obtaining a license a person must

register with the Licensing Port to act as a landscape architect. The state Board of Licensure for Landscape Architects is eliminated.

Manicurists. The licensing requirement for manicurists is removed, and the practice of manicuring is removed from the practice of cosmetology. Instead of meeting the licensing qualifications and obtaining a license, a person must register with the Licensing Port to act as a manicurist. The Cosmetology, Hair Design, Barbering, Esthetics, and Manicuring Advisory Board is renamed the Cosmetology, Hair Design, Barbering, and Esthetics Advisory Board.

Horse Floater. The practice of floating equine teeth is removed from the practice of veterinary medicine, surgery, and dentistry. Instead of meeting the licensing qualifications for a veterinary license or a veterinary technician license, and obtaining such a license, a person must register with the Licensing Port to offer or perform, whether for compensation or not, the animal husbandry service commonly referred to as horse teeth floating that consists of the removal of enamel from equine teeth.

Appropriation: None.

Fiscal Note: Available.

Effective Date: September 1, 2017.