

RCW 18.400.020 Preliminary application for a professional license with a criminal conviction. (1) An individual who has a criminal conviction may submit to the appropriate licensing authority a preliminary application for a professional license, government certification, or state recognition of the individual's personal qualifications for a determination as to whether the individual's criminal conviction would disqualify the individual from obtaining the occupational or professional license, government certification, or state recognition of the individual's personal qualifications from that licensing authority. The preliminary application may be submitted at any time, including prior to obtaining required education or paying any fee. Only licenses, certifications, or recognitions administered by the department of licensing or a board or commission with the support of the department of licensing are eligible for a determination under this section.

(2) In making a determination under this section, the appropriate licensing authority must consider, but is not limited to, the following factors:

- (a) The nature and seriousness of the offense;
- (b) The relationship of the offense to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession;
- (c) The age of the person at the time of the offense;
- (d) The length of time elapsed since the offense;
- (e) Completion of the criminal sentence; and
- (f) Other evidence of rehabilitation, treatment, testimonials, employment history, and employment aspirations.

(3) Upon receipt of a preliminary application, the appropriate licensing authority shall make a determination of whether the individual's criminal conviction would disqualify the individual from obtaining a professional license, government certification, or state recognition of the individual's personal qualifications from that licensing authority.

(4) The licensing authority shall issue its determination in writing within two months after receiving a preliminary application. If the licensing authority determines that the individual's criminal conviction would disqualify the individual, the licensing authority will provide a written determination that:

- (a) Includes the specific factors in subsection (2) of this section that the licensing authority deemed disqualifying;
- (b) Advises the individual of any action the individual may take to remedy the disqualification; and
- (c) Provides the earliest date the individual may reapply for a new determination.

(5) If the licensing authority finds that the individual has been convicted of a subsequent criminal conviction, or that the individual has failed to disclose a conviction, the licensing authority may rescind a determination upon finding that the subsequent criminal conviction would be disqualifying under subsection (3) of this section.

(6) The individual may appeal the determination of the licensing authority. The appeal shall be in accordance with chapter 34.05 RCW.

(7) An individual whose preliminary application has been disqualified shall not file another preliminary application under this section with the same licensing authority within two years after the final decision on the previous preliminary application, except that if the individual has taken action to remedy the disqualification as

advised by the licensing board. If such action has been taken, the individual may file another preliminary application under this section with the same licensing authority six months after the final decision on the previous preliminary application.

(8) A licensing authority shall not charge a fee to a person for any preliminary application filed pursuant to this section. [2022 c 32 s 1; 2021 c 194 s 2.]