



Washington State

Department of Licensing

Licensing Boards

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Washington State Department of Licensing

Today's Topics

Department of Licensing's board models: advisory and regulatory boards

- Overview
- Board authority
- Funding
- Staffing

Washington State Department of Licensing

Other licensing boards/commissions

Several state agencies either staff licensing boards or are stand-alone licensing entities, including:

- Board of Accountancy
- Department of Health
- Gambling Commission
- Office of the Insurance Commissioner
- Department of Licensing

Washington State Department of Licensing Business & Professions Division Boards

Four advisory boards and commissions:

- Real Estate Commission
- Real Estate Appraisers Commission
- Home Inspector Board Cosmetology, Barbering, Esthetics, Manicuring, and Hair Design Advisory Board

Six regulatory boards:

- Washington Board for Architects
- Board of Registration for Professional Engineers & Land Surveyors
- Funeral & Cemetery Board
- Geologist Licensing Board
- Board of Licensure for Landscape Architects
- Collection Agency Board

Washington State Department of Licensing Business & Professions Division Boards

Licensee counts for advisory boards and commissions:

- **Real Estate Commission** (4179 businesses; 32,484 individuals)
- **Real Estate Appraisers Commission** (144 businesses; 2886 individuals)
- **Home Inspector Board** (816 individuals)
- **Cosmetology, Barbering, Esthetics, Manicuring, and Hair Design Advisory Board** (13,227 businesses, 64,253 individuals)

As of 7/1/2015

Washington State Department of Licensing Business & Professions Division Boards

Licensee counts for regulatory boards:

- **Washington Board for Architects** (1026 businesses, 6277 individuals)
- **Board of Registration for Professional Engineers & Land Surveyors** (1657 businesses; 27,226 individuals)
- **Funeral & Cemetery Board** (478 businesses; 1275 individuals)
- **Geologist Licensing Board** (2263 individuals)
- **Board of Licensure for Landscape Architects** (814 individuals)
- **Collection Agency Board** (1208 businesses)

As of 7/1/2015

Washington State Department of Licensing Board Appointments

Governor Appointed

Advisory

- Real Estate Commission

Regulatory

- Architect Board
- Collection Agency Board
- Engineers & Land Surveyors Board
- Funeral & Cemetery Board
- Landscape Architect Board

Director Appointed

Advisory

- Real Estate Appraisers Commission
- Home Inspector Board
- Cosmetology Board

Regulatory

- Geologist Licensing Board

Washington State Department of Licensing Board Funding

Appropriated

- Architect Board
- Collection Agency Board*
- Cosmetology Board *
- Engineers & Land Surveyors Board
- Home Inspector Board *
- Real Estate Commission
- Real Estate Appraisers Commission

Non-Appropriated

- Geologist Licensing Board
- Funeral & Cemetery Board
- Landscape Architect Board

* Shared funding account:
division level, fee-based

Washington State Department of Licensing Advisory Board Authority

- Governor- or director-appointed
- Board advises on scope and standards of practice
- Rule-making authority is limited
- Disciplinary actions
 - Escalate through division staff for negotiated settlements
 - Hearings proceed to one of two separate courts depending on nature of evidence
 - Appeals go first to the director then to Superior Court

Washington State Department of Licensing Advisory Board Authority

Disciplinary actions, continued:

- Nature of the evidence determines process:
 - If it can be shown through paperwork → Brief Adjudicative Proceeding (Dept. of Licensing)
 - If it requires testimony → Office of Administrative Hearing (separate agency)
- Appeals go first to the agency director then to Superior Court

Washington State Department of Licensing Regulatory Boards: General

- Governor- or director-appointed
- Board and department each have specific statutory authority
- Board sets requirements for
 - Entry into profession
 - Scope of practice
 - Standards of practice
- Disciplinary actions escalate through a single board member (case manager) to the full board

Washington State Department of Licensing

Regulatory Boards: Director Authority

(Funeral Directors) RCW 18.39.181 Powers and duties of director.

The director [of the Dept. of Licensing] shall have the following powers and duties:

- (1) To issue all licenses provided for under this chapter;
- (2) To renew licenses under this chapter;
- (3) To collect all fees prescribed and required under this chapter;
- (4) To immediately suspend the license of a person who has been certified pursuant to RCW [74.20A.320](#) by the department of social and health services as a person who is not in compliance with a support order;
- (5) To keep records of all official acts, proceedings, and transactions of the department of licensing; and
- (6) To employ the necessary staff to carry out the duties of this chapter.

(Geologist) RCW 18.220.040 Director's authority.

The director [of the Dept. of Licensing] has the following authority in administering this chapter:

- (1) To adopt fees as provided in RCW [43.24.086](#); and
- (2) To administer licensing examinations approved by the board.

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Regulatory Boards: Board Authority

(Architect) RCW 18.08.340 Board—Rules—Executive director.

(1) The board may adopt such rules under chapter [34.05](#) RCW as are necessary for the proper performance of its duties under this chapter.

(2) The director shall employ an executive director subject to approval by the board.

(Engineer) RCW 18.43.035 Bylaws—Employees—Rules—Periodic reports and roster.

The board may adopt and amend bylaws establishing its organization and method of operation, including but not limited to meetings, maintenance of books and records, publication of reports, code of ethics, and rosters, and adoption and use of a seal. Four members of the board shall constitute a quorum for the conduct of any business of the board. The board may employ such persons as are necessary to carry out its duties under this chapter. It may adopt rules reasonably necessary to administer the provisions of this chapter. The board shall submit to the governor such periodic reports as may be required. A roster, showing the names and places of business of all registered professional engineers and land surveyors may be published for distribution, upon request, to professional engineers and land surveyors registered under this chapter and to the public.

Washington State Department of Licensing Regulatory Boards: Board Authority

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Regulatory Boards: Disciplinary Process

Regulatory Boards have full adjudicative authority.

Must keep a separation of function between

- Disciplinary case evaluation
- Disciplinary case adjudication

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Regulatory Boards: Disciplinary Process

Disciplinary Case Manager: one board member who assists the staff and prosecutor

- Provides technical information about the profession to help guide investigations
- Evaluates evidence
- Determines sanctions
- Participates in settlement negotiations
- Testifies before the board during disciplinary hearings



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Regulatory Boards: Disciplinary Process

Separation of function helps maintain the objectivity of the board members who sit in the adjudicative role for cases recommended for closure with no action and those that result in board orders

Washington State Department of Licensing Attorney General Relationship

Advisory

- One assigned attorney from the Attorney Generals Office
- This attorney serves as both advisor to the board and prosecutor for the board
- Appellate process: agency director, then Superior Court
- AAG costs billed to program

Regulatory

- Two attorneys assigned from the Attorney Generals Office:
- Board advisor: attends meetings, advises the board in matters not tied to specific disciplinary action
- Board prosecutor: advises program staff and a board case manager on specific disciplinary cases; represents the board on appeals
- Appellate process: the board, then Superior Court
- AAG costs billed to program



Washington State Department of Licensing Managing Boards - General

Staffing

Functionalized vs. program-based

Territory conflicts

Does it matter whose license? vs.

Only a licensed [fill in the profession] can do that.

Role confusion

Regulatory vs. industry

Impact of national issues



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Questions?

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