

Washington State
Department of Licensing

The Law Relating to Cosmetologists, Barbers, Manicurists, Estheticians, and Master Estheticians

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Chapter 18.16 RCW

COSMETOLOGISTS, HAIR DESIGNERS, BARBERS, MANICURISTS, AND ESTHETICIANS

(Formerly: Cosmetologists, barbers, and manicurists)

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18.16.010 Intent. The legislature recognizes that the practices of cosmetology, hair design, barbering, manicuring, and esthetics involve the use of tools and chemicals which may be dangerous when mixed or applied improperly, and therefore finds it necessary in the interest of the public health, safety, and welfare to regulate those practices in this state. [2015 c 62 § 13; 2002 c 111 § 1; 1984 c 208 § 1.]

Additional notes found at www.leg.wa.gov

18.16.020 Definitions. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "Apprentice" means a person who is engaged in a state-approved apprenticeship program and who must receive a wage or compensation while engaged in the program.

(2) "Apprentice monthly report" means the apprentice record of daily activities and the number of hours completed in each course of a curriculum that is prepared monthly by the approved apprenticeship program and provided to the

apprentice, audited annually by the department, and kept on file by the approved apprenticeship program for three years.

(3) "Apprentice trainer" means a person who gives training to an apprentice in an approved apprenticeship program and who is approved under RCW 18.16.280.

(4) "Apprenticeship program" means a state-approved apprenticeship program pursuant to chapter 49.04 RCW and approved under RCW 18.16.280 for the training of cosmetology, hair design, barbering, esthetics, master esthetics, and manicuring.

(5) "Apprenticeship training committee" means a committee approved by the Washington apprenticeship and training council established in chapter 49.04 RCW.

(6) "Approved apprenticeship shop" means a salon/shop that has been approved under RCW 18.16.280 and chapter 49.04 RCW to participate in an apprenticeship program.

(7) "Approved security" means surety bond.

(8) "Barber" means a person licensed under this chapter to engage in the practice of barbering.

(9) "Board" means the cosmetology, hair design, barbering, esthetics, and manicuring advisory board.

(10) "Cosmetologist" means a person licensed under this chapter to engage in the practice of cosmetology.

(11) "Crossover training" means training approved by the director as training hours that may be credited to current licensees for similar training received in another profession licensed under this chapter.

(12) "Curriculum" means the courses of study taught at a school, online training by a school, in an approved apprenticeship program established by the Washington state apprenticeship and training council and conducted in an approved salon/shop, or online training by an approved apprenticeship program, set by rule under this chapter, and approved by the department. After consulting with the board, the director may set by rule a percentage of hours in a curriculum, up to a maximum of ten percent, that could include hours a student receives while training in a salon/shop under a contract approved by the department. Each curriculum must include at least the following required hours:

(a) School curriculum:

(i) Cosmetologist, one thousand six hundred hours;

(ii) Hair design, one thousand four hundred hours;

(iii) Barber, one thousand hours;

(iv) Manicurist, six hundred hours;

(v) Esthetician, seven hundred fifty hours;

(vi) Master esthetician either:

(A) One thousand two hundred hours; or

(B) Esthetician licensure plus four hundred fifty hours of training;

(vi) [(vii)] Instructor-trainee, five hundred hours, except that an instructor-trainee may submit documentation that pro-

vides evidence of experience as a licensed cosmetologist, hair designer, barber, manicurist, esthetician, or master esthetician for competency evaluation toward credit of not more than three hundred hours of instructor-training.

(b) Apprentice training curriculum:

- (i) Cosmetologist, two thousand hours;
- (ii) Hair design, one thousand seven hundred fifty hours;
- (iii) Barber, one thousand two hundred hours;
- (iv) Manicurist, eight hundred hours;
- (v) Esthetician, eight hundred hours;
- (vi) Master esthetician, one thousand four hundred hours.

(13) "Department" means the department of licensing.

(14) "Director" means the director of the department of licensing or the director's designee.

(15) "Esthetician" means a person licensed under this chapter to engage in the practice of esthetics.

(16) "Hair design" means the practice of arranging, dressing, cutting, trimming, styling, shampooing, permanent waving, chemical relaxing, straightening, curling, bleaching, lightening, coloring, mustache and beard design, and superficial skin stimulation of the scalp.

(17) "Hair designer" means a person licensed under this chapter to engage in the practice of hair design.

(18) "Individual license" means a cosmetology, hair design, barber, manicurist, esthetician, master esthetician, or instructor license issued under this chapter.

(19) "Instructor" means a person who gives instruction in a school, or who provides classroom theory training to apprentices in locations other than in a school, in a curriculum in which he or she holds a license under this chapter, has completed at least five hundred hours of instruction in teaching techniques and lesson planning in a school, or who has documented experience as an instructor for more than five hundred hours in another state in the curriculum of study, and has passed a licensing examination approved or administered by the director. An applicant who holds a degree in education from an accredited postsecondary institution shall upon application be licensed as an instructor to give instruction in a school, or to provide classroom theory training to apprentices in locations other than in a school, in a curriculum in which he or she holds a license under this chapter. An applicant who holds an instructional credential from an accredited community or technical college and who has passed a licensing examination approved or administered by the director shall upon application be licensed as an instructor to give instruction in a school, or to provide classroom theory training to apprentices in locations other than in a school, in a curriculum in which he or she holds a license under this chapter. To be approved as an "instructor" in an approved apprenticeship program, the instructor must be a competent instructor as defined in rules adopted under chapter 49.04 RCW.

(20) "Instructor-trainee" means a person who is currently licensed in this state as a cosmetologist, hair designer, barber, manicurist, esthetician, or master esthetician, and is enrolled in an instructor-trainee curriculum in a school licensed under this chapter.

(21) "Location license" means a license issued under this chapter for a salon/shop, school, personal services, or mobile unit.

(22) "Manicurist" means a person licensed under this chapter to engage in the practice of manicuring.

(23) "Master esthetician" means a person licensed under this chapter to engage in the practice of master esthetics.

(24) "Mobile unit" is a location license under this chapter where the practice of cosmetology, barbering, esthetics, master esthetics, or manicuring is conducted in a mobile structure. Mobile units must conform to the health and safety standards set by rule under this chapter.

(25) "Online training" means theory training provided online, by a school licensed under this chapter or an approved apprenticeship program established by the Washington state apprenticeship and training council, in the areas of cosmetology, hair design, master esthetics, manicuring, barbering, esthetics, and instructor-training.

(26) "Person" means any individual, partnership, professional service corporation, joint stock association, joint venture, or any other entity authorized to do business in this state.

(27) "Personal services" means a location licensed under this chapter where the practice of cosmetology, hair design, barbering, manicuring, esthetics, or master esthetics is performed for clients in the client's home, office, or other location that is convenient for the client.

(28) "Practice of barbering" means the cutting, trimming, arranging, dressing, curling, shampooing, shaving, and mustache and beard design of the hair of the face, neck, and scalp.

(29) "Practice of cosmetology" means arranging, dressing, cutting, trimming, styling, shampooing, permanent waving, chemical relaxing, straightening, curling, bleaching, lightening, coloring, waxing, tweezing, shaving, and mustache and beard design of the hair of the face, neck, and scalp; temporary removal of superfluous hair by use of depilatories, waxing, or tweezing; manicuring and pedicuring, limited to cleaning, shaping, polishing, decorating, and caring for and treatment of the cuticles and nails of the hands and feet, excluding the application and removal of sculptured or otherwise artificial nails; esthetics limited to toning the skin of the scalp, stimulating the skin of the body by the use of preparations, tonics, lotions, or creams; and tinting eyelashes and eyebrows.

(30) "Practice of esthetics" means the care of the skin for compensation by application, use of preparations, antiseptics, tonics, essential oils, exfoliants, superficial and light peels, or by any device, except laser, or equipment, electrical or otherwise, or by wraps, compresses, cleansing, conditioning, stimulation, superficial skin stimulation, pore extraction, or product application and removal; temporary removal of superfluous hair by means of lotions, creams, appliance, waxing, threading, tweezing, or depilatories, including chemical means; and application of product to the eyelashes and eyebrows, including extensions, design and treatment, tinting and lightening of the hair, excluding the scalp. Under no circumstances does the practice of esthetics include the administration of injections.

(31) "Practice of manicuring" means 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.

(32) "Practice of master esthetics" means the care of the skin for compensation including all of the methods allowed

in the definition of the practice of esthetics. It also includes the performance of medium depth peels and the use of medical devices for care of the skin and permanent hair reduction. The medical devices include, but are not limited to, lasers, light, radio frequency, plasma, intense pulsed light, and ultrasound. The use of a medical device must comply with state law and rules, including any laws or rules that require delegation or supervision by a licensed health professional acting within the scope of practice of that health profession.

(33) "Salon/shop" means any building, structure, or any part thereof, other than a school, where the commercial practice of cosmetology, barbering, hair design, esthetics, master esthetics, or manicuring is conducted; provided that any person, except employees of a salon/shop, who operates from a salon/shop is required to meet all salon/shop licensing requirements and may participate in the apprenticeship program when certified as established by the Washington state apprenticeship and training council established in chapter 49.04 RCW.

(34) "School" means any establishment that offers curriculum of instruction in the practice of cosmetology, hair design, barbering, esthetics, master esthetics, manicuring, or instructor-trainee to students and is licensed under this chapter.

(35) "Student" means a person sixteen years of age or older who is enrolled in a school licensed under this chapter and receives instruction in any of the curricula of cosmetology, barbering, hair design, esthetics, master esthetics, manicuring, or instructor-training with or without tuition, fee, or cost, and who does not receive any wage or commission.

(36) "Student monthly report" means the student record of daily activities and the number of hours completed in each course of a curriculum that is prepared monthly by the school and provided to the student, audited annually by the department, and kept on file by the school for three years. [2015 c 62 § 1. Prior: 2013 c 187 § 1; 2008 c 20 § 1; 2003 c 400 § 2; 2002 c 111 § 2; 1991 c 324 § 1; 1984 c 208 § 2.]

Additional notes found at www.leg.wa.gov

18.16.030 Director—Powers and duties. In addition to any other duties imposed by law, including RCW 18.235.030 and 18.235.040, the director shall have the following powers and duties:

(1) To set all license, examination, and renewal fees in accordance with RCW 43.24.086;

(2) To adopt rules necessary to implement this chapter;

(3) To prepare and administer or approve the preparation and administration of licensing examinations;

(4) To establish minimum safety and sanitation standards for schools, instructors, cosmetologists, barbers, hair designers, manicurists, estheticians, master estheticians, salons/shops, personal services, and mobile units;

(5) To establish curricula for the training of students and apprentices under this chapter;

(6) To maintain the official department record of applicants and licensees;

(7) To establish by rule the procedures for an appeal of an examination failure;

(8) To set license expiration dates and renewal periods for all licenses consistent with this chapter;

(9) To ensure that all informational notices produced and mailed by the department regarding statutory and regulatory changes affecting any particular class of licensees are mailed to each licensee in good standing or on inactive status in the affected class whose mailing address on record with the department has not resulted in mail being returned as undeliverable for any reason; and

(10) To make information available to the department of revenue to assist in collecting taxes from persons required to be licensed under this chapter. [2015 c 62 § 2; 2013 c 187 § 2; 2008 c 20 § 2; 2004 c 51 § 7. Prior: 2002 c 111 § 3; 2002 c 86 § 213; 1991 c 324 § 2; 1984 c 208 § 7.]

Additional notes found at www.leg.wa.gov

18.16.050 Advisory board—Members—Compensation. (1) There is created a state cosmetology, hair design, barbering, esthetics, and manicuring advisory board consisting of a maximum of ten members appointed by the director. These members of the board shall include: A representative of private schools licensed under this chapter; a representative from an approved apprenticeship program conducted in an approved salon/shop; a representative of public vocational technical schools licensed under this chapter; a consumer who is unaffiliated with the cosmetology, hair design, barbering, esthetics, master esthetics, or manicuring industry; and six members who are currently practicing licensees who have been engaged in the practice of manicuring, esthetics, master esthetics, barbering, hair design, or cosmetology for at least three years. Members shall serve a term of three years. Any board member may be removed for just cause. The director may appoint a new member to fill any vacancy on the board for the remainder of the unexpired term.

(2) Board members shall be entitled to compensation pursuant to RCW 43.03.240 for each day spent conducting official business and to reimbursement for travel expenses as provided by RCW 43.03.050 and 43.03.060.

(3) The board may seek the advice and input of officials from the following state agencies: (a) The workforce training and education coordinating board; (b) the employment security department; (c) the department of labor and industries; (d) the department of health; (e) the department of licensing; and (f) the department of revenue. [2015 c 62 § 3; 2013 c 187 § 3; 2008 c 20 § 3; 2002 c 111 § 4. Prior: 1998 c 245 § 5; 1998 c 20 § 1; 1997 c 179 § 1; 1995 c 269 § 402; 1991 c 324 § 3; 1984 c 208 § 9.]

Findings—1995 c 269: "The legislature finds that the economic opportunities for cosmetologists, barbers, estheticians, and manicurists have deteriorated in this state as a result of the lack of skilled practitioners, inadequate licensing controls, and inadequate enforcement of health standards. To increase the opportunities for individuals to earn viable incomes in these professions and to protect the general health of the public, the state cosmetology, barbering, esthetics, and manicuring advisory board should be reconstituted and given a new charge to develop appropriate responses to this situation, including legislative proposals." [1995 c 269 § 401.]

Additional notes found at www.leg.wa.gov

18.16.060 License required—Penalty—Exemptions. (1) It is unlawful for any person to engage in a practice listed in subsection (2) of this section unless the person has a license in good standing as required by this chapter. A license issued under this chapter shall be considered to be "in good standing" except when:

(a) The license has expired or has been canceled and has not been renewed in accordance with RCW 18.16.110;

(b) The license has been denied, revoked, or suspended under RCW 18.16.210, 18.16.230, or 18.16.240, and has not been reinstated;

(c) The license is held by a person who has not fully complied with an order of the director issued under RCW 18.16.210 requiring the licensee to pay restitution or a fine, or to acquire additional training; or

(d) The license has been placed on inactive status at the request of the licensee, and has not been reinstated in accordance with RCW 18.16.110(3).

(2) The director may take action under RCW 18.235.150 and 18.235.160 against any person who does any of the following without first obtaining, and maintaining in good standing, the license required by this chapter:

(a) Except as provided in subsections (3) and (4) of this section, engages in the commercial practice of cosmetology, hair design, barbering, esthetics, master esthetics, or manicuring;

(b) Instructs in a school;

(c) Operates a school; or

(d) Operates a salon/shop, personal services, or mobile unit.

(3) A person who receives a license as an instructor may engage in the commercial practice for which he or she held a license when applying for the instructor license without also renewing the previously held license. However, a person licensed as an instructor whose license to engage in a commercial practice is not or at any time was not renewed may not engage in the commercial practice previously permitted under that license unless that person renews the previously held license.

(4) An apprentice actively enrolled in an apprenticeship program for cosmetology, barbering, hair design, esthetics, master esthetics, or manicuring may engage in the commercial practice as required for the apprenticeship program. [2015 c 62 § 4; 2013 c 187 § 4; 2008 c 20 § 4; 2004 c 51 § 1. Prior: 2002 c 111 § 5; 2002 c 86 § 214; 1991 c 324 § 4; 1984 c 208 § 3.]

Additional notes found at www.leg.wa.gov

18.16.070 Licensing—Persons to whom chapter inapplicable. This chapter shall not apply to persons licensed under other laws of this state who are performing services within their authorized scope of practice and shall not be construed to require a license for students enrolled in a school or an apprentice engaged in a state-approved apprenticeship program as defined in RCW 18.16.020. [2003 c 400 § 3; 1984 c 208 § 4.]

Additional notes found at www.leg.wa.gov

18.16.080 Licensing—Other persons to whom chapter inapplicable. Nothing in this chapter prohibits any person authorized under the laws of this state from performing any service for which the person may be licensed, nor prohibits any person from performing services as an electrologist if that person has been otherwise certified, registered, or trained as an electrologist.

This chapter does not apply to persons employed in the care or treatment of patients in hospitals or employed in the

care of residents of nursing homes and similar residential care facilities. [1984 c 208 § 19.]

18.16.090 Examinations. Examinations for licensure under this chapter shall be conducted at such times and places as the director determines appropriate. Examinations shall consist of tests designed to reasonably measure the applicant's knowledge of safe and sanitary practices and may also include the applicant's knowledge of this chapter and rules adopted pursuant to this chapter. The director may establish by rule a performance examination in addition to any other examination. The director shall establish by rule the minimum passing score for all examinations and the requirements for reexamination of applicants who fail the examination or examinations. The director may allow an independent person to conduct the examinations at the expense of the applicants.

The director shall take steps to ensure that after completion of the required course or apprenticeship program, applicants may promptly take the examination and receive the results of the examination. [2003 c 400 § 4; 2002 c 111 § 6; 1991 c 324 § 5; 1984 c 208 § 10.]

Additional notes found at www.leg.wa.gov

18.16.100 Issuance of licenses—Requirements. (1) Upon completion of an application approved by the department and payment of the proper fee, the director shall issue the appropriate license to any person who:

(a) Is at least seventeen years of age or older;

(b)(i) Has completed and graduated from a school licensed under this chapter in a curriculum approved by the director consisting of the hours of training required under this chapter for a school curriculum, or has met the requirements in RCW 18.16.020 or 18.16.130; or

(ii) Has successfully completed a state-approved apprenticeship program consisting of the hours of training required under this chapter for the apprentice training curriculum; and

(c) Has received a passing grade on the appropriate licensing examination approved or administered by the director.

(2) A person currently licensed under this chapter may qualify for examination and licensure, after the required examination is passed, in another category if he or she has completed the crossover training course.

(3) Upon completion of an application approved by the department, certification of insurance, and payment of the proper fee, the director shall issue a location license to the applicant.

(4) The director may consult with the state board of health and the department of labor and industries in establishing training, apprenticeship, and examination requirements. [2008 c 20 § 5; 2003 c 400 § 5; 2002 c 111 § 7; 1991 c 324 § 6; 1984 c 208 § 5.]

Additional notes found at www.leg.wa.gov

18.16.110 Issuance of licenses—Renewals—Reinstatement—Duplicates. (1) The director shall issue the appropriate license to any applicant who meets the requirements as outlined in this chapter.

(2) Except as provided in RCW 18.16.260:

(a) Failure to renew a license by its expiration date subjects the holder to a penalty fee and payment of each year's renewal fee, at the current rate; and

(b) A person whose license has not been renewed within one year after its expiration date shall have the license canceled and shall be required to submit an application, pay the license fee, meet current licensing requirements, and pass any applicable examination or examinations, in addition to the other requirements of this chapter, before the license may be reinstated.

(3) In lieu of the requirements of subsection (2)(a) of this section, a license placed on inactive status under RCW 18.16.290 may be reinstated to good standing upon receipt by the department of: (a) Payment of a renewal fee, without penalty, for a two-year license commencing on the date the license is reinstated; and (b) if the license was on inactive status during any time that the board finds that a health or other requirement applicable to the license has changed, evidence showing that the holder of the license has successfully completed, from a school licensed under RCW 18.16.140, at least the number of curriculum clock hours of instruction that the board deems necessary for a licensee to be brought current with respect to such changes, but in no case may the number of hours required under this subsection exceed four hours per year that the license was on inactive status.

(4) Nothing in this section authorizes a person whose license has expired or is on inactive status to engage in a practice prohibited under RCW 18.16.060 until the license is renewed or reinstated.

(5) Upon request and payment of an additional fee to be established by rule by the director, the director shall issue a duplicate license to an applicant. [2004 c 51 § 3; 2002 c 111 § 8; 1991 c 324 § 7; 1984 c 208 § 12.]

Additional notes found at www.leg.wa.gov

18.16.130 Issuance of licenses—Persons licensed in other jurisdictions. (1) Any person who is properly licensed in any state, territory, or possession of the United States, or foreign country shall be eligible for examination if the applicant submits the approved application and fee and provides proof to the director that he or she is currently licensed in good standing as a cosmetologist, hair designer, barber, manicurist, esthetician, master esthetician, instructor, or the equivalent in that jurisdiction. Upon passage of the required examinations the appropriate license will be issued.

(2)(a) The director shall, upon passage of the required examinations, issue a license as master esthetician to an applicant who submits the approved application and fee and provides proof to the director that the applicant is currently licensed in good standing in esthetics in any state, territory, or possession of the United States, or foreign country and holds a diplomate of the comite international d'esthetique et de cosmetologie diploma, or an international therapy examination council diploma, or a certified credential awarded by the national coalition of estheticians, manufacturers/distributors & associations.

(b) The director may upon passage of the required examinations, issue a master esthetician license to an applicant that is currently licensed in esthetics in any other state, territory, or possession of the United States, or foreign country and

submits an approved application and fee and provides proof to the director that he or she is licensed in good standing and:

(i) The licensing state, territory, or possession of the United States, or foreign country has licensure requirements that the director determines are substantially equivalent to a master esthetician license in this state; or

(ii) The applicant has certification or a diploma or other credentials that the director determines has licensure requirements that are substantially equivalent to the degree listed in (a) of this subsection. [2015 c 62 § 5; 2013 c 187 § 5; 1991 c 324 § 10; 1984 c 208 § 11.]

18.16.140 School licenses—Application—Approved security—Issuance—Changes in application information—Changes in controlling interest—Posting of licenses. (1) Any person wishing to operate a school shall, before opening such a school, pay the license fee and file with the director for approval a license application containing the following information:

(a) The names and addresses of all owners, managers, and instructors;

(b) A copy of the school's curriculum satisfying the curriculum requirements established by the director;

(c) A sample copy of the school's catalog, brochure, enrollment contract, and cancellation and refund policies that will be used or distributed by the school to students and the public;

(d) A surety bond in an amount not less than ten thousand dollars, or ten percent of the annual gross tuition collected by the school, whichever is greater. The approved security shall not exceed fifty thousand dollars and shall run to the state of Washington for the protection of unearned pre-paid student tuition. The school shall attest to its gross tuition at least annually on forms provided by the department. When a new school license is being applied for, the applicant will estimate its annual gross tuition to establish a bond amount. This subsection shall not apply to community colleges and vocational technical schools.

Upon approval of the application and documents, the director shall issue a license to operate a school.

(2) Changes to the information provided by schools shall be submitted to the department within fifteen days of the implementation date.

(3) A change involving the controlling interest of the school requires a new license application and fee. The new application shall include all required documentation, proof of ownership change, and be approved prior to a license being issued.

(4) School and instructor licenses issued by the department shall be posted in the reception area of the school. [2002 c 111 § 9; 1991 c 324 § 11; 1987 c 445 § 1; 1984 c 208 § 6.]

Additional notes found at www.leg.wa.gov

18.16.150 Schools—Compliance with chapter. Schools shall be audited and inspected by the director or the director's designee for compliance with this chapter at least once a year. If the director determines that a licensed school is not maintaining the standards required according to this chapter, written notice thereof shall be given to the school. A school which fails to correct these conditions to the satisfac-

tion of the director within a reasonable time may be subject to penalties imposed under RCW 18.235.110. [2002 c 86 § 215; 1997 c 178 § 1; 1991 c 324 § 12; 1984 c 208 § 8.]

Additional notes found at www.leg.wa.gov

18.16.160 Schools—Claims against—Procedure. In addition to any other legal remedy, any student or instructor-trainee having a claim against a school may bring suit upon the approved security required in RCW 18.16.140(1)(d) in the superior or district court of Thurston county or the county in which the educational services were offered by the school. Action upon the approved security shall be commenced by filing the complaint with the clerk of the appropriate superior or district court within one year from the date of the cancellation of the approved security: PROVIDED, That no action shall be maintained upon the approved security for any claim which has been barred by any nonclaim statute or statute of limitations of this state. Service of process in an action upon the approved security shall be exclusively by service upon the director. Two copies of the complaint shall be served by registered or certified mail upon the director at the time the suit is started. Such service shall constitute service on the approved security and the school. The director shall transmit the complaint or a copy thereof to the school at the address listed in the director's records and to the surety within forty-eight hours after it has been received. The approved security shall not be liable in an aggregate amount in excess of the amount named in the approved security. In any action on an approved security, the prevailing party is entitled to reasonable attorney's fees and costs.

The director shall maintain a record, available for public inspection, of all suits commenced under this chapter upon approved security. [2004 c 51 § 8; 1991 c 324 § 13; 1984 c 208 § 16.]

Additional notes found at www.leg.wa.gov

18.16.170 Expiration of licenses. (1) Subject to subsection (2) of this section, licenses issued under this chapter expire as follows:

(a) A salon/shop, personal services, or mobile unit license expires one year from issuance or when the insurance required by RCW 18.16.175(1)(g) expires, whichever occurs first;

(b) A school license expires one year from issuance; and

(c) Cosmetologist, hair designer, barber, manicurist, esthetician, master esthetician, and instructor licenses expire two years from issuance.

(2) The director may provide for expiration dates other than those set forth in subsection (1) of this section for the purpose of establishing staggered renewal periods. [2015 c 62 § 6; 2013 c 187 § 6; 2002 c 111 § 10; 1991 c 324 § 9.]

Additional notes found at www.leg.wa.gov

18.16.175 Salon/shop or mobile unit requirements—Liability insurance—Complaints—Inspection—Registration—Use of motor homes—Posting of licenses. (1) A salon/shop or mobile unit shall meet the following minimum requirements:

(a) Maintain an outside entrance separate from any rooms used for sleeping or residential purposes;

(b) Provide and maintain for the use of its customers adequate toilet facilities located within or adjacent to the salon/shop or mobile unit;

(c) Any room used wholly or in part as a salon/shop or mobile unit shall not be used for residential purposes, except that toilet facilities may be used for both residential and business purposes;

(d) Meet the zoning requirements of the county, city, or town, as appropriate;

(e) Provide for safe storage and labeling of chemicals used in the practices under this chapter;

(f) Meet all applicable local and state fire codes; and

(g) Certify that the salon/shop or mobile unit is covered by a public liability insurance policy in an amount not less than one hundred thousand dollars for combined bodily injury and property damage liability.

(2) The director may by rule determine other requirements that are necessary for safety and sanitation of salons/shops, personal services, or mobile units. The director may consult with the state board of health and the department of labor and industries in establishing minimum salon/shop, personal services, and mobile unit safety requirements.

(3) Personal services license holders shall certify coverage of a public liability insurance policy in an amount not less than one hundred thousand dollars for combined bodily injury and property damage liability.

(4) Upon receipt of a written complaint that a salon/shop or mobile unit has violated any provisions of this chapter, chapter 18.235 RCW, or the rules adopted under either chapter, or at least once every two years for an existing salon/shop or mobile unit, the director or the director's designee shall inspect each salon/shop or mobile unit. If the director determines that any salon/shop or mobile unit is not in compliance with this chapter, the director shall send written notice to the salon/shop or mobile unit. A salon/shop or mobile unit which fails to correct the conditions to the satisfaction of the director within a reasonable time shall, upon due notice, be subject to the penalties imposed by the director under RCW 18.235.110. The director may enter any salon/shop or mobile unit during business hours for the purpose of inspection. The director may contract with health authorities of local governments to conduct the inspections under this subsection.

(5) A salon/shop, personal services, or mobile unit shall obtain a certificate of registration from the department of revenue.

(6) This section does not prohibit the use of motor homes as mobile units if the motor home meets the health and safety standards of this section.

(7) Salon/shop or mobile unit licenses issued by the department must be posted in the salon/shop or mobile unit's reception area.

(8) Cosmetology, hair design, barbering, esthetics, master esthetics, and manicuring licenses issued by the department must be posted at the licensed person's work station. [2015 c 62 § 7; 2013 c 187 § 7; 2008 c 20 § 6. Prior: 2002 c 111 § 11; 2002 c 86 § 216; 1997 c 178 § 2; 1991 c 324 § 15.]

Additional notes found at www.leg.wa.gov

18.16.180 Salon/shop—Apprenticeship shop—Notice required. (1) The director shall prepare and provide to all licensed salons/shops a notice to consumers. At a minimum,

the notice shall state that cosmetology, hair design, barber, esthetics, master esthetics, and manicure salons/shops are required to be licensed, that salons/shops are required to maintain minimum safety and sanitation standards, that customer complaints regarding salons/shops may be reported to the department, and a telephone number and address where complaints may be made.

(2) An approved apprenticeship shop must post a notice to consumers in the reception area of the salon/shop stating that services may be provided by an apprentice. At a minimum, the notice must state: "This shop is a participant in a state-approved apprenticeship program. Apprentices in this program are in training and have not yet received a license." [2015 c 62 § 8; 2013 c 187 § 8; 2008 c 20 § 7; 1991 c 324 § 16.]

18.16.190 Location of practice—Penalty—Placebound clients. It is a violation of this chapter for any person to engage in the commercial practice of cosmetology, hair design, barbering, esthetics, master esthetics, or manicuring, except in a licensed salon/shop or the home, office, or other location selected by the client for obtaining the services of a personal service operator, or with the appropriate individual license when delivering services to placebound clients. Placebound clients are defined as persons who are ill, disabled, or otherwise unable to travel to a salon/shop. [2015 c 62 § 9; 2013 c 187 § 9; 1991 c 324 § 20.]

18.16.200 Disciplinary action—Grounds. In addition to the unprofessional conduct described in RCW 18.235.130, the director may take disciplinary action against any applicant or licensee under this chapter if the licensee or applicant:

(1) Has been found to have violated any provisions of chapter 19.86 RCW;

(2) Has engaged in a practice prohibited under RCW 18.16.060 without first obtaining, and maintaining in good standing, the license required by this chapter;

(3) Has engaged in the commercial practice of cosmetology, hair design, barbering, manicuring, esthetics, or master esthetics in a school;

(4) Has not provided a safe, sanitary, and good moral environment for students in a school or the public;

(5) Has failed to display licenses required in this chapter; or

(6) Has violated any provision of this chapter or any rule adopted under it. [2015 c 62 § 10; 2013 c 187 § 10; 2004 c 51 § 4. Prior: 2002 c 111 § 12; 2002 c 86 § 217; 1991 c 324 § 14; 1984 c 208 § 13.]

Additional notes found at www.leg.wa.gov

18.16.210 Violations—Penalties. If, following a hearing, the director finds that any person or an applicant or licensee has violated any provision of this chapter or any rule adopted under it, the director may impose one or more of the following penalties:

(1) Denial of a license or renewal;

(2) Revocation or suspension of a license;

(3) A fine of not more than five hundred dollars per violation;

(4) Issuance of a reprimand or letter of censure;

(5) Placement of the licensee on probation for a fixed period of time;

(6) Restriction of the licensee's authorized scope of practice;

(7) Requiring the licensee to make restitution or a refund as determined by the director to any individual injured by the violation; or

(8) Requiring the licensee to obtain additional training or instruction. [2002 c 111 § 13; 1984 c 208 § 14.]

Additional notes found at www.leg.wa.gov

18.16.220 Appeal—Procedure. Any person aggrieved by the refusal of the director to issue any license provided for in this chapter, or to renew the same, or by the revocation or suspension of any license issued under this chapter or by the application of any penalty under RCW 18.16.210, shall have the right to appeal the decision of the director to the superior court of the county in which the person maintains his or her place of business. Such appeal shall be filed within thirty days of the director's decision. [1984 c 208 § 15.]

18.16.230 License suspension—Nonpayment or default on educational loan or scholarship. The director shall suspend the license of any person who has been certified by a lending agency and reported to the director for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's license shall not be reissued until the person provides the director a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for licensure during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director may impose. [1996 c 293 § 5.]

Additional notes found at www.leg.wa.gov

18.16.240 License suspension—Noncompliance with support order—Reissuance. The department shall 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. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. [2002 c 111 § 15; 1997 c 58 § 815.]

Effective dates—Intent—1997 c 58: See notes following RCW 74.20A.320.

Additional notes found at www.leg.wa.gov

18.16.250 Finding—Consumer protection act. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A

violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW. [2002 c 111 § 14.]

Additional notes found at www.leg.wa.gov

18.16.260 License renewal—Fee—Examination—Fee. (1)(a) Prior to July 1, 2005, (i) a cosmetology licensee who held a license in good standing between June 30, 1999, and June 30, 2003, may request a renewal of the license or an additional license in barbering, manicuring, and/or esthetics; and (ii) a licensee who held a barber, manicurist, or esthetics license between June 30, 1999, and June 30, 2003, may request a renewal of such licenses held during that period.

(b) A license renewal fee, including, if applicable, a renewal fee, at the current rate, for each year the licensee did not hold a license in good standing between July 1, 2001, and the date of the renewal request, must be paid prior to issuance of each type of license requested. After June 30, 2005, any cosmetology licensee wishing to renew an expired license or obtain additional licenses must meet the applicable renewal, training, and examination requirements of this chapter.

(2)(a) Any person holding an active license in good standing as an esthetician prior to January 1, 2015, may be licensed as an esthetician licensee after paying the appropriate license fee.

(b) Prior to January 1, 2015, an applicant for a master esthetician license must have an active license in good standing as an esthetician, pay the appropriate license fee, and provide the department with proof of having satisfied one or more of the following requirements:

(i)(A)(I) A minimum of thirty-five hours employment as a provider of medium depth peels under the delegation or supervision of a licensed physician, advanced registered nurse practitioner, or physician assistant, or other licensed professional whose licensure permits such delegation or supervision; or

(II) Seven hours of training in theory and application of medium depth peels; and

(B)(I) A minimum of one hundred fifty hours employment as a laser operator under the delegation or supervision of a licensed physician, advanced registered nurse practitioner, or physician assistant, or other licensed professional whose licensure permits such delegation or supervision; or

(II) Seventy-five hours of laser training;

(ii) A national or international diploma or certification in esthetics that is recognized by the department by rule;

(iii) An instructor in esthetics who has been licensed as an instructor in esthetics by the department for a minimum of three years; or

(iv) Completion of one thousand two hundred hours of an esthetic curriculum approved by the department.

(3) The director may, as provided in RCW 43.24.140, modify the duration of any additional license granted under this section to make all licenses issued to a person expire on the same date. [2013 c 187 § 11; 2004 c 51 § 5; 2002 c 111 § 16.]

Additional notes found at www.leg.wa.gov

18.16.270 Uniform regulation of business and professions act. The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter. [2002 c 86 § 218.]

Additional notes found at www.leg.wa.gov

18.16.280 Cosmetology apprenticeship program. (1) An approved cosmetology apprenticeship program is hereby created. The apprenticeship program allows for the direct entry of individuals into a training program approved as provided in this chapter and chapter 49.04 RCW.

(2) The department of licensing shall adopt rules, including a mandatory requirement that apprentices complete in-classroom theory courses as a part of their training, to provide for the licensure of participants of the apprenticeship program.

(3) Apprenticeship salon/shops participating in the apprenticeship program must:

(a) Be approved as an approved apprenticeship program conducted in an approved salon/shop by the Washington state apprenticeship and training council in accordance with chapter 49.04 RCW; and

(b) Provide the department with the names of all individuals acting as apprentice trainers.

(4) To act as an apprentice trainer, an individual must be approved by the department. To be approved, the trainer must hold a current license in the practice for which he or she is providing training and must have held that license for a minimum of three consecutive years.

(5) If an approved apprenticeship program or apprenticeship shop implements changes affecting the information required to be provided to the department under this section or rules adopted under this section, the revised information must be submitted to the department before implementing the changes.

(6) The director or the director's designee shall audit and inspect approved apprenticeship shops for compliance with this chapter at least annually. If the director determines that an approved apprenticeship shop is not maintaining the standards required by this chapter, written notice thereof must be given to the approved apprenticeship program and apprenticeship shop. An approved apprenticeship shop that fails to correct the conditions listed in the notice to the satisfaction of the director within a reasonable time may be subject to penalties imposed under RCW 18.235.110. [2008 c 20 § 8; 2006 c 162 § 2; 2003 c 400 § 1.]

Finding—2006 c 162: "The legislature finds that direct-entry apprenticeship programs can be very beneficial to both students and employers. However, there is also concern that apprenticeship programs may reduce the number of students who enroll in traditional cosmetology school. The advisory committee is to update the legislature on the program with an updated final report by December 31, 2008, and is to include an evaluation of the effectiveness of the apprenticeship program, including but not limited to the number of apprentices who complete the program, the number of apprentices who take and pass the licensing examination, and a formal review of any impact the expansion of such an apprenticeship program may have on the enrollment of traditional cosmetology schools, including but not limited to whether the enrollment of traditional cosmetology schools is negatively impacted by the direct-entry apprenticeship programs." [2006 c 162 § 1.]

Additional notes found at www.leg.wa.gov

18.16.290 License—Inactive status. (1) If the holder of an individual license in good standing submits a written and notarized request that the licensee's cosmetology, hair design, barber, manicurist, esthetician and master esthetician, or instructor license be placed on inactive status, together with a fee equivalent to that established by rule for a duplicate license, the department shall place the license on inactive status until the expiration date of the license. If the date of the request is no more than six months before the expiration date of the license, a request for a two-year extension of the inactive status, as provided under subsection (2) of this section, may be submitted at the same time as the request under this subsection.

(2) If the holder of a license placed on inactive status under this section submits, by the expiration date of the license, a written and notarized request to extend that status for an additional two years, the department shall, without additional fee, extend the expiration date of: (a) The licensee's individual license; and (b) the inactive status for two years from the expiration date of the license.

(3) A license placed on inactive status under this section may not be extended more frequently than once in any twenty-four month period or for more than six consecutive years.

(4) If, by the expiration date of a license placed on inactive status under this section, a licensee is unable, or fails, to request that the status be extended and the license is not renewed, the license shall be canceled. [2015 c 62 § 11; 2013 c 187 § 12; 2004 c 51 § 2.]

Additional notes found at www.leg.wa.gov

18.16.300 Military training or experience. An applicant with military training or experience satisfies the training or experience requirements of this chapter unless the director determines that the military training or experience is not substantially equivalent to the standards of this state. [2011 c 351 § 3.]

18.16.305 Recognition as institution of postsecondary study. Schools shall be recognized as institutions of postsecondary study under the following conditions:

(1) The school admits as regular students only those individuals who have earned a recognized high school diploma or the equivalent of a recognized high school diploma, or who are beyond the age of compulsory education as provided in RCW 28A.225.010; and

(2) The school is licensed by name by the department under this chapter to offer one or more training programs beyond the secondary level. [2013 c 201 § 2.]

Intent—2013 c 201: "It is the intent of the legislature to maintain and expand access to postsecondary education and improve opportunities for students. The legislature recognizes that access to federal financial aid is a major avenue for overcoming financial barriers to higher education for many students in Washington. The legislature recognizes that recent federal changes in federal regulations require the adjustment of definitions of certain postsecondary institutions in state statutes to ensure that those schools that currently meet the requirements are eligible for student financial aid programs provided by the federal government." [2013 c 201 § 1.]

18.16.900 Short title. This chapter shall be known and may be cited as the "Washington cosmetologists, hair designers, barbers, manicurists, and estheticians act." [2015 c 62 § 12; 2002 c 111 § 17; 1984 c 208 § 20.]

Additional notes found at www.leg.wa.gov

18.16.905 Severability—1984 c 208. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [1984 c 208 § 22.]

18.16.907 Effective date—1984 c 208. This act shall take effect July 1, 1984. [1984 c 208 § 23.]

18.16.910 Severability—1991 c 324. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [1991 c 324 § 22.]

Chapter 308-20 WAC

COSMETOLOGY—BARBER— MANICURIST—ESTHETICIAN RULES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-20-001	Authority and purpose. [Statutory Authority: Chapter 18.16 RCW. WSR 92-15-087, § 308-20-001, filed 7/17/92, effective 8/17/92.] Repealed by WSR 01-01-083, filed 12/14/00, effective 1/14/01. Statutory Authority: RCW 18.16.030(2).	308-20-095	
308-20-005	Applicable statutes. [Statutory Authority: Chapter 18.16 RCW. WSR 92-15-087, § 308-20-005, filed 7/17/92, effective 8/17/92.] Repealed by WSR 01-01-083, filed 12/14/00, effective 1/14/01. Statutory Authority: RCW 18.16.030(2).		
308-20-020	Term of course—Examination eligibility. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-020, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. WSR 91-11-042, § 308-20-020, filed 5/10/91, effective 6/10/91; WSR 88-19-047 (Order PM 772), § 308-20-020, filed 9/14/88. Statutory Authority: 1984 c 208. WSR 84-19-020 (Order PL 480), § 308-20-020, filed 9/12/84.] Repealed by WSR 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.	308-20-100	
308-20-030	Curriculum structure. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-030, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. WSR 91-11-042, § 308-20-030, filed 5/10/91, effective 6/10/91; WSR 88-19-047 (Order PM 772), § 308-20-030, filed 9/14/88. Statutory Authority: 1984 c 208. WSR 84-19-020 (Order PL 480), § 308-20-030, filed 9/12/84.] Repealed by WSR 02-04-	308-20-109	
			012, filed 1/24/02, effective 6/30/02. Statutory Authority: RCW 18.16.030(2). Performance examination. [Statutory Authority: Chapter 18.16 RCW. WSR 92-15-087, § 308-20-045, filed 7/17/92, effective 8/17/92.] Repealed by WSR 02-04-012, filed 1/24/02, effective 6/30/02. Statutory Authority: RCW 18.16.030(2). Change in ownership of school. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-050, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. WSR 91-11-042, § 308-20-050, filed 5/10/91, effective 6/10/91; WSR 88-19-047 (Order PM 772), § 308-20-050, filed 9/14/88. Statutory Authority: 1984 c 208. WSR 84-19-020 (Order PL 480), § 308-20-050, filed 9/12/84.] Repealed by WSR 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175. Approved security (surety bond, savings assignment, or irrevocable letter of credit). [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-060, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. WSR 88-19-047 (Order PM 772), § 308-20-060, filed 9/14/88. Statutory Authority: RCW 18.16.030(2) and 18.16.140 as amended by 1987 c 445 § 1. WSR 87-21-010 (Order PM 681), § 308-20-060, filed 10/9/87. Statutory Authority: 1984 c 308. WSR 84-21-096 (Order PL 491), § 308-20-060, filed 10/19/84.] Repealed by WSR 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175. Training guidelines. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-070, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. WSR 91-11-042, § 308-20-070, filed 5/10/91, effective 6/10/91; WSR 88-19-047 (Order PM 772), § 308-20-070, filed 9/14/88. Statutory Authority: 1984 c 208. WSR 84-19-020 (Order PL 480), § 308-20-070, filed 9/12/84.] Repealed by WSR 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175. Examination eligibility of applicants from out-of-state schools. [Statutory Authority: RCW 18.16.030. WSR 91-11-042, § 308-20-095, filed 5/10/91, effective 6/10/91.] Repealed by WSR 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175. Recording student hours. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-100, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. WSR 88-19-047 (Order PM 772), § 308-20-100, filed 9/14/88. Statutory Authority: 1984 c 208. WSR 84-19-020 (Order PL 480), § 308-20-100, filed 9/12/84.] Repealed by WSR 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175. Instructor-trainee credit for training. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-109, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. WSR 88-19-047 (Order PM 772), § 308-20-109, filed 9/14/88.] Repealed by WSR 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175. Examination objectives. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, §

	308-20-130, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. WSR 88-19-047 (Order PM 772), § 308-20-130, filed 9/14/88. Statutory Authority: 1984 c 208. WSR 84-19-020 (Order PL 480), § 308-20-130, filed 9/12/84.] Repealed by WSR 02-04-012, filed 1/24/02, effective 6/30/02. Statutory Authority: RCW 18.16.030(2).		
308-20-140	Examination—Application. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-140, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. WSR 91-11-042, § 308-20-140, filed 5/10/91, effective 6/10/91. Statutory Authority: RCW 18.16.030 and 43.24.086. WSR 90-07-030, § 308-20-140, filed 3/14/90, effective 4/14/90. Statutory Authority: RCW 18.16.030. WSR 88-19-047 (Order PM 772), § 308-20-140, filed 9/14/88. Statutory Authority: 1984 c 208. WSR 84-19-020 (Order PL 480), § 308-20-140, filed 9/12/84.] Repealed by WSR 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.		
308-20-150	Student appeal—Examination eligibility denial by the school. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-150, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. WSR 88-19-047 (Order PM 772), § 308-20-150, filed 9/14/88. Statutory Authority: 1984 c 208. WSR 84-19-020 (Order PL 480), § 308-20-150, filed 9/12/84.] Repealed by WSR 02-04-012, filed 1/24/02, effective 6/30/02. Statutory Authority: RCW 18.16.030(2).		
308-20-155	Procedure for applicants requiring special accommodations for licensure examination. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-155, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030 and 43.24.086. WSR 90-07-030, § 308-20-155, filed 3/14/90, effective 4/14/90. Statutory Authority: RCW 18.16.030. WSR 88-19-047 (Order PM 772), § 308-20-155, filed 9/14/88.] Repealed by WSR 02-04-012, filed 1/24/02, effective 6/30/02. Statutory Authority: RCW 18.16.030(2).		
308-20-160	Release of results of examination. [Statutory Authority: 1984 c 208. WSR 84-19-020 (Order PL 480), § 308-20-160, filed 9/12/84.] Repealed by WSR 97-17-062, filed 8/18/97, effective 9/18/97. Statutory Authority: RCW 34.05.354.		
308-20-171	Passing scores on all examinations. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-171, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. WSR 88-19-047 (Order PM 772), § 308-20-171, filed 9/14/88. Statutory Authority: RCW 18.16.090, 18.16.020(11) and 18.16.030(2). WSR 87-01-006 (Order PM 614), § 308-20-171, filed 12/5/86. Statutory Authority: 1984 c 208 § 7(2). WSR 85-01-044 (Order PL 502), § 308-20-171, filed 12/13/84.] Repealed by WSR 02-04-012, filed 1/24/02, effective 6/30/02. Statutory Authority: RCW 18.16.030(2).		
308-20-172	Failed examination appeal procedures. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-172, filed 1/23/92, effective 2/23/92.] Repealed by WSR 02-04-012, filed 1/24/02, effective 6/30/02. Statutory Authority: RCW 18.16.030(2).		
308-20-175	Persons licensed in other jurisdictions. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-175, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. WSR 91-11-042, § 308-20-175, filed 5/10/91, effective 6/10/91.] Repealed by WSR 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.		
308-20-180	Posting of license. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-180, filed 1/23/92, effective 2/23/92. Statutory Authority: 1984 c 208. WSR 84-19-020 (Order PL 480), § 308-20-180, filed 9/12/84.] Repealed by WSR 03-14-046, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030 and 43.24.023.		
308-20-200	Fees. [Statutory Authority: 1984 c 208. WSR 84-19-020 (Order PL 480), § 308-20-200, filed 9/12/84.] Repealed		by WSR 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086.
		308-20-205	License renewal—Penalties. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-205, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. WSR 88-19-047 (Order PM 772), § 308-20-205, filed 9/14/88. Statutory Authority: 1984 c 208. WSR 84-19-020 (Order PL 480), § 308-20-205, filed 9/12/84.] Repealed by WSR 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
		308-20-208	Grandfather provisions. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-208, filed 1/23/92, effective 2/23/92.] Repealed by WSR 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
		308-20-310	Minimum sanitation, safety and health standards for all individual licensees. [Statutory Authority: Chapter 18.16 RCW. WSR 92-15-087, § 308-20-310, filed 7/17/92, effective 8/17/92.] Repealed by WSR 02-04-012, filed 1/24/02, effective 6/30/02. Statutory Authority: RCW 18.16.030(2).
		308-20-500	Definitions. [Statutory Authority: Chapter 18.16 RCW. WSR 92-15-087, § 308-20-500, filed 7/17/92, effective 8/17/92.] Repealed by WSR 97-17-062, filed 8/18/97, effective 9/18/97. Statutory Authority: RCW 34.05.354.
		308-20-510	Minimum operator licensing standards. [Statutory Authority: Chapter 18.16 RCW. WSR 92-15-087, § 308-20-510, filed 7/17/92, effective 8/17/92.] Repealed by WSR 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
		308-20-530	Minimum licensing requirements. [Statutory Authority: Chapter 18.16 RCW. WSR 92-15-087, § 308-20-530, filed 7/17/92, effective 8/17/92.] Repealed by WSR 03-14-046, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030 and 43.24.023.
		308-20-540	Application process. [Statutory Authority: Chapter 18.16 RCW. WSR 92-15-087, § 308-20-540, filed 7/17/92, effective 8/17/92.] Repealed by WSR 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
		308-20-545	License issuance. [Statutory Authority: Chapter 18.16 RCW. WSR 92-15-087, § 308-20-545, filed 7/17/92, effective 8/17/92.] Repealed by WSR 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
		308-20-590	Minimum business location sanitation, safety, and health standards. [Statutory Authority: Chapter 18.16 RCW. WSR 92-15-087, § 308-20-590, filed 7/17/92, effective 8/17/92.] Repealed by WSR 02-04-012, filed 1/24/02, effective 6/30/02. Statutory Authority: RCW 18.16.030(2).
		308-20-600	Disinfecting and sterilizing of tools and other implements. [Statutory Authority: RCW 18.16.030 and 43.24.023. WSR 03-14-046, § 308-20-600, filed 6/24/03, effective 7/25/03. Statutory Authority: Chapter 18.16 RCW. WSR 92-15-087, § 308-20-600, filed 7/17/92, effective 8/17/92.] Repealed by WSR 07-14-066, filed 6/29/07, effective 8/1/07. Statutory Authority: RCW 18.16.030 and 43.24.023.
		308-20-610	Chemical use and storage. [Statutory Authority: Chapter 18.16 RCW. WSR 92-15-087, § 308-20-610, filed 7/17/92, effective 8/17/92.] Repealed by WSR 07-14-066, filed 6/29/07, effective 8/1/07. Statutory Authority: RCW 18.16.030 and 43.24.023.
		308-20-630	Worker right to know. [Statutory Authority: Chapter 18.16 RCW. WSR 92-15-087, § 308-20-630, filed 7/17/92, effective 8/17/92.] Repealed by WSR 01-01-083, filed 12/14/00, effective 1/14/01. Statutory Authority: RCW 18.16.030(2).
		308-20-640	Educational, medical, first aid, and accident prevention programs. [Statutory Authority: Chapter 18.16 RCW. WSR 92-15-087, § 308-20-640, filed 7/17/92, effective 8/17/92.] Repealed by WSR 01-01-083, filed 12/14/00, effective 1/14/01. Statutory Authority: RCW 18.16.030(2).

- 308-20-670 Pets on the premises. [Statutory Authority: Chapter 18.16 RCW. WSR 92-15-087, § 308-20-670, filed 7/17/92, effective 8/17/92.] Repealed by WSR 01-01-083, filed 12/14/00, effective 1/14/01. Statutory Authority: RCW 18.16.030(2).
- 308-20-680 Compliance with state, federal, and local building codes. [Statutory Authority: Chapter 18.16 RCW. WSR 92-15-087, § 308-20-680, filed 7/17/92, effective 8/17/92.] Repealed by WSR 01-01-083, filed 12/14/00, effective 1/14/01. Statutory Authority: RCW 18.16.030(2).
- 308-20-690 Inspection of premises. [Statutory Authority: Chapter 18.16 RCW. WSR 92-15-087, § 308-20-690, filed 7/17/92, effective 8/17/92.] Repealed by WSR 01-01-083, filed 12/14/00, effective 1/14/01. Statutory Authority: RCW 18.16.030(2).
- 308-20-700 Penalty for failure to obtain operator or location licenses or comply with statutes of regulatory authorities. [Statutory Authority: Chapter 18.16 RCW. WSR 92-15-087, § 308-20-700, filed 7/17/92, effective 8/17/92.] Repealed by WSR 01-01-083, filed 12/14/00, effective 1/14/01. Statutory Authority: RCW 18.16.030(2).
- 308-20-710 Application of brief adjudicative proceedings. [Statutory Authority: RCW 18.16.030 and 43.24.023. WSR 03-14-046, § 308-20-710, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). WSR 97-10-049, § 308-20-710, filed 5/1/97, effective 6/1/97.] Repealed by WSR 06-10-007, filed 4/20/06, effective 5/21/06. Statutory Authority: RCW 18.16.030. Later promulgation, see chapter 308-08 WAC.
- 308-20-720 Preliminary record in brief adjudicative proceedings. [Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). WSR 97-10-049, § 308-20-720, filed 5/1/97, effective 6/1/97.] Repealed by WSR 06-10-007, filed 4/20/06, effective 5/21/06. Statutory Authority: RCW 18.16.030. Later promulgation, see chapter 308-08 WAC.
- 308-20-730 Conduct of brief adjudicative proceedings. [Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). WSR 97-10-049, § 308-20-730, filed 5/1/97, effective 6/1/97.] Repealed by WSR 06-10-007, filed 4/20/06, effective 5/21/06. Statutory Authority: RCW 18.16.030. Later promulgation, see chapter 308-08 WAC.

WAC 308-20-010 Definitions. (1) "Chemical compounds formulated for professional use only" are those compounds containing hazardous chemicals in a form not generally sold to the public; including but not limited to, bulk concentrates of permanent wave solution, neutralizers, chemical relaxers, oxidizing agents, flammable substances, facial creams, or approved chemical compounds. These compounds must be designated for use on the hair, face, neck, skin, or scalp.

(2) "Monthly student report" are forms provided by the school, approved by the department, preprinted with the school name. The report must include the month, year and daily activities of the student in each subject, (i.e., number of shampoos, haircuts, perms, colors, etc.) within each course (i.e., barbering, manicuring, cosmetology, hair design, esthetics, master esthetics, or instructor-trainee).

(3) "Completed and graduated" is the completion of the school curriculum and the state approved minimum hourly course of training.

(4) "Apprentice salon/shop" is a location certified by the Washington state apprenticeship and training committee, that provides training for individuals accepted into the apprenticeship program. Apprentice salon/shops shall not receive payment from the apprentice for training.

(5) "Apprentice trainer" is a person that is currently licensed and in good standing. This person provides training in a licensed shop approved for the apprenticeship program, who must have received journey level training and have held

a license in the curriculum for which he or she is providing training for a minimum of three years.

(6) "Journey level training" is the completion of three years working as a licensed cosmetologist, hair designer, barber, manicurist, esthetician, or master esthetician.

(7) "Completion of the apprenticeship training" is the completion of the apprentice salon/shop curriculum that includes the state approved hourly course of training as described in WAC 308-20-080.

(8) "Monthly apprentice report" forms provided by the apprentice shop, approved by the department, printed with the shop name, for use in recording apprentice training hours and activities.

(9) "Online training" means an approved electronic learning environment through a licensed school in which a student is enrolled. This training is limited to theory only. Online training may be used for up to twenty-five percent of the approved course of study.

[Statutory Authority: RCW 18.16.030, 43.24.023, 43.24.086. WSR 16-02-033, § 308-20-010, filed 12/29/15, effective 1/29/16. Statutory Authority: RCW 43.24.086 and 18.16.030. WSR 10-06-092, § 308-20-010, filed 3/2/10, effective 4/2/10. Statutory Authority: RCW 18.16.030, 43.24.023. WSR 08-22-029, § 308-20-010, filed 10/28/08, effective 2/1/09. Statutory Authority: RCW 18.16.030, 18.16.280, 43.24.023. WSR 05-17-020, § 308-20-010, filed 8/4/05, effective 9/4/05; WSR 04-05-005, § 308-20-010, filed 2/6/04, effective 3/8/04. Statutory Authority: RCW 18.16.030 and 43.24.023. WSR 03-14-046, § 308-20-010, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030(2). WSR 02-04-012, § 308-20-010, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-010, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. WSR 91-11-042, § 308-20-010, filed 5/10/91, effective 6/10/91; WSR 88-19-047 (Order PM 772), § 308-20-010, filed 9/14/88. Statutory Authority: 1984 c 208. WSR 84-19-020 (Order PL 480), § 308-20-010, filed 9/12/84. Formerly chapters 308-16 and 308-24 WAC.]

WAC 308-20-025 Natural hair braiding—Exemption. Nothing in chapter 18.16 RCW or 308-20 WAC prohibits or restricts the practice of natural hair braiding. Natural hair braiding does not include hair cutting, application of dyes, reactive chemicals or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair. Natural hair braiding may involve the use of hair extensions when the extensions are attached only by natural means.

[Statutory Authority: RCW 18.16.030(4) and 43.24.23 [43.24.023]. WSR 15-07-020, § 308-20-025, filed 3/10/15, effective 4/10/15.]

WAC 308-20-040 Student records. (1) Schools shall collect and record monthly and final student reports. These reports as described in WAC 308-20-010 shall contain the cumulative number of hours the student has attended class and the number of times the student performs an activity as described in WAC 308-20-080. The hours attended shall not be recorded in less than one-quarter hour increments. Each monthly report shall include the month and the year.

(2) Monthly and final student reports shall be signed by an instructor who is licensed in the curriculum being taught and is employed at the school where the student is enrolled.

(3) The school shall certify that a student has satisfied the minimum instruction guidelines described in WAC 308-20-080 at the time the final hours are reported to the department.

(4) Schools shall maintain student records on the school premises for at least three years. The student records shall include documentation of student training including the monthly student reports.

(5) The school shall notify the department of the persons authorized to sign student records on the school data sheet.

[Statutory Authority: RCW 43.24.023 and 18.16.030. WSR 13-24-042, § 308-20-040, filed 11/26/13, effective 1/1/14. Statutory Authority: RCW 43.24.086 and 18.16.030. WSR 10-06-092, § 308-20-040, filed 3/2/10, effective 4/2/10. Statutory Authority: RCW 18.16.030, 18.16.280, 43.24.023. WSR 04-05-005, § 308-20-040, filed 2/6/04, effective 3/8/04. Statutory Authority: RCW 18.16.030 and 43.24.023. WSR 03-14-046, § 308-20-040, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030(2). WSR 02-04-012, § 308-20-040, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-040, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. WSR 91-11-042, § 308-20-040, filed 5/10/91, effective 6/10/91; WSR 88-19-047 (Order PM 772), § 308-20-040, filed 9/14/88. Statutory Authority: RCW 18.16.030(2) and 18.16.140 as amended by 1987 c 445 § 1. WSR 87-21-010 (Order PM 681), § 308-20-040, filed 10/9/87. Statutory Authority: 1984 c 208. WSR 84-19-020 (Order PL 480), § 308-20-040, filed 9/12/84.]

WAC 308-20-055 Apprentice records. (1) Apprentice salon/shops shall collect and record monthly and final apprentice training records. These reports described in WAC 308-20-010(8) shall contain the cumulative number of hours the apprentice has earned in each area of the minimum instruction guidelines and the number of times an apprentice performs an activity. Records shall include the month, year, and daily activities of the apprentice in each subject.

(2) Copies of each apprentice's records shall be kept on file at the apprentice salon shop for the duration of training for each apprentice and provided to the apprentice and the apprenticeship program at the end of each month of training.

(3) Monthly and final apprentice records shall be signed by the apprentice trainer. The apprentice salon/shop shall notify the department of persons authorized to sign the apprentice's records on forms provided by the department.

(4) The apprenticeship program shall certify that an apprentice has satisfied the minimum instruction guidelines required in the standards of the apprenticeship program as described in WAC 308-20-080 at the time the final hours are reported to the department.

(5) The apprentice records shall be maintained by the shop during the training and by the Washington state apprenticeship and training committee for three years once training is completed. The apprentice records shall include documentation of apprentice training.

[Statutory Authority: RCW 18.16.030, 43.24.023, 43.24.086. WSR 16-02-033, § 308-20-055, filed 12/29/15, effective 1/29/16. Statutory Authority: RCW 43.24.023 and 18.16.030. WSR 13-24-042, § 308-20-055, filed 11/26/13, effective 1/1/14; WSR 08-22-029, § 308-20-055, filed 10/28/08, effective 2/1/09. Statutory Authority: RCW 18.16.030, 18.16.280, 43.24.023. WSR 04-05-005, § 308-20-055, filed 2/6/04, effective 3/8/04.]

WAC 308-20-065 Student and apprentice registration. (1) All schools and apprentice shops shall register any new student to the department in a manner and format prescribed by the department.

(2) At least one time per month, on or before the tenth day of the month, schools and apprentice shops shall submit to the department, a record of each student or apprentice's accrued clock hours in a manner and format prescribed by the

department. A school or apprentice shop's initial submission of clock hours shall include all hours accrued at the school or apprentice shop and all transferred hours received by the school or apprentice shop.

(3) Upon graduation, a school shall certify in a manner and format prescribed by the department that a student has completed the curriculum hours approved by the department.

(4) Upon completion of the apprenticeship training program, the apprentice shop shall certify in a manner and format prescribed by the department that an apprentice has completed the minimum number of training hours approved by the department.

(5) Schools and apprentice shops shall report a student or apprentice's withdrawal or termination to the department, in a manner and format prescribed by the department, within ten calendar days of the withdrawal or termination.

(6) Schools and apprentice shops shall report a student or apprentice's leave of absence request approved by the school or apprentice shop to the department, in a manner and format prescribed by the department, within ten calendar days of the start date of the leave.

[Statutory Authority: RCW 43.24.023 and 18.16.030. WSR 13-24-042, § 308-20-065, filed 11/26/13, effective 1/1/14; WSR 08-22-029, § 308-20-065, filed 10/28/08, effective 2/1/09.]

WAC 308-20-080 Minimum instruction guidelines for cosmetology, hair design, barbering, manicuring, esthetics and master esthetics training. The minimum instruction guidelines for training required for a student or apprentice to be eligible to take the license examination for the following professions shall include:

(1) For cosmetology:

(a) Theory of the practice of cosmetology including business practices and basic human anatomy and physiology;

(b) At least 100 hours of skills in the application of manicuring and pedicuring services;

(c) At least 100 hours of skills in the application of esthetics services;

(d) Shampooing including draping, brushing, scalp manipulations, conditioning and rinsing;

(e) Scalp and hair analysis;

(f) Hair cutting and trimming including scissors, razor, thinning shears and clippers;

(g) Hair styling including wet, dry and thermal styling, braiding and styling aids;

(h) Cutting and trimming of facial hair including beard and mustache design and eyebrow, ear and nose hair trimming;

(i) Artificial hair;

(j) Permanent waving including sectioning, wrapping, preperm test curl, solution application, processing test curl, neutralizing and removal of chemicals;

(k) Chemical relaxing including sectioning, strand test, relaxer application, and removal of chemicals;

(l) Hair coloring and bleaching including predisposition test and strand test, and measurement, mixing, application and removal of chemicals;

(m) Cleaning and disinfecting of individual work stations, individual equipment and tools and proper use and storage of linens;

(n) Diseases and disorders of the scalp, hair, skin and nails;

(o) Safety including proper use and storage of chemicals, implements and electrical appliances;

(p) First aid as it relates to cosmetology; and

(q) Not all training may be on mannequins.

(2) For hair design:

(a) Theory of the practice of hair design including business practices and basic human anatomy and physiology;

(b) Shampooing including draping, brushing, scalp manipulations, conditioning and rinsing;

(c) Scalp and hair analysis;

(d) Hair cutting and trimming including scissors, razor, thinning shears and clippers;

(e) Hair styling including wet, dry and thermal styling, braiding and styling aids;

(f) Cutting and trimming of facial hair including beard and mustache design and eyebrow, ear and nose hair trimming;

(g) Artificial hair;

(h) Permanent waving including sectioning, wrapping, preperm test curl, solution application, processing test curl, neutralizing and removal of chemicals;

(i) Chemical relaxing including sectioning, strand test, relaxer application, and removal of chemicals;

(j) Hair coloring and bleaching including predisposition test and strand test, and measurement, mixing, application and removal of chemicals;

(k) Cleaning and disinfecting of individual work stations, individual equipment and tools and proper use and storage of linens;

(l) Diseases and disorders of the scalp and hair;

(m) Safety including proper use and storage of chemicals, implements and electrical appliances;

(n) First aid as it relates to hair design; and

(o) Not all training may be on mannequins.

(3) For barbering:

(a) Theory of the practice of barbering services and business practices and basic human anatomy and physiology;

(b) Shampooing including draping, brushing, scalp manipulations, conditioning and rinsing;

(c) Scalp and hair analysis;

(d) Hair cutting and trimming including scissors, razor, thinning shears and clippers;

(e) Hair styling, wet, dry and thermal styling and styling aids;

(f) Cutting and trimming of facial hair including shaving, beard and mustache design and eyebrow, ear and nose hair trimming;

(g) Artificial hair;

(h) Cleaning and disinfecting of individual work stations, individual equipment and tools and proper use and storage of linens;

(i) Diseases and disorders of the skin, scalp and hair;

(j) Safety including proper use of implements and electrical appliances;

(k) First aid as it relates to barbering; and

(l) Not all training may be on mannequins.

(4) For manicuring:

(a) Theory in the practice of manicuring and pedicuring services, business practices and basic human anatomy and physiology;

(b) Artificial nails including silk, linen, fiberglass, acrylic, gel, powder, extensions and sculpting, preparation, application, finish and removal;

(c) Cleaning, shaping and polishing of nails of the hands and feet and treatment of cuticles;

(d) Cleaning and disinfecting of individual work station, individual equipment and tools and proper use and storage of linens;

(e) Diseases and disorders of the nails of the hands and feet;

(f) Safety including proper use and storage of chemicals, implements and electrical appliances;

(g) First aid as it relates to manicuring and pedicuring; and

(h) Not all training may be on mannequins.

(5) For esthetics:

Theory in the practice of esthetics services, business practices and basic human anatomy and physiology (750 hours):

(a) Care of the skin compresses, massage, facials, wraps, masks, exfoliation, use of electrical or mechanical appliances or chemical compounds;

(b) Temporary removal of superfluous hair of the skin by means including tweezing, waxing, tape, chemicals, lotions, creams, sugaring, threading, mechanical or electrical apparatus and appliances;

(c) Cleaning and disinfecting of individual work stations, individual equipment and tools and proper use and storage of linens;

(d) Diseases and disorders of the skin;

(e) Safety including proper use and storage of chemicals, implements and electrical appliances;

(f) First aid as it relates to esthetics; and

(g) Not all training may be on mannequins.

(6) Master esthetics (450 additional hours):

Theory in the practice of master esthetics, business practices, and basic human anatomy and physiology including all of subsection (4) of this section and the following:

(a) Laser, light frequency, radio frequency, ultrasound, and plasma practices;

(b) Medium depth chemical peels;

(c) Advanced client assessment, documentation, and indications/contraindications;

(d) Pretreatment and post-treatment procedures;

(e) Lymphatic drainage and advanced facial massage;

(f) Advanced diseases and disorders of the skin; and

(g) Advanced theories; alternative, touch, and spa body treatments.

(7) Online training curriculums must be approved by the department.

[Statutory Authority: RCW 18.16.030, 43.24.023, 43.24.086. WSR 16-02-033, § 308-20-080, filed 12/29/15, effective 1/29/16. Statutory Authority: RCW 43.24.023 and 18.16.030. WSR 13-24-042, § 308-20-080, filed 11/26/13, effective 1/1/14; WSR 08-22-029, § 308-20-080, filed 10/28/08, effective 2/1/09. Statutory Authority: RCW 18.16.030(2). WSR 02-04-012, § 308-20-080, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-080, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. WSR 91-11-042, § 308-20-080, filed 5/10/91, effective 6/10/91; WSR 88-19-047

(Order PM 772), § 308-20-080, filed 9/14/88. Statutory Authority: 1984 c 208. WSR 84-19-020 (Order PL 480), § 308-20-080, filed 9/12/84.]

WAC 308-20-090 Student credit for training in a licensed school. (1) A maximum of twenty students per instructor is required within a licensed school.

(2) Only those hours of instruction a student is given under the direction of a licensed instructor of the licensed school in which the student is enrolled and in the courses listed in WAC 308-20-080 and 308-20-105 or hours earned under WAC 308-20-091 shall be credited toward completion of the course of study required in RCW 18.16.100.

(3) When all of a school's requirements have been met by a student and within thirty days of a student leaving a school, the school shall provide to the student a certified copy of the student's final report and refer the student for examination(s) in a manner and format prescribed by the department.

(4) Students may transfer between the schools and apprenticeship salon/shops licensed under chapter 18.16 RCW and may receive credit toward completion of the curriculum in the new school or apprenticeship salon/shop. In order to enroll a transfer student or apprentice, the new school or apprentice salon/shop shall do the following:

(a) Confirm that the student is available for transfer through the student registration process in a manner and format prescribed by the department;

(b) Evaluate the certified final student report provided by the student or apprentice and compare the report with the new school or apprentice salon/shop curriculum requirements; and

(c) The new school or apprentice salon/shop may accept or reject the final student or apprentice report in part or in total from the previous school or salon/shop and shall prepare a monthly report that documents the amount of instructions being accepted.

(5) Both the transferring and receiving school or salon/shop shall maintain student or apprentice records including the transfer record as required in WAC 308-20-040(4).

(6) Licensed instructors must be physically present where the students are training with the exception of approved online theory training.

(7) Certified training hours expire three years after the last day of attendance. Any hours earned by a student that are more than three years old are considered by the department to be expired and will not be considered valid towards initial licensure.

(8) Documentation providing evidence of experience as a licensed cosmetologist, hair designer, barber, manicurist, esthetician or master esthetician credited towards instructor training shall be included in the student record as required in WAC 308-20-040(4).

[Statutory Authority: RCW 18.16.030, 43.24.023, 43.24.086. WSR 16-02-033, § 308-20-090, filed 12/29/15, effective 1/29/16. Statutory Authority: RCW 43.24.023 and 18.16.030. WSR 13-24-042, § 308-20-090, filed 11/26/13, effective 1/1/14; WSR 08-22-029, § 308-20-090, filed 10/28/08, effective 2/1/09. Statutory Authority: RCW 18.16.030, 18.16.280, 43.24.023. WSR 04-05-005, § 308-20-090, filed 2/6/04, effective 3/8/04. Statutory Authority: RCW 18.16.030 and 43.24.023. WSR 03-14-046, § 308-20-090, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030(2). WSR 02-04-012, § 308-20-090, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-090, filed 1/23/92, effective 2/23/92. Statutory

Authority: RCW 18.16.030. WSR 91-11-042, § 308-20-090, filed 5/10/91, effective 6/10/91; WSR 88-19-047 (Order PM 772), § 308-20-090, filed 9/14/88. Statutory Authority: 1984 c 208. WSR 84-19-020 (Order PL 480), § 308-20-090, filed 9/12/84.]

WAC 308-20-091 Student credit for training in a licensed salon/shop. (1) A maximum ten percent of the total curriculum hours required may be earned by a student in a licensed salon/shop under a contract approved by the department signed by the student, the school owner, and the salon/shop manager.

(2) A copy of the signed contract shall be kept in the student file, kept on file at the salon shop and given to the student and shall be made available to the department on request.

(3) Only those hours of instruction a student is given under the direction of a licensed operator in the contracted salon/shop and in the subjects agreed to in the contract shall be credited towards completion of the course of study required in RCW 18.16.100.

(4) Students will not receive any wages or commission for hours of credit earned in a salon/shop.

(5) Salon/shops shall provide weekly reports to the school and student with hours the student earned in each area of agreed training.

(6) Weekly reports provided by salon/shops verifying hours student earns in salon training must be included in student's records and recorded on student's monthly and final reports.

(7) Licensed operators must be physically present where students are training.

(8) Students in training must wear identification visible to the public that states that they are students in training.

(9) Certified training hours expire three years after the last day of attendance. Any hours earned by a student that are more than three years old are considered by the department to be expired and will not be considered valid towards initial licensure.

[Statutory Authority: RCW 43.24.023 and 18.16.030. WSR 13-24-042, § 308-20-091, filed 11/26/13, effective 1/1/14; WSR 03-14-046, § 308-20-091, filed 6/24/03, effective 7/25/03.]

WAC 308-20-101 Apprentice credit for training in an approved apprentice salon/shop. (1) A minimum of one trainer per apprentice is required.

(2) Only those hours of theory instruction given under the direction of an instructor licensed under chapter 18.16 RCW shall be credited towards completion of the apprentice curriculum requirements for theory hours. Cosmetologist, barber, manicurist and esthetician theory hours must be taught in a classroom setting under the direct supervision of an instructor licensed in the curriculum for which he or she is providing theory instruction.

(3) With the exception of theory hours, only those hours of instruction an apprentice is given under the direction of an apprentice trainer as defined in WAC 308-20-010 and in the standards developed by the apprenticeship program shall be credited toward completion of the apprenticeship training.

(4) When all of the apprenticeship program requirements have been met by the apprentice and within thirty days of an apprentice's completed training, the committee shall provide to the apprentice a copy of the apprentice's final report.

(5) An apprentice may transfer between shops only when the Washington state apprenticeship council or the Washington state department of labor and industries approves the transfer.

(6) Apprentice trainers and instructors must be physically present where apprentices are receiving practical training.

(7) Certified training hours expire three years from last date of attendance. Any hours earned by an apprentice that are more than three years old are considered by the department to be expired and will not be considered valid towards initial licensure.

[Statutory Authority: RCW 43.24.023 and 18.16.030. WSR 13-24-042, § 308-20-101, filed 11/26/13, effective 1/1/14; WSR 08-22-029, § 308-20-101, filed 10/28/08, effective 2/1/09. Statutory Authority: RCW 18.16.030, 18.16.280, 43.24.023. WSR 05-17-020, § 308-20-101, filed 8/4/05, effective 9/4/05; WSR 04-05-005, § 308-20-101, filed 2/6/04, effective 3/8/04.]

WAC 308-20-105 Minimum instruction requirements for instructor-trainees. The minimum instruction requirements for a student to be eligible to take the examination to be licensed as an instructor shall include, but not be limited to:

(1) Preparation for classroom activities including, but not limited to:

- (a) Choice of teaching methods;
- (b) Classroom setup;
- (c) Topic/subject matter;
- (d) Written lesson plans;
- (e) Student assignments;
- (f) Materials and supplies; and
- (g) Recordkeeping.

(2) Presentation of information including, but not limited to:

- (a) Lectures;
- (b) Demonstrations;
- (c) Questions and answers;
- (d) Project methods; and
- (e) Discussions.

(3) Application of practice including, but not limited to:

- (a) Clinic supervision;
- (b) Classroom management; and
- (c) Client relations.

(4) Evaluation by the instructor-trainee of the student's understanding and performance including, but not limited to:

- (a) Written/practical assessment; and
- (b) Communication skills.

[Statutory Authority: RCW 43.24.023 and 18.16.030. WSR 13-24-042, § 308-20-105, filed 11/26/13, effective 1/1/14; WSR 03-14-046, § 308-20-105, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030(2). WSR 02-04-012, § 308-20-105, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-105, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. WSR 91-11-042, § 308-20-105, filed 5/10/91, effective 6/10/91; WSR 88-19-047 (Order PM 772), § 308-20-105, filed 9/14/88. Statutory Authority: 1984 c 208. WSR 84-19-020 (Order PL 480), § 308-20-105, filed 9/12/84.]

WAC 308-20-107 Use and training of instructor-trainees. (1) Instructor-trainees shall be supervised at all times by a licensed instructor. The licensed instructor shall be physically present where the instructor-trainee is working and be available for consultation with the instructor-trainee.

(12/29/15)

(2) Instructor-trainees shall hold a current Washington state cosmetology, barber, manicurist, esthetician, or master esthetician license in good standing prior to enrolling in an instructor-trainee program. A copy of the instructor-trainee's valid Washington state operator license shall be kept in the student's file.

[Statutory Authority: RCW 43.24.023 and 18.16.030. WSR 13-24-042, § 308-20-107, filed 11/26/13, effective 1/1/14. Statutory Authority: RCW 43.24.086 and 18.16.030. WSR 10-06-092, § 308-20-107, filed 3/2/10, effective 4/2/10. Statutory Authority: RCW 18.16.030 and 43.24.023. WSR 03-14-046, § 308-20-107, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030(2). WSR 02-04-012, § 308-20-107, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-107, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030 and 43.24.086. WSR 90-07-030, § 308-20-107, filed 3/14/90, effective 4/14/90. Statutory Authority: RCW 18.16.030. WSR 88-19-047 (Order PM 772), § 308-20-107, filed 9/14/88.]

WAC 308-20-110 Minimum safety and sanitation standards for schools, cosmetologists, manicurists, estheticians, master estheticians, barbers, instructors, salons/shops, mobile units and personal services. Every licensee shall maintain the following safety and sanitation standards. In addition, school instructors and apprentice trainers must assure persons training in a school or apprentice salon/shop will adhere to the following safety, sanitation and disinfection standards:

(1) **Requirements and standards.**

(a) All locations where chemical services are provided to clients must have a dispensing sink with hot and cold running water. Dispensing sinks are used for mixing chemicals, and disinfecting supplies, tools, equipment, and other materials. Dispensing sinks must be labeled "not for public use."

(b) On-site laundry facilities must be maintained in clean condition.

(c) Single-use hand soap and disposable or single-use hand-drying towels for customers must be provided.

(d) Use of bar soap or a common towel is prohibited.

(e) A licensee must not perform or continue services on a client with visible open sores, inflamed skin, rash, or parasitic infestations.

(f) No licensee who knowingly has open sores, or who is exhibiting symptoms of an infectious or contagious disease or a disorder of the skin or a parasitic infestation shall provide services in cosmetology, manicuring, barbering, esthetics, or master esthetics while the licensee has the above mentioned symptoms.

If a licensee or a client has exhibited the symptoms mentioned in (e) and (f) of this subsection, the area in which the affected individual received or provided services, and all equipment and implements that could have possibly been touched by that individual shall be cleaned and disinfected, including the work and waiting areas.

(g) All liquids, creams, and other cosmetic preparations including paraffin wax and depilatory wax must be kept in clean and closed containers.

(h) All bottles and containers must be distinctly and correctly labeled to disclose their contents. All bottles and containers containing poisonous substances must be additionally and distinctly marked as such.

(i) Items subject to possible cross contamination such as liquids, creams and lotions, cosmetic preparations and chem-

icals including paraffin wax and depilatory wax must be dispensed in a way that does not contaminate the remaining portion by using a disposable, or sanitized and disinfected applicator. Applicators shall not be redipped in product. Liquids must be dispensed with a squeeze bottle, pump, or spray. Any product that cannot be disinfected that comes in contact with the client shall be discarded after use on that particular client.

(j) Pencil cosmetics must be sharpened before each use. Clean and disinfect or dispose of the sharpener after service on each client.

(k) A licensee must thoroughly wash his or her hands with soap and warm water or any equally effective cleansing agent immediately before providing services to each client, before checking a student's work on a client, or after smoking, eating, or using the restroom.

(l) A client's skin upon which services will be performed must be washed with soap and warm water or wiped and/or sprayed with antiseptic or waterless hand cleanser approved for use on skin before a service.

(m) After service on each client, hair and nail clippings must immediately be placed in a closed covered waste container.

(2) Articles in contact with a client.

(a) A neck strip or towel must be placed around the client's neck to prevent direct contact between a multiple use haircloth or cape and the client's skin, and must be in place during entire service.

(b) All items, which come in direct contact with the client's skin that do not require disinfecting, must be discarded after each use.

(3) Materials in contact with a client.

(a) Paraffin wax and depilatory wax must be covered in a manner to prevent contamination except during the waxing service, and maintained at a temperature specified by the manufacturer's directions.

(b) Paraffin wax and depilatory wax must be dispensed in a way that does not contaminate the remaining portion by using one of the following methods:

(i) Use a new spatula each time wax is removed from the pot;

(ii) Apply wax directly onto a disposable strip;

(iii) Use one dedicated spatula to remove wax from the pot, and then spread the wax with a second spatula. The first spatula should never come in contact with either the client's skin or the second spatula; or

(iv) Separate a quantity of wax from the main wax pot to use on a single client; this quantity should be placed in a small single-use container. Double-dipping is allowed from a single client-use container.

(c) All used wax that has been in contact with a client's skin shall not be reused under any circumstances and shall be disposed of immediately after each use.

(d) All wax pots shall be cleaned and disinfected according to manufacturer's directions. No applicators shall be left standing in wax at any time.

(4) Chemical use and storage.

(a) When administering services to a client that involve the use of chemicals or chemical compounds, all licensees must follow safety procedures according to manufacturer's directions or safety data sheets (SDSs), to prevent injury to the client's person or clothing.

(b) Salon shops, personal service, mobile units and schools shall have in the immediate working area access to all safety data sheets (SDSs) provided by manufacturers for any chemical products used.

(c) Flammable chemicals must be stored away from potential sources of ignition.

(d) Chemicals which could interact in a hazardous manner such as oxidizers, catalysts, and solvents, must be stored per manufacturer's instruction.

(e) Licensees using chemicals or chemical compounds when providing services to clients must store the chemicals so as to prevent fire, explosion, or bodily harm. All chemicals must be stored in accordance with the manufacturer's directions.

(5) Refuse and waste material.

(a) All waste must be deposited in a covered waste disposal container. Containers located in the reception or office area, which do not contain waste relating to the performance of services, are exempt from having covers.

(b) All chemical, flammable, toxic or otherwise harmful waste material must be disposed of in the manner required by local hazardous waste management regulations.

(c) All waste containers must be emptied when full. Surfaces of waste disposal containers must be kept clean.

(d) Any disposable sharp objects that come in contact with blood or other body fluids must be disposed of in a sealable rigid (puncture proof) labeled container that is strong enough to protect the licensee, client and others from accidental cuts or puncture wounds that could happen during the disposal process.

(e) Licensees must have sealable rigid containers available for use at all times services are being performed.

(6) Sanitation/disinfecting. Environmental Protection Agency (EPA) approved disinfectants are indicated by their registration number on the product label. The product's manufacturer's directions for use shall always be followed.

(a) All tools and implements must be cleaned and disinfected or disposed of after service on each client. Tools and implements not approved for disinfection and reuse under manufacturers' specifications must be given to the client or discarded after service on each client. These tools and implements include, but are not limited to: Nail files, cosmetic make-up sponges, buffer blocks, sanding bands, toe separators or sleeves, orangewood sticks, and disposable nail bits. Presence of used articles in the work area will be considered prima facie evidence of reuse.

(b) When used according to the manufacturer's directions, each of the following is an approved method of disinfecting tools and implements after they are cleaned of debris:

(i) Complete immersion or spray with an EPA-registered disinfectant solution of the object(s) or portion(s) thereof to be disinfected; or

(ii) Steam sterilizer, registered and listed with the U.S. Food and Drug Administration; or

(iii) Dry heat sterilizer, registered and listed with the U.S. Food and Drug Administration, or Canadian certification.

(c) All cleaned and disinfected tools and implements must be stored in a closed nonairtight container or UV sterilizer. UV sterilizers shall be used only for clean storage of already cleaned and disinfected tools and implements.

(d) All disinfecting solutions and/or agents must be kept at manufacturer recommended strengths to maintain effectiveness, be free from foreign material and be available for immediate use at all times the location is open for business and changed daily.

(e) All articles, which come in direct contact with the client's skin that cannot be cleaned and disinfected, must be disposed of in a waste receptacle immediately after service on each client. Presence of these articles in the work area will be considered prima facie evidence of reuse.

(f) Disposable protective gloves must be disposed of after service on each client.

(7) Disinfecting nonelectrical tools and implements.

(a) All tools and implements used within a field of practice must be cleaned and disinfected after service on each client in the following order:

- (i) **Remove** all hair and/or foreign material;
- (ii) **Clean** thoroughly with soap or detergent and water;
- (iii) **Rinse** thoroughly with clear, clean water; and
- (iv) **Disinfect** with an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity, used according to manufacturer's directions or in a steam sterilizer or dry heat sterilizer under subsection (6)(b)(ii) and (iii) of this section.

(b) Tools and implements without sharp edges or points, including but not limited to combs, brushes, rollers, rods, etc., must be totally immersed in an EPA registered disinfectant according to manufacturer's directions.

(c) Clips or other tools and instruments must not be placed in mouths, pockets or unsanitized holders.

(d) A client's personal tools and instruments must not be used in the establishment except when prescribed by a physician.

(8) Disinfecting electrical tools and implements. Electrical tools and implements must be disinfected after service on each client in the following order:

- (a) Remove hair and/or foreign matter;
- (b) Disinfect with an EPA disinfectant specifically made for electrical tools and implements.

(9) Storage of tools and implements.

(a) New and/or cleaned and disinfected tools and implements must be stored separately from all other items.

(b) Used tools and implements must be stored in a labeled drawer or container at the work station.

(c) Roller storage receptacles and contents must be cleaned and disinfected and free of foreign material.

(d) Storage cabinets, work stations and storage drawers for cleaned and disinfected tools and implements must be free of debris and used only for cleaned and disinfected tools and implements.

(10) Cleaning and disinfecting foot spas.

(a) As used in this section, "foot spa" or "spa" is defined as any basin using circulating water.

(b) After each client:

(i) **Drain** the water from the foot spa basin and remove any visible debris;

(ii) **Clean** the surfaces of the foot spa with soap or detergent, rinse with clean water and drain;

(iii) **Disinfect** the surface with an EPA registered disinfectant according to the manufacturer's directions on the

label. Surfaces must remain wet with disinfectant for ten minutes or the time stated on the label.

(c) **Nightly:**

(i) For whirlpool foot spas, air-jet basins, "pipeless" foot spas and other circulating spas:

(A) **Drain** the water from the foot spa basin or bowl and remove any visible debris.

(B) **Clean** the surfaces of the foot spa with soap or detergent, rinse with clean water and drain.

(C) **Disinfect** - Fill the basin with clean water, adding the appropriate amount of EPA registered disinfectant. Turn the unit on to circulate the disinfectant for the entire contact time according to the manufacturer's directions on the label.

(D) **Drain and rinse** the basin with clean water and allow to air dry.

(ii) For foot spas with filter screens, inlet jets and other removable parts that require special attention during the disinfecting process.

(A) **Drain** the water from the foot spa basin and remove any visible debris.

(B) **Remove** the filter screen, inlet jets and all other removable parts from the basin and clean out any debris trapped behind or in them.

(C) **Scrub** the removable parts using a brush and soap or detergent.

(D) **Rinse** the removed parts with clean water and replace them in the basin.

(E) **Clean** the surfaces of the foot spa with soap or detergent, rinse with clean water and drain.

(F) **Disinfect** - Fill the basin with clean water, adding the appropriate amount of EPA registered disinfectant. Turn the unit on to circulate the disinfectant for the entire contact time according to the manufacturer's directions on the label.

(G) **Drain and rinse** the basin with clean water and allow to air dry.

(d) A record must be made of the date and time of each cleaning and disinfecting as required by (c) and (d) of this subsection. This record must be made at the time of cleaning and disinfecting. Cleaning and disinfecting records must be made available upon request by either a client or a department representative.

(e) For simple basins and reusable liners (no circulation):

(i) **Drain** the basin and remove any visible debris.

(ii) **Scrub** the basin with a clean brush and soap or detergent following manufacturer's directions.

(iii) **Rinse** the basin with clean water and drain.

(iv) **Disinfect** basin surfaces with an EPA registered disinfectant following manufacturer's directions. Surfaces must remain wet with disinfectant for ten minutes or the contact time stated on the label.

(v) **Drain and rinse** the basin with clean water and allow to **air dry**.

(11) Headrests, shampoo bowls, and treatment tables.

(a) The headrest of chairs must be cleaned and disinfected after service on each client.

(b) Shampoo trays and bowls must be cleaned and disinfected after each shampoo, kept in good repair and in a clean condition at all times.

(c) All treatment tables must be cleaned, disinfected and covered with clean linens or examination paper, which must be changed after each service on a client.

(12) **Walls, floors, and ceilings.** Walls, floors, and ceilings must be cleaned and disinfected as necessary and kept clean and free of excessive spots, mildew, condensation, or peeling paint.

(13) **Towels, linens, capes and robes.** No towels, linens, capes, or robes shall be used more than once without proper laundering as described in this section.

(14) All towels, linens, capes, robes, and similar items shall be laundered in a washing machine with laundry detergent and chlorine bleach used according to manufacturer's directions for disinfecting purposes. A closed dustproof cabinet with solid sides and a top shall be provided for cleaned towels, linens, capes and robes. A hamper with solid sides or a receptacle that is closed and ventilated shall be provided for all soiled cloth towels, linens, capes and robes and never left overnight.

(15) **Prohibited hazardous substances - Use of products.** No establishment or school may have on the premises cosmetic products containing hazardous substances which have been banned by the U.S. Food and Drug Administration for use in cosmetic products. Use of 100% liquid methyl methacrylate monomer and methylene chloride products are prohibited. No product must be used in a manner that is disapproved by the U.S. Food and Drug Administration.

(16) **Prohibited instruments or practices.** Any razor-edged tool, which is designed to remove calluses.

(17) **Blood spills.** If there is a blood spill or exposure to other body fluids during a service, licensees and students must stop and proceed in the following order:

- (a) Stop service;
- (b) Put on gloves;
- (c) Clean the wound with an antiseptic solution;
- (d) Cover the wound with a sterile bandage;
- (e) If the wound is on a licensee hand in an area that can be covered by a glove or finger cover, the licensee must wear a clean, fluid proof protective glove or finger cover. If the wound is on the client, the licensee providing service to the client must wear gloves on both hands;
- (f) Discard all contaminated objects. Contaminated objects shall be placed in a sealed plastic bag and that bag must be placed inside another plastic bag and discarded;
- (g) All equipment, tools and instruments that have come into contact with blood or other body fluids must be cleaned and disinfected or discarded;
- (h) Remove gloves; and
- (i) Wash hands with soap and water before returning to the service.

(18) **First-aid kit.** The establishment must have a first-aid kit that contains at a minimum:

- Small bandages;
- Gauze;
- Antiseptic; and
- A blood spill kit that contains:
 - Disposable bags;
 - Gloves.

(19) **Restroom.**

(a) All locations must have a restroom available. The restroom must be located on the premises or in adjoining premises, which is reasonably accessible.

(b) All restrooms located on the premises must be kept clean and in proper working order at all times.

[Statutory Authority: RCW 18.16.030, 43.24.023, 43.24.086. WSR 16-02-033, § 308-20-110, filed 12/29/15, effective 1/29/16. Statutory Authority: RCW 43.24.023 and 18.16.030. WSR 13-24-042, § 308-20-110, filed 11/26/13, effective 1/1/14; WSR 07-14-066, § 308-20-110, filed 6/29/07, effective 8/1/07. Statutory Authority: RCW 18.16.030, 18.16.280, 43.24.023. WSR 04-05-005, § 308-20-110, filed 2/6/04, effective 3/8/04. Statutory Authority: RCW 18.16.030 and 43.24.023. WSR 03-14-046, § 308-20-110, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030(2). WSR 02-04-012, § 308-20-110, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-110, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. WSR 91-11-042, § 308-20-110, filed 5/10/91, effective 6/10/91; WSR 88-19-047 (Order PM 772), § 308-20-110, filed 9/14/88. Statutory Authority: 1984 c 208. WSR 84-19-020 (Order PL 480), § 308-20-110, filed 9/12/84.]

WAC 308-20-115 Reciprocity—Persons licensed in other jurisdictions. The department shall issue a license to any person who is properly licensed in any state, territory, or possession of the United States, or foreign country if the applicant submits:

- (1) Application;
- (2) Fee;
- (3) Proof that he or she is currently licensed in good standing as a cosmetologist, barber, manicurist, esthetician, master esthetician, instructor, or the equivalent in that jurisdiction;
- (4) Provides proof that he or she has passed an examination approved by the director.

[Statutory Authority: RCW 43.24.023 and 18.16.030. WSR 13-24-042, § 308-20-115, filed 11/26/13, effective 1/1/14. Statutory Authority: RCW 43.24.086 and 18.16.030. WSR 10-06-092, § 308-20-115, filed 3/2/10, effective 4/2/10; WSR 06-02-048, § 308-20-115, filed 12/29/05, effective 2/1/06.]

WAC 308-20-120 Written and performance examinations. (1) The department shall administer or approve the administration of a written and performance license examination. The department may approve written or performance examinations given by department-approved examination providers.

(2) The written and performance examinations for cosmetologist, barber, manicurist, esthetician, and master esthetician shall reasonably measure the applicant's knowledge of safe and sanitary practice.

(3) The written and performance examinations for instructors shall be constructed to measure the applicant's knowledge of lesson planning and teaching techniques.

(4) In order to be eligible for licensure, a license applicant must pass both the written and performance examinations in the practice for which they are applying.

(5) The minimum passing score for both the written and performance examinations in all practices is a scaled score of 75.

(6) Examination results expire three years from the date of the examination. Examination results that are more than three years old are considered by the department to be expired and will not be considered valid towards initial licensure.

[Statutory Authority: RCW 43.24.023 and 18.16.030. WSR 13-24-042, § 308-20-120, filed 11/26/13, effective 1/1/14. Statutory Authority: RCW 43.24.086 and 18.16.030. WSR 10-06-092, § 308-20-120, filed 3/2/10, effective 4/2/10; WSR 06-02-048, § 308-20-120, filed 12/29/05, effective 2/1/06. Statutory Authority: RCW 18.16.030 and 43.24.023. WSR 03-14-046, § 308-20-120, filed 6/24/03, effective 7/25/03; WSR 03-08-043, § 308-

20-120, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 18.16.030(2). WSR 02-04-012, § 308-20-120, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-120, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. WSR 88-19-047 (Order PM 772), § 308-20-120, filed 9/14/88. Statutory Authority: 1984 c 208. WSR 84-19-020 (Order PL 480), § 308-20-120, filed 9/12/84.]

WAC 308-20-121 Examination code of conduct. (1) Applicants will be required to refrain from:

(a) Talking to other examinees during the examination unless specifically directed or permitted to do so by a test monitor.

(b) Attempting to communicate or record any information by any means.

(c) Holding in their possession any unauthorized materials during any portion of the examination.

(d) Removing test materials and/or notes from the testing room.

(e) Disruptive behavior as determined by the department.

(2) Applicants who participate in any activity listed in subsection (1) of this section will be required to leave the examination site. Their opportunity to sit for the examination will be forfeited. Their answer sheet will be voided. A voided answer sheet will not be scored and the examination fee will not be refunded.

(3) Any applicant who was removed from the testing site for any of the reasons listed in subsection (1) of this section will be denied for testing for one year.

[Statutory Authority: RCW 18.16.030, 43.24.023. WSR 08-22-029, § 308-20-121, filed 10/28/08, effective 2/1/09.]

WAC 308-20-122 Examination retakes. Examination applicants may take an examination no more than once a day.

[Statutory Authority: RCW 18.16.030(2). WSR 02-04-012, § 308-20-122, filed 1/24/02, effective 6/30/02.]

WAC 308-20-123 Examination appeal. (1) An applicant who has received a failing score on the written or practical examination shall be eligible to appeal to the department for a review of the examination results. The department shall only consider appeals regarding significant procedural errors or adverse environmental conditions during the test administration.

(2) The appeal shall be filed with the department within fifteen days after the date of notification of examination results. The appeal shall be made in writing, and shall state the reason for appeal.

(3) The review of the appeal shall be conducted by one or more department staff, or the department's designee, to determine if there is clear and convincing evidence to sustain the applicant's appeal. The director or director's designee shall make the final determination on the appeal.

(4) Within thirty days after the department has made a determination on the appeal, the applicant shall be notified in writing of the results.

(5) In acting on appeals, the department may take such action as it deems appropriate.

[Statutory Authority: RCW 18.16.030, 43.24.023. WSR 05-04-012, § 308-20-123, filed 1/24/05, effective 2/24/05.]

(12/29/15)

WAC 308-20-190 Restricted license. Should the director restrict the licensee's scope of practice, the licensee shall surrender the unrestricted license to the department of licensing so the stated restriction can be affixed to the license and the license returned to the licensee. All restricted licenses must be posted at the work station of the individual in clear view of the public. Services beyond those authorized by the restricted license may not be performed by the licensee until the restriction is removed from the license.

[Statutory Authority: RCW 18.16.030. WSR 88-19-047 (Order PM 772), § 308-20-190, filed 9/14/88. Statutory Authority: 1984 c 208. WSR 84-19-020 (Order PL 480), § 308-20-190, filed 9/12/84.]

WAC 308-20-210 Fees. In addition to any third-party examinations fees, the following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Cosmetologist:	
License application	\$25.00
Reciprocity license	50.00
Renewal (two-year license)	55.00
Late renewal penalty	55.00
Duplicate license	15.00
Hair design:	
License application	25.00
Reciprocity license	50.00
Renewal (two-year license)	55.00
Late renewal penalty	55.00
Duplicate license	15.00
Instructor:	
License application	25.00
Reciprocity license	50.00
Renewal (two-year license)	55.00
Late renewal penalty	55.00
Duplicate license	15.00
Manicurist:	
License application	25.00
Reciprocity license	50.00
Renewal (two-year license)	55.00
Late renewal penalty	55.00
Duplicate	15.00
Esthetician:	
License application	25.00
Reciprocity license	50.00
Renewal (two-year license)	55.00
Late renewal penalty	55.00
Duplicate	15.00
Master esthetician:	

Title of Fee	Fee
License application	25.00
Reciprocity license	50.00
Renewal (two-year license)	55.00
Late renewal penalty	55.00
Duplicate license	15.00
Barber:	
License application	25.00
Reciprocity license	50.00
Renewal (two-year license)	55.00
Late renewal penalty	55.00
Duplicate license	15.00
School:	
License application	300.00
Renewal (one-year license)	300.00
Late renewal penalty	175.00
Duplicate	15.00
Salon/shop:	
License application	110.00
*Reduced license application (permanent cosmetics)	15.00
Renewal (one-year license)	110.00
*Reduced renewal (permanent cosmetics)	15.00
Late renewal penalty	50.00
Duplicate license	15.00
Mobile unit:	
License application	110.00
*Reduced license application (permanent cosmetics)	15.00
Renewal (one-year license)	110.00
*Reduced renewal (permanent cosmetics)	15.00
Late renewal penalty	50.00
Duplicate license	15.00
Personal services:	
License application	110.00
*Reduced license application (permanent cosmetics)	15.00
Renewal (one-year license)	110.00
*Reduced renewal (permanent cosmetics)	15.00
Late renewal penalty	50.00
Duplicate license	15.00

* If you have an individual artist license and an artist shop location license to practice permanent cosmetics under chapter 18.300 RCW, and an operator license under chapter 18.16 RCW you may qualify for a reduction of the license fee for your salon shop license if it is at the same location as your artist shop location license.

[Statutory Authority: RCW 18.16.030, 43.24.023, 43.24.086. WSR 16-02-033, § 308-20-210, filed 12/29/15, effective 1/29/16. Statutory Authority: RCW 43.24.023 and 18.16.030. WSR 13-24-042, § 308-20-210, filed 11/26/13, effective 1/1/14. Statutory Authority: RCW 43.24.086 and 18.16.030. WSR 09-24-062, § 308-20-210, filed 11/25/09, effective 1/1/10; WSR 06-02-048, § 308-20-210, filed 12/29/05, effective 2/1/06. Statutory Authority: RCW 18.16.030 and 43.24.023. WSR 03-14-046, § 308-20-210, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030 and 43.24.086. WSR 03-06-054, § 308-20-210, filed 2/28/03, effective 4/1/03. Statutory Authority: RCW 18.16.030, 43.24.086, and 43.135.055. WSR 02-09-040, § 308-20-210, filed 4/12/02, effective 1/1/03. Statutory Authority: Chapter 18.16 RCW. WSR 92-15-087, § 308-20-210, filed 7/17/92, effective 8/17/92. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. WSR 92-04-006, § 308-20-210, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030 and 43.24.086. WSR 90-07-030, § 308-20-210, filed 3/14/90, effective 4/14/90. Statutory Authority: RCW 43.24.086. WSR 87-10-028 (Order PM 650), § 308-20-210, filed 5/1/87.]

WAC 308-20-520 Minimum salon/shop, mobile unit, and personal services licensing standards. No person shall operate a cosmetology, barbering, esthetics, or manicuring salon/shop, mobile unit, or personal services business in this state unless the business has qualified for and has in their possession a location license issued by the department of licensing. If the ownership of the business changes, a new complete application must be submitted for approval and license issuance. Licenses are not transferable.

(1) An operator that leases space must obtain both a valid operator and salon/shop license for that specific location.

(2) A business that has one or more branch locations shall obtain a separate salon/shop license for each location.

(3) A licensed operator who provides cosmetology, barbering, esthetics, or manicuring services to place-bound clients in the client's home or in a long or short term health care facility is not required to obtain a location license.

(4) A long or short term health care facility that establishes a salon/shop and operates it on a for profit basis for clients other than place-bound clients shall obtain a location license.

[Statutory Authority: RCW 18.16.030 and 43.24.023. WSR 03-14-046, § 308-20-520, filed 6/24/03, effective 7/25/03. Statutory Authority: Chapter 18.16 RCW. WSR 92-15-087, § 308-20-520, filed 7/17/92, effective 8/17/92.]

WAC 308-20-550 Posting of required licenses, registrations, permits, notice to consumers, and current inspection form. (1) Licenses, the consumer notice required by chapter 18.16 RCW, the apprentice salon/shop notice as defined in WAC 308-20-555, and the most current inspection form shall be posted in direct public view.

(2) Original operator licenses with an attached current photograph shall be posted in clear view of clients in the operator's work station.

(3) Original instructor licenses with an attached current photograph shall be posted in clear view of the public.

(4) Original school, instructor, salon/shop, and mobile unit licenses shall be posted in the reception area.

(5) Personal services shall display their licenses and consumer notice in direct view of their client.

(6) A pocket identification card may not be used in lieu of an original license.

(7) No license which has expired or become invalid for any reason shall be displayed by any operator, instructor, or business in connection with the practice of cosmetology, bar-

bering, esthetics, or manicuring. Any license so displayed shall be surrendered to a department representative upon its request.

(8) Licenses issued by another state, territory, or foreign country shall not be displayed in any salon/shop.

(9) A receipt, issued by the department of licensing, showing the application for a duplicate license may be used if the original has been lost, stolen, or otherwise destroyed until the duplicate license is received.

[Statutory Authority: RCW 43.24.023 and 18.16.030. WSR 13-24-042, § 308-20-550, filed 11/26/13, effective 1/1/14; WSR 07-14-066, § 308-20-550, filed 6/29/07, effective 8/1/07. Statutory Authority: RCW 18.16.030, 18.16.280, 43.24.023. WSR 04-05-005, § 308-20-550, filed 2/6/04, effective 3/8/04. Statutory Authority: RCW 18.16.030 and 43.24.023. WSR 03-14-046, § 308-20-550, filed 6/24/03, effective 7/25/03. Statutory Authority: Chapter 18.16 RCW. WSR 92-15-087, § 308-20-550, filed 7/17/92, effective 8/17/92.]

WAC 308-20-555 Identification of apprentices and apprentice salon/shops. (1) Salon shops must post notice to customers of participation in the apprenticeship program. At a minimum the notice shall state "This shop is a participant in a state approved apprenticeship program. Apprentices in this program are in training and have not yet received a license."

(2) Apprentices must wear identification visible to the public that states they are participants in the apprenticeship program.

[Statutory Authority: RCW 18.16.030, 18.16.280, 43.24.023. WSR 04-05-005, § 308-20-555, filed 2/6/04, effective 3/8/04.]

WAC 308-20-560 Salon/shop, mobile unit, and personal services location license renewal process. Each salon/shop, mobile unit, and personal services license shall be renewed on a yearly basis. The renewal request shall be accompanied by:

(1) The license renewal fee required under the provisions of WAC 320-20-210.

(2) Affidavit of certification of public liability insurance including, name of provider, policy number, effective date, expiration date, amount of coverage, and signature of licensee.

(3) A statement noting any changes to the information contained in the original application form and attachments.

(4) Licenses must be renewed on or before the expiration date. Failure to renew the license by the expiration date shall result in a penalty fee.

(5) Failure to receive a notice of license renewal from the department does not constitute cause for failure to renew.

[Statutory Authority: RCW 18.16.030 and 43.24.023. WSR 03-14-046, § 308-20-560, filed 6/24/03, effective 7/25/03. Statutory Authority: Chapter 18.16 RCW. WSR 92-15-087, § 308-20-560, filed 7/17/92, effective 8/17/92.]

WAC 308-20-570 Operator and instructor renewal process. Each operator or instructor license shall be renewed every two years. The renewal request shall be accompanied by:

(1) Social Security number.

(2) The license renewal fee required under the provisions of WAC 308-20-210.

(3) A statement noting any changes to the information contained in the original application form and attachments.

(4) Licenses must be renewed on or before the expiration date. Failure to renew the license by the expiration date shall result in a penalty fee.

(5) Failure to receive a notice of license renewal from the department does not constitute cause for failure to renew.

[Statutory Authority: RCW 18.16.030 and 43.24.023. WSR 03-14-046, § 308-20-570, filed 6/24/03, effective 7/25/03. Statutory Authority: Chapter 18.16 RCW. WSR 92-15-087, § 308-20-570, filed 7/17/92, effective 8/17/92.]

WAC 308-20-572 Inspection of schools. (1) Prior to approval of application or renewal for licensure, any person wishing to operate a school shall, meet the requirements in RCW 18.16.140; submit to an inspection of the site; and provide the following:

(a) Name of owner and current mailing and physical address if solely owned.

(b) Names of partners and current mailing and physical addresses if a partnership.

(c) Names of corporate officers and current mailing and physical addresses if a corporation.

(d) Name of the school, complete mailing address, and physical address.

(e) Days and hours of operation of the school.

(f) A signed fire inspection report from the local fire authority indicating all standards and requirements have been met.

(g) Listing of all instructors including license number and expiration date.

(h) Sample of all monthly student reports.

(i) Sample of student packet to be provided to student at enrollment that must contain, but is not limited to, a copy of the school's catalog, brochure, enrollment contract, and cancellation and refund policies.

(j) Floor plan drawn to scale showing placement of all equipment; areas designated for the clinic, dispensary, classroom, office and restrooms; and identify student capacity. The floor plan shall include the square footage of the school.

(2) All locations shall pass a preclicensing inspection by a department representative by meeting the following requirements:

(a) A permanent entrance sign designating the name of the school.

(b) A time clock and time cards or other equipment necessary for verification of daily student attendance and hours earned.

(c) An adequate supply of hot and cold running water shall be available for school operation.

(d) Textbooks/teaching materials - Textbooks shall be required for each student in attendance.

(e) Lavatories with hot and cold running water, single-use hand soap and disposable or single-use hand drying towels or an automatic hand dryer.

(f) When a salon and school are under the same ownership in the same building, separate operation of the salon and the school must be maintained. Common reception areas and restrooms will be allowed; however, the salon and school must have separate entrances and meet location requirements identified in chapter 18.16 RCW.

(g) Emergency evacuation plans posted for staff and students.

(h) There must be a sufficient number of tables/desks and chairs to accommodate the registered students.

(i) Department of licensing safety and sanitation guidelines posted in all dispensaries and classrooms.

(j) Supplemental training space must be preapproved by the department.

(i) The supplemental training space must be located within two miles of the original facility of the licensed school.

(ii) A duplicate copy of the school license shall be posted at the supplemental training space.

(iii) A duplicate copy of each instructor's license with a current photograph shall be posted at the supplemental training space.

(iv) The supplemental training space shall bear the same name as the original licensed school.

(v) Supplemental training space is only approved for theory and/or practice rooms. No clinic services shall be provided in supplemental training space.

(k) Schools must post a sign that contains the words "work done exclusively by students" or "all work performed by students under supervision of a licensed instructor" in the reception or clinic area.

[Statutory Authority: RCW 43.24.023 and 18.16.030. WSR 13-24-042, § 308-20-572, filed 11/26/13, effective 1/1/14. Statutory Authority: RCW 43.24.086 and 18.16.030. WSR 10-06-092, § 308-20-572, filed 3/2/10, effective 4/2/10. Statutory Authority: RCW 18.16.030, 43.24.023. WSR 08-22-029, § 308-20-572, filed 10/28/08, effective 2/1/09.]

WAC 308-20-575 School license renewal process. (1)

Each school license shall be renewed on a yearly basis. In addition to the site inspection, the renewal request shall be accompanied by:

(a) Certification of annual gross tuition and surety bond in an amount equal to ten percent of the annual gross tuition, but not less than ten thousand dollars or more than fifty thousand dollars;

(b) Current copies of curriculum, catalogs, and brochures;

(c) Current list of instructor names and license numbers;

(d) Updated school information on forms provided by the department including the days and hours of operation of the school; and

(e) Verification of current student/instructor ratio.

(2) Licenses must be renewed on or before the expiration date. Failure to renew the license by the expiration date shall result in a penalty.

(3) Failure to receive a notice of license renewal from the department does not constitute cause for failure to renew.

[Statutory Authority: RCW 43.24.023 and 18.16.030. WSR 13-24-042, § 308-20-575, filed 11/26/13, effective 1/1/14. Statutory Authority: RCW 43.24.086 and 18.16.030. WSR 10-06-092, § 308-20-575, filed 3/2/10, effective 4/2/10. Statutory Authority: RCW 18.16.030 and 43.24.023. WSR 03-14-046, § 308-20-575, filed 6/24/03, effective 7/25/03.]

Chapter 18.235 RCW

UNIFORM REGULATION OF BUSINESS AND PROFESSIONS ACT

Sections

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18.235.900	Short title.
18.235.901	Effective date—2002 c 86 §§ 101-123.
18.235.902	Part headings not law—2002 c 86.
18.235.903	Severability—2002 c 86.

18.235.005 Intent. It is the intent of the legislature to consolidate disciplinary procedures for the licensed businesses and professions under the department of licensing by providing a uniform disciplinary act with standardized procedures for the regulation of businesses and professions and the enforcement of laws, the purpose of which is to assure the public of the adequacy of business and professional competence and conduct.

It is also the intent of the legislature that all businesses and professions newly credentialed by the state and regulated by the department of licensing come under this chapter. [2007 c 256 § 10; 2002 c 86 § 101.]

18.235.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means those boards specified in RCW 18.235.020(2)(b).

(2) "Department" means the department of licensing.

(3) "Director" means the director of the department or director's designee.

(4) "Disciplinary action" means sanctions identified in RCW 18.235.110.

(5) "Disciplinary authority" means the director, board, or commission having the authority to take disciplinary action against a holder of, or applicant for, a professional or busi-

ness license upon a finding of a violation of this chapter or a chapter specified under RCW 18.235.020.

(6) "License," "licensing," and "licensure" are deemed equivalent to the terms "license," "licensing," "licensure," "certificate," "certification," and "registration" as those terms are defined in RCW 18.118.020. Each of these terms, and the term "appointment" under chapter 42.44 RCW, are interchangeable under the provisions of this chapter.

(7) "Unlicensed practice" means:

(a) Practicing a profession or operating a business identified in RCW 18.235.020 without holding a valid, unexpired, unrevoked, and unsuspended license to do so; or

(b) Representing to a person, through offerings, advertisements, or use of a professional title or designation, that the individual or business is qualified to practice a profession or operate a business identified in RCW 18.235.020 without holding a valid, unexpired, unrevoked, and unsuspended license to do so. [2007 c 256 § 11; 2002 c 86 § 102.]

18.235.020 Application of chapter—Director's authority—Disciplinary authority. (1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

(i) Auctioneers under chapter 18.11 RCW;

(ii) Bail bond agents and bail bond recovery agents under chapter 18.185 RCW;

(iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;

(iv) Commercial telephone solicitors under chapter 19.158 RCW;

(v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;

(vi) Court reporters under chapter 18.145 RCW;

(vii) Driver training schools and instructors under chapter 46.82 RCW;

(viii) Employment agencies under chapter 19.31 RCW;

(ix) For hire vehicle operators under chapter 46.72 RCW;

(x) Limousines under chapter 46.72A RCW;

(xi) Notaries public under chapter 42.44 RCW;

(xii) Private investigators under chapter 18.165 RCW;

(xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;

(xiv) Real estate appraisers under chapter 18.140 RCW;

(xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;

(xvi) Scrap metal processors, scrap metal recyclers, and scrap metal suppliers under chapter 19.290 RCW;

(xvii) Security guards under chapter 18.170 RCW;

(xviii) Sellers of travel under chapter 19.138 RCW;

(xix) Timeshares and timeshare salespersons under chapter 64.36 RCW;

(xx) Whitewater river outfitters under chapter 79A.60 RCW;

(xxi) Home inspectors under chapter 18.280 RCW;

(xxii) Body artists, body piercers, and tattoo artists, and body art, body piercing, and tattooing shops and businesses, under chapter 18.300 RCW; and

(xxiii) Appraisal management companies under chapter 18.310 RCW.

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

(i) The state board for architects established in chapter 18.08 RCW;

(ii) The Washington state collection agency board established in chapter 19.16 RCW;

(iii) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;

(iv) The funeral and cemetery board established in chapter 18.39 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

(v) The state board of licensure for landscape architects established in chapter 18.96 RCW; and

(vi) The state geologist licensing board established in chapter 18.220 RCW.

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority. [2013 c 322 § 29; 2010 c 179 § 18. Prior: 2009 c 412 § 22; 2009 c 370 § 20; 2009 c 102 § 5; 2008 c 119 § 21; 2007 c 256 § 12; 2006 c 219 § 13; 2002 c 86 § 103.]

Severability—Effective date—2010 c 179: See RCW 18.310.900 and 18.310.901.

Short title—Implementation—2009 c 412: See RCW 18.300.900 and 18.300.902.

Effective date—2009 c 370 §§ 1-16, 18, 20, and 21: See note following RCW 18.96.010.

Finding—2009 c 370: See note following RCW 18.96.010.

Funeral directors and embalmers account and cemetery account abolished, moneys transferred to funeral and cemetery account—2009 c 102: See note following RCW 18.39.810.

Effective date—2006 c 219: See note following RCW 46.82.285.

18.235.030 Disciplinary authority—Powers. The disciplinary authority has the power to:

(1) Adopt, amend, and rescind rules as necessary to carry out the purposes of this chapter, including, but not limited to, rules regarding standards of professional conduct and practice;

(2) Investigate complaints or reports of unprofessional conduct and hold hearings as provided in this chapter;

(3) Issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;

(4) Take or cause depositions to be taken and use other discovery procedures as needed in an investigation, hearing, or proceeding held under this chapter;

(5) Compel attendance of witnesses at hearings;

(6) Conduct practice reviews in the course of investigating a complaint or report of unprofessional conduct, unless the disciplinary authority is authorized to audit or inspect applicants or licensees under the chapters specified in RCW 18.235.020;

(7) Take emergency action ordering summary suspension of a license, or restriction or limitation of the licensee's practice or business pending proceedings by the disciplinary authority;

(8) Appoint a presiding officer or authorize the office of administrative hearings, as provided in chapter 34.12 RCW, to conduct hearings. The disciplinary authority may make the final decision regarding disposition of the license unless the disciplinary authority elects to delegate, in writing, the final decision to the presiding officer;

(9) Use individual members of the boards and commissions to direct investigations. However, the member of the board or commission may not subsequently participate in the hearing of the case;

(10) Enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(11) Grant or deny license applications, secure the return of a license obtained through the mistake or inadvertence of the department or the disciplinary authority after providing the person so licensed with an opportunity for an adjudicative proceeding, and, in the event of a finding of unprofessional conduct by an applicant or license holder, impose any sanction against a license applicant or license holder provided by this chapter;

(12) Designate individuals authorized to sign subpoenas and statements of charges;

(13) Establish panels consisting of three or more members of the board or commission to perform any duty or authority within the board's or commission's jurisdiction under this chapter; and

(14) Contract with licensees, registrants, endorsement or permit holders, or any other persons or organizations to provide services necessary for the monitoring or supervision of licensees, registrants, or endorsement or permit holders who are placed on probation, whose professional or business activities are restricted, or who are for an authorized purpose subject to monitoring by the disciplinary authority. If the subject licensee, registrant, or endorsement or permit holders may only practice or operate a business under the supervision of another licensee, registrant, or endorsement or permit holder under the terms of the law regulating that occupation or business, the supervising licensee, registrant, or endorsement or permit holder must consent to the monitoring or supervision under this subsection, unless the supervising licensee, registrant, or endorsement or permit holder is, at the time, the subject of a disciplinary order. [2002 c 86 § 104.]

18.235.040 Director's authority. The director has the following additional authority:

(1) To employ investigative, administrative, and clerical staff as necessary for the enforcement of this chapter, except as provided otherwise by statute;

(2) Upon request of a board or commission, to appoint not more than three pro tem members as provided in this subsection. Individuals appointed as pro tem members of a board or commission must meet the same minimum qualifications as regular members of the board or commission. While serving as a pro tem board or commission member, a person so appointed has all the powers, duties, and immunities, and is entitled to the entitlements, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of a regular member of the board or commission; and

(3) To establish fees to be paid for witnesses, expert witnesses, and consultants used in any investigation or adjudicative proceedings as authorized by RCW 34.05.446. [2007 c 256 § 13; 2002 c 86 § 105.]

18.235.050 Statement of charges—Hearing. (1) If the disciplinary authority determines, upon investigation, that there is reason to believe that a license holder or applicant for a license has violated RCW 18.235.130 or has not met a minimum eligibility criteria for licensure, the disciplinary authority may prepare and serve the license holder or applicant a statement of charge, charges, or intent to deny. A notice that the license holder or applicant may request a hearing to contest the charge, charges, or intent to deny must accompany the statement. The license holder or applicant must file a request for a hearing with the disciplinary authority within twenty days after being served the statement of charges or statement of intent to deny. The failure to request a hearing constitutes a default, whereupon the disciplinary authority may enter a decision on the facts available to it.

(2) If a license holder or applicant for a license requests a hearing, the disciplinary authority must fix the time of the hearing as soon as convenient, but not earlier than thirty days after the service of charge, charges, or intent to deny. The disciplinary authority may hold a hearing sooner than thirty days only if the disciplinary authority has issued a summary suspension or summary restriction. [2007 c 256 § 14; 2002 c 86 § 106.]

18.235.060 Procedures governing adjudicative proceedings. The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern all hearings before the disciplinary authority. The disciplinary authority has, in addition to the powers and duties set forth in this chapter, all of the powers and duties under chapter 34.05 RCW, which include, without limitation, all powers relating to the administration of oaths, the receipt of evidence, the issuance and enforcing of subpoenas, and the taking of depositions. [2002 c 86 § 107.]

18.235.070 Previous denial, revocation, or suspension of license. The department shall not issue a license to any person whose license has been previously denied, revoked, or suspended by the disciplinary authority for that profession or business, except in conformity with the terms

and conditions of the certificate or order of denial, revocation, or suspension, or in conformity with any order of reinstatement issued by the disciplinary authority, or in accordance with the final judgment in any proceeding for review instituted under this chapter. [2002 c 86 § 108.]

18.235.080 Orders. An order pursuant to proceedings authorized by this chapter, after due notice and findings in accordance with this chapter and chapter 34.05 RCW, or an order of summary suspension entered under this chapter, takes effect immediately upon its being served. The final order, if appealed to the court, may not be stayed pending the appeal unless the disciplinary authority or court to which the appeal is taken enters an order staying the order of the disciplinary authority, which stay shall provide for terms necessary to protect the public. [2007 c 256 § 15; 2002 c 86 § 109.]

18.235.090 Appeal. A person who has been disciplined or has been denied a license by a disciplinary authority may appeal the decision as provided in chapter 34.05 RCW. [2007 c 256 § 16; 2002 c 86 § 110.]

18.235.100 Reinstatement. A person whose license has been suspended or revoked under this chapter may petition the disciplinary authority for reinstatement after an interval of time and upon conditions determined by the disciplinary authority in the order suspending or revoking the license. The disciplinary authority shall act on the petition in accordance with the adjudicative proceedings provided under chapter 34.05 RCW and may impose such conditions as authorized by RCW 18.235.110. The disciplinary authority may require successful completion of an examination as a condition of reinstatement. [2007 c 256 § 17; 2002 c 86 § 111.]

18.235.110 Unprofessional conduct—Finding. (1) Upon finding unprofessional conduct, the disciplinary authority may issue an order providing for one or any combination of the following:

- (a) Revocation of the license for an interval of time;
- (b) Suspension of the license for a fixed or indefinite term;
- (c) Restriction or limitation of the practice;
- (d) Satisfactory completion of a specific program of remedial education or treatment;
- (e) Monitoring of the practice in a manner directed by the disciplinary authority;
- (f) Censure or reprimand;
- (g) Compliance with conditions of probation for a designated period of time;
- (h) Payment of a fine for each violation found by the disciplinary authority, not to exceed five thousand dollars per violation. The disciplinary authority must consider aggravating or mitigating circumstances in assessing any fine. Funds received must be deposited in the related program account;
- (i) Denial of an initial or renewal license application for an interval of time; or
- (j) Other corrective action.

(2) The disciplinary authority may require reimbursement to the disciplinary authority for the investigative costs incurred in investigating the matter that resulted in issuance

of an order under this section, but only if any of the sanctions in subsection (1)(a) through (j) of this section is ordered.

(3) Any of the actions under this section may be totally or partly stayed by the disciplinary authority. In determining what action is appropriate, the disciplinary authority must first consider what sanctions are necessary to protect the public health, safety, or welfare. Only after these provisions have been made may the disciplinary authority consider and include in the order requirements designed to rehabilitate the license holder or applicant. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

(4) The licensee or applicant may enter into a stipulated disposition of charges that includes one or more of the sanctions of this section, but only after a statement of charges has been issued and the licensee has been afforded the opportunity for a hearing and has elected on the record to forego such a hearing. The stipulation shall either contain one or more specific findings of unprofessional conduct or a statement by the licensee acknowledging that evidence is sufficient to justify one or more specified findings of unprofessional conduct. The stipulations entered into under this subsection are considered formal disciplinary action for all purposes. [2007 c 256 § 18; 2002 c 86 § 112.]

18.235.120 Payment of a fine. Where payment of a fine is required as a result of a disciplinary action under RCW 18.235.060 or 18.235.150 and timely payment is not made as directed in the final order, the disciplinary authority may enforce the order for payment in the superior court in the county in which the hearing was held. This right of enforcement is in addition to any other rights the disciplinary authority may have as to any licensee ordered to pay a fine but may not be construed to limit a licensee's ability to seek judicial review under RCW 18.235.090. In any action for enforcement of an order of payment of a fine, the disciplinary authority's order is conclusive proof of the validity of the order of a fine and the terms of payment. [2002 c 86 § 113.]

18.235.130 Unprofessional conduct—Acts or conditions that constitute. The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession or operation of the person's business, whether the act constitutes a crime or not. At the disciplinary hearing a certified copy of a final holding of any court of competent jurisdiction is conclusive evidence of the conduct of the license holder or applicant upon which a conviction or the final holding is based. Upon a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Except as specifically provided by law, nothing in this subsection abrogates the provisions of chapter 9.96A RCW. However, RCW

9.96A.020 does not apply to a person who is required to register as a sex offender under RCW 9A.44.130;

(2) Misrepresentation or concealment of a material fact in obtaining or renewing a license or in reinstatement thereof;

(3) Advertising that is false, deceptive, or misleading;

(4) Incompetence, negligence, or malpractice that results in harm or damage to another or that creates an unreasonable risk of harm or damage to another;

(5) The suspension, revocation, or restriction of a license to engage in any business or profession by competent authority in any state, federal, or foreign jurisdiction. A certified copy of the order, stipulation, or agreement is conclusive evidence of the revocation, suspension, or restriction;

(6) Failure to cooperate with the disciplinary authority in the course of an investigation, audit, or inspection authorized by law by:

(a) Not furnishing any papers or documents requested by the disciplinary authority;

(b) Not furnishing in writing an explanation covering the matter contained in a complaint when requested by the disciplinary authority;

(c) Not responding to a subpoena issued by the disciplinary authority, whether or not the recipient of the subpoena is the accused in the proceeding; or

(d) Not providing authorized access, during regular business hours, to representatives of the disciplinary authority conducting an investigation, inspection, or audit at facilities utilized by the license holder or applicant;

(7) Failure to comply with an order issued by the disciplinary authority;

(8) Violating any of the provisions of this chapter or the chapters specified in RCW 18.235.020(2) or any rules made by the disciplinary authority under the chapters specified in RCW 18.235.020(2);

(9) Aiding or abetting an unlicensed person to practice or operate a business or profession when a license is required;

(10) Practice or operation of a business or profession beyond the scope of practice or operation as defined by law or rule;

(11) Misrepresentation in any aspect of the conduct of the business or profession;

(12) Failure to adequately supervise or oversee auxiliary staff, whether employees or contractors, to the extent that consumers may be harmed or damaged;

(13) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession or operation of the person's business. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Except as specifically provided by law, nothing in this subsection abrogates the provisions of chapter 9.96A RCW. However, RCW 9.96A.020 does not apply to a person who is required to register as a sex offender under RCW 9A.44.130;

(14) Interference with an investigation or disciplinary action by willful misrepresentation of facts before the disciplinary authority or its authorized representatives, or by the use of threats or harassment against any consumer or witness to discourage them from providing evidence in a disciplinary action or any other legal action, or by the use of financial inducements to any consumer or witness to prevent or

attempt to prevent him or her from providing evidence in a disciplinary action; and

(15) Engaging in unlicensed practice as defined in RCW 18.235.010. [2007 c 256 § 19; 2002 c 86 § 114.]

18.235.140 Final order issued under RCW 18.235.130—Failure to comply. If a person or business regulated by this chapter violates or fails to comply with a final order issued under RCW 18.235.130, the attorney general, any prosecuting attorney, the director, the board or commission, or any other person may maintain an action in the name of the state of Washington to enjoin the person from violating the order or failing to comply with the order. The injunction does not relieve the offender from criminal prosecution, but the remedy by injunction is in addition to the liability of the offender to criminal prosecution and disciplinary action. [2002 c 86 § 115.]

18.235.150 Investigation of complaint—Cease and desist order/notice of intent to issue—Final determination—Fine—Temporary cease and desist order—Action/who may maintain—Remedies not limited. (1) The disciplinary authority may investigate complaints concerning practice by unlicensed persons of a profession or business for which a license is required by the chapters specified in RCW 18.235.020. In the investigation of the complaints, the director has the same authority as provided the disciplinary authority under RCW 18.235.030.

(2) The disciplinary authority may issue a notice of intent to issue a cease and desist order to any person whom the disciplinary authority has reason to believe is engaged or is about to engage in the unlicensed practice of a profession or operation of a business for which a license is required by the chapters specified in RCW 18.235.020.

(3) The disciplinary authority may issue a notice of intent to issue a cease and desist order to any person whom the disciplinary authority has reason to believe is engaged or is about to engage in an act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters.

(4) The person to whom such a notice is issued may request an adjudicative proceeding to contest the allegations. The notice shall include a brief, plain statement of the alleged unlicensed activities, act, or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters. The request for hearing must be filed within twenty days after service of the notice of intent to issue a cease and desist order. The failure to request a hearing constitutes a default, whereupon the disciplinary authority may enter a permanent cease and desist order, which may include a civil fine. All proceedings shall be conducted in accordance with chapter 34.05 RCW.

(5) If the disciplinary authority makes a final determination that a person has engaged or is engaging in unlicensed practice or other act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters, the disciplinary authority may issue a permanent cease and desist order. In addition, the disciplinary authority may impose a

civil fine in an amount not exceeding one thousand dollars for each day upon which the person engaged in the unlicensed practice of a profession or operation of a business for which a license is required by one or more of the chapters specified in RCW 18.235.020. The proceeds of such a fine shall be deposited in the related program account.

(6) The disciplinary authority may issue a temporary cease and desist order if a person is engaged or is about to engage in unlicensed practice or other act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters if the disciplinary authority makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order. The person receiving a temporary cease and desist order shall be provided an opportunity for a prompt hearing. A temporary cease and desist order shall remain in effect until further order of the disciplinary authority. The failure to request a prompt or regularly scheduled hearing constitutes a default, whereupon the disciplinary authority may enter a permanent cease and desist order, which may include a civil fine.

(7) The cease and desist order is conclusive proof of unlicensed practice or other act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters and may be enforced under RCW 7.21.060. This method of enforcement of the cease and desist order or civil fine may be used in addition to, or as an alternative to, any provisions for enforcement of agency orders set out in chapter 34.05 RCW.

(8) The attorney general, a county prosecuting attorney, the director, a board or commission, or any person may, in accordance with the laws of this state governing injunctions, maintain an action in the name of the state of Washington to enjoin any person practicing a profession or business without a license for which a license is required by the chapters specified in RCW 18.235.020. All fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section shall be deposited in the related program account.

(9) The civil remedies in this section do not limit the ability to pursue criminal prosecution as authorized in any of the acts specified in RCW 18.235.020 nor do the civil remedies limit any criminal sanctions. [2007 c 256 § 20; 2002 c 86 § 116.]

18.235.160 Violation of injunction—Contempt of court—Civil penalty. A person or business that violates an injunction issued under this chapter may be found in contempt of court under RCW 7.21.010. Upon a finding by a court of competent jurisdiction that the person or business is in contempt, the court may order any remedial sanction as authorized by RCW 7.21.030. Further, the court may, in addition to the remedial sanctions available under RCW 7.21.030, order the person or business to pay a civil penalty to the state in an amount not to exceed twenty-five thousand dollars, which shall be deposited in the related program account. For the purposes of this section, the superior court issuing any injunction retains jurisdiction and the cause shall be continued, and in such cases the attorney general acting in the name

of the state may petition for the recovery of civil penalties. [2002 c 86 § 117.]

18.235.170 Misrepresentation—Gross misdemeanor.

A person who attempts to obtain, obtains, or attempts to maintain a license by willful misrepresentation or fraudulent representation is guilty of a gross misdemeanor. [2002 c 86 § 118.]

18.235.180 Crime or violation by license holder—Disciplinary authority may give notification. If the disciplinary authority has reason to believe that a license holder has committed a crime, or violated the laws of another regulatory body, the disciplinary authority may notify the attorney general or the county prosecuting attorney in the county in which the act took place, or other responsible official of the facts known to the disciplinary authority. [2002 c 86 § 119.]

18.235.190 Immunity from suit. The director, members of the boards or commissions, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any disciplinary actions or other official acts performed in the course of their duties. [2002 c 86 § 120.]

18.235.200 Use of records—Exchange of information—Chapter does not affect or limit. This chapter does not affect the use of records, obtained from the director or the disciplinary authorities, in any existing investigation or action by any public agency. Nor does this chapter limit any existing exchange of information between the director or the disciplinary authorities and other public agencies. [2002 c 86 § 121.]

18.235.210 Application of chapter—January 1, 2003.

(1) This chapter applies to any conduct, acts, or conditions occurring on or after January 1, 2003.

(2) This chapter does not apply to or govern the construction of and disciplinary action for any conduct, acts, or conditions occurring prior to January 1, 2003. The conduct, acts, or conditions must be construed and disciplinary action taken according to the provisions of law existing at the time of the occurrence in the same manner as if this chapter had not been enacted.

(3) Notwithstanding subsection (2) of this section, this chapter applies to applications for licensure made on or after January 1, 2003. [2007 c 256 § 21; 2002 c 86 § 122.]

18.235.900 Short title. This chapter may be known and cited as the uniform regulation of business and professions act. [2002 c 86 § 123.]

18.235.901 Effective date—2002 c 86 §§ 101-123.

Sections 101 through 123 of this act take effect January 1, 2003. [2002 c 86 § 124.]

18.235.902 Part headings not law—2002 c 86. Part headings used in this act are not any part of the law. [2002 c 86 § 402.]

18.235.903 Severability—2002 c 86. If any provision of this act or its application to any person or circumstance is

held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [2002 c 86 § 404.]