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HOUSE BILL 1403

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State of Washington

67th Legislature

2021 Regular Session

By Representatives Vick and Kirby

1 AN ACT Relating to creating a review process for professional  
2 licensing regulations and requiring a report to the legislature; and  
3 adding a new chapter to Title 18 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that, at times,  
6 additional protection by means of the regulation of a profession  
7 through professional licensure may be deemed necessary to ensure that  
8 the public's health, safety, and general welfare is protected.  
9 Furthermore, technological innovation continues to change the  
10 responsibilities and practices surrounding these professions, and by  
11 result, the potential harms associated with them.

12 (2) It is also recognized that requirements, such as educational  
13 requirements, fees, and training hours, which an individual must  
14 fulfill before receiving a license to practice in a profession, can  
15 create barriers to an individual's upward mobility and freedom to  
16 pursue their profession of choice.

17 (3) It is, therefore, the intent of the legislature to establish  
18 a sunset review process for all professional licensing requirements  
19 regulated by the department of licensing, to ensure that the rights  
20 and well-being of current and future practitioners of the profession  
21 be given full protection from unnecessary regulatory burden and that

1 regulations meant to safeguard public health and safety are still  
2 warranted.

3 NEW SECTION. **Sec. 2.** This chapter may be known and cited as the  
4 professional license review act.

5 NEW SECTION. **Sec. 3.** The definitions in this section apply  
6 throughout this chapter unless the context clearly requires  
7 otherwise.

8 (1) "Department" means the department of licensing.

9 (2) "Director" means the director of licensing.

10 NEW SECTION. **Sec. 4.** (1) Beginning in 2022, the department  
11 shall annually review and analyze approximately 20 percent of the  
12 professional licenses regulated by the department and prepare and  
13 submit an annual report electronically to the chief clerk of the  
14 house of representatives, the secretary of the senate, and each  
15 member of the house of representatives and senate by August 31st of  
16 each year as provided in this section. The department shall complete  
17 this process for all professional licenses within its jurisdiction  
18 within five years and every five years thereafter. Each report shall  
19 include the department's recommendations regarding whether the  
20 professional licenses should be terminated, continued, or modified.

21 (2) The department may require the submission of information by  
22 the affected professional board or commission and other affected or  
23 interested parties. The department shall provide notice to the  
24 relevant professional board or commission prior to commencing the  
25 review.

26 (3) The department's report shall include, but not be limited to,  
27 the following:

28 (a) The title of the professional license and, if applicable, the  
29 name of the professional board or commission responsible for  
30 enforcement of the professional license, if any;

31 (b) The statutory citation or other authorization for the  
32 creation of the professional license and, if applicable, the  
33 professional board or commission;

34 (c) If applicable, the number of members of the professional  
35 board or commission and how the members are appointed;

36 (d) If applicable, the qualifications for membership on the  
37 professional board or commission;

1 (e) If applicable, the number of times the professional board or  
2 commission is required to meet during the year and the number of  
3 times it actually met during the preceding five calendar years;

4 (f) Annual budget information for the five most recently  
5 completed fiscal years;

6 (g) For the immediately preceding five calendar years, or for the  
7 period of time less than five years for which the information is  
8 practically available, the number of government certifications,  
9 professional licenses, and registrations the department, professional  
10 board, or commission has issued, revoked, denied, or assessed  
11 penalties against, listed anonymously and separately per type of  
12 credential, and the reasons for such revocations, denials, and other  
13 penalties;

14 (h) A review of the basic assumptions underlying the creation of  
15 the professional license;

16 (i) A comparison of whether and how other states regulate the  
17 profession;

18 (j) A review and analysis of the hours or other amount of  
19 education, training, or experience required to obtain the license or  
20 credential;

21 (k) A summary of any regulatory changes made by the department,  
22 professional board, or commission as a result of the review; and

23 (l) Any recommendations regarding whether the professional  
24 license should be terminated, continued, or modified.

25 (4) After the report in subsection (3) of this section is  
26 submitted, if the relevant legislative committee determines further  
27 analysis is needed it may request the department to conduct further  
28 analysis. Specifically, the extended report shall include:

29 (a) Whether the professional license meets the policies stated  
30 and the following recommended courses of action for meeting such  
31 policies:

32 (i) If the need is to protect consumers against fraud, the  
33 recommended course of action should be to strengthen powers under  
34 chapter 19.86 RCW, or require disclosures that will reduce misleading  
35 attributes of the specific goods or services;

36 (ii) If the need is to protect consumers against unclean  
37 facilities or to promote general health and safety, the recommended  
38 course of action should be to require periodic inspections of such  
39 facilities;

1 (iii) If the need is to protect consumers against potential  
2 damages from failure by providers to complete a contract fully or up  
3 to standards, the recommended course of action should be to require  
4 that providers be bonded;

5 (iv) If the need is to protect a person who is not a party to a  
6 contract between the provider and consumer, the recommended course of  
7 action should be to require that the provider have insurance;

8 (v) If the need is to protect consumers against potential damages  
9 by transient providers, the recommended course of action should be to  
10 require that providers register their businesses with the state;

11 (vi) If the need is to protect consumers against a shortfall or  
12 imbalance of knowledge about the goods or services relative to the  
13 providers' knowledge, the recommended course of action should be to  
14 enact government certification; and

15 (vii) If the need is to address a systematic information  
16 shortfall such that a reasonable consumer is unable to distinguish  
17 between the quality of providers, there is an absence of institutions  
18 that provide adequate guidance to the consumer, and the consumer's  
19 inability to distinguish between providers and the lack of adequate  
20 guidance allows for undue risk of present, significant, and  
21 substantiated harms, the recommended course of action should be to  
22 enact a professional license; and

23 (b) If education, training, or experience is a qualification in  
24 the professional license under review, a review and analysis of the  
25 hours or other amount of education, training, or experience required  
26 to ensure such requirements are as least restrictive as necessary to  
27 protect the public's health, safety, and welfare.

28 (5) If a lawful profession is subject to chapter 18.120 RCW, the  
29 analysis under subsection (4)(a) of this section shall be made using  
30 the least restrictive method of regulation as set out in RCW  
31 18.120.010.

32 (6) If the department finds that it is necessary to change  
33 professional licenses, the department shall recommend the least  
34 restrictive regulation consistent with the public interest and the  
35 policies in this section.

36 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act  
37 constitute a new chapter in Title 18 RCW.

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