

# The Law Relating to Funeral Directors and Embalmers

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# Chapter 18.39 RCW

## EMBALMERS—FUNERAL DIRECTORS

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*Burial and removal permits: RCW 70.58.230.*

*Cemeteries, morgues and human remains: Title 68 RCW.*

*Disposal of remains prohibited unless accompanied by proper permit: RCW 70.58.260.*

*Prearrangement contracts for cemeteries: Chapter 68.46 RCW.*

*Undertaker must file death certificate: RCW 70.58.240.*

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

(1) "Board" means the funeral and cemetery board created pursuant to RCW 18.39.173.

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

(3) "Embalmer" means a person engaged in the profession or business of disinfecting and preserving human remains for transportation or final disposition.

(4) "Funeral director" means a person engaged in the profession or business of providing for the care, shelter, transportation, and arrangements for the disposition of human remains that may include arranging and directing funeral, memorial, or other services.

(5) "Funeral establishment" means a place of business licensed in accordance with RCW 18.39.145, that provides for any aspect of the care, shelter, transportation, embalming, preparation, and arrangements for the disposition of human remains and includes all areas of such entity and all equipment, instruments, and supplies used in the care, shelter, transportation, preparation, and embalming of human remains.

(6) "Funeral merchandise or services" means those services normally performed and merchandise normally provided by funeral establishments, including the sale of burial supplies and equipment, but excluding the sale by a cemetery of lands or interests therein, services incidental thereto, markers, memorials, monuments, equipment, crypts, niches, or vaults.

(7) "Licensee" means any person or entity holding a license, registration, endorsement, or permit under this chapter issued by the director.

(8) "Prearrangement funeral service contract" means any contract under which, for a specified consideration, a funeral establishment promises, upon the death of the person named or implied in the contract, to furnish funeral merchandise or services.

(9) "Public depository" means a public depository defined by RCW 39.58.010 or a state or federally chartered credit union.

(10) "Two-year college course" means the completion of sixty semester hours or ninety quarter hours of college credit, including the satisfactory completion of certain college courses, as set forth in this chapter.

Words used in this chapter importing the singular may be applied to the plural of the person or thing, words importing the plural may be applied to the singular, and words importing the masculine gender may be applied to the female. [2009 c 102 § 1; 2005 c 365 § 1; 2000 c 171 § 10; 1989 c 390

§ 1; 1982 c 66 § 1; 1981 c 43 § 1; 1979 c 158 § 39; 1977 ex.s. c 93 § 1; 1965 ex.s. c 107 § 1; 1937 c 108 § 1; RRS § 8313.]

**Reviser's note:** The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

**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.

*Number and gender:* RCW 1.12.050.

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.020 License required.** It is unlawful for any person to act or hold himself or herself out as a funeral director or embalmer or discharge any of the duties of a funeral director or embalmer as defined in this chapter unless the person has a valid license under this chapter. It is unlawful for any person to establish, maintain, or operate a funeral establishment without a valid establishment license. [2005 c 365 § 2; 1987 c 150 § 30; 1981 c 43 § 2; 1937 c 108 § 2; RRS § 8314-1. Prior: 1909 c 215 § 1. Formerly RCW 18.39.020 and 18.39.110.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.035 Applicant for license as funeral director or embalmer—Eligibility.** (1) An applicant for a license as a funeral director shall be at least eighteen years of age and must have obtained an associate of arts degree in mortuary science or completed a course of not less than two years in an accredited college, and a one-year course of training under a licensed funeral director in this state. The applicant must also pass an examination in the funeral arts and an examination in the laws of this state pertaining to the handling, care, transportation, and disposition of human remains and the contents of this chapter.

(2) An applicant for a license as an embalmer must be at least eighteen years of age and have obtained an associate of arts degree in mortuary science or completed a course of instruction in an accredited mortuary science college program and other college courses that total sixty semester hours or ninety quarter hours, completed a two-year course of training under a licensed embalmer in this state, and have passed an examination in the funeral sciences and an examination in the laws of this state pertaining to the handling, care, transportation, and disposition of human remains, and the contents of this chapter. [2005 c 365 § 3; 1996 c 217 § 1; 1981 c 43 § 3.]

**18.39.045 College course requirements.** (1) The two-year college course required for funeral directors under this chapter shall consist of sixty semester or ninety quarter hours of instruction at a school, college, or university accredited by the Northwest Association of Schools and Colleges or other accrediting association approved by the board, with a minimum 2.0 grade point, or a grade of C or better, in each subject required by subsection (2) of this section.

(2) Credits shall include one course in psychology, one in mathematics, two courses in English composition, two courses in social science, and three courses selected from the following subjects: Behavioral sciences, public speaking, counseling, business administration and management, computer science, and first aid.

(3) This section does not apply to any person registered and in good standing as an apprentice funeral director or embalmer on or before January 1, 1982. [2005 c 365 § 4; 1996 c 217 § 2; 1982 c 66 § 20; 1981 c 43 § 4.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.050 Application—Renewal—Fees.** Every application for an initial license or a license renewal under this chapter shall be made in writing on a form prescribed by the director with such information as the director requires. The director shall set license fees in accordance with RCW 43.24.086. [1985 c 7 § 37; 1982 c 66 § 21; 1981 c 43 § 5; 1975 1st ex.s. c 30 § 42; 1971 ex.s. c 266 § 8; 1937 c 108 § 6; RRS § 8318-1. Formerly RCW 18.39.050, 18.39.060, and 18.39.140.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.070 Examinations—Applications—Notice—Passing grades—Retake of examination.** (1) License examinations shall be held by the director at least once each year at a time and place to be designated by the director. Application to take an examination shall be filed with the director at least fifteen days prior to the examination date. The department shall give each applicant written notice of the time and place of the next examination. The applicant shall be deemed to have passed an examination if the applicant attains a grade of not less than seventy-five percent in each examination. Any applicant who fails an examination shall be entitled, at no additional fee, to one retake of that examination.

(2) An applicant for a license may take his or her written examination after completing the educational requirements and before completing the course of training required under RCW 18.39.035. [2005 c 365 § 5; 1996 c 217 § 3; 1981 c 43 § 6; 1965 ex.s. c 107 § 4; 1937 c 108 § 5; RRS § 8317. Prior: 1909 c 215 §§ 8, 11.]

**18.39.100 License—Form—Restrictions.** Every license issued shall specify the name of the person to whom it is issued and shall be displayed in his or her place of business in an area accessible to the public. No license shall be assigned, and not more than one person shall carry on the profession or business of funeral directing or embalming under one license. [2005 c 365 § 6; 1996 c 217 § 4; 1937 c 108 § 7; RRS § 8319. Prior: 1909 c 215 § 13.]

**18.39.120 Interns—Registration—Renewal—Notice of termination—Fees.** Every person engaged in the business of funeral directing or embalming, who employs an intern to assist in the conduct of the business, shall register the name of each intern with the director at the beginning of the internship, and shall also forward notice of the termination of the internship. The registration shall be renewed annually and shall expire on the anniversary of the intern's birthdate. Fees determined under RCW 43.24.086 shall be paid for the initial registration of the intern, and for each annual renewal. [2005 c 365 § 7; 1985 c 7 § 38; 1981 c 43 § 7; 1975 1st ex.s. c 30 § 43; 1937 c 108 § 10; RRS § 8322.]

**18.39.125 Academic interns.** (1) An "academic intern" includes any student enrolled in an accredited college funeral

service education program who is serving his or her three-month internship at a participating Washington state funeral establishment as required for graduation from the funeral service education program.

(2) Academic interns shall serve their internship in accordance with the guidelines established by the funeral service education program.

(3) Academic interns shall register with the director at the beginning of the academic internship on an application form prescribed by the board. The academic internship may not exceed a period of three months. No fee is required for registration as an academic intern. [2005 c 365 § 8.]

**18.39.130 Licenses—Applicants from other states—Examination.** The board may recognize licenses issued to funeral directors or embalmers from other states and extend reciprocity to an applicant if the applicant furnishes satisfactory evidence that the applicant holds a valid license issued by another licensing authority recognized by the board as having qualifications for licensure that are substantially equivalent to those required by this chapter on the date of original licensure or licensure with the other licensing authority. Five years active experience as a licensee may be accepted to make up a deficit in the comparable education requirements.

The board may issue a funeral director's or embalmer's license upon:

(1) Presentation of the license verification;  
 (2) Payment of a fee determined under RCW 43.24.086;  
 (3) Successful completion of the examination of the laws of this state pertaining to the handling, care, transportation, and disposition of human remains and the contents of this chapter. [2005 c 365 § 9; 1996 c 217 § 5. Prior: 1986 c 259 § 60; 1985 c 7 § 39; 1982 c 66 § 22; 1981 c 43 § 8; 1975 1st ex.s. c 30 § 44; 1937 c 108 § 15; RRS § 8325; prior: 1909 c 215 § 16.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.145 Funeral establishment license—Issuance—Requirements—Transferability—Expiration.** The board shall issue a funeral establishment license to any person, partnership, association, corporation, or other organization to operate a funeral establishment, at a specific location only, which has met the following requirements:

(1) The applicant has designated the name under which the funeral establishment will operate and has designated the location for which the establishment license is to be issued;

(2) The applicant is licensed in this state as a funeral director or employs one licensed funeral director who will be in service at the designated location;

(3) The applicant has filed an application with the director as required by this chapter and paid the required filing fee pursuant to RCW 43.24.086;

(4) As a condition of applying for a new funeral establishment license, the person or entity desiring to acquire such ownership or control shall be bound by all then existing pre-arrangement funeral service contracts.

(5) All duties requiring a license will be performed by licensed individuals or registered interns.

The board may deny an application for a funeral establishment license, or issue a conditional license, if disciplinary

action has previously been taken against the applicant or the applicant's designated funeral director or embalmer. No funeral establishment license shall be transferable. An applicant may make application for more than one funeral establishment license so long as all of the requirements are met for each license. All funeral establishment licenses shall expire on January 31st, or as otherwise determined by the director. [2005 c 365 § 10. Prior: 1986 c 259 § 61; 1985 c 7 § 40; 1977 ex.s. c 93 § 3.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.150 License lapse—Reinstatement—Fee—Reexamination.** Any licensed funeral director or embalmer whose license has lapsed shall reapply for a license and pay a fee as determined under RCW 43.24.086 before the license may be issued. Applications under this section shall be made within one year after the expiration of the previous license. If the application is not made within one year, the applicant shall be required to take an examination and pay the license fee, which may include penalty fees. [2005 c 365 § 11. Prior: 1986 c 259 § 63; 1985 c 7 § 41; 1981 c 43 § 10; 1975 1st ex.s. c 30 § 45; 1937 c 108 § 8; RRS § 8320.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.170 Inspector of funeral establishments, crematories, directors, and embalmers—Appointment—Eligibility—Term—Powers and duties.** There shall be appointed by the director an agent whose title shall be "inspector of funeral establishments, crematories, funeral directors, and embalmers of the state of Washington." No person shall be eligible for such appointment unless he or she has been a licensed funeral director and embalmer in the state of Washington, with a minimum experience of not less than five consecutive years.

(1) The inspector shall:

(a) Serve at the pleasure of the director; and  
 (b) At all times be under the supervision of the director.

(2) The inspector is authorized to:

(a) Enter the office, premises, establishment, or place of business, where funeral directing, embalming, or cremation is carried on for the purpose of inspecting the premises;

(b) Inspect the licenses and registrations of funeral directors, embalmers, funeral director interns, and embalmer interns;

(c) Serve and execute any papers or process issued by the director under authority of this chapter; and

(d) Perform any other duty or duties prescribed or ordered by the director. [2005 c 365 § 12; 1937 c 108 § 16; RRS § 8325-1.]

**18.39.173 Funeral and cemetery board—Membership—Appointment—Qualifications—Terms—Vacancies—Officers—Quorum.** (1) A funeral and cemetery board is created. The initial appointments to the board include all members from the existing funeral directors and embalmers board and existing cemetery board with their year of expiration of term remaining the same. Subsequent to the initial appointments the board will consist of seven members to be appointed by the governor in accordance with this section.

(2) Three members of the board must be persons who have had experience in the active administrative management of a cemetery authority or as a member of the board of directors of a cemetery authority for a period of five years preceding appointment. Three members of the board must each be licensed in this state as funeral directors and embalmers and must have been continuously engaged in the practice as funeral directors and embalmers for a period of five years preceding appointment. One member must represent the general public and may not have worked in or received any substantive financial benefit from the funeral or cemetery industry. Board members must be a resident of the state of Washington.

(3) All members of the board shall be appointed to serve for a term of four years, to expire on July 1st of the year of termination of their term, and until their successors have been appointed. In case of a vacancy occurring on the board, the governor shall appoint a qualified member for the remainder of the unexpired term of the vacant office. Any member of the board who fails to properly discharge the duties of a member may be removed by the governor.

(4) The board shall meet once annually to conduct its business and to elect a chair, vice chair, and other officers as the board determines, and at other times when called by the director, the chair, or a majority of the members. A majority of the members of the board shall at all times constitute a quorum. A quorum of the board to consider any charges brought under this chapter must include two of the funeral director and embalmer members of the board. A quorum of the board to consider any charges brought under Title 68 RCW must include two of the members who have had experience in the active administrative management of a cemetery authority. If board members cannot serve due to a conflict of interest, a quorum constituting a majority of the members must preside over the hearing.

(5) Each member of the board must be compensated in accordance with RCW 43.03.240 and must receive travel expenses in accordance with RCW 43.03.050 and 43.03.060. [2009 c 102 § 2; 2005 c 365 § 13; 1977 ex.s. c 93 § 8.]

**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.

**18.39.175 Board—Duties and responsibilities—Rules.** The board shall have the following duties and responsibilities under this chapter:

(1) To be responsible for the preparation, conducting, and grading of examinations of applicants for funeral director and embalmer licenses;

(2) To certify to the director the results of examinations of applicants and certify the applicant as having "passed" or "failed";

(3) To make findings and recommendations to the director on any and all matters relating to the enforcement of this chapter;

(4) To adopt and enforce reasonable rules;

(5) To examine or audit or to direct the examination and audit of prearrangement funeral service trust fund records for compliance with this chapter and rules adopted by the board; and

(6) To adopt rules establishing mandatory continuing education requirements to be met by persons applying for license renewal. [2009 c 102 § 3; 2005 c 365 § 14; 1996 c 217 § 6; 1994 c 17 § 1. Prior: 1986 c 259 § 64; 1985 c 402 § 6; 1984 c 287 § 34; 1984 c 279 § 53; 1981 c 43 § 11; 1977 ex.s. c 93 § 9.]

**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.

**Legislative finding—1985 c 402:** See note following RCW 68.50.185.

**Legislative findings—Severability—Effective date—1984 c 287:** See notes following RCW 43.03.220.

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.181 Powers and duties of director.** The director shall have the following powers and duties:

(1) To issue all licenses provided for under this chapter;

(2) To renew licenses under this chapter;

(3) To collect all fees prescribed and required under this chapter;

(4) To immediately suspend the license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order;

(5) To keep records of all official acts, proceedings, and transactions of the department of licensing; and

(6) To employ the necessary staff to carry out the duties of this chapter. [2005 c 365 § 15; 1997 c 58 § 819; 1996 c 217 § 7; 1986 c 259 § 65; 1981 c 43 § 13; 1977 ex.s. c 93 § 5.]

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

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.195 Pricing information to be given—Billing "cash advanced" items.** (1) Every licensed funeral director, his or her agent, or his or her employee shall give, or cause to be given, to the person making funeral arrangements or arranging for shipment, transportation, or other disposition of a deceased person:

(a) If requested by voice, data, text, electronic, or other similar transmission, accurate information regarding the retail prices of funeral merchandise and services offered for sale by that funeral director; and

(b) At the time such arrangements are completed or prior to the time of rendering the service, a written, itemized statement showing to the extent then known the price of merchandise and service that such person making such arrangements has selected, the price of supplemental items of service and merchandise, if any, and the estimated amount of each item for which the funeral service firm will advance money as an accommodation to the person making such funeral arrangements.

(2) No such funeral director, his or her agent, or his or her employee, shall bill or cause to be billed any item that is referred to as a "cash advanced" item unless the net amount paid for such item by the funeral director is the same amount as is billed to such funeral director. [2005 c 365 § 16; 1979 ex.s. c 62 § 1.]

**18.39.215 Embalmers—Authorization to embalm—Information required—Immediate care of body—**

**Waiver—Penalty.** (1)(a) No licensed embalmer shall embalm human remains without first having obtained authorization from the individual or individuals that have the right to control the disposition under RCW 68.50.160.

(b) The funeral director or embalmer shall inform the family member or representative of the deceased that embalming is not required by state law, except that embalming is required under certain conditions as determined by rule by the state board of health.

(2)(a) Any licensee authorized to dispose of human remains shall refrigerate or embalm the human remains upon receipt of the human remains. However, subsection (1) of this section and RCW 68.50.108 shall be complied with before human remains are embalmed. Upon written authorization of the proper state or local authority, the provisions of this subsection may be waived for a specified period of time.

(b) Violation of this subsection is a gross misdemeanor. [2005 c 365 § 17; 2003 c 53 § 127; 1987 c 331 § 76; 1985 c 402 § 5; 1981 c 43 § 15.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**Legislative finding—1985 c 402:** See note following RCW 68.50.185. Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.217 License or endorsement required for cremation—Penalty.** (1) A license or endorsement issued by the board or under chapter 68.05 RCW is required in order to operate a crematory or conduct a cremation.

(2) Conducting a cremation without a license or endorsement is a misdemeanor. Each such cremation is a separate violation. [2009 c 102 § 4; 2005 c 365 § 18; 2003 c 53 § 128; 1985 c 402 § 7.]

**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.

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**Legislative finding—1985 c 402:** See note following RCW 68.50.185.

**18.39.220 Unlawful business practices—Penalty.** (1) Every licensee who pays, or causes to be paid, directly or indirectly, money, or other valuable consideration, for the securing of business is guilty of a gross misdemeanor.

(2) Every person who sells, or offers for sale, any share, certificate, or interest in the business of any funeral director or embalmer, or in any corporation, firm, or association owning or operating a funeral establishment, which promises to give to the purchaser a right to the services of the funeral director, embalmer, or corporation, firm, or association at a charge or cost less than that offered or given to the public, is guilty of a gross misdemeanor. [2005 c 365 § 19; 2003 c 53 § 129; 1981 c 43 § 16; 1937 c 108 § 13; RRS § 8323-2.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

*Violations—Penalty—Unfair practice under chapter 19.86 RCW: RCW 18.39.350.*

**18.39.231 Prohibited advice and transactions—Exceptions—Rules—Penalty.** (1) A licensee shall not, in conjunction with any professional services performed for compensation under this chapter, provide financial or invest-

ment advice to any person other than a family member, represent any person in a real estate transaction, or act as an agent under a power of attorney for any person. However, this section shall not be deemed to prohibit a funeral establishment from entering into prearrangement funeral service contracts in accordance with this chapter or to prohibit a funeral director from providing advice about government or insurance benefits.

(2) A violation of this section is a gross misdemeanor and is grounds for disciplinary action.

(3) The board shall adopt rules as the board deems necessary to prevent unethical financial dealings between licensees and their clients. [2005 c 365 § 20; 2003 c 53 § 130; 1986 c 259 § 66; 1982 c 66 § 15.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.240 Prearrangement funeral service contracts—License required.** Only a funeral establishment licensed pursuant to this chapter may enter into prearrangement funeral service contracts. [1989 c 390 § 2; 1982 c 66 § 2.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.250 Prearrangement contracts—Trusts—Refunds.** (1) Any funeral establishment selling funeral merchandise or services by prearrangement funeral service contract and accepting moneys therefore must establish and maintain one or more prearrangement funeral service trusts under Washington state law with two or more designated trustees, for the benefit of the beneficiary of the prearrangement funeral service contract. Funeral establishments may join with one or more other Washington state licensed funeral establishments in a "master trust" provided that each member of the "master trust" complies individually with the requirements of this chapter.

(2) Up to ten percent of the cash purchase price of each prearrangement funeral service contract, excluding sales tax, may be retained by the funeral establishment unless otherwise provided in this chapter. If the prearrangement funeral service contract is canceled within thirty calendar days of its signing, then the purchaser must receive a full refund of all moneys paid under the contract.

(3) At least ninety percent of the cash purchase price of each prearrangement funeral service contract, paid in advance, excluding sales tax, shall be placed in the trust established or utilized by the funeral establishment. Deposits to the prearrangement funeral service trust must be made not later than the twentieth day of the month following receipt of each payment made on the last ninety percent of each prearrangement funeral service contract, excluding sales tax.

(4) All prearrangement funeral service trust moneys must be deposited in an insured account in a commercial bank, trust company, mutual savings bank, savings and loan association, or credit union, whether state or federally chartered. The account or investments shall be designated as the prearrangement funeral service trust of the funeral establishment for the benefit of the beneficiaries named in the prearrangement funeral service contracts. The prearrangement funeral service trust shall not be considered as, or used as, an

asset of the funeral establishment. All prearrangement funeral service trust moneys must be invested in accordance with the provisions of RCW 11.100.020 subject to the following restrictions:

(a) No officer or director of the funeral establishment, trustee of the prearrangement trust funds, or spouse, sibling, parent, grandparent, or issue of such officer, director, or trustee, may borrow any of such funds for himself or herself, directly or indirectly;

(b) No funds may be loaned to the funeral establishment, its agents, or employees, or to any corporation, partnership, or other business entity in which the funeral establishment has any ownership interest; and

(c) No funds may be invested with persons or business entities operating in a business field directly related to funeral homes.

(5) After deduction of reasonable fees for the administration of the trust, taxes paid or withheld, or other expenses of the trust, all interest, dividends, or growth earned by a trust become a part of the trust. Adequate records must be maintained to allocate the share of principal and interest to each contract. Fees deducted for the administration of the trust may not exceed one percent per year of the amount in trust. In no instance may the administrative charges deducted from the prearrangement funeral service trust reduce, diminish, or in any other way lessen the value of the trust so that the services or merchandise provided for under the contract are reduced, diminished, or in any other way lessened.

(6) Except as otherwise provided in this chapter, the trustees of a prearrangement funeral service trust must permit withdrawal of all funds deposited under a prearrangement funeral service contract, plus accruals thereon, under the following circumstances and conditions:

(a) If the funeral establishment files a verified statement with the trustees that the prearrangement funeral merchandise and services covered by the contract have been furnished and delivered in accordance therewith; or

(b) If the funeral establishment files a verified statement with the trustees that the prearrangement funeral merchandise and services covered by the contract have been canceled in accordance with its terms.

(7) Subsequent to the thirty calendar day cancellation period provided for in this chapter, any purchaser or beneficiary who has a revocable prearrangement funeral service contract has the right to demand a refund of the amount in trust.

(8) Prearrangement funeral service contracts which have or should have an account in a prearrangement funeral service trust may be terminated by the board if the funeral establishment goes out of business, becomes insolvent or bankrupt, makes an assignment for the benefit of creditors, has its prearrangement funeral service certificate of registration revoked, or for any other reason is unable to fulfill the obligations under the contract. In such event, or upon demand by the purchaser or beneficiary of the prearrangement funeral service contract, the funeral establishment must refund to the purchaser or beneficiary all moneys deposited in the trust and allocated to the contract unless otherwise ordered by a court of competent jurisdiction. The purchaser or beneficiary may, in lieu of a refund, elect to transfer the prearrangement funeral service contract and all amounts in trust to another

funeral establishment licensed under this chapter which will agree, by endorsement to the contract, to be bound by the contract and to provide the funeral merchandise or services. Election of this option does not relieve the defaulting funeral establishment of its obligation to the purchaser or beneficiary for any amounts required to be, but not placed, in trust.

(9) Prior to the sale or transfer of ownership or control of any funeral establishment which has contracted for prearrangement funeral service contracts, any person, corporation, or other legal entity desiring to acquire such ownership or control must apply to the director in accordance with RCW 18.39.145. Persons and business entities selling or relinquishing, and persons and business entities purchasing or acquiring ownership or control of such funeral establishments must each verify and attest to a report showing the status of the prearrangement funeral service trust or trusts on the date of the sale. This report must be on a form prescribed by the board and shall be considered part of the application for a funeral establishment license. In the event of failure to comply with this subsection, the funeral establishment is deemed to have gone out of business and the provisions of subsection (8) of this section apply.

(10) Prearrangement funeral service trust moneys may not be used, directly or indirectly, for the benefit of the funeral establishment or any director, officer, agent, or employee of the funeral establishment including, but not limited to, any encumbrance, pledge, or other use of prearrangement funeral service trust moneys as collateral or other security.

(11)(a) If, at the time of the signing of the prearrangement funeral service contract, the beneficiary of the trust is a recipient of public assistance as defined in RCW 74.04.005, or reasonably anticipates being so defined, the contract may provide that the trust will be irrevocable. If after the contract is entered into, the beneficiary becomes eligible or seeks to become eligible for public assistance under Title 74 RCW, the contract may provide for an election by the beneficiary, or by the purchaser on behalf of the beneficiary, to make the trust irrevocable thereafter in order to become or remain eligible for such assistance.

(b) The department of social and health services must notify the trustee of any prearrangement service trust that the department has a claim on the estate of a beneficiary for long-term care services. Such notice must be renewed at least every three years. The trustees upon becoming aware of the death of a beneficiary must give notice to the department of social and health services, office of financial recovery, who shall file any claim there may be within thirty days of the notice.

(12) Every prearrangement funeral service contract financed through a prearrangement funeral service trust must contain language which:

(a) Informs the purchaser of the prearrangement funeral service trust and the amount to be deposited in the trust;

(b) Indicates if the contract is revocable or not in accordance with subsection (11) of this section;

(c) Specifies that a full refund of all moneys paid on the contract will be made if the contract is canceled within thirty calendar days of its signing;

(d) Specifies that, in the case of cancellation by a purchaser or beneficiary eligible to cancel under the contract or

under this chapter, up to ten percent of the contract amount may be retained by the seller to cover the necessary expenses of selling and setting up the contract;

(e) Identifies the trust to be used and contains information as to how the trustees may be contacted. [2012 c 206 § 2; 2005 c 365 § 21; 1996 c 217 § 8; 1995 1st sp.s. c 18 § 62; 1989 c 390 § 3; 1982 c 66 § 3.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.255 Prearrangement contracts—Insurance funded—Requirements.** Prearranged funeral service contracts funded through insurance shall contain language which:

- (1) States the amount of insurance;
- (2) Informs the purchaser of the name and address of the insurance company through which the insurance will be provided and the name of the beneficiary;
- (3) Informs the purchaser that amounts paid for insurance may not be refundable;
- (4) Informs that any funds from the policy not used for services may be subject to a claim for reimbursement for long-term care services paid for by the state; and
- (5) States that for purposes of the contract, the procedures in RCW 18.39.250(11)(b) shall control such recoupment. [2005 c 365 § 22; 1995 1st sp.s. c 18 § 63; 1989 c 390 § 4.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.260 Prearrangement contracts—Certificates of registration required—Exception.** A funeral establishment shall not enter into prearrangement funeral service contracts in this state unless the funeral establishment has obtained a certificate of registration issued by the board and such certificate is then in force.

Certificates of registration shall be maintained by funeral establishments and the funeral establishment shall comply with all requirements related to the sale of prearrangement contracts until all obligations have been fulfilled. The board may, for just cause, release a funeral establishment from specific registration or reporting requirements. [1989 c 390 § 5; 1986 c 259 § 67; 1982 c 66 § 4.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.270 Prearrangement contracts—Registration qualifications.** To qualify for and hold a certificate of registration, a funeral establishment must:

- (1) Be licensed pursuant to this chapter; and
- (2) Fully comply with and qualify according to the provisions of this chapter. [1982 c 66 § 5.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.280 Prearrangement contracts—Application for registration.** To apply for an original certificate of registration, a funeral establishment must:

- (1) File with the board its request showing:
  - (a) Its name, location, and organization date;
  - (b) The kinds of funeral business it proposes to transact;
  - (c) A statement of its financial condition, management, and affairs on a form satisfactory to or furnished by the board;

(d) Documents establishing its trust, or its affiliation with a master trust, and the names and addresses of the trustees if a trust is to be used to finance prearrangement funeral service contracts;

(e) Documents establishing its relationship with insurance carriers if insurance is to be used to finance;

(f) Documents establishing any other financing relationships; and

(g) Such other documents, stipulations, or information as the board may reasonably require to evidence compliance with the provisions of this chapter.

(2) Deposit with the director the fees required by this chapter to be paid for filing the accompanying documents, and for the certificate of registration, if granted. [1989 c 390 § 6; 1986 c 259 § 68; 1982 c 66 § 7.]

*Fees:* RCW 18.39.290.

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.290 Prearrangement contracts—Registration—Renewal—Fees—Disposition.** All certificates of registration issued pursuant to this chapter shall continue in force until the expiration date unless suspended or revoked. A certificate shall be subject to renewal annually ninety days after the end of its fiscal year, as stated on the original application, by the funeral establishment and payment of the required fees.

The director shall determine and collect fees related to certificate of registration licensure.

All fees so collected shall be remitted by the director to the state treasurer not later than the first business day following receipt of such funds and the funds shall be credited to the funeral directors and embalmers account. [1993 c 43 § 1; 1986 c 259 § 69; 1982 c 66 § 8.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.300 Grounds for disciplinary action.** In addition to the grounds for action set forth in RCW 18.235.130, the board may take the disciplinary action set forth in RCW 18.235.110 against the funeral establishment's license, the license of any funeral director and/or the funeral establishment's certificate of registration, if the licensee or registrant:

- (1) Fails to comply with any provisions of this chapter or any proper order or regulation of the board;
- (2) Is found by the board to be in such condition that further execution of prearrangement contracts could be hazardous to purchasers or beneficiaries and the people of this state;
- (3) Refuses to be examined, or refuses to submit to examination by the board when required;
- (4) Fails to pay the expense of an examination; or
- (5) Is found by the board after investigation or receipt of reliable information to be managed by persons who are incompetent or untrustworthy or so lacking in managerial experience as to make the proposed or continued execution or servicing of prearrangement funeral service contracts hazardous to purchasers, beneficiaries, or to the public. [2002 c 86 § 219; 1989 c 390 § 7; 1986 c 259 § 70; 1982 c 66 § 6.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.320 Prearrangement contracts—Annual financial statement—Failure to file.** (1) Each funeral establishment which has prearrangement funeral service contracts out-

standing shall annually, as required by the board, file with the board a true and accurate statement of its financial condition and transactions and affairs involving prearrangement funeral service contracts for its preceding fiscal year. The statement shall be on such forms and shall contain such information as required by this chapter and by the board.

(2) The board shall take disciplinary action against the certificate of registration of any funeral establishment which fails to file its annual statement when due or after any extension of time which the board has, for good cause, granted. [1989 c 390 § 8; 1986 c 259 § 71; 1982 c 66 § 10.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.330 Prearrangement contract forms—Approval required—Grounds for disapproval.** No prearrangement funeral contract forms shall be used without the prior approval of the board.

The board shall disapprove any such contract form, or withdraw prior approval, when such form:

- (1) Violates or does not comply with this chapter;
- (2) Contains or incorporates by reference any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which unreasonably or deceptively affect the merchandise or service purported to be provided in the general coverage of the contract;
- (3) Has any title, heading, or other part of its provisions which is misleading;
- (4) Is being solicited by deceptive advertising;
- (5) Fails to disclose fully the terms of the funeral service being provided by the contract, including but not limited to, any discounts, guarantees, provisions for merchandise or service substitutions or other significant items; or
- (6) Is not written in language which the board considers to be easily understood by the purchaser. [1989 c 390 § 9; 1986 c 259 § 72; 1982 c 66 § 11.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.345 Prearrangement trust—Examination by board.** (1) The board shall examine a prearrangement funeral service trust whenever it deems it necessary, but at least once every three years, or whenever the licensee fails after reasonable notice from the board to file the reports required by this chapter or the board.

(2) The expense of the prearrangement funeral service trust examination shall be paid by the licensee and shall not be deducted from the earnings of the trust.

(3) Such examination shall be conducted in private in the principal office of the licensee and the records relating to prearrangement funeral service contracts and prearrangement funeral service trusts shall be available at such office. [2005 c 365 § 23; 1989 c 390 § 10.]

**18.39.350 Violations—Penalty—Consumer protection—Retail installment contracts.** Any person who violates or fails to comply with, or aids or abets any person in the violation of, or failure to comply with any of the provisions of this chapter is guilty of a class C felony pursuant to chapter 9A.20 RCW. Any such violation constitutes an unfair practice under chapter 19.86 RCW and this chapter and conviction thereunder is grounds for license revocation under this chapter and RCW 18.235.110. Retail installment contracts

under this chapter shall be governed by chapter 63.14 RCW. [2002 c 86 § 220; 1989 c 390 § 11; 1982 c 66 § 13.]

*Unlawful business practices—Penalty: RCW 18.39.220.*

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.360 Fraternal or benevolent organizations and labor unions excepted.** This chapter does not apply to any funeral right or benefit issued or granted as an incident to or by reason of membership in any fraternal or benevolent association or cooperative or society, or labor union not organized for profit. [1989 c 390 § 12; 1982 c 66 § 14.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.370 Prearrangement service contracts—Abandoned trusts.** Any trust which has not matured or been refunded and for which no beneficiary can be located fifty years after its creation shall be considered abandoned and will be handled in accordance with the escheat laws of the state of Washington. [1989 c 390 § 13.]

**18.39.410 Unprofessional conduct.** In addition to the unprofessional conduct described in RCW 18.235.130, the board may take disciplinary action and may impose any of the sanctions specified in RCW 18.235.110 for the following conduct, acts, or conditions:

- (1) Solicitation of human remains by a licensee, registrant, endorsement, or permit holder, or agent, assistant, or employee of the licensee, registrant, endorsement, or permit holder whether the solicitation occurs after death or while death is impending. This chapter does not prohibit general advertising or the sale of prearrangement funeral service contracts;
- (2) Solicitation may include employment of solicitors, payment of commission, bonus, rebate, or any form of gratuity or payment of a finders fee, referral fee, or other consideration given for the purpose of obtaining or providing the services for human remains or where death is impending;
- (3) Acceptance by a licensee, registrant, endorsement, or permit holder or other employee of a funeral establishment of a commission, bonus, rebate, or gratuity in consideration of directing business to a cemetery, crematory, mausoleum, columbarium, florist, or other person providing goods and services to the disposition of human remains;
- (4) Using a casket or part of a casket that has previously been used as a receptacle for, or in connection with, the burial or other disposition of human remains without the written consent of the person lawfully entitled to control the disposition of remains of the deceased person in accordance with RCW 68.50.160. This subsection does not prohibit the use of rental caskets, such as caskets of which the outer shell portion is rented and the inner insert that contains the human remains is purchased and used for the disposition, that are disclosed as such in the statement of funeral goods and services;
- (5) Violation of a state law, municipal law, or county ordinance or regulation affecting the handling, custody, care, transportation, or disposition of human remains;
- (6) Refusing to promptly surrender the custody of human remains upon the expressed order of the person lawfully entitled to its custody under RCW 68.50.160;
- (7) Selling, or offering for sale, a share, certificate, or an interest in the business of a funeral establishment, or in a cor-

poration, firm, or association owning or operating a funeral establishment that promises or purports to give to purchasers a right to the services of a licensee, registrant, endorsement, or permit holder at a charge or cost less than offered or given to the public;

(8) Violation of any state or federal statute or administrative ruling relating to funeral practice;

(9) Knowingly concealing information concerning a violation of this title. [2005 c 365 § 24; 2002 c 86 § 221; 1994 c 17 § 3.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.420 Complaint to board—Submittal—Determination—Investigation—Immunity of complainant.** A person, including but not limited to a consumer, licensee, corporation, organization, and state and local governmental agency, may submit a written complaint to the board charging a license, registration, endorsement, or permit holder or applicant with unprofessional conduct and specifying the grounds for the complaint. If the board determines that the complaint merits investigation, or if the board has reason to believe, without a formal complaint, that a license holder or applicant might have engaged in unprofessional conduct, the board shall investigate to determine whether there has been unprofessional conduct. A person who files a complaint under this section in good faith is immune from suit in a civil action related to the filing or contents of the complaint. [1994 c 17 § 4.]

**18.39.450 Findings of fact—Order—Notice—Report.** (1) In the event of a finding of unprofessional conduct, the board shall prepare and serve findings of fact and an order as provided in chapter 34.05 RCW and the board shall notify the public, which notice must include press releases to appropriate local news media and the major news wire services. If the license, registration, endorsement, or permit holder or applicant is found to have not committed unprofessional conduct, the board shall immediately prepare and serve findings of fact and an order of dismissal of the charges. The board shall retain the findings of fact and order as a permanent record.

(2) The board shall report the issuance of statements of charges and final orders in cases processed by the board to:

(a) The person or agency who brought to the board's attention information that resulted in the initiation of the case;

(b) Appropriate organizations, public or private, that serve the professions; and

(c) Counterpart licensing boards in other states or associations of state licensing boards.

(3) This section does not require the reporting of information that is exempt from public disclosure under chapter 42.56 RCW. [2005 c 274 § 223; 1994 c 17 § 7.]

**Part headings not law—Effective date—2005 c 274:** See RCW 42.56.901 and 42.56.902.

**18.39.465 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 § 9.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.467 License suspension—Noncompliance with support order—Reissuance.** In the case of suspension for failure to comply with a support order under chapter 74.20A RCW or a \*residential or visitation order under chapter 26.09 RCW, if the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of a license shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the individual is in compliance with the order. [1997 c 58 § 820.]

**\*Reviser's note:** 1997 c 58 § 886 requiring a court to order certification of noncompliance with residential provisions of a court-ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for non-compliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

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

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.525 Certificates of removal registration.** (1) The director shall issue a certificate of removal registration to a funeral establishment licensed in another state contiguous to Washington, with laws substantially similar to the provisions of this section, for the limited purpose of removing human remains from Washington prior to submitting a certificate of death. Licensed funeral establishments wishing to participate must: Apply to the department of licensing for a certificate of removal registration, on a form provided by the department, and pay the required application fee, as set by the director.

(2) For purposes of this section, each branch of a registrant's funeral establishment is a separate establishment and must be registered as a fixed place of business.

(3) Certificates of death are governed by RCW 70.58.160.

(4) Notices of removal and disposition permits are governed by RCW 70.58.230.

(5) The conduct of funeral directors, embalmers, or any other person employed by or acting on behalf of a removal registrant is the direct responsibility of the holder of the certificate of removal registration.

(6) The board may impose sanctions upon the holder of a certificate of removal registration if the registrant is found to be in violation of any death care statute or rule.

(7) Certificates of removal registration expire January 31st, or as otherwise determined by the director. [2005 c 365 § 26.]

**18.39.530 Practice without license—Penalties.** Unlicensed practice of a profession or operation of a business for which a license, registration, endorsement, or permit is required under this chapter, unless otherwise exempted by law, is a gross misdemeanor. Fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section must be remitted to the board. [2002 c 86 § 222; 1994 c 17 § 15.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.560 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 § 223.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.39.570 Military training or experience.** An applicant with military training or experience satisfies the training or experience requirements of this chapter unless the board determines that the military training or experience is not substantially equivalent to the standards of this state. [2011 c 351 § 4.]

**18.39.810 Funeral and cemetery account.** The funeral and cemetery account is created in the custody of the state treasurer. All receipts from fines and fees collected under this chapter and chapter 68.05 RCW must be deposited in the account. Expenditures from the account may be used only to carry out the duties required for the operation and enforcement of this chapter and chapter 68.05 RCW. Only the director of licensing or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2009 c 102 § 24.]

**Funeral directors and embalmers account and cemetery account abolished, moneys transferred to funeral and cemetery account—2009 c 102:** "Any residual balance of funds remaining in the funeral directors and embalmers account and the cemetery account must be transferred to the funeral and cemetery account established in section 24 of this act. The treasurer shall make the transfer after being notified by the office of financial management that it has completed the financial statement for fiscal year 2009, and no later than December 31, 2009." [2009 c 102 § 25.]

**18.39.900 Severability—1937 c 108.** If any section, subdivision, sentence or clause of this act shall be held invalid or unconstitutional, such holding shall not affect the validity of the remaining portions of this act. [1937 c 108 § 18.]

**18.39.901 Severability—1982 c 66.** 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. [1982 c 66 § 23.]

# 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) Security guards under chapter 18.170 RCW;

- (xvii) Sellers of travel under chapter 19.138 RCW;
- (xviii) Timeshares and timeshare salespersons under chapter 64.36 RCW;
- (xix) Whitewater river outfitters under chapter 79A.60 RCW;
- (xx) Home inspectors under chapter 18.280 RCW;
- (xxi) Body artists, body piercers, and tattoo artists, and body art, body piercing, and tattooing shops and businesses, under chapter 18.300 RCW; and
- (xxii) 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 of registration 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. [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.]

\*Reviser's note: The "state board of registration for architects" was changed to "the state board for architects" by 2010 c 129 § 3.

**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.]

# Chapter 308-47 WAC

## RULES OF PROCEDURE FOR CREMATION

### WAC

308-47-010	Definitions.
308-47-020	Identification of human remains.
308-47-030	Holding human remains for cremation.
308-47-040	Cremation of human remains.
308-47-050	Processing of cremated human remains.
308-47-060	Packaging and storage of cremated human remains.
308-47-070	Disposition of cremated human remains.

**WAC 308-47-010 Definitions.** (1) "**Authorizing agent**" means the person(s) legally entitled to control the disposition of the human remains.

(2) "**Crematory authority or endorsement**" the legal entity and their authorized representatives, licensed to perform cremations.

(3) "**Cremation chamber**" means the enclosed space in a crematory in which the cremation process takes place.

(4) "**Pulverization**" is the reduction of identifiable bone fragments to unidentifiable dimensions by manual or mechanical means following cremation.

(5) "**Processing**" is the removal of foreign objects from cremated human remains and may include pulverization.

(6) "**Cremation container**" means the container in which the human remains must be enclosed before being placed in the cremation chamber for cremation. A cremation container must:

- Be composed of a combustible material. If the remains are delivered to a crematory in a noncombustible container, the authorizing agent must be informed of the disposition of the container, if the container is not actually used in the cremation process. Any transfer of human remains to combustible containers at the crematory must be in accordance with chapter 18.39 RCW, Title 308 WAC, and applicable public health laws.

- Be rigid enough for placement into the cremation chamber.

- Assure protection to the health and safety of the crematory operators and others.

- Provide a proper covering for the human remains.

- Be resistant to leakage or spillage of body fluids.

(7) "**Sealable container**" means any container in which cremated human remains can be placed and closed to prevent leakage or spillage of cremated human remains.

(8) "**Holding facility**" means an area designated for the care, storage and holding of human remains prior to disposition. A holding facility must:

- Comply with any applicable public health laws.

- Preserve the dignity of the human remains.

- Recognize the personal integrity, health and safety of employees and others.

- Be secure from access by anyone other than authorized personnel.

(9) "**Cadaver**" means human remains or any part thereof, which have been donated to science for medical research purposes.

(10) "**Body parts**" means limbs and other portions of human anatomy that have been removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy or medical research.

(11) "**Commingling**" means the mixing of cremated human remains of more than one deceased person.

(12) "**Residue**" means the cremation products that may unavoidably remain in the cremation chamber after manual sweeping techniques are performed.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-03-027, § 308-47-010, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175(4). 02-19-019, § 308-47-010, filed 9/9/02, effective 10/10/02.]

**WAC 308-47-020 Identification of human remains.** A crematory must not take custody of unidentified human remains. Before accepting human remains, the crematory must verify that identification is attached to the cremation container. Upon accepting human remains for cremation, the crematory must make a permanent record of the following:

- Name of deceased.

- Date of death.

- Place of death.

- Name and relationship of authorizing agent.

- Name of firm engaging crematory services.

- Description of the cremation container to be consumed with the human remains.

- An identification number assigned each human remains and inscribed on a metal disc or metal tag. The metal identification disc or tag must identify the crematory and accompany the human remains through each phase of the cremation, processing and packaging. The disc or tag identification number must be recorded on all paperwork regarding a human remains.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-03-027, § 308-47-020, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175(4). 02-19-019, § 308-47-020, filed 9/9/02, effective 10/10/02.]

**WAC 308-47-030 Holding human remains for cremation.** (1) A crematory must not accept and hold human remains for cremation unless the human remains are contained in a cremation container.

(2) A crematory must not accept human remains in a cremation container having evidence of body fluid leakage.

(3) Human remains that are not embalmed must be held only within a mechanically or commercially acceptable refrigerated facility of adequate capacity, with a maximum temperature of 48 degrees Fahrenheit, or as determined by chapter 246-500 WAC.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-03-027, § 308-47-030, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175(4). 02-19-019, § 308-47-030, filed 9/9/02, effective 10/10/02.]

**WAC 308-47-040 Cremation of human remains.** (1) Cremation must not take place until the burial transit permit and authorization for cremation are obtained.

(2) Immediately prior to being placed within the cremation chamber, the identification of the human remains must be verified by the crematory operator. Appropriate identification of the human remains will be placed near the cremation chamber in such a way as to identify the human remains being cremated. The metal identification disc or metal tag must be placed in the cremation chamber with the human remains.

(3) Simultaneous cremation of more than one human remains within the same cremation chamber is not permitted, unless written authorization is obtained from the authorizing agent of each human remains to be cremated simultaneously. Such written authorization will exempt the crematory from all liability for commingling the products of the cremation process.

(4) Simultaneous cremation of more than one human remains within the same cremation chamber may be performed without the authorizations required in subsection (3) of this section, if:

- Equipment, techniques, and other devices are employed that keep the human remains separate and distinct, before and during the cremation process.
- Recoverable cremated remains are kept separate and distinct after the cremation process.

(5) Crematories licensed by the state cemetery board or the board of funeral directors and embalmers, will only be used for the cremation of human remains, cadavers, or human body parts.

[Statutory Authority: RCW 18.39.175(4). 02-19-019, § 308-47-040, filed 9/9/02, effective 10/10/02.]

**WAC 308-47-050 Processing of cremated human remains.** (1) Upon completion of the cremation, the products of the cremation process must be removed from the cremation chamber, with the exception of residue.

(2) The cremation products must be placed within an individual container or tray in such a way that will insure against commingling with other cremated human remains.

(3) Identification must be attached to the container or tray.

(4) All cremated human remains must undergo processing to comply with applicable legal requirements.

(5) Processing or pulverization of cremated human remains may not be required if cremated human remains are to be placed in a cemetery, mausoleum, columbarium, or building devoted exclusively to religious purposes, or where religious or cultural beliefs oppose the practice.

(6) All body prostheses, bridgework, or similar items removed from the cremated human remains during processing will be disposed of by the crematory, as directed by the authorizing agent.

[Statutory Authority: RCW 18.39.175(4). 02-19-019, § 308-47-050, filed 9/9/02, effective 10/10/02.]

**WAC 308-47-060 Packaging and storage of cremated human remains.** (1) The cremated human remains must be placed in a sealable container, or in such container as may have been ordered or supplied by the authorizing agent.

(2) The packaged cremated human remains will be identified. The metal identification disc or metal tag must stay with the cremated human remains.

(3) If the cremated human remains do not completely fill the container, the remaining space may be filled with suitable packing material. The container must then be securely closed.

(4) If the entire cremated human remains will not fit within the designated container, the remainder of the cremated human remains must be returned to the authorizing agent in a second container, clearly identified as being part of, and together with, the designated container. Upon written consent of the authorizing agent, excess cremated human remains may be disposed of in any legal manner.

[Statutory Authority: RCW 18.39.175(4). 02-19-019, § 308-47-060, filed 9/9/02, effective 10/10/02.]

**WAC 308-47-070 Disposition of cremated human remains.** (1) A crematory must keep a permanent record of all cremations performed and the disposition or release of the cremated human remains. The record must include the following information:

- Date of death.
- Date burial transit permit was issued.
- Date of delivery of human remains to the crematory.
- Date of cremation.
- Name of crematory operator performing the cremation.
- Name of person performing packaging, and date of packaging.
- Date of release of the cremated human remains and the name of the individual(s) to whom the cremated human remains were released; or
- Date of disposition of the cremated human remains.

(2) When cremated human remains have been in the possession of a crematory, funeral establishment or cemetery for a period of ninety days or more, the entity holding the cremated human remains may arrange for disposition in any legal manner, provided the entity:

- Attempts to contact the authorizing agent for disposition instructions by registered mail.
- Informs the authorizing agent(s) of the procedures that will be followed if disposition instructions are not received.
- Informs the authorizing agent(s) that disposition will take place if disposition instructions are not received within sixty days of initiation of the contact process.
- Informs the authorizing agent(s) that recovery of the cremated human remains, after the disposition, may or may not be possible.
- Maintains a permanent record of the location of the disposition.

(3) No entity making disposition of cremated human remains under subsection (2) of this section will be liable for the disposition or nonrecoverability of cremated human remains.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-03-027, § 308-47-070, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175(4). 02-19-019, § 308-47-070, filed 9/9/02, effective 10/10/02.]

# Chapter 308-48 WAC

## FUNERAL DIRECTORS AND EMBALMERS

### WAC

308-48-010	Definitions.	
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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-48-020	Misconduct enumerated in statute. [Rule 2, filed 9/17/64.] Repealed by 83-04-021 (Order PL 420), filed 1/26/83. Statutory Authority: 1982 c 66 § 12.	308-48-250
308-48-070	Fraud and deceit. [Rule 7, filed 9/17/64.] Repealed by 02-19-019, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.175(4).	
308-48-090	Absence of licensee. [Order PL 273, § 308-48-090, filed 8/1/77; Rule 9, filed 9/17/64.] Repealed by 83-04-021 (Order PL 420), filed 1/26/83. Statutory Authority: 1982 c 66 § 12.	308-48-300
308-48-100	Improper methods for seeking business. [Statutory Authority: RCW 18.39.175 (4) and (5). 85-19-014 (Order PL 551), § 308-48-100, filed 9/6/85; Rule 10, filed 9/17/64.] Repealed by 02-19-019, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.175(4).	308-48-310
308-48-110	Revocation of license. [Statutory Authority: RCW 18.39.175. 83-04-020 (Order PL 419), § 308-48-110,	308-48-320

filed 1/26/83; Order PL 273, § 308-48-110, filed 8/1/77; Rule 11, filed 9/17/64.] Repealed by 07-03-027, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW.

Director's designees. [Order PL 273, § 308-48-115, filed 8/1/77.] Repealed by 83-04-021 (Order PL 420), filed 1/26/83. Statutory Authority: 1982 c 66 § 12.

Apprentices—Credit limitation for prior employment. [Rules, § 1, filed 10/5/67.] Repealed by 86-15-022 (Order PM 604), filed 7/11/86. Statutory Authority: RCW 18.39.175(4).

College credit. [Rules, § 2, filed 10/5/67.] Repealed by 86-15-022 (Order PM 604), filed 7/11/86. Statutory Authority: RCW 18.39.175(4).

Licenses—Applicants from other states. [Statutory Authority: RCW 18.35.175(4). 88-13-010 (Order PM 737), § 308-48-140, filed 6/6/88; 86-15-022 (Order PM 604), § 308-48-140, filed 7/11/86. Statutory Authority: RCW 18.39.130, as amended by SHB 871. 83-01-111 (Order PL 416), § 308-48-140, filed 12/21/82; Order 700801, § 308-48-140, filed 8/25/70.] Repealed by 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 subjects. [Statutory Authority: RCW 18.39.175(4). 86-15-022 (Order PM 604), § 308-48-165, filed 7/11/86. Statutory Authority: RCW 18.39.175. 83-04-020 (Order PL 419), § 308-48-165, filed 1/26/83.] Repealed by 90-17-148, filed 8/22/90, effective 9/22/90. Statutory Authority: RCW 18.39.175(4).

Collegiate level hours. [Order PL 122, § 308-48-170, filed 5/9/72.] Repealed by 83-04-021 (Order PL 420), filed 1/26/83. Statutory Authority: 1982 c 66 § 12.

Application to national boards—Embalmers. [Order PL 273, § 308-48-175, filed 8/1/77; Order PL-259, § 308-48-175, filed 12/7/76.] Repealed by 83-04-021 (Order PL 420), filed 1/26/83. Statutory Authority: 1982 c 66 § 12.

Funeral establishments and crematories—License expiration. [Statutory Authority: RCW 18.39.175(4). 98-21-056, § 308-48-185, filed 10/19/98, effective 11/19/98; Order PL 273, § 308-48-185, filed 8/1/77.] Repealed by 02-19-019, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.175(4).

Examination fee. [Statutory Authority: RCW 18.39.175. 83-04-020 (Order PL 419), § 308-48-190, filed 1/26/83; Order PL-249, § 308-48-190, filed 5/21/76.] Repealed by 09-17-116, filed 8/18/09, effective 9/18/09. Statutory Authority: RCW 18.39.050, 18.39.175, 43.24.086 and chapter 34.05 RCW.

Definition—Employ. [Order PL 273, § 308-48-190 (codified as WAC 308-48-19001), filed 8/1/77.] Repealed by 83-04-021 (Order PL 420), filed 1/26/83. Statutory Authority: 1982 c 66 § 12.

Fees. [Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-48-250, filed 8/10/83. Formerly WAC 308-48-310.] Repealed by 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086.

License renewal fee. [Order PL-163, § 308-48-300, filed 3/18/74.] Repealed by Order PL 207, filed 11/5/75.

Later promulgation, see WAC 308-48-310.

Funeral directors and embalmers—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-48-310, filed 9/25/80; Order PL 273, § 308-48-310, filed 8/1/77; Order PL-259, § 308-48-310, filed 12/7/76; Order PL 207, § 308-48-310, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-48-250.

Uniform Disciplinary Act. [Statutory Authority: 1984 c 279 § 35. 84-21-132 (Order PL 492), § 308-48-320,

- filed 10/24/84.] Repealed by 85-19-013 (Order PL 550), filed 9/6/85. Statutory Authority: RCW 18.39.175 (4) and (6) and 18.39.176.
- 308-48-700 Definitions. [Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-700, filed 10/17/85.] Repealed by 02-19-019, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.175(4).
- 308-48-710 Identification of human remains. [Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-710, filed 10/17/85.] Repealed by 02-19-019, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.175(4).
- 308-48-720 Holding human remains for cremation. [Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-720, filed 10/17/85.] Repealed by 02-19-019, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.175(4).
- 308-48-730 Cremation of human remains. [Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-730, filed 10/17/85.] Repealed by 02-19-019, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.175(4).
- 308-48-740 Processing of cremated remains. [Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-740, filed 10/17/85.] Repealed by 02-19-019, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.175(4).
- 308-48-750 Packaging and storage of cremated or processed remains. [Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-750, filed 10/17/85.] Repealed by 02-19-019, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.175(4).
- 308-48-760 Disposition of cremated or processed remains. [Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-760, filed 10/17/85.] Repealed by 02-19-019, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.175(4).
- 308-48-770 Endorsement required. [Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-770, filed 10/17/85.] Repealed by 02-19-019, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.175(4).
- 308-48-790 Crematory endorsements—Registration—Expiration. [Statutory Authority: RCW 18.35.175(4). 88-13-010 (Order PM 737), § 308-48-790, filed 6/6/88. Statutory Authority: RCW 18.39.175(4) as amended by 1985 c 402 § 6. 86-05-031 (Order PL 581), § 308-48-790, filed 2/19/86.] Repealed by 98-21-056, filed 10/19/98, effective 11/19/98. Statutory Authority: RCW 18.39.175(4).
- 308-48-820 Preliminary record in brief adjudicative proceedings. [Statutory Authority: RCW 18.39.175(4). 97-21-063, § 308-48-820, filed 10/14/97, effective 11/14/97.] Repealed by 05-23-150, filed 11/22/05, effective 12/23/05. Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW.
- 308-48-830 Conduct of brief adjudicative proceedings. [Statutory Authority: RCW 18.39.175(4). 97-21-063, § 308-48-830, filed 10/14/97, effective 11/14/97.] Repealed by 05-23-150, filed 11/22/05, effective 12/23/05. Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW.

**WAC 308-48-010 Definitions.** For the purpose of these rules, the following term will be construed as follows:

"Embalmer intern" is a person engaged in the study and supervised practical training of embalming under the instruction of a qualified sponsor.

"Funeral director intern" is a person engaged in the study and supervised practical training of funeral directing under the instruction of a qualified sponsor.

"In its employ" as used in RCW 18.39.148 will include personnel who are employed on a part-time basis as well as personnel who are employed on a full-time basis and be in service at a specific location and involved in the execution of the daily activities of the business.

"Internship" means a course of required practical training, for a specified period of time, as a prerequisite for

obtaining a license to practice the profession of funeral directing or embalming.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 09-06-043, § 308-48-010, filed 2/25/09, effective 3/28/09; 07-18-030, § 308-48-010, filed 8/28/07, effective 9/28/07; 07-03-027, § 308-48-010, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175(4). 02-19-019, § 308-48-010, filed 9/9/02, effective 10/10/02; 86-15-022 (Order PM 604), § 308-48-010, filed 7/11/86. Statutory Authority: RCW 18.39.175. 83-04-020 (Order PL 419), § 308-48-010, filed 1/26/83; Rule 1, filed 9/17/64.]

**WAC 308-48-015 Retired status certificate of registration.** Any individual who has been issued a license, in accordance with chapter 18.39 RCW, as a funeral director and/or embalmer having reached at least the age of sixty-two and having discontinued active practice may be eligible to obtain a "retired certificate of registration." If granted, further certificate of registration renewal fees and continuing education are waived. For the purpose of this provision, active practice has the same meaning as funeral director and/or embalmer under RCW 18.39.010 (1) and (2).

(1) Applications. Those persons wishing to obtain the status of a retired registration shall complete an application form, as provided by the board, and pay the required application fee. The retired status would become effective upon the filing of a complete application.

(2) Privileges. In addition to the waiver of the renewal fee and continuing education, a retired registrant is permitted to:

(a) Retain and display the board-issued wall certificate of registration;

(b) Use the title funeral director and/or embalmer, provided that it is supplemented by the term "retired";

(c) Offer consultant services relative to funeral directing and embalming;

(d) Provide references for persons seeking licensure under 18.39 RCW;

(e) Serve as a volunteer in an instructional capacity on funeral directing and/or embalming topics; and

(f) Provide services as a technical expert before a court, or in preparation for pending litigation, on matters directly related to funeral directing and/or embalming work performed by the registrant prior to being granted a retired registration.

(3) Restrictions. A retired registrant is not permitted to: Perform any duties of a funeral director and/or embalmer on a full-time, part-time or occasional basis.

(4) Certificate of registration reinstatement. A retired registrant, upon written request to the board and payment of the current renewal fee, may resume active practice as a funeral director and/or embalmer. At that time, the retired registrant shall be removed from retired status and placed on valid/active status in the records of the board.

(5) Exemptions. Under no circumstances shall a registrant be eligible for a retired certificate of registration if his/her license(s) has been revoked, surrendered, or in any way permanently terminated by the board under chapter 18.39 RCW. Registrants who are suspended from practice and/or who are subject to terms of a board order at the time they reach age sixty-two, shall not be eligible for a retired registration until such time that the board has removed the restricting conditions.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 09-06-043, § 308-48-015, filed 2/25/09, effective 3/28/09.]

**WAC 308-48-030 Care of human remains. (1)**

Funeral establishments, funeral directors, embalmers, interns, employees or agents while providing for the care and handling of human remains shall:

(a) Comply with all applicable Washington state laws, rules and regulations related to health or the handling, transportation or disposition of human remains.

(b) Not perform any act which will tend to affect adversely the dignity, individual integrity or the respectful and reverential handling and burial or other customary disposition of human remains.

(c) Upon receipt of the human remains, obtain the identity of the human remains as established by the institution, agency, or individual releasing the remains and place an identification bracelet or tag on the ankle or wrist of the remains. In the case of a remains that must be placed in a protective pouch due to the condition of the remains, an identification bracelet or tag should be placed inside the pouch and a second bracelet or tag attached to the exterior of the pouch.

(d) Follow the directions of the individual or individuals that has/have the right to control the disposition of the human remains.

(e) Record and maintain the following information:

(i) Name of deceased;

(ii) Date of death;

(iii) Place of death;

(iv) Name and relationship of person(s) having the right to control the disposition;

(v) Date and time of receipt of remains;

(vi) Date and time of refrigeration and/or embalming;

(vii) Method, date and location of disposition.

(f) Not separate any organs, viscera or appendages of a human remains from any other portion of the remains for a separate or different disposition. The entire noncremated human remains that the funeral establishment has received and has possession of must be maintained and disposed of as one entity.

(g) Provide refrigerated holding of a human remains for which embalming has not been authorized. In addition to these regulations, the handling and refrigeration of human remains shall be governed by chapter 246-500 WAC.

(2) The care and preparation for burial or other disposition of all human remains shall be private. No one shall be allowed in the embalming or preparation rooms while a human remains is being embalmed or during the course of an autopsy except the licensee, his authorized employees, and public officials in the discharge of their duties. This rule shall not apply to duly authorized medical personnel employed in a case or those authorized to be present by the decedent's next of kin.

(3) Every licensee shall provide a written itemization of any property, money, jewelry, possessions or other items of significant value found on a human remains in the licensee's care, custody or control to the decedent's next of kin or the proper authorities.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-03-027, § 308-48-030, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175(4). 97-21-061, § 308-48-030, filed 10/14/97, effective 11/14/97.

(11/24/10)

Statutory Authority: RCW 18.39.157(4) [18.39.175(4)]. 88-08-015 (Order PM 716), § 308-48-030, filed 3/28/88. Statutory Authority: RCW 18.39.175. 83-04-020 (Order PL 419), § 308-48-030, filed 1/26/83; Rule 3, filed 9/17/64.]

**WAC 308-48-031 Funeral establishment facility, equipment, and embalming and preparation room standards.** A funeral establishment or branch establishment shall:

(1) Have an exclusive area/office at an identified location for conducting the business which is accessible to the public.

(2) Provide private and secure area(s) for holding human remains which will include:

(a) A mechanically or commercially acceptable refrigerated holding area of adequate capacity for unembalmed remains with a maximum temperature of 48 degrees Fahrenheit or as determined by chapter 246-500 WAC;

(b) A sink with hot and cold running water;

(c) Covered receptacles for soiled linens, bandages, refuse and other waste materials which meet OSHA, WISHA, department of health and any other applicable regulations;

(d) Adequate chemicals for the disinfection of human remains and the equipment used in handling and caring for human remains;

(e) Chemical storage that meets OSHA, WISHA, department of health and any other applicable regulations.

(3) Provide rest rooms that are available for staff and the public.

(4) In the case where the holding of human remains is not provided at this facility, provide the identification of the facility upon request to the board and the individual or individuals that has/have the right to control the disposition of the human remains where this establishment or branch provides for the holding and/or preparation of the human remains entrusted to its care (this offsite facility must meet the requirements of subsection (2) of this section).

(5) Provide for the privacy of uncasketed human remains in vehicles used for transportation of the remains by screening, curtains, or adequately tinted windows.

(6) Provide that if embalming is performed at the establishment or branch, no embalming of a human remains shall be performed in a funeral establishment or branch establishment except in a room set aside exclusively for embalming of a human remains. Such room shall be maintained and kept in a clean sanitary condition, and every embalming and preparation room shall be constructed, equipped, and maintained as follows:

(a) The surfaces of the floor, walls, and ceiling shall be covered with tile or other hard, smooth, impervious washable material.

(b) The room shall be adequately lighted and adequately ventilated. The ventilation shall be provided by an exhaust fan and shall comply with OSHA/WISHA standards.

(c) The room shall be equipped and provided with hot and cold running water, a utility sink, and cabinets, closets or shelves for instruments and supplies.

(d) The room shall be equipped with adequate sewage and waste disposal and drainage facilities and systems and comply with OSHA/WISHA standards.

(e) The doors shall be tight closing and rigid and any windows of the room shall be so maintained as to obstruct any view into such room. The room's entry door(s) must be labeled "Private" or "Authorized Entry Only," and must be locked at all times.

(f) The embalming or preparation table shall be nonporous.

(g) The room shall be equipped with proper and convenient covered receptacles for refuse.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-03-027, § 308-48-031, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175(4). 02-19-019, § 308-48-031, filed 9/9/02, effective 10/10/02; 97-21-060, § 308-48-031, filed 10/14/97, effective 11/14/97. Statutory Authority: RCW 18.39.157(4) [18.39.175(4)]. 88-08-015 (Order PM 716), § 308-48-031, filed 3/28/88.]

**WAC 308-48-040 Control of human remains.** No licensee will, directly or indirectly, assume control of any human remains without having first obtained authority from the person(s) having the right to control the disposition of the human remains under RCW 68.50.160, as to matters relating to the preparation, handling and final disposition of the human remains (including steps in preparation, autopsy, embalming, dressing, viewing, videotaping, photographing; funeral, burial and cremation merchandise, and disposition arrangements.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-03-027, § 308-48-040, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175(4). 02-19-019, § 308-48-040, filed 9/9/02, effective 10/10/02; Rule 4, filed 9/17/64.]

**WAC 308-48-050 Confidence.** No licensee will divulge any information as to illness, cause of death, financial affairs or transactions, and any other information customarily considered confidential, obtained while serving in such licensed capacity.

[Statutory Authority: RCW 18.39.175(4). 02-19-019, § 308-48-050, filed 9/9/02, effective 10/10/02; Rule 5, filed 9/17/64.]

**WAC 308-48-060 Against concealment of crime.** (1) No licensee will remove, embalm, or perform other preparation of a human remains when he/she has information indicating crime or violence in connection with the cause of death, until permission is obtained from a coroner, medical examiner or other qualified official.

(2) Any licensee having or obtaining, as a result of providing services, any information in relation to a possible crime must communicate such information to a properly qualified official.

(3) No licensee will perform any act knowing that it will conceal evidence of crime.

[Statutory Authority: RCW 18.39.175(4). 02-19-019, § 308-48-060, filed 9/9/02, effective 10/10/02; 86-15-022 (Order PM 604), § 308-48-060, filed 7/11/86; Rule 6, filed 9/17/64.]

**WAC 308-48-075 Display of licenses.** (1) A licensee must display a license in each location where he/she is employed. Legal duplicates provided by the department at a fee to be determined by the director will be displayed when a licensee is employed at more than one location. The display of photocopies is prohibited.

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[Statutory Authority: RCW 18.39.175(4). 87-11-063 (Order PM 652), § 308-48-075, filed 5/20/87.]

**WAC 308-48-080 Improper use of license.** No licensee shall lend, place, permit or authorize the placement of his/her license in any establishment or place of business unless the licensee is an owner, part owner or bona fide employee of such place of business, nor shall a funeral establishment or place of business to pretend or represent that it is legally qualified to perform funeral directing or embalming by any such improper use of his/her license.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-03-027, § 308-48-080, filed 1/5/07, effective 2/5/07; Rule 8, filed 9/17/64.]

**WAC 308-48-085 Funeral establishments and crematories—Inspections.** (1) Funeral establishments and crematories licensed under the provisions of chapter 18.39 RCW will be inspected at least once each year by the duly appointed department inspector.

(2) Inspections shall cover compliance with applicable statutes and rules. Funeral establishments and crematories will be open for inspection during normal business hours. If the establishment or crematory is not open, the ownership must identify someone to the department that can open the establishment or crematory for an unannounced inspection, or provide a method of access to the inspector.

[Statutory Authority: RCW 18.39.175(4). 02-19-019, § 308-48-085, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.157(4) [18.39.175(4)]. 88-08-015 (Order PM 716), § 308-48-085, filed 3/28/88; Order PL 273, § 308-48-085, filed 8/1/77.]

**WAC 308-48-141 Application for examination and reciprocity.** (1) Applicants for initial licensing as a funeral director or embalmer must submit:

- (a) An application on a form prescribed by the board.
- (b) Official sealed college transcripts.
- (c) Official national board or other state board examination scores.
- (d) A nonrefundable application fee as defined in WAC 308-48-800.

(2) Applicants seeking reciprocity must submit:

- (a) An application on a form prescribed by the board.
- (b) Official verification of out-of-state licensure from the out-of-state licensing board.

(c) Official sealed college transcripts, if licensed in another state for a period of less than five years.

(d) A nonrefundable application fee as defined in WAC 308-48-800.

[Statutory Authority: RCW 18.39.050, 18.39.175, 43.24.086 and chapter 34.05 RCW. 09-17-116, § 308-48-141, filed 8/18/09, effective 9/18/09.]

**WAC 308-48-142 Licensing examination.** (1) The board adopts the national examination and grading procedure of the International Conference of Funeral Service Examining Boards (ICFSEB).

(2) All applicants must pass a state law examination. In addition, applicants for funeral director licensing are required to pass an examination in funeral arts. Applicants for embalmer licensing must pass an examination in funeral sciences.

(3) Examination fees must be paid to and collected by the ICFSEB directly.

[Statutory Authority: RCW 18.39.050, 18.39.175, 43.24.086 and chapter 34.05 RCW. 09-17-116, § 308-48-142, filed 8/18/09, effective 9/18/09.]

**WAC 308-48-145 Approval of embalming schools and accrediting associations.** (1) The board adopts the standards of the American Board of Funeral Service Education, Inc., in approving courses of instruction in embalming schools, pursuant to RCW 18.39.035(2). The board approves all schools accredited by, and in good standing with, the American Board of Funeral Service Education, Inc.

(2) The board approves associations accrediting schools, colleges or universities providing a two-year college course pursuant to RCW 18.39.045. The board approves of accrediting groups recognized by the Council for Higher Education Accreditation. The board adopts the standards of the Council for Higher Education Accreditation.

The board may approve other accrediting associations which meet the board's standards. It is the responsibility of an association to apply for approval and of an applicant to ascertain whether or not a school, college or university has been accredited by an association approved by the board.

[Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-48-145, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.175(4), 18.39.035(2) and 18.39.045. 84-11-059 (Order PL 468), § 308-48-145, filed 5/18/84.]

**WAC 308-48-150 Course of training—Funeral director intern.** (1) For the purposes of RCW 18.39.035, the term "one year course of training" shall include assisting a licensed funeral director in coordinating all aspects of at least twenty-five arrangements for funeral, memorial and/or final disposition services for human remains.

(2) The term "one year" shall consist of at least eighteen hundred hours of employment and cannot be completed in a period of time less than one calendar year.

(3) Registered funeral director interns shall provide a quarterly report to the board on a form supplied by the board containing information relating to the arrangements, services, final dispositions, and other duties of a funeral director the intern has assisted with or performed during the required term of internship.

(4) Licensed sponsors shall provide a quarterly report to the board on a form supplied by the board showing the progress of the intern toward the skill level required to work independently.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-18-030, § 308-48-150, filed 8/28/07, effective 9/28/07; 07-03-027, § 308-48-150, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175(4), 97-21-062, § 308-48-150, filed 10/14/97, effective 11/14/97; 86-15-022 (Order PM 604), § 308-48-150, filed 7/11/86; Order PL-259, § 308-48-150, filed 12/7/76; Order PL 122, § 308-48-150, filed 5/9/72.]

**WAC 308-48-160 Course of training—Embalmer interns.** (1) For the purposes of RCW 18.39.035, the term "two year course of training" shall include the embalming of at least fifty human remains under the supervision of a licensed embalmer.

(2) The term "two year" shall consist of at least thirty-six hundred hours of employment and cannot be completed in a period of time less than two calendar years.

(11/24/10)

(3) Registered embalmer interns shall provide a quarterly report to the board on a form supplied by the board containing information relating to the embalmings the intern has assisted with or performed during the required term of internship.

(4) Licensed sponsors shall provide a quarterly report to the board on a form supplied by the board showing the progress of the intern toward the skill level required to work independently.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-18-030, § 308-48-160, filed 8/28/07, effective 9/28/07; 07-03-027, § 308-48-160, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175(4), 97-21-062, § 308-48-160, filed 10/14/97, effective 11/14/97; 86-15-022 (Order PM 604), § 308-48-160, filed 7/11/86; Order PL-259, § 308-48-160, filed 12/7/76; Order PL 122, § 308-48-160, filed 5/9/72.]

**WAC 308-48-180 Renewal of licenses, registrations, endorsements and permits.** (1) The annual license or registration renewal date for embalmers, funeral directors and interns is the licensee's birth date. Individuals making application and fulfilling requirements for initial license and examination will be issued a license or registration, which will expire on their next birth date.

(2) All licensees, with the exception of academic intern, must renew annually.

(3) Before the expiration date of the license, the director will mail a notice of renewal. The licensee must return such notice along with current renewal fees prior to the expiration of the license. Failure to renew the license prior to the expiration date will require payment of the penalty fee.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-03-027, § 308-48-180, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-48-180, filed 9/9/02, effective 10/10/02; Order PL 207, § 308-48-180, filed 11/5/75; Order PL 171, § 308-48-180, filed 5/20/74.]

**WAC 308-48-200 Report of internship registration, termination, transfer and credit.** (1) The responsibility for notifying the director, department of licensing of internship registration and termination rests with the employing funeral establishment. In order to protect the status of the intern in cases where the employing licensee fails to initiate the required report of registration or termination, the affected intern should initiate and ensure submission of same. The notification shall be certified by signature of the sponsor.

(2) No credit for internship will be allowed for any period during which the intern is not registered pursuant to RCW 18.39.120. In the event an intern's sponsor dies or is otherwise incapable of certifying internship credit, such credit may be given by certification by another licensed funeral director or embalmer who has knowledge of the work performed and the credit due or by documentation or reasonable proof of such credit as determined by the board.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-03-027, § 308-48-200, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-48-200, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.39.120 and 18.39.175. 88-01-024 (Order PM 697), § 308-48-200, filed 12/9/87. Statutory Authority: RCW 18.39.175. 83-04-020 (Order PL 419), § 308-48-200, filed 1/26/83; Order PL-249, § 308-48-200, filed 5/21/76.]

**WAC 308-48-210 Establishment licensure.** (1) It is the intent of the board that the establishment licensure pro-

cess serve to protect consumers by identifying to the department all locations subject to regulation. Any provider of any aspect of the care, shelter, transportation, embalming, other preparation and arrangements for the disposition of human remains must be licensed as a funeral establishment. Establishments must obtain a funeral establishment or branch license for each location.

(2) Branches of an establishment may operate under the general license of the establishment, pursuant to RCW 18.39.145 and 18.39.148 and the following terms and conditions:

(a) Branch(es) must operate under the same name as the establishment.

(b) Branch(es) must display a current branch license.

(c) Branch(es) must have a licensed funeral director in its employ and available to provide any services requiring the professional skills of a licensee.

(d) The failure of a branch to meet the standards of an establishment may result in cancellation of the establishment license, pursuant to RCW 18.39.148.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-03-027, § 308-48-210, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-48-210, filed 9/9/02, effective 10/10/02; 87-11-063 (Order PM 652), § 308-48-210, filed 5/20/87.]

**WAC 308-48-350 AIDS prevention and information education requirements.** (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in 70.24 RCW.

(2) Renewal of funeral director and/or embalmer licenses or internship registrations, and all persons making initial application for funeral director and/or embalmer licensure, or initial renewal of funeral director and/or embalmer internship registration must submit evidence to show compliance with the education requirements of subsection (3) of this section.

(3) AIDS education and training.

(a) Acceptable education and training. The board will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training must be a minimum of four clock hours and must include, but is not limited to, the following: Prevention, transmission and treatment of AIDS.

(b) Implementation. The requirement for initial funeral director and/or embalmer licensure, the first renewal of a funeral director and/or embalmer internship registration, or reinstatement of any license or internship registration on lapsed, inactive, or disciplinary status will include evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant must:

(i) Certify, on forms provided, that the minimum education and training has been completed;

(ii) Keep records for five years documenting attendance and description of the learning;

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(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

(4) Continuing education. The AIDS education requirement may be counted towards the fulfillment of the continuing education requirement.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-03-027, § 308-48-350, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-48-350, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 70.24.270, 89-04-002 (Order PM 793), § 308-48-350, filed 1/19/89.]

**WAC 308-48-510 Continuing education requirements—Purpose.** Continuing education activities, approved by the board of funeral directors and embalmers, shall be required as a condition of renewal of funeral director and embalmer licenses and of funeral director intern and embalmer intern registration, in order to maintain and improve the quality of their services to the public.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-03-027, § 308-48-510, filed 1/5/07, effective 2/5/07. Statutory Authority: 1984 c 279 § 53(b), 85-01-077 (Order PL 504), § 308-48-510, filed 12/19/84.]

**WAC 308-48-520 Effective date of continuing education requirement.** The effective date of the continuing education requirement will be two years after initial licensure as a funeral director and/or embalmer, or initial registration as a funeral director intern and/or embalmer intern.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-03-027, § 308-48-520, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-48-520, filed 9/9/02, effective 10/10/02. Statutory Authority: 1984 c 279 § 53(b), 85-01-077 (Order PL 504), § 308-48-520, filed 12/19/84.]

**WAC 308-48-530 Continuing education basic requirement—Amount.** (1) Every individual licensed as a funeral director and/or embalmer or registered as a funeral director intern and/or embalmer intern, shall be required to complete ten hours of approved continuing education every two years as a condition of renewal of such licenses or registrations.

(2) Continuing education credits in excess of the required hours earned in any renewal period may not be carried forward to a subsequent renewal period.

(3) The department shall not renew a license or registration or issue a new license or registration to any person who has failed to submit evidence of completion of ten hours of approved continuing education for the prior two-year period.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-03-027, § 308-48-530, filed 1/5/07, effective 2/5/07. Statutory Authority: 1984 c 279 § 53(b), 85-01-077 (Order PL 504), § 308-48-530, filed 12/19/84.]

**WAC 308-48-540 Continuing education requirement to reinstate lapsed license or registration.** Any person seeking to reinstate a license or registration which has lapsed for less than one year must comply with the continuing education requirements for regular renewal of the license or registration. Any person seeking to reinstate a license or registration which has lapsed for one year or longer must present satisfactory evidence of having completed at least ten hours of approved continuing education activities for the two-year period prior to his or her reinstatement.

(11/24/10)

[Statutory Authority: RCW 18.39.175(7), 90-24-056, § 308-48-540, filed 12/3/90, effective 1/3/91. Statutory Authority: 1984 c 279 § 53(b), 85-01-077 (Order PL 504), § 308-48-540, filed 12/19/84.]

**WAC 308-48-550 Continuing education reporting requirement.** (1) The licensee or registrant shall submit an affidavit certifying compliance with the continuing education requirement on the form provided by the board. The affidavit shall be submitted with license or registration renewal fee every two years.

(2) A material misstatement of information on the continuing education report shall be grounds for disciplinary action.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW, 07-03-027, § 308-48-550, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.120 and 18.39.175, 88-01-024 (Order PM 697), § 308-48-550, filed 12/9/87. Statutory Authority: 1984 c 279 § 53(b), 85-01-077 (Order PL 504), § 308-48-550, filed 12/19/84.]

**WAC 308-48-560 Continuing education documentation may be required.** The board of funeral directors and embalmers reserves the right to require any licensee or registrant to submit evidence, e.g., course or program certificate of training, transcript, course or workshop brochure description, evidence of attendance, etc., in addition to the sworn statement in order to demonstrate compliance with the continuing education requirement. It is therefore the responsibility of each licensee or registrant to maintain records, certificates or other evidence of compliance with the continuing education requirements. The original or a copy of such evidence of compliance shall be available for inspection at the licensee or registrant's principal place of employment.

[Statutory Authority: RCW 18.39.175(7), 90-24-056, § 308-48-560, filed 12/3/90, effective 1/3/91. Statutory Authority: 1984 c 279 § 53(b), 85-01-077 (Order PL 504), § 308-48-560, filed 12/19/84.]

**WAC 308-48-570 Continuing education discretionary exception for emergency situation.** In emergency situations, such as personal or family sickness, the board of funeral directors and embalmers may waive, for good cause shown, all or part of the continuing education requirement for a particular two-year period for an individual licensee or registrant. The board will require such verification of the emergency as is necessary to prove its existence.

[Statutory Authority: 1984 c 279 § 53(b), 85-01-077 (Order PL 504), § 308-48-570, filed 12/19/84.]

**WAC 308-48-580 Board approval of continuing education activities.** All continuing education activities, to satisfy the licensure/registration requirements, must be approved by the board of funeral directors and embalmers. Further, the board shall certify the number of hours to be awarded for participation in each approved continuing education activity.

[Statutory Authority: 1984 c 279 § 53(b), 85-01-077 (Order PL 504), § 308-48-580, filed 12/19/84.]

**WAC 308-48-590 Qualification for board approval of continuing education activities.** (1) In order for a continuing education activity to qualify for board approval, the following qualifications must be met:

(a) The activity must contribute directly to the professional competency of the licensee or registrant;

(b) The activity must relate to the practice of mortuary science or, for a registrant, be a course required for initial licensure;

(c) The activity must be conducted by individuals who are considered by the board to be knowledgeable in the subject matter of the program by virtue of education, training, or experience.

(2) The board may approve as continuing education activities courses, lectures, seminars, correspondence or homestudy programs, or other instructional programs which meet the above qualifications and which the board determines would be beneficial in improving the knowledge or service capability of licensees and registered interns.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW, 07-03-027, § 308-48-590, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.120 and 18.39.175, 88-01-024 (Order PM 697), § 308-48-590, filed 12/9/87. Statutory Authority: RCW 18.39.175 (4) and (6) and 18.39.176, 85-19-013 (Order PL 550), § 308-48-590, filed 9/6/85. Statutory Authority: 1984 c 279 § 53(b), 85-01-077 (Order PL 504), § 308-48-590, filed 12/19/84.]

**WAC 308-48-600 Procedure for obtaining board approval of continuing education activity.** (1) An application for approval of continuing education activity must be submitted to the board before the activity is scheduled to commence. The board will notify the applicant of approval or disapproval of the continuing education activity and the number of credit hours approved.

(2) The board may require examples of teaching materials and descriptive information about any continuing education activity and refuse approval of any continuing education activity that does not meet the qualifications.

(3) The board may monitor any approved activity and, upon a subsequent significant variation in the program, may disapprove any part of the credit hours.

[Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-48-600, filed 9/9/02, effective 10/10/02; 91-20-071, § 308-48-600, filed 9/26/91, effective 10/27/91. Statutory Authority: 1984 c 279 § 53(b), 85-01-077 (Order PL 504), § 308-48-600, filed 12/19/84.]

**WAC 308-48-780 Crematories—Inspections.** Crematories regulated under the authority of chapter 18.39 RCW are subject to inspection at least once each year by the inspector of funeral directors and embalmers to ensure compliance with Washington state laws and regulations related to health or the handling or disposition of human remains.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW, 07-03-027, § 308-48-780, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6, 85-21-066 (Order PL 561), § 308-48-780, filed 10/17/85.]

**WAC 308-48-800 Funeral director/embalmer fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Embalmer:	
State examination application	\$100.00
Renewal	150.00
Late renewal penalty	35.00
Duplicate	25.00

Title of Fee	Fee
Embalmer intern:	
Intern application	135.00
Application for examination	100.00
Intern renewal	100.00
Duplicate	25.00
Funeral director:	
State examination application	100.00
Renewal	150.00
Late renewal penalty	35.00
Duplicate	25.00
Funeral director intern:	
Intern application	135.00
Application for examination	100.00
Intern renewal	100.00
Duplicate	25.00
Funeral establishment:	
Original application	400.00
Renewal	325.00
Branch registration	350.00
Branch renewal	325.00
Preneed application	250.00
Preneed renewal:	225.00
Crematory endorsement registration	210.00
Crematory endorsement renewal	8.00
Charge per cremation performed during previous calendar year:	
Charge per cremation performed before 1/1/2011.	6.50
Charge per cremation performed on or after 1/1/2011.	8.00
Academic intern	No fee
Certificate of removal registration:	
Application	30.00
Renewal	15.00
Retired status certificate	No fee

[Statutory Authority: RCW 18.39.050 and 18.39.175, chapter 34.05 RCW and RCW 43.24.086, 10-24-046, § 308-48-800, filed 11/24/10, effective 1/1/11; 09-17-116, § 308-48-800, filed 8/18/09, effective 9/18/09. Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW, 07-18-030, § 308-48-800, filed 8/28/07, effective 9/28/07; 07-03-027, § 308-48-800, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.181 and chapter 34.05 RCW, 05-20-076, § 308-48-800, filed 10/4/05, effective 11/4/05. Statutory Authority: RCW 18.39.050, 03-11-021, § 308-48-800, filed 5/12/03, effective 6/30/03. Statutory Authority: RCW 18.39.181, 99-16-040, § 308-48-800, filed 7/29/99, effective 8/29/99. Statutory Authority: RCW 18.39.175(4), 98-21-056, § 308-48-800, filed 10/19/98, effective 11/19/98; 91-11-023, § 308-48-800, filed 5/7/91, effective 6/7/91; 91-01-006, § 308-48-800, filed 12/6/90, effective 1/6/91. Statutory Authority: RCW 43.24.086, 90-07-024, § 308-48-800, filed 3/14/90, effective 4/14/90; 87-10-028 (Order PM 650), § 308-48-800, filed 5/1/87.]

**WAC 308-48-810 Brief adjudicative proceedings—When they can be used.** (1) The board adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted at the discretion of the board. Brief adjudicative proceedings can be used in place of formal adjudicative hearings whenever the board issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that

term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act. Brief adjudicative proceedings can also be used whenever the statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of any statute or rule that specifically governs disciplinary actions within a profession for which the applicant seeks a license or from which the licensee holds a license.

(2) Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

(a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

(b) Whether an applicant is eligible to sit for a professional licensing examination;

(c) Whether an applicant or licensee has satisfied financial security requirements by providing adequate proof of surety bonds or other proof of financial security, as required by law;

(d) Whether a sanction proposed by the board is appropriate based on the stipulated facts;

(e) Whether an applicant meets minimum requirements for an initial or renewal application;

(f) Whether an applicant has failed the professional licensing examination;

(g) Whether a licensee has sufficient continuing education credits when the licensee submits a renewal application;

(h) Whether an applicant or licensee failed to cooperate in an investigation by the department;

(i) Whether an applicant or licensee was convicted of a crime that should disqualify the applicant or licensee from holding the specific license sought or held;

(j) Whether an applicant or licensee has defaulted on educational loans;

(k) Whether an applicant or licensee has violated the terms of a final order issued by the director or director's designee;

(l) Whether a licensee has committed recordkeeping violations;

(m) Whether a licensee has committed trust account violations;

(n) Whether an applicant or licensee has engaged in false, deceptive, or misleading advertising;

(o) Whether a person has engaged in unlicensed practice; or

(p) Whether an education course or curriculum meets the criteria for approval when approval by the board is required or authorized by statute or rule.

(3) In addition to the situations enumerated in subsection (2) of this section, the board may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW, 05-23-150, § 308-48-810, filed 11/22/05, effective 12/23/05. Statutory Authority: RCW 18.39.175(4), 97-21-063, § 308-48-810, filed 10/14/97, effective 11/14/97.]

**WAC 308-48-815 Objections to brief adjudicative proceedings and conversion to formal adjudicative hearings.** (1) At least five days before the scheduled brief adjudicative proceeding, any party, including the board, may file a written objection to resolution of a matter by a brief adjudicative proceeding and may request that a matter be converted to a formal adjudicative hearing. Upon receiving a timely written objection, the presiding officer shall determine whether the matter should be converted. Regardless of whether any party files a timely objection, the presiding officer may convert any brief adjudicative proceeding to a formal adjudicative hearing whenever it appears that a brief adjudicative proceeding is insufficient to determine the issues pending before the board.

(2) In determining whether to convert a proceeding, the presiding officer may consider the following factors:

- (a) Whether witness testimony will aid the presiding officer in resolving contested issues of fact;
- (b) Whether the legal or factual issues are sufficiently complex to warrant a formal adjudicative proceeding, including whether there are multiple issues of fact or law;
- (c) Whether a brief adjudicative proceeding will establish an adequate record for further agency or judicial review;
- (d) Whether the legal issues involved in the proceeding present questions of legal significance or are being raised for the first time before the agency;
- (e) Whether conversion of the proceeding will cause unnecessary delay in resolving the issues; and
- (f) Any other factors that the presiding officer deems relevant in reaching a determination.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 05-23-150, § 308-48-815, filed 11/22/05, effective 12/23/05.]

**WAC 308-48-840 Funeral director and embalmer interns.** (1) Registration as a funeral director intern or embalmer intern shall not exceed a time period of five years from the date of initial registration. Following completion of the internship program:

- The registration for internship will not be renewed.
- The intern must qualify for licensure as a funeral director, embalmer or funeral director and embalmer.

(2) Interns must be eighteen years of age and registered under the sponsorship and supervision of a licensed funeral director, embalmer or funeral director and embalmer.

(3) Interns whose job duties require that they perform work at multiple funeral establishment locations may do so and receive training from their sponsor and other licensees as approved by the sponsor.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-18-030, § 308-48-840, filed 8/28/07, effective 9/28/07.]

**WAC 308-48-850 Intern sponsors—Qualifications, limitations and responsibilities.** Licensees who supervise interns:

- Must be working and located in the same licensed establishment as the intern, provided: Sponsors may permit interns to perform work at multiple funeral establishment locations if required by their job duties.
- Each sponsor can supervise a maximum of three interns.

(11/24/10)

- Sponsors of funeral director interns must have a minimum of one year of practical experience as a licensed funeral director in the state of Washington.

- Sponsors of embalmer interns must have a minimum of one year of practical experience as a licensed embalmer in the state of Washington.

- Sponsors are responsible for work performed by interns registered under the supervision of the sponsor.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-18-030, § 308-48-850, filed 8/28/07, effective 9/28/07.]

**WAC 308-48-860 Registered intern examination.** (1) Interns registered prior to January 1, 2004, can maintain registration as an intern and not be subject to the five-year limitation, provided:

- The registered intern passes an examination in funeral service law and public health within three years of the effective date of this rule.
- The intern maintains a current, valid and nonexpired intern registration with the board.
- Registered interns will not be eligible for examination under this section if the intern leaves the funeral service profession and reactivates the internship registration at a later date.

(2) Registered intern examinations shall be held by the director at least once each year for a period of three years from the effective date of this rule. The director will designate the time and place of the examination. An application for examination shall be filed with the director at least fifteen days prior to the examination date. The department will provide each applicant a written notice of the time and place of the next examination. The applicant will be deemed to have passed the examination if the applicant attains a grade of not less than seventy-five percent. Applicants qualified for examination shall:

- Have three opportunities to take and pass the examination;
- Pay a fee, determined by the director, for each examination.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-18-030, § 308-48-860, filed 8/28/07, effective 9/28/07.]

**WAC 308-48-870 Leave of absence—Interns.** A leave of absence from internship requirements may be granted by the board with the following provisions:

- The intern submits an appeal to the board for a leave of absence.
- The intern is enlisted in military service of the United States or called to active duty in the United States armed forces and resumes internship within one year of release from military service.
- The intern is enrolled as a full-time student in a funeral service education program accredited by the American Board of Funeral Service Education (ABFSE).
- The board reserves the right to make a determination to waive internship requirements for extenuating circumstances.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-18-030, § 308-48-870, filed 8/28/07, effective 9/28/07.]

**WAC 308-48-880 Transporting of human remains.**

For the purpose of RCW 18.39.010(1), the board has determined that transportation of human remains may be performed by unregistered persons who are employed by licensed funeral establishments.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-18-030, § 308-48-880, filed 8/28/07, effective 9/28/07.]

# Chapter 308-49 WAC

## PREARRANGEMENT FUNERAL SERVICES

**WAC**

308-49-100	Purpose.
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308-49-168	Trust fund depository agreement requirements.
308-49-170	Annual statement requirements.
308-49-200	Telephone solicitation.
308-49-210	Examination expense from change of ownership or control.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

308-49-120	Effective date and scope. [Statutory Authority: 1982 c 66 § 12. 83-04-021 (Order PL 420), § 308-49-120, filed 1/26/83.] Repealed by 07-03-027, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW.
308-49-160	Requirements as to trust funds. [Statutory Authority: 1982 c 66 § 12. 83-04-021 (Order PL 420), § 308-49-160, filed 1/26/83.] Repealed by 90-17-148, filed 8/22/90, effective 9/22/90. Statutory Authority: RCW 18.39.175(4).
308-49-162	Trustee and master trust requirements. [Statutory Authority: RCW 18.39.175(4), 90-17-148, § 308-49-162, filed 8/22/90, effective 9/22/90.] Repealed by 97-21-064, filed 10/14/97, effective 11/14/97. Statutory Authority: RCW 18.39.175(4).
308-49-180	Renewal of certificate of registration. [Statutory Authority: 1982 c 66 § 12. 83-04-021 (Order PL 420), § 308-49-180, filed 1/26/83.] Repealed by 87-18-053 (Order PM 677), filed 9/1/87. Statutory Authority: RCW 18.39.290 and 18.39.320.

**WAC 308-49-100 Purpose.** The purpose of this chapter is to implement the provisions of RCW 18.39.240 through 18.39.345 and 18.39.360, by establishing rules for the registration of funeral establishments which enter into prearrangement funeral service contracts and to establish uniform minimum requirements for such contracts and prearrangement trust funds.

[Statutory Authority: RCW 18.39.175(4), 90-17-148, § 308-49-100, filed 8/22/90, effective 9/22/90. Statutory Authority: 1982 c 66 § 12. 83-04-021 (Order PL 420), § 308-49-100, filed 1/26/83.]

**WAC 308-49-130 Definitions.** Unless the text in this chapter clearly states or requires otherwise, definitions shall be as set forth in RCW 18.39.010.

[Statutory Authority: RCW 18.39.175(4), 90-17-148, § 308-49-130, filed 8/22/90, effective 9/22/90. Statutory Authority: 1982 c 66 § 12. 83-04-021 (Order PL 420), § 308-49-130, filed 1/26/83.]

**WAC 308-49-140 Registration of establishments.** (1) Each funeral establishment entering into prearrangement funeral service contracts in which one or more of the following conditions exist must be registered with the board before entering into such contracts:

(a) The sales price of the contract, using either trust or insurance as a method of funding, guarantees a final price for

merchandise and services. The guarantee assures the purchaser that there will be no additional charges for the merchandise and services disclosed within the agreement.

(b) The sales price of the contract using a trust as a method of funding plus accruals will be applied toward the cost of merchandise and services at the time of need. Should the cost of merchandise and services selected at the time of need exceed the sales price of the contract plus accruals, the purchaser will pay the difference. Should the cost of merchandise and services selected at the time of need be less than the sales price of the contract plus accruals, the purchaser will receive a refund for the difference.

(c) Insurance is used as a method of funding guaranteeing a final price for merchandise and services. Such guarantee assures the purchaser that there will be no additional charges for merchandise and services disclosed in the agreement.

(2) Before entering into any prearrangement funeral service contracts in this state, a funeral establishment shall first obtain a certificate of registration from the board. To apply for registration, a funeral establishment must file an application on forms approved by the board of funeral directors and embalmers, which includes:

(a) The name, address, and telephone number of the funeral establishment;

(b) A statement of the establishment's current financial condition and an explanation of how the establishment plans to offer, market and service prearrangement contracts including:

(i) The type of business organization which operates the funeral establishment, e.g., sole proprietorship, partnership, or corporation and a list of all officers, directors, partners and managers by name and title, and any person owning more than ten percent of the business;

(ii) A balance sheet and a profit and loss statement for the most recently concluded fiscal year and/or other such fiscal documents as the board may require;

(c) The prearrangement funeral service contract forms the establishment proposes to use need not be in final printed form when submitted; however, a copy of the final printed form shall be filed with the board before the form is used;

(d) Identification of the trustee(s) of the prearrangement funeral service trust, including address and telephone number.

(e) A copy of the prearrangement funeral service trust agreement and the prearrangement funeral service trust depository agreement.

(3) Upon review of the application, the board may require additional information or explanation prior to registration or refusing to register the funeral establishment.

(4) The application shall be accompanied by a check payable to the state treasurer in the amount required by the director for issuance of the certificate of registration.

[Statutory Authority: RCW 18.39.175(4), 90-17-148, § 308-49-140, filed 8/22/90, effective 9/22/90. Statutory Authority: RCW 18.35.175(4), 88-13-010 (Order PM 737), § 308-49-140, filed 6/6/88. Statutory Authority: RCW 18.39.290 and 18.39.320, 87-18-053 (Order PM 677), § 308-49-140, filed 9/1/87. Statutory Authority: 1982 c 66 § 12, 83-04-021 (Order PL 420), § 308-49-140, filed 1/26/83.]

**WAC 308-49-150 Prearrangement funeral service contract form requirements.** (1) The terms of prearrangement funeral service contracts are of substantial importance to both consumers and the establishment.

Contracts must be written in language that can be easily understood by all parties and printed or typed in easily readable type size and style.

(2) Every prearrangement funeral service contract must include the following information:

(a) The name of the purchaser and the beneficiary of the contract;

(b) A description of the services and merchandise to be provided, if specific merchandise and services are to be furnished, and a statement clearly setting forth whether the purchase price fully pays for such services and merchandise or if the purchase price is to be applied toward the cost of such services and merchandise when they are provided;

(c) The total purchase price to be paid under the contract and the manner and terms which will govern payment;

(d) That all funds placed in trust plus net accruals are subject to refund.

(3) Such contract shall be dated and be executed by the purchaser and by the funeral establishment through its owner, officer or managing agent.

[Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-49-150, filed 9/9/02, effective 10/10/02; 90-17-148, § 308-49-150, filed 8/22/90, effective 9/22/90. Statutory Authority: 1982 c 66 § 12, 83-04-021 (Order PL 420), § 308-49-150, filed 1/26/83.]

**WAC 308-49-164 Prearrangement funeral service trust agreement requirements.** (1) Each establishment entering into prearrangement funeral service contracts which does not use insurance as a method of funding shall establish one or more prearrangement funeral service trust agreements.

(2) Such prearrangement funeral service trust agreements shall be between the funeral establishment and trustees designated by the funeral establishment. The agreement shall include language that provides for:

(a) A minimum of two trustees;

(b) Duties and responsibilities of the trustees;

(c) Method of removal of trustees;

(d) Selection of depository(ies);

(e) Details as to investment and administration of the trust;

(f) Compensation of trustees and expenses to be incurred;

(g) Accounting methods to be used;

(h) Provisions for amendment and termination of the trust agreement.

(3) Such prearrangement funeral service trust agreements are an integral part of the prearrangement funeral service contract and shall be approved by the board prior to use. Amendments or changes to the trust agreement must receive prior approval from the board before incorporation of amendment or change.

[Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-49-164, filed 9/9/02, effective 10/10/02; 97-21-064, § 308-49-164, filed 10/14/97, effective 11/14/97; 90-17-148, § 308-49-164, filed 8/22/90, effective 9/22/90.]

**WAC 308-49-168 Trust fund depository agreement requirements.** (1) Each prearrangement funeral trust shall enter into an agreement with one or more depositories in which the responsibilities of the depository are set forth. The agreement shall contain language which:

(a) Sets forth the terms and conditions under which deposits and withdrawals are made;

(b) States that instruments of deposit shall be an insured account in a public depository or shall be invested in instruments issued or insured by an agency of the federal government, and sets forth the conditions for termination and transfer of the prearrangement trust fund depository agreement.

(2) Prearrangement trust fund depository agreements are an integral part of the prearrangement funeral service contract agreement and shall be approved by the board prior to use. Amendments to or changes in the agreement shall be filed with the board prior to incorporation. The board shall be advised prior to termination of any depository agreement.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW, 07-03-027, § 308-49-168, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175(4), 90-17-148, § 308-49-168, filed 8/22/90, effective 9/22/90.]

**WAC 308-49-170 Annual statement requirements.** (1) Each funeral establishment must file with the board annually, ninety days after the end of its fiscal year, a statement of its financial condition, transactions and affairs for the preceding fiscal year.

(2) The statement shall include a balance sheet and a profit and loss statement for the preceding fiscal year and/or other such fiscal documents as the board may require.

(3) The funeral establishment shall list any changes in its officers, directors, managers or partners or any change in ownership greater than ten percent which have occurred in the preceding fiscal year.

(4) With respect to each prearrangement funeral service contract trust fund, the following information must be provided:

(a) The name of the depository and the account number;

(b) The number of outstanding contracts at the beginning of the fiscal year;

(c) The total amount paid in by the holders of such contracts pertinent to the trust fund;

(d) The total amount deposited in the trust account;

(e) The number of new contracts issued during the fiscal year;

(f) The amount paid in on such new contracts and the amount deposited in the trust fund for such contracts;

(g) The number of withdrawals from the trust due to contract cancellations and/or instances where the funeral merchandise and services covered by prearrangement contracts have been furnished and delivered. Withdrawals will include principal and earnings;

(h) The number of outstanding contracts as of the end of the fiscal year and the amount being held in trust for such contracts.

(5) The annual report form must include a year-end statement from the depository as to the amount of money held in funeral prerangement trust as of the reporting date.

[Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW, 07-03-027, § 308-49-170, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-49-170, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 18.35.175(4), 88-13-010 (Order PM 737), § 308-49-170, filed 6/6/88. Statutory Authority: RCW 18.39.290 and 18.39.320, 87-18-053 (Order PM 677), § 308-49-170, filed 9/1/87. Statutory Authority: 1982 c 66 § 12, 83-04-021 (Order PL 420), § 308-49-170, filed 1/26/83.]

**WAC 308-49-210 Examination expense from change of ownership or control.** Examination expenses for a funeral prerangement trust fund examination performed in conjunction with a transfer of ownership or control of a funeral establishment will be paid by the selling entity.

[Statutory Authority: RCW 18.39.175(4), 02-19-019, § 308-49-210, filed 9/9/02, effective 10/10/02.]

**WAC 308-49-200 Telephone solicitation.** (1) The use of telephones for solicitation of prerangements is prevalent. This form of communication offers unique benefits, but entails special risks and poses potential for abuse. The board finds that any impropriety in telephone solicitation is a matter vitally affecting the public interest. For the general welfare of the public and in order to protect the integrity of the funeral industry, the use of telephones in solicitation of prerangements must be defined by the board.

(2) Definitions:

(a) "Telephone solicitor" means any person who engages in telephone solicitation on behalf of a holder of an establishment license.

(b) "Telephone solicitation" means an unsolicited telephone call to a person and conversation for the purpose of inducing the person to make funeral prerangements made without previous invitation, expressed or implied, by the person called.

(3) Time limits:

(a) No licensee may knowingly cause a telephone solicitation to be made to any person more often than once in every six months.

(b) A telephone solicitor shall not place calls which will be received before 8:00 a.m. or after 9:00 p.m.

(4) Unfair/deceptive practices. A telephone solicitor may not engage in any conduct the natural consequence of which is to harass, intimidate, or torment any person in connection with the telephone call.

(5) Identification. Within the first thirty seconds of the telephone call, a telephone solicitor or salesperson shall:

(a) Identify himself or herself, the company on whose behalf the solicitation is being made, the property, goods, or services being represented; and

(b) Terminate the telephone call within ten seconds if the purchaser indicates he or she does not wish to continue the conversation.

(6) Termination of contact. If at any time during the telephone contact, the purchaser states or indicates that he or she does not wish to be called again by the telephone solicitor or wants to have his or her name and individual telephone number removed from the telephone lists used by the telephone solicitor, the telephone solicitor shall not make any additional telephone solicitation of the called party at that telephone number within a period of at least one year.

(7) Enforcement. In the event that the board discerns a pattern of violation of these standards the board may act against the registrant's prerangement registration as provided by chapter 18.39 RCW.

[Statutory Authority: RCW 18.39.175(4), 90-17-148, § 308-49-200, filed 8/22/90, effective 9/22/90.]

